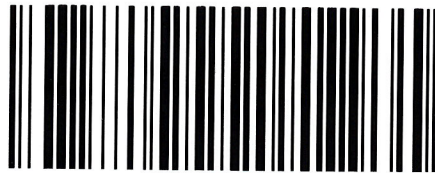


Council Reference: PP11/0001
Your Reference:



PGF000917



TWEED
SHIRE COUNCIL

13 May 2011

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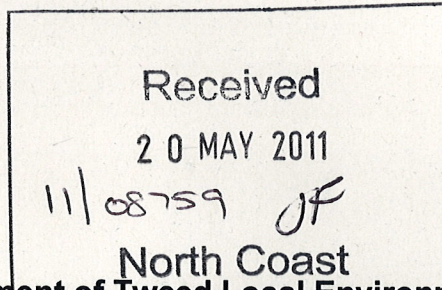
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Please address all communications
to the General Manager

ABN: 90 178 732 496

ATTENTION: Steve Murray

Dear Mr Murray,



Planning Proposal for amendment of Tweed Local Environmental Plan 2000 - Lot 378 DP 1148511 Overall Drive, Pottsville

Tweed Shire Council resolved on 19 April 2011 to amend the Tweed Local Environmental Plan 2000 by way of planning proposal over land referred to as Lot 378 DP 1148511, Overall Drive, Pottsville.

The land is situated within the Black Rocks urban release area, which has been fully constructed for housing and ancillary uses.

The purpose of the LEP Amendment (No.88) is to rezone part of the land from 7(l) Environmental Protection (Habitat) to 2(a) Low Density Residential. The proposed zoning will facilitate the orderly and economic development of the land for low density housing, consistent with adjoining properties.

The attached Planning Proposal has been prepared having regard to section 55 of the *Environmental Planning and Assessment Act 1979* ("the Act") and the Department of Planning and Infrastructure's relevant guidelines; *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

Tweed Shire Council requests that this planning proposal be referred to the LEP Review Panel for a Gateway Determination in accordance with section 56 of the Act.

Any enquiries should be directed to Iain Lonsdale on (02) 6670 2457, or by email at ilonsdale@tweed.nsw.gov.au

Yours Faithfully

Iain Lonsdale
Coordinator Planning Reform Unit

Draft LEP Amendment No. **88**
May 2011

PLANNING PROPOSAL
'Gateway' Determination Instrument

POTTSVILLE
(Black Rocks Estate)

File:PP11/0001

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Purpose

Tweed Shire Council (TSC) received a request for a Planning Proposal from Darryl Anderson Consulting Pty Ltd for the purposes of affecting a zoning amendment that had been agreed to by TSC as part of extensive negotiations surrounding the development and dedication of lands known as Black Rocks Estate, Pottsville.

Tweed Shire Council resolved on the 19 April 2011 to amend Tweed Local Environmental Plan 2000:

RESOLVED that:

1. Council endorses the preparation of a planning proposal for a change of land-use zone classification to enable Lot 378 DP 1148511 Overall Drive, Pottsville, to be developed for a low density residential purpose, and
2. The planning for Lot 378 DP 1148511 Overall Drive, Pottsville, be referred to the Department of Planning and Infrastructure for a 'Gateway' determination under Section 56 of the *Environmental Planning and Assessment Act 1979*, and
3. Any fees arising in association with the preparation of the planning proposal is to be applied in accordance with the Council's adopted Fees and Charges Schedule in force on the date of payment.

[Refer Attachment 1 - Copy of Council Resolution 19 April 2011]

Part 1 – A Statement of the Objectives or Intended Outcomes of the Proposed Local Environmental Plan

Objective

To facilitate a land-use zoning that is both reflective of the lands opportunities and constraints and that permits the subdivision of Lot 378 DP 1148511 for the purpose of low-density residential housing.

Relevantly, the subject land is within the existing urban footprint under the Far North Coast Regional Strategy 2006 – 2031.

Intended Outcome

To reclassify by way of amendment the zoning of Lot 378 DP 1148511 from its present part 2(a) Low Density Residential and part 7(l) Environmental Protection (Habitat), to 2(a) Low Density Residential across the whole of the property.

[Refer Attachment 2 - Copy of Council Planning Report 19 April 2011]

Site Context and Setting

The site is known as Lot 378 DP 1148511, Overall Drive, Pottsville and is located within the 'Black Rocks Estate' residential housing development.

The subject land presently comprises managed grasslands with finished surface levels ranging from about RL 4.0m AHD at the eastern boundary (top of retaining wall) to approximately RL 3.50m AHD at the Overall Drive alignment.

Underground water, sewer, power and telephone services are available to the subject land within and adjacent to Overall Drive.

Lot 378 has a total area of about 2880m² and is in two (2) parts with each part separated by a drainage reserve, and has a frontage to Overall Drive of approximately 100m.

Figure 1 illustrates the site modification looking south at the point of bisection.



Figure 1 Southward view of site at point of bisection.

Figure 2 illustrates the northern part of the site from a south-easterly perspective, adjacent to the public environmental protection reserve at the interface of the constructed public pedestrian walkway / cycleway.



Figure 2 Site view from south-easterly vantage point looking north.

On 9 January 2006 the delegate of the Minister for Planning issued Development Consent No.243-10-2004 for a 68 lot residential subdivision of the rezoned land and adjacent public reserves and sports fields, comprising the final stages of Black Rocks Estate. The subject land is described as part of Lot 302 in the Subdivision Layout Plan referred to in the Development Consent.

In accordance with Development Consent No.243-10-2004 and Construction Certificate No.06/0093 (Bulk Earthworks) and Construction Certificate No. 07/1166 (Civil Works), the subject land was filled and a perimeter retaining wall, cycleway/walkway, Overall Drive and associated urban infrastructure services were constructed.

Figure 3 depicts the modified site conditions of the lot within its existing built (residential housing) environment.



Figure 3 - Localised Site Plan

[Refer Attachment 3 for Department of Planning's standard 'site identification map']

Planning Controls (Zoning)

Present

The site presently has a dual zoning under the provisions of Tweed Local Environmental Plan 2000 comprising 2(a) Low Density Residential and 7(l) Environmental Protection (Habitat), as depicted in Figure 4 below.

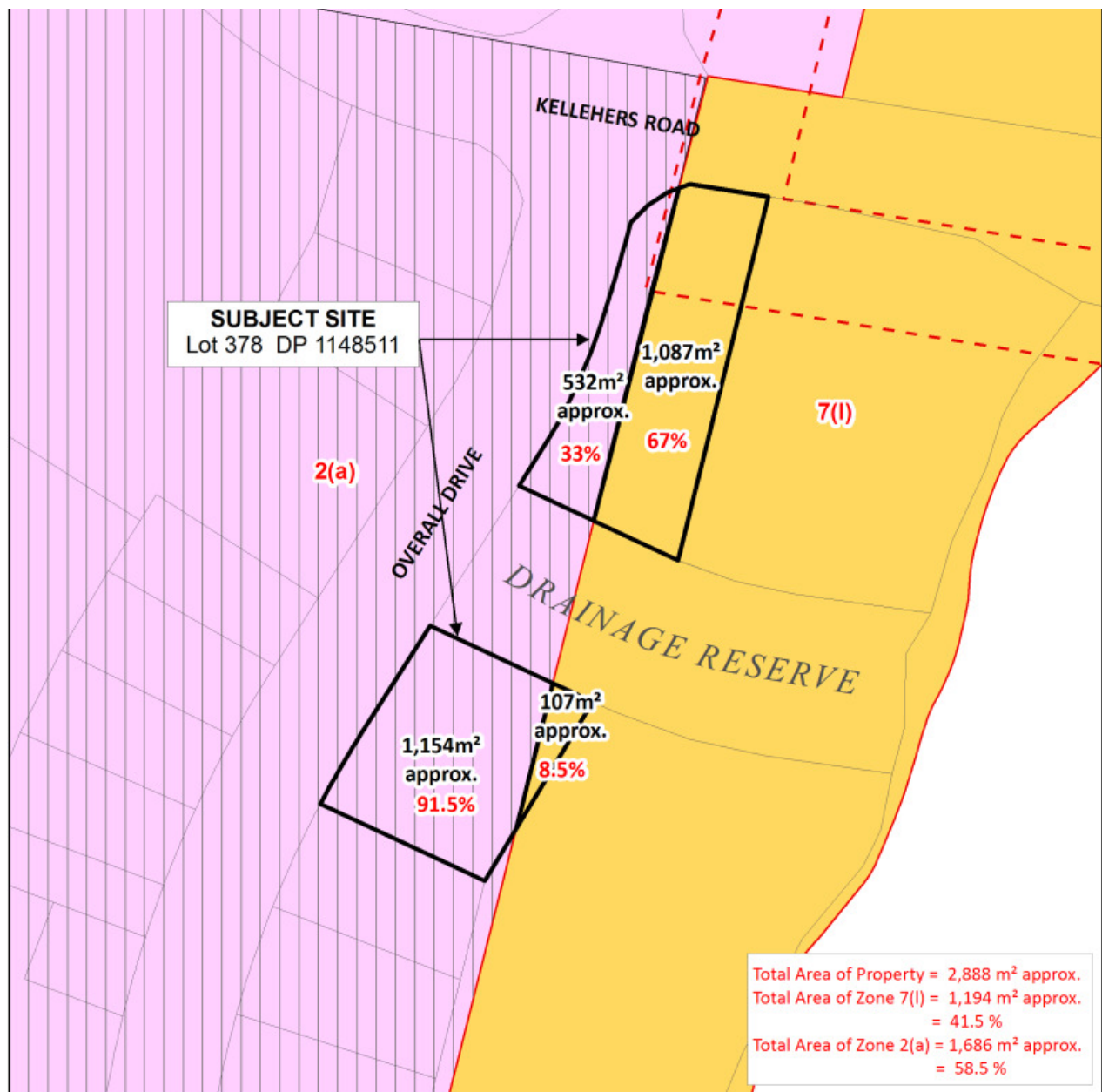


Figure 4 Tweed Local Environmental Plan 2000 - Zoning

Proposed

The planning proposal seeks to achieve a rationalized zoning outcome based on opportunities and constraints presented by way of the lawful construction of the land for urban purposes, and the public and environmental benefit derived through the negotiated dedication of reserves.

Under the Draft Tweed LEP 2010, as publicly exhibited, Tweed Council sought to correct the zoning alignment.

Figure 5 illustrates the draft zoning for the site as exhibited.

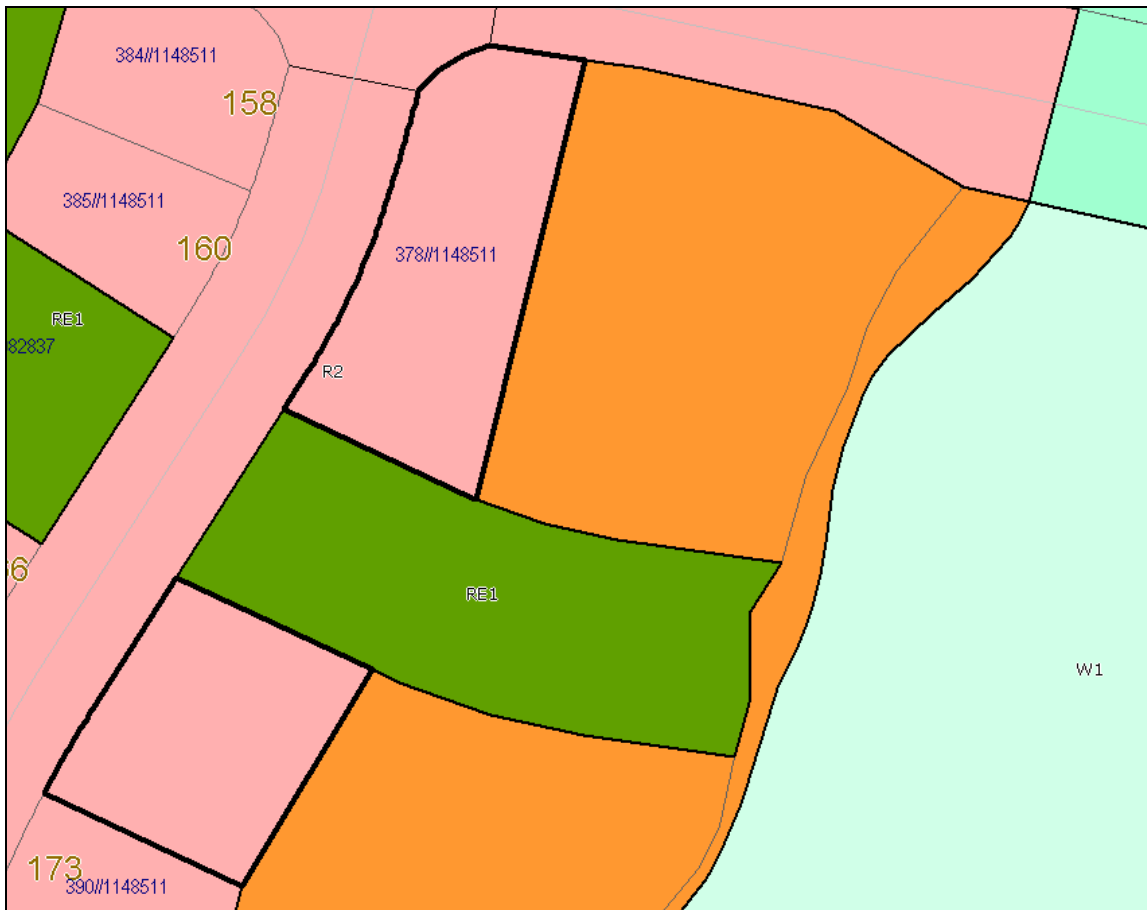


Figure 5 Draft Tweed LEP 2010 - Exhibited

This planning proposal seeks an amendment consistent with that exhibited in the Draft Tweed LEP, but in the current terms of Tweed LEP 2000.

Background

As discussed in the council report at Attachment 2, a Deed of Agreement (DOA) was entered into on 5 June 2003 between Tweed Shire Council and Black Rocks Estate Pty Ltd in relation to certain lands that were identified to be transferred to Council in conjunction with the making of Draft Tweed LEP Amendment No. 8 (Black Rocks Estate).

Clause 4.3 of the Deed of Agreement required [see Attachment 7 - RPA Request for LEP Amendment] the owner of the Black Rocks Estate to dedicate certain land as public reserves, which amounted to about 100 hectares, comprising significant Koala habitat. Under the terms of the DOA the land has been dedicated to Council. The remaining developable areas have been fully constructed into residential housing lots and associated infrastructure, including the land subject to this planning proposal.

As part of the DOA investigations the subject site was found to be of limited environmental significance and a specific notation was made to reflect this, specifically the notation ensured its exclusion from the areas to be dedicated. The future use and rezoning for residential purposes was seemingly contemplated as part of the land dedication trade-off that formed the basis of the DOA, and it is recognised by way of the lawful construction of the allotment to a residential standard, the clear constructed delineation and buffering of

protected environmental reserves, as well as the zoning amendment proposed in the Draft Tweed LEP 2010, discussed above.

Note: There is a discrepancy in the Applicant's request to the Council for a rezoning [see Attachment 7]. It proceeds on the basis that the DOA was the instrument binding Tweed Council by its terms to rezone the subject land. This position is not concurred with and is reconciled in this Planning Proposal, which proceeds on the footing that it was Council's intention, as foreshadowed in the negotiations leading up to the DOA, that the site was suitable for residential development and should be rezoned to correspond with the surrounding lands. Development application approval's following the DOA both align and support this view rendering the current zoning, in light of the full construction of the site, anomalous.

Part 2 – Explanation of the Provisions

The provisions required to achieve the intended outcomes detailed in Part 1 include a an Amendment of the Tweed LEP 2000 zoning map, in accordance with the proposed zoning map shown in Attachment 4, which illustrates a Residential 2(a) zoning for the entire site.

Part 3 – Justification for the Proposal

Section A – Need for Planning Proposal

The proposal is justified because it meets the aims and objectives of the strategic planning for the locality. In particular, the area was identified in 1991 as a future urban land release area, it was subsequently rezoned, and development negotiations between Council and the landowner were reached resulting in the dedication of about 100 hectares of public environmental and recreation reserves. The release area, including the subject site, is fully constructed however the zoning of the subject lot remains anomalous and has not been amended to reflect the outcomes of the negotiations, trade-offs and development approvals from both Council and the Minister for Planning.

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

Yes, the 1991 Tweed Urban Land Release Strategy [Attachment 5 Release Area Map - Pottsville] identified the subject lands (Black Rocks) for future urban development. Following extensive negotiations and development and construction development approvals the area has been fully constructed as a residential housing estate.

This Planning Proposal represents a housekeeping amendment aimed at concluding matters that have, to-date, remained unresolved for two main reasons. Firstly, during the early stages of the proposal attention was directed to ensuring broader strategic policy considerations and amendments were undertaken within a timely manner, with this amendment comprising a residual matter. Secondly, Council has been pursuing the amendment through the Draft Tweed LEP 2010 however, the landowner has requested that Council expedite the rezoning to enable the re-subdivision and subsequent release of housing lots as foreshadowed in the development approvals and broader strategic policy with the view to concluding the development of the release area.

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

Yes, the rezoning of the land represents the best way of achieving the intended and planned outcome.

Is there a net community benefit?

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

The Assessment should only evaluate the external costs and benefits of the proposal (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.

The subject site in isolation of the broader release area would arguably provide minimal benefit with respect to the "externalities" however, in the broader sense of the Black Rocks development as a whole the net community benefit has been significant, comprising in excess of 100 hectares of environmental and recreations reserves, lifestyle infrastructure including cycle and walking paths, improved transport efficiency and access to public transport, more competitive housing cost and housing choice (diversity).

The subject site forms part of the broader development and is fully constructed. The net community benefit to new residents and those in existing neighbouring areas in being taken advantage off; all that remains is for the subject lot to be rezoned to correspond with the remainder of the residential neighbourhood.

Section B – Relationship to Strategic Planning Framework

Is the Proposal Consistent with the Objectives and Actions Contained Within the Applicable Regional or Subregional Strategy (including the Sydney Metropolitan Strategy and Exhibited Draft Strategies)

Yes.

The relevant strategy, the Far North Coast Regional Strategy, 2006 – 2031 was adopted by the Minister for Planning on 17 January 2007.

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

The Black Rocks development has incorporated and is consistent with those principles notwithstanding that the Strategy largely post dates the development and strategic processes of this release area.

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

Yes.

The Tweed Community Strategic Plan (TCSP) 2011-21 was adopted on 14 December 2010 and post dates the planning policy and approvals process that facilitated the existing development. It is nonetheless consistent with the TCSP, which aims to ensure the protection of the natural environment, incorporation of best practice urban design principles within new development, and the retention of the regions identity whilst providing housing and employment for the Tweed's growing population.

Relevantly, the Black Rocks development is consistent with the former strategic vision, the Tweed Futures 4/24, which likewise sought to promote sustainable development outcomes, which are consistent with the regional Strategy, as discussed above.

Is the Planning Proposal Consistent with Applicable State Environmental Planning Policies

The following table addresses compliance with *relevant* State Environmental Planning Policies.

TABLE 3 – STATE ENVIRONMENTAL PLANNING POLICIES	
STATE ENVIRONMENTAL PLANNING POLICY	COMMENTS
State Environmental Planning Policy (North Coast Regional Environmental Plan) 1988 This Policy applies to the subject land and the following clauses are particularly relevant to this Planning Proposal:	
Clause 7 – Prime Crop or Pasture Land	The subject land comprises filled and serviced land and is not mapped as State or Regionally significant farmland. It does not comprise prime crop or pasture land.
Clause 14 – Wetlands or Fisheries Habitat	An appropriate buffer has been dedicated and revegetated between the subject land and Mooball Creek. Water quality control mechanisms have been incorporated into the adjacent subdivision design including an artificial wetland to pre-treat flows prior to discharge to the Mooball Creek.
Clause 29 – Natural Areas	There are no natural areas on the site.
Clause 38 – Urban Release Strategy	The subject land is included in the Tweed Shire Council Residential Development Strategy, 1991 and is consistent with the Far North Coast Regional Strategy.
Clause 40 - Principles for Urban Zones	The Planning Proposal will adopt the existing residential zones within the Tweed Local Environmental Plan 2000 - zone 2(a) Low Density Residential
Clause 42 – Principles for Housing	As above.
Clause 45 – Hazards	The site is fully constructed to a residential standard in accordance with the relevant Council and Ministerial approvals.
Clause 50 – Height Controls	The height controls contained in Tweed Local Environmental Plan will apply to a 3 storey height limit.
Clause 58 – Servicing Urban Area	All necessary urban infrastructure has been provided within the existing residential subdivision to service the subject land.
Clause 61 – Health and Education Facilities	The village of Pottsville has a primary school and a small shopping centre located approximately 1.5 km north of the site. Kingscliff contains a number of medical centres and health care professionals, one public high school, a public primary school and a private primary school. Adequate facilities are therefore available for the likely additional population of approximately 10 - 15 people arising from this proposal.
Clause 65 – Provision of Community Welfare and Childcare Services	Pottsville contains community buildings and a pre-school. Kingscliff contains normal community welfare and childcare services (including a childcare centre in Kingscliff Street) which are considered to be adequate for this proposal.

TABLE 3 – STATE ENVIRONMENTAL PLANNING POLICIES	
STATE ENVIRONMENTAL PLANNING POLICY	COMMENTS
Clause 78 – Public Recreation Areas	Appropriate areas of casual and structured open space (playing fields) have been dedicated and embellished within the Black Rocks development.
State Environmental Planning Policy No. 55 – Remediation of Land	The land has been filled to the design flood level using appropriate fill and the filling has been certified by Tweed Shire Council and the Plan of Subdivision has been registered. The land is therefore suitable for residential development.
State Environmental Planning Policy (Major Development) 2005	The site is within the coastal zone however any future Development Application would not exceed 25 lots and would be determined by the Tweed Shire Council.

Is the Planning Proposal Consistent With Applicable Ministerial Directions (Section 117 Directions)

The following table (**Table 4**) addresses consistency with *relevant* Section 117 Local Planning Directions.

TABLE 4 – SECTION 117 LOCAL PLANNING DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
2.1 – Environmental Protection Zones	A Draft LEP shall include provisions that facilitate the protection and conservation of environmentally sensitive areas and shall not reduce the environmental protection standards that apply to the land.	Part of the land to which this planning proposal applies is zoned 7(l), however it has been filled and serviced, the dedicated Mooball Creek foreshore reserve will remain in the 7(l) zone.
3.1 – Residential Zones	In summary, this Direction provides that Draft LEPs shall contain requirements that broaden the choice of building types and locations, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing and associated urban development, are of good design, not permit residential development until the land is adequately serviced and not contain provisions which will reduce the permissible residential density of the land.	The proposed zone will integrate into the Standard Planning Instrument which is currently being implemented by way of exhibited Draft Tweed Local Environmental Plan 2010. The proposal is consistent with the Direction.
3.3 – Home Occupations	In summary, this Direction provides that a Draft LEP shall permit home occupations to be carried out in dwelling houses without the need for development consent.	The proposal will comply with the Direction.
3.4 – Integrated Land Use and Transport	In summary, this Direction provides that a Draft LEP shall locate zones for urban purposes and include provisions that give effect to or are consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for Planning and Development (DUAP 2001) and The Right Place for Business and Services – Planning Policy (DUAP 2001). The Direction also provides that a Draft LEP may be consistent with the Direction if the land has been identified in the Strategy prepared by Council and approved by the Director General or, the rezoning is justified by an Environmental Study or the rezoning is in accordance with the relevant regional strategy.	The Planning Proposal is consistent with this Direction because the rezoning is consistent with the Far North Coast Regional Strategy and Overall Drive is a Surfside Buslines bus route (Route 6.3).

TABLE 4 – SECTION 117 LOCAL PLANNING DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
4.1 – Acid Sulphate Soils	Direction requires Councils to consider the Acid Sulphate Soils Planning Guidelines and include provisions which are consistent with the Acid Sulphate Soils Model Local Environmental Plan.	The subject land has been filled to the design flood level and any future excavations for the purpose of erecting a dwelling house is unlikely to expose acid sulphate soils.
4.3 – Flood Prone Land	In summary, this Direction provides that a Draft LEP shall include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.	The proposal is not inconsistent with the Flood Prone Land Policy and the principles contained in the Flood Plain Development Manual 2005 for the reasons discussed in Section 2.3.
4.4 – Planning for Bushfire Protection	In summary, this Direction provides that in the preparation of a Draft LEP a Council shall consult with the Commissioner of the Rural Fire Service and take into account any comments made. In addition, the Draft LEP is required to have regard to Planning for Bushfire Protection, 2001 among other things.	The site is not mapped as bushfire prone, however, adjoining land to the east is mapped. Any future subdivision layout will need to take into account any relevant provisions, if any, of the Planning for Bushfire Protection 2006.
5.1 – Implementation of Regional Strategies	This Direction provides that when a Council prepares a Draft LEP the Plan shall be consistent with a Regional Strategy released by the Minister for Planning.	Consistency with the Far North Coast Regional Strategy is addressed in this report under the relevant heading.
6.1 – Approval and Referral Requirements	In summary, this Direction provides that a Draft LEP shall minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or Public Authority, not contain these provisions unless Council has obtained approval from the relevant Authority and not identify development as designated development unless certain prerequisites can be met.	The proposed amendment is consistent with the Direction and will not cause any new or additional referral practise.
6.2 – Reserving Land for Public Purposes	This Direction provides that a Draft LEP shall not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant Authority among other things.	The proposal is consistent with the prior approvals for the site.
6.3 – Site Specific Provisions	This Direction provides that a Draft LEP that amends another Environmental Planning Instrument in order to allow a particular development proposal shall either allow that land use to be carried out in the zone that the land is situated on or 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 existing or allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal Planning Instrument being amended.	The proposal is consistent with the existing zones under the Tweed LEP 2000 and the Direction.

NSW Coastal Policy, 1997

The site is within the coastal zone and therefore relevant provisions of the Policy apply.
[refer Attachment 6 - Coastal Policy Checklist]

Section C – Environmental, Social and Economic Impacts

Is There any Likelihood That Critical Habitat, Threatened Species, Populations or Ecological Communities, or Their Habitats, Will be Adversely Affected As a Result of the Proposal?

The subject land has been filled to the design flood level or above and contains managed grasslands planted following completion of site works.

Based on the above, there is no likelihood that critical habitat, threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal.

Council's Natural Resource Management Staff have reviewed the request for a planning proposal and raise no objection to the proposed rezoning on environmental grounds.

Are There Any Other Likely Environmental Affects As a Result of the Planning Proposal and How Are They Proposed to be Managed

No.

In summary, there are no significant constraints on rezoning of the site as proposed. Appropriate management and mitigation measures relating to water quality in the adjacent open drain and bushfire asset protection zones can be dealt with at the Development Application stage for the subdivision and future dwelling houses.

The site has been fully constructed and is a part of a much larger urban residential housing estate. All risk management events and practices have been evaluated and managed through the prior Ministerial and Council approvals, and construction works. Any additional or residual potential for impact are seen to be minor and completely manageable at a minor re-subdivision and or residential housing application stage.

How Has the Planning Proposal Adequately Addressed Any Social and Economic Effects?

Social and economic effects were addressed as part of the broader strategic and statutory planning processes for this residential housing estate. Residual or additional effects arising from the proposed zoning correction will be alleviated through s 64 and s 94 Developer Contributions should further subdivision for low density housing occur. The potential lot yield of the subject site through any re-subdivision will not have any significant or notable impact on the demand for additional social infrastructure above that provided in the locality, and as provided in-part through the dedication of land (roads, reserves, parks) as part of the development approvals to-date.

No European or Aboriginal cultural heritage was identified on the site prior to its construction (filling & contouring).

Section D – State and Commonwealth Interests

Is There Adequate Public Infrastructure For the Planning Proposal

Yes. Public infrastructure assessment, requirement, and dedication was addressed in the broader strategic and statutory planning for the Black Rocks urban release area, as now constructed.

Tweed Council had foreshadowed the rezoning of the subject site, as was highlighted during extensive negotiations with the landowner primarily in respect of the dedication of sensitive

environmental protection lands (including Koala habitat), and the subsequent further re-subdivision within the broader infrastructure demand analysis for the Black Rocks Estate.

Council's Planning and Infrastructure Engineering Division has raised no objection to the proposal on infrastructure grounds, noting that; water, sewer, roads, electricity, telephone are available to the site, and can accommodate the expected additional 3 or 4 lots.

The site has access to emergency services and schools, and is within close proximity to the local business centres of; Pottsville, Murwillumbah and Kingscliff.

What are the Views of State and Commonwealth Public Authorities Consulted In Accordance With the Gateway Determination

This section of the planning proposal is to be completed following consultation with the State and Commonwealth Public Authorities identified in the gateway determination, which will summarise any issues raised by public authorities, not already dealt with in the planning proposal.

Part 4 – Community Consultation

The Gateway Determination will specify the community consultation that must be undertaken on this Planning Proposal. The consultation will be tailored to specific proposals generally on the basis of a 14 day exhibition period for low impact Planning Proposals and a 28 day exhibition period for all other Planning Proposals.

'Low Impact Planning Proposal' means a planning proposal that, in the opinion of the person making the Gateway Determination: is consistent with the pattern of surrounding land use zones and/or land uses; is consistent with the strategic planning framework; presents no issues with regard to infrastructure servicing; is not a principal Local Environmental Plan; and does not reclassify public land.

Having regard to the definition of Low Impact Planning Proposals and the scale, nature and issues relating to this Planning Proposal, it is considered that it would be defined as a Low Impact Planning Proposal.

Summary and conclusions

As discussed in this Report, the planning proposal involves a small scale residential rezoning comprising 1194m² (41%) of a total land area of 2880m² (1686m² or 59%), which is anticipated to yield about 4 or 5 lots total.

All necessary infrastructure to service the land is available and the site has been filled to the required residential design flood level. The proposed rezoning was foreshadowed as part of Tweed Council's strategic and statutory planning for the Black Rocks release area and is consistent with the Far North Coast Regional Strategy 2006 – 2031.

[Agenda Report](#)

**TWEED SHIRE COUNCIL
MEETING TASK SHEET**

User Instructions

If necessary to view the original Report, double-click on the 'Agenda Report' blue hyperlink above.

Action Item - COUNCIL MEETING Tuesday, 19 April 2011

Action is required for Item **9** as per the Council Resolution outlined below.

**TITLE: [PR-CM] Planning Proposal PP11/0001 - Part Lot 378 DP 1148511
Overall Drive, Pottsville (Black Rocks Estate)**

**Cr W Polglase
Cr P Youngblutt**

RESOLVED that:

1. Council endorses the preparation of a planning proposal for a change of land-use zone classification to enable Lot 378 DP 1148511 Overall Drive, Pottsville, to be developed for a low density residential purpose, and
2. The planning for Lot 378 DP 1148511 Overall Drive, Pottsville, be referred to the Department of Planning and Infrastructure for a 'Gateway' determination under Section 56 of the *Environmental Planning and Assessment Act 1979*, and
3. Any fees arising in association with the preparation of the planning proposal is to be applied in accordance with the Council's adopted Fees and Charges Schedule in force on the date of payment.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr D Holdom, Cr B Longland, Cr J van Lieshout, Cr K Skinner
AGAINST VOTE - Cr K Milne

ATTACHMENT 2 - Copy of Council Planning Report 19 April 2011

TITLE: [PR-CM] Planning Proposal PP11/0001 - Part Lot 378 DP 1148511 Overall Drive, Pottsville (Black Rocks Estate)

ORIGIN:

Planning Reforms

FILE NO: PP11/0001 Pt1

SUMMARY OF REPORT:

This report seeks Council's endorsement to prepare a planning proposal over Part Lot 378 DP 1148511 Overall Drive, Pottsville, which is a newly created allotment within Black Rocks Estate.

A Deed of Agreement (DOA) between Council and the landowner was entered into in 2003, which established, through intensive investigation and negotiation, the extent of land to be dedicated for open space reserve and environmental protection of Koala habitat.

The subject lot is part zoned residential and environmental protection and although there was no specific provision in the DOA for the proposed zoning amendment there was an apparent bilateral intention between the parties to that effect. This is supported, in part, by a specific reference to this Lot so that it was not to form part of the land otherwise identified for dedication, and flowing from the subdivision and construction development approvals that were subsequently approved and acted on.

The subject site is fully constructed, having been filled and retained to achieve Council's flood design requirements for urban residential properties, serviced and, but for the remaining zoning anomaly, ready for residential purposes in-line with that already occurring within this new housing estate.

This report concludes that, in recognition of the processes carried on to-date, this planning request is considered more of a 'housekeeping' amendment; a final tidy-up of unresolved or outstanding actions that would otherwise enable the orderly development of the Estate to be concluded.

Council's endorsement for preparing a planning proposal is sought.

RECOMMENDATION:

That:

- 1. Council endorses the preparation of a planning proposal for a change of land-use zone classification to enable Lot 378 DP 1148511 Overall Drive, Pottsville, to be developed for a low density residential purpose, and**
- 2. The planning for Lot 378 DP 1148511 Overall Drive, Pottsville, be referred to the Department of Planning and Infrastructure for a 'Gateway'**

determination under Section 56 of the *Environmental Planning and Assessment Act 1979*, and

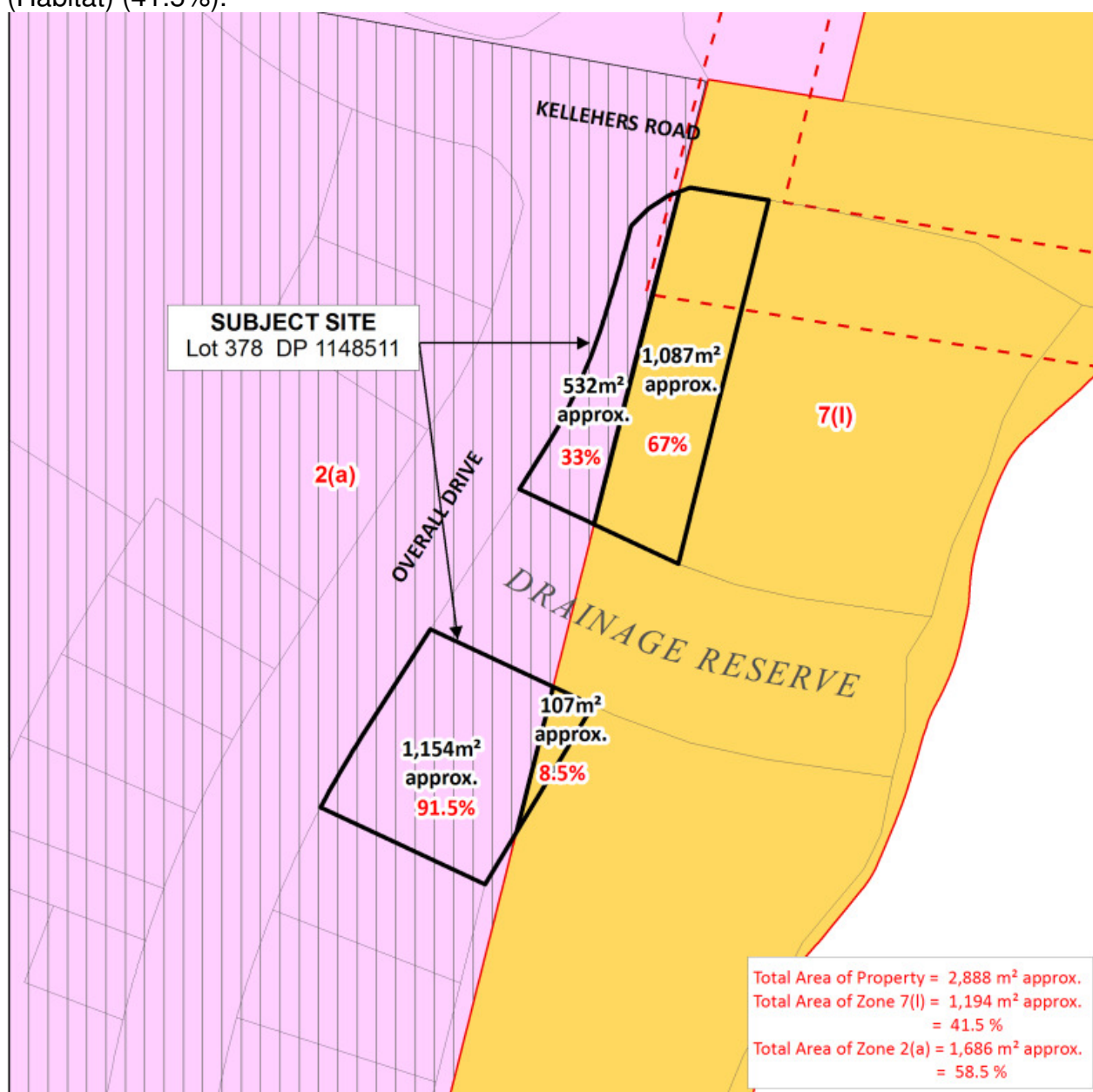
3. Any fees arising in association with the preparation of the planning proposal is to be applied in accordance with the Council's adopted Fees and Charges Schedule in force on the date of payment.

REPORT:

Background

A request for a planning proposal seeking a zoning amendment has been received from Darryl Anderson Consulting Pty Ltd on behalf of the owners of Lot 378 DP 1148511 Overall Drive, Pottsville.

The allotment is bisected by a drainage reserve and has a total site area of 2878m². It is zoned part 2(a) Low Density Residential (58.5%), and Part 7(l) Environmental Protection (Habitat) (41.5%).



On 5 June 2003 a Deed of Agreement (DOA) was entered into between Tweed Shire Council and Black Rocks Estate Pty Ltd in relation to certain lands that were identified to be transferred to Council in conjunction with the making of Draft Tweed LEP Amendment No. 8 (Black Rocks Estate).

Clause 4.3 of the Deed of Agreement required the owner of the Black Rocks Estate to dedicate certain land as public reserves, which amounted to about 100 hectares, comprising significant Koala habitat. Under the terms of the DOA the land has been dedicated to Council. The remaining developable areas have been fully constructed into residential housing lots and associated infrastructure.

As part of the DOA investigations the subject site was found to be of limited environmental significance and a specific notation was made to reflect this, specifically the notation ensured its exclusion from the areas to be dedicated. The future use and rezoning for residential purposes was seemingly contemplated as part of the land dedication trade-off that formed the basis of the DOA, and it is recognised by both the lawful construction of the allotment to a residential standard, as well as, the zoning amendment proposed in the Draft Tweed LEP 2010, which is the same as that now sought under a planning proposal.



The request for a planning proposal stems from the negotiated outcomes that resulted in the dedication of 100 hectares of private land for regional open space and environmental protection (Koala habitat). While it was agreed with the landowner to facilitate the zoning amendment through the Draft standard instrument Tweed LEP 2006 (as it then was) the time that has since lapsed arising in part from the many complications arising from the implementation of the State Government's (then) new planning reforms was beyond the contemplation of the parties.

Since 2006 the Black Rocks Estate subdivision has been all but completed, with many new homes under construction. However, as arises with many large scale development proposals, there are actions that arose out of the initial processes that require attention and which would otherwise enable the orderly development of the Estate to be concluded. This planning proposal request is one such action.

CONCLUSION:

While the history and events covering the inception-to-development processes of the Black Rocks Estate project are many and varied it is quite apparent from the negotiated outcomes, arising from the preparation of a Deed of Agreement and the subsequent development approvals, that Council and the landowner alike, if not bilaterally, had either contemplated or had intended that a rezoning should occur. To think otherwise would be to lead questions about the alternative purpose for which the subdivision and construction applications were approved, and the land developed.

The events and occurrences to-date have, save for the remaining partial environmental protection zoning, set in place an allotment that is suitable for and should be pursued for low density residential housing.

For the reasons above, the planning proposal request is considered to have merit and suitable for a recommendation seeking Council's endorsement for the preparation of a planning proposal.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The planning proposal canvassed in this report it required to finalise matters outstanding on an otherwise concluded matter, so that this remaining lot can be developed orderly and economically in-line with the development of the Estate already occurring. Because of the built or constructed nature of the lot the planning proposal is considered more of housekeeping matter and is not likely to require substantial resourcing.

Inter-divisional referrals of the proposal have been made and no objections to the proposal on any ground, including environmental/estuarine/coastal/infrastructure, have been raised.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

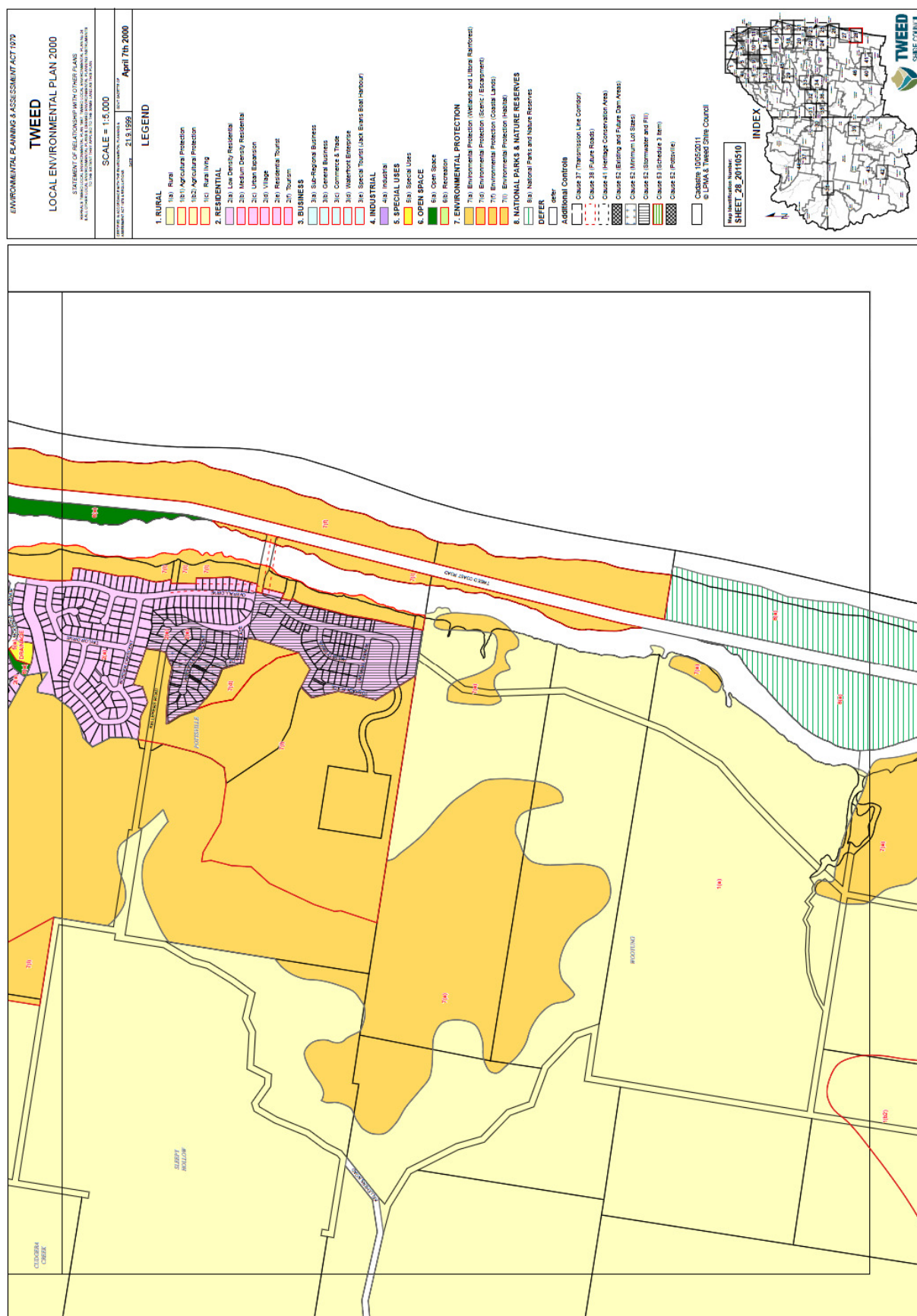
*To view any **"non confidential"** attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).*

Nil.

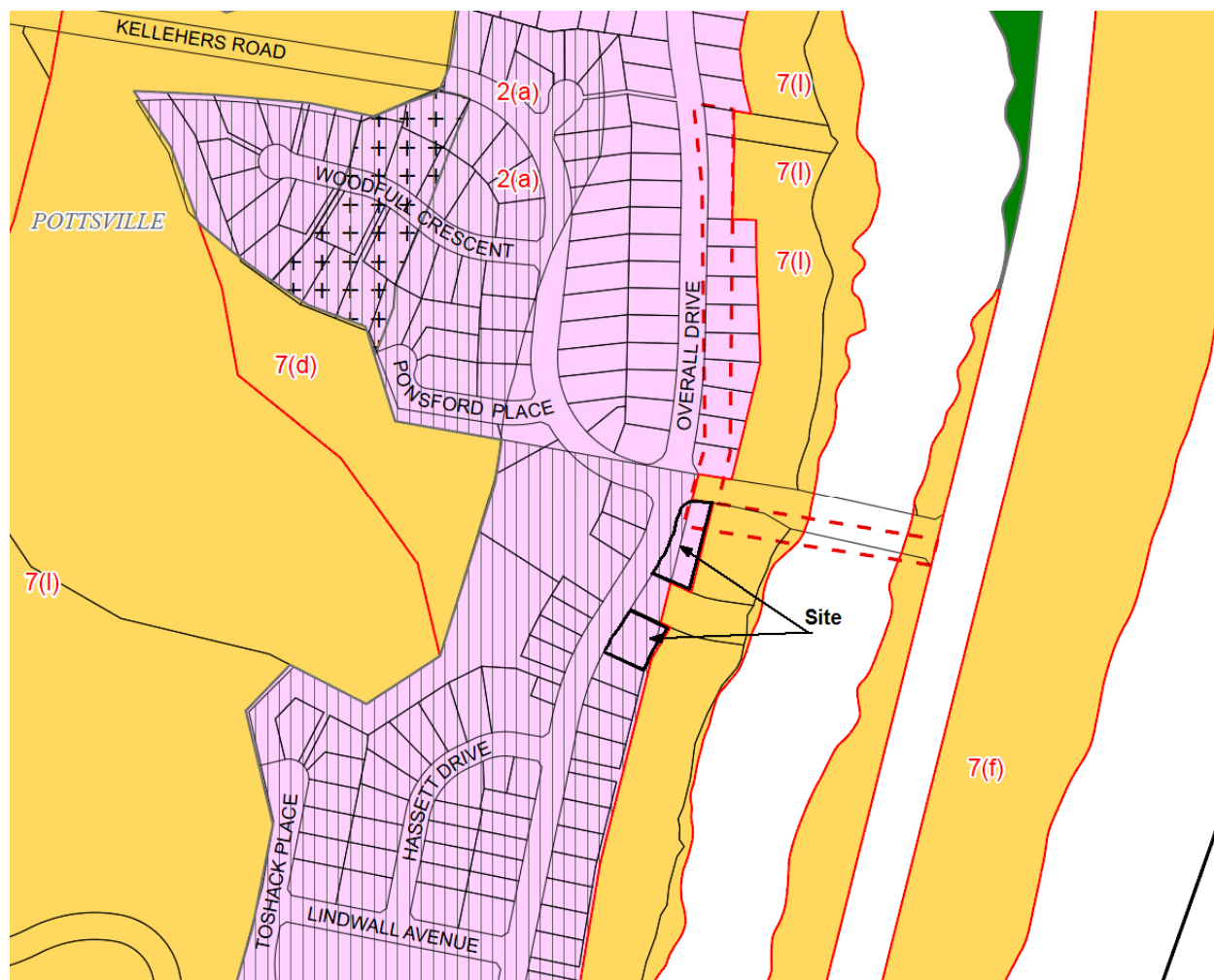
ATTACHMENT 3 - Site Identification Map



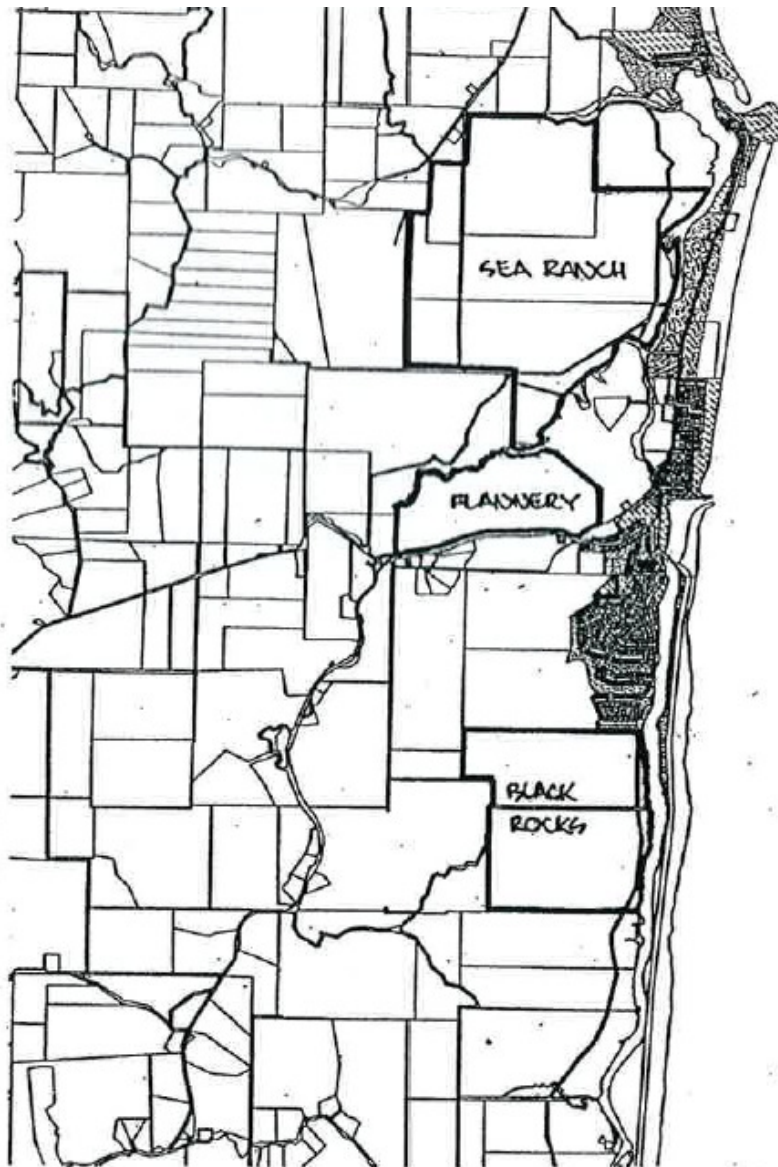
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Attachment 4 Continued.



ATTACHMENT 5 - Tweed Residential Development Strategy (as amended 1992)



-  : EXISTING URBAN AREA
-  : PUBLIC OPEN SPACE
-  : PROPOSED OPEN SPACE

FIGURE 13A
RELEASE AREA POTTSVILLE

ATTACHMENT 6 - NSW Coastal Policy Checklist

NSW COASTAL POLICY, 1997 – COMPLIANCE CHECKLIST

REQUEST FOR PLANNING PROPOSAL – LOT 378 DP 1148511, OVERALL DRIVE, POTTSVILLE (BLACK ROCKS ESTATE)

STRATEGIC ACTION	PROVISION	CONSISTENT (YES/NO/N/A)	INDICATE HOW THE LEP IS CONSISTENT/INCONSISTENT WITH THE POLICY
	PROTECT, REHABILITATE AND IMPROVE THE NATURAL ENVIRONMENT.		
1.1.2	Does the site have areas with land and/or marine and estuarine conservation value? If so, are these to be dedicated?	YES	Site does not have conservation values.
	If the land is Crown land (submerged or otherwise), has it been assessed for dedication/reservation under appropriate Acts (e.g. MPA, NPWS, NSWFW)?	N/A	
	If foreshore Crown land, will public access be maintained and/or appropriately zoned?	N/A	
1.1.5	If open space land, is it to be classified "community land" under the Local Government Act?	N/A	
1.1.9	Does the land have recognised conservation values? If so, what zones and/or other provisions are proposed?	YES	Site does not have recognised conservation values.
1.1.10	Is the land adjacent to a marine park? If so, what provisions are included which will give effect to the marine park zoning and operational plans?	N/A	
1.1.11	Does the plan enable the natural habitats of the site to form part of a regional open space corridor (including water areas)? If so, how?	YES	Site does not have natural habitat values.
1.3.7	Is the site included in a catchment management plan?	YES	Tweed Urban Stormwater Quality Management Plan.
	Have water quality objectives been established? If so, in what form (i.e. instrument/strategy)?	YES	Strategy.
	Does the plan incorporate water quality objectives and controls?	YES	
	Is ongoing water monitoring proposed?	YES	With future Development Application if required.
	Does the plan incorporate water monitoring provisions?	YES	
1.3.8	Has a stormwater management plan been developed?	YES	The subject land has been filled and serviced in accordance with relevant development consents and construction certificates (see Section 1.0 of PPR Report)
	Does the plan include stormwater controls?	YES	As Above.
1.3.14	Does the plan create the potential for impacts on ground water? If so, does the plan incorporate management controls for ground water?	YES	As Above.

STRATEGIC ACTION	PROVISION	CONSISTENT (YES/NO/N/A)	INDICATE HOW THE LEP IS CONSISTENT/INCONSISTENT WITH THE POLICY
	RECOGNISE AND ACCOMMODATE NATURAL PROCESSES AND CLIMATE CHANGE		
2.1.1	Does a coastline, estuary or floodplain PoM apply to the land? If so, does the L E P incorporate provisions to give effect to these plans?	YES	Tweed Development Control Plan 2008, Section A3 applies and Clause 34 of Tweed Local Environmental Plan 2000. The proposal is consistent.
2.1.4	If the site is effected by Acid Sulphate Soils, does the plan incorporate objectives for their management in accordance with the ASS manual and section 117 Direction ASS C1?	YES	Clause 35 of Tweed Local Environmental Plan 2000 applies.
2.2.2	Does the plan include provisions for sea level change as provided by the inter-governmental Panel On Climate Change?	YES	The land has been filled above the climate change level (see Section 2.3 of the PPR Report).
	PROTECT AND ENHANCE THE AESTHETIC QUALITIES OF THE COASTAL ZONE		
3.1.2	Does the plan include provisions to protect areas or items of high aesthetic value? If so, in what way?	N/A	
3.2.4	How does the plan address design and locational principles listed below (as detailed in appendix C table 3 page 83 Coastal Policy) ;	N/A	
	• Only essential public developments (e.g. surf lifesaving clubs on beach frontal dunes;	N/A	
	• Overshadowing of beaches and waterfront open space;	N/A	
	• Preservation of undeveloped headlands;	N/A	
	• New development on developed headlands (require environmental assessment including visual impact from adjoining beaches);	N/A	
	• No buildings greater than 14 m (unless justified following environmental planning considerations);	YES	
	• Do building height controls apply to the land? In what form (e.g. LEP, endorsed DCP)?	YES	Tweed Local Environmental Plan 2000 provides for a 2 storey height limit.
	• Is D U A P concurrence required or does Council have assumed concurrence? If so, up to what height?	YES	Concurrence required for buildings over 14m high under Clause 51 of the SEPP (North Coast Regional Environmental Plan) 1988.
	• Does the plan establish a setback line from coastal lakes, estuaries, beaches, foreshores and cliffs? Provide details.	N/A	
	• Is public access to foreshore to be maintained or provided? If so, how does the plan achieve this?	YES	Public access is provided by the existing cycleway/walkway and the dedicated public reserve comprising the foreshore of Mooball Creek (See Annexure 7 and Figure 1).

STRATEGIC ACTION	PROVISION	CONSISTENT (YES/NO/N/A)	INDICATE HOW THE LEP IS CONSISTENT/INCONSISTENT WITH THE POLICY
	Have provisions been made for dedication or an agreement entered into, to ensure use and maintenance of the public access area?	N/A	
	Tourist or recreation developments adjacent to or within a National Park, Nature Reserve or State Recreation Area.	N/A	
3.3.1	Has a regional and/or local housing strategy been developed to encourage compact towns? If so, does the plan comply?	N/A	
	PROTECT AND CONSERVE CULTURAL HERITAGE.		
4.1.2	How does the plan conserve or protect known regional/local items or areas of coastal heritage?	N/A	
	Does the plan protect any significant views or vistas within or from towns?	N/A	
	PROMOTE ECOLOGICALLY SUSTAINABLE DEVELOPMENT AND USE OF RESOURCES.		
5.1.2	Does a regional industry, economic development and/or tourism strategy apply to the area? If so, does the plan comply?	N/A	
5.1.3	Is the land identified as class 1, 2 or 3 (prime crop and pasture land) in NSW Agriculture's Land Classification Scheme?	N/A	Class 9 (Urban).
	If so, how does the plan protect this resource?	N/A	
5.1.7	Does the plan affect or facilitate the identification or development of areas for aquaculture?	N/A	
5.1.8	Does the plan identify or facilitate mineral exploration, mining or extraction?	N/A	
	How does the plan ensure ecologically sustainable development of the resource and protect environmentally significant site?	N/A	
5.2.3	Are there plans of management that apply to the site?	N/A	
	How does the plan integrate these to ensure responsible and ecologically sustainable development and use of resources?	N/A	
5.2.11	Does a regional and/or local tourism plan apply to the area?	N/A	
	If so, how does the L E P compliment this plan?	N/A	
	PROVIDE ECOLOGICALLY SUSTAINABLE HUMAN SETTLEMENT		
6.1.1	Is the plan consistent with a regional settlement strategy prepared by D U A P and consistent with the Coastal Policy?	YES	Consistent with NCUPS, 1995 and Far North Coast Regional Strategy, 2006 - 2031
6.1.2	Is the plan consistent with an urban land release/strategy endorsed by D U A P and consistent with the Coastal Policy?	YES	Consistent with Tweed Residential Development Strategy, 1991.
6.1.4	Does the plan create canal estate developments as these types of developments are prohibited?	N/A	

STRATEGIC ACTION	PROVISION	CONSISTENT (YES/NO/N/A)	INDICATE HOW THE LEP IS CONSISTENT/INCONSISTENT WITH THE POLICY
6.2.1	If the plan creates urban areas are they “compact” and “contained” rather than “ribbon”, “unrelated cluster” or “continuous”?	YES	The site immediately adjoins an established urban area.
	Does the plan define urban boundaries and indicate the amount and form of development?	N/A	
	Can servicing and infrastructure be economically and environmentally provided?	YES	All necessary infrastructure exists adjacent to the subject land.
6.3.1	Is the plan consistent with a rural residential release strategy, endorsed by D U A P and consistent with the coastal policy, which preserves scenic conservation, agricultural, significant or extractive resources?	N/A	
6.4.1	Does the plan provide greater choice in housing?	YES	
6.4.2	Is the area close to an existing town centre?	YES	Kingscliff is approximately 15km north of the site. Pottsville town centre is approximately 1.5 km north of the subject land
	Does the plan provide for higher density residential development?	YES	
	Does the plan require additional infrastructure? What type?	N/A	All existing infrastructure is adequate.
	PROVIDE FOR APPROPRIATE PUBLIC ACCESS AND USE.		
7.2.4	If the plan provides for tourism development, what provisions have been included in the plan to ensure public access to the foreshore?	N/A	

ATTACHMENT 7 - RPA Request for LEP Amendment



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DARRYL ANDERSON CONSULTING PTY LTD

TOWN PLANNING & DEVELOPMENT CONSULTANTS

REQUEST FOR PLANNING PROPOSAL

**REZONING OF LOT 378 DP 1148511
OVERALL DRIVE
POTTSVILLE**

PREPARED FOR:

BLACK ROCKS ESTATE PTY LTD

PREPARED BY:

DARRYL ANDERSON CONSULTING PTY LTD

MARCH 2011

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REQUEST FOR A PLANNING PROPOSAL

PROPOSED REZONING OF LOT 378 DP 1148511, OVERALL DRIVE POTTSVILLE BLACK ROCKS ESTATE

1.0 INTRODUCTION AND BACKGROUND

Black Rocks Estate Pty Ltd has instructed Darryl Anderson Consulting Pty Ltd to prepare a Request for a Planning Proposal in respect of the subject land, which is located at Overall Drive, Pottsville.

On 27 February 2004 Tweed Local Environmental Plan 2000 Amendment No. 8 (Black Rocks Estate) was published in Government Gazette No. 47. A copy of the Amendment No. 8 Map is attached at **Annexure 1**.

The location of the land and its spatial relationship with adjoining land is shown on the Aerial Photograph at **Figure 1**.



Figure 1 – Aerial Photograph
Source: Tweed Shire Council, Date of Photography 2009

On 5 June 2003 a Deed of Agreement (DOA) was entered into between Tweed Shire Council and Black Rocks Estate Pty Ltd in relation to certain land to be transferred to Council in conjunction with the making of Amendment No. 8. A copy of the DOA is attached at **Annexure 2**.

Clause 4.3 of the Deed of Agreement requires the owner of the Black Rocks Estate land to dedicate as public reserves that part of the land shown in red on Annexure B2 of the DOA.

All land required to be dedicated to Council (approximately 100ha) under the terms of the DOA has been dedicated.

Annexure B2 of the DOA shows a parcel of land (the subject land) coloured blue with an area of approximately 3300m² which was excluded from dedication on the basis that the land was unconstrained and suitable for a residential zoning.

On 9 January 2006 the delegate of the Minister for Planning issued Development Consent No. 243-10-2004 for a 68 lot residential subdivision of the rezoned land and adjacent public reserves and sports fields, comprising the final stages of Black Rocks Estate. The subject land is described as part of Lot 302 in the Subdivision Layout Plan referred to in the Development Consent.

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In accordance with Development Consent No. 243-10-2004 and Construction Certificate No. 06/0093 (Bulk Earthworks) and Construction Certificate No. 07/1166 (Civil Works), the subject land was filled and a perimeter retaining wall, cycleway/walkway, Overall Drive and normal urban services were constructed.

The subject land currently contains managed grasslands with finished surface levels ranging from approximately RL 4.0m AHD at the eastern boundary (top of retaining wall) to approximately RL 3.50m AHD at the Overall Drive alignment (**see Annexure 6**).

Underground water, sewer, power and telephone services are available to the subject land within and adjacent to Overall Drive.

The photographs at **Annexure 7** show the subject land and existing topographic features including the perimeter retaining wall, cycleway/walkway within the foreshore area and managed grasslands. The vegetated foreshore area immediately abutting Mooball Creek together with the finished levels of the land and the managed grasslands comprising vegetation on the subject land are also shown on the photographs at **Annexure 7**.

The subject land is within the existing urban footprint under the Far North Coast Regional Strategy 2006 – 2031.

Under the provisions of Tweed Local Environmental Plan 2000, the subject land is currently zoned part 2(a) Low Density Residential and Part 7(l) Environmental Protection (Habitat) as indicated on **Figure 2**.

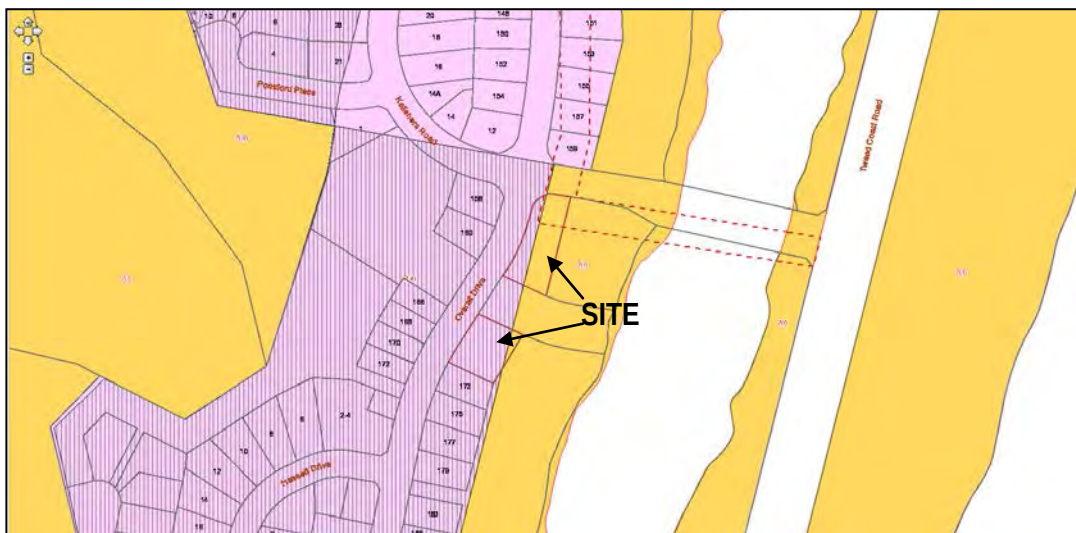


Figure 2 – Zoning Map
Source: Tweed Local Environmental Plan 2000

In pursuance of the Deed of Agreement, the subject land was proposed to be zoned R2 Low Density Residential under exhibited Draft Tweed Local Environmental Plan 2000. The Draft Plan was exhibited between February and April 2010. A copy of the exhibited Draft Local Environmental Plan 2010 Zoning Map is attached at **Annexure 3**.

Following considerations of submissions received and consultations with the Department of Planning (DOP) Council proposes to re-exhibit Draft Tweed Local Environmental Plan 2010 in mid 2011.

Because of the delays in making Draft Tweed Local Environmental Plan 2010 as a result of the need for re-exhibition, and following consultations with Tweed Shire Council Officers on 22 February 2011, Council is requested to prepare a Planning Proposal to facilitate rezoning in accordance with the 2003 Deed of Agreement, such that rezoning of the subject land is achieved in a timely manner.

Given the circumstances outlined above, Council is requested to process the Planning Proposal as a matter of priority such that rezoning is achieved in a timely manner.

This Report describes the Planning Proposal and addresses relevant matters contained in the Tweed Shire Council Guidelines for Planning Proposals (July 2009) and the Department of Planning Guide to Preparing Planning Proposals (October 2009).

2.0 TWEED SHIRE COUNCIL MATTERS TO BE ADDRESSED IN A PLANNING PROPOSAL

Tweed Shire Council's Guidelines - Local Environmental Plan Making (Making a Request to the Relevant Planning Authority) Version 1.3, Dated 25 January 2011 contains the following guidelines on the requisite level of information required to form the basis of a Local Environmental Plan Amendment.

"Content of an LEP Proposal

General

The following is a guideline on the requisite level of information required to form the basis of an LEP Proposal.

- 1. Land owners unfettered written consent authorised the making of a draft LEP over the subject land;*
- 2. Legal property details in full;*
- 3. Justification based upon the Local Government Amendment (Ecological Sustainable Development) Act 1997, on environmental, economic and social considerations."*

These matters are addressed in the following sections.

2.1 Land Owner's Written Consent Authorising the Making of a Local Environmental Plan

Black Rocks Estate Pty Ltd is the landowner of the land to which this Planning Proposal request relates and the proponent for the rezoning. The consent of the landowner is contained at **Annexure 4**.

2.2 Property Detail

The land to which this Planning Proposal relates is described as Lot 378 DP 1148511, Overall Drive, Pottsville, as shown on **Figure 2**. A copy of DP 1148511 is attached at **Annexure 5**. Lot 378 has a total area of 2878m² and is in two (2) parts with each part separated by a drainage reserve. The lot has frontage to Overall Drive of approximately 100m.

2.3 Flooding

The design flood level for the subject land ranges from RL 2.7 m AHD on the south eastern boundary to RL 3.2m AHD on the northern boundary. Finished surface levels range from RL 4.0m AHD at the eastern boundary (top of retaining wall) to RL 3.5m AHD at the Overall Drive alignment (see **Annexure 6**).

Finished surface levels are above the design flood level and therefore the subject land is not flood prone in the design flood event.

Similarly, the climate change level ranges from RL 2.9m AHD to RL 3.3m AHD and again the finished surface levels of the site are above these levels and the land is therefore not subject to inundation in respect of the climate change levels.

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Tweed Development Control Plan 2008, Section A3 identifies the probable maximum flood level of this site at RL 5.5m AHD. Section A3.2.6 of Section A3 – Development of Flood Liable Land requires new subdivisions to have high level road and pedestrian evacuation routes not exceeding 100m in length (ie. at or above the design flood level) to land above probable maximum flood level.

However, this provision does not apply to infill residential subdivisions where the total area of land is less than 5 hectares. The subject land represents infill development and has an area of 2878m² and the proposed rezoning is therefore not inconsistent with Section A3 or the Flood Plain Development Manual.

2.4 Bushfire Prone Land

The subject land is not mapped as bushfire prone as indicated on **Figure 3**



Figure 3 – Bushfire Prone Land Map
Source: Tweed Shire Council

The nearest mapped hazard comprises the fringing estuarine vegetation adjacent to Mooball Creek, which is approximately 40m east of the subject land.

Managed grasslands and a cycleway/walkway provide an effective asset protection zone to the hazard, similar to the existing approved lots to the south (see **Annexure 7**).

Reticulated water supply is available to the subject land in Overall Drive which is a two lane, sealed road. In summary, the proposed rezoning is not inconsistent with Planning for Bushfire Protection 2006.

2.5 Ecologically Sustainable Development and Relevant Planning Controls

These matters are addressed in Section 6 and Table 5.

3.0 DEPARTMENT OF PLANNING MATTERS TO BE ADDRESSED IN A PLANNING PROPOSAL

Section 55 of the Environmental Planning and Assessment Act, 1979 (as amended) identifies the matters that must be addressed in a Planning Proposal.

The Department of Planning has produced two documents titled "A Guide to Preparing Planning Proposals" (Department of Planning, July 2009) and "A Guide to Preparing Local Environmental Plans" (Department of Planning, July 2009) to assist proponents in addressing the relevant matters. Those matters are addressed in this Section of this Report.

Darryl Anderson Consulting Pty Ltd

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4.0 PART 1 – A STATEMENT OF THE OBJECTIVES OR INTENDED OUTCOMES OF THE PROPOSED LOCAL ENVIRONMENTAL PLAN

The objective of this Planning Proposal and any Draft Local Environmental Plan is to enable Lot 378 DP 1148511 to be subdivided to create a low density residential estate of a similar character to the adjoining residential development to the south and west (see **Figure 1**).

5.0 PART 2 – EXPLANATION OF THE PROVISIONS

The objectives and intended outcomes of this Planning Proposal are to be achieved by amendment of the relevant Tweed Local Environmental Plan 2000 Zoning Map to 2(a) Low Density Residential or R2 Low Density Residential (under the Standard Instrument), in accordance with the Plan Showing Proposed Zones at **Annexure 8**. The Plan of Existing Zones is contained at **Figure 2**.

At the date of preparing this Planning Proposal, Draft Tweed Local Environmental Plan 2010 has been publicly exhibited. The Draft Plan implements the Standard Instrument and zones. As the Draft Plan is unlikely to be gazetted before 2012, the proposed zones shown on **Annexure 8** are consistent with those zones used in the Tweed Local Environmental Plan 2000. No changes to the existing written Planning Instrument are proposed or required.

6.0 PART 3 – JUSTIFICATION FOR THE PROPOSAL

6.1 Section A – Need for Planning Proposal

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

As discussed in Section 1.0, the principle reason for the Request for a Planning Proposal to rezone the land arises from the DOA between Tweed Shire Council and Black Rocks Estate Pty Ltd dated 5 June 2003. In addition, the subject land is within the existing urban footprint under the Far North Coast Regional Strategy as indicated on **Figure 4**.

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

The land to which this Planning Proposal relates is currently zoned part 2(a) Low Density Residential and part 7(l) Environmental Protection (Habitat).

A general minimum lot size of 40 hectares applies for the erection of dwelling houses in the 7(l) zone. Residential development is generally prohibited in the 7(l) zone. In addition, the zone objectives preclude residential development.

Rather than rezone the land to permit the proposed development, an enabling clause could be included in Schedule 3 of Tweed Local Environmental Plan 2000. However, given the nature of the proposed development (ie. residential) and the need to ensure that for Conveyancing purposes Section 149 Certificates reflect the actual use of the land (ie. residential), it is considered that a residential zone as proposed in this Planning Proposal is the most appropriate option.

6.1.3 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.

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

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

TABLE 1 – EXTERNAL COSTS AND BENEFITS		
ELEMENT	COST	BENEFIT
Implement Far North Coast Regional Strategy 2006 – 2031	If the strategy is not implemented additional housing to meet the demands identified in the Strategy will not be provided.	Make more efficient and effective use of existing urban infrastructure on and adjacent to the site and assist in achieving the objectives of the Far North Coast Regional Strategy in terms of providing greater housing choice to meet anticipated demand within Tweed Shire.
Deed of Agreement Dated 5 June 2003 – Tweed Shire Council and Black Rocks Estate Pty Ltd	As above and in addition failure to implement the terms of the DOA would be inequitable as the land owner has dedicated at no cost to Council all high conservation lands and foreshore areas identified in the DOA.	As for FNCRS and implementation of the DOA will achieve equitable outcomes in terms of transfer of high conservation value land to Tweed Shire Council at no cost and urban development of the subject land which is fully serviced, filled and unconstrained.
Infrastructure	The current land use does not optimally utilise existing urban infrastructure.	The proposal will result in more efficient use of existing urban infrastructure including, in particular, the new Murwillumbah Water Treatment Plant. Services are available to develop this land and its development would provide additional Developer Contributions and increased rates revenue.

6.2 Section B – Relationship to Strategic Planning Framework

6.2.1 Is the Proposal Consistent with the Objectives and Actions Contained Within the Applicable Regional or Subregional Strategy (including the Sydney Metropolitan Strategy and Exhibited Draft Strategies)

On 17 January 2007, the Far North Coast Regional Strategy, 2006 – 2031 was adopted by the Minister for Planning. The purpose of the Regional Strategy is to manage the region's expected high growth rate in a sustainable manner.

The Regional Strategy will 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.

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In addition, 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.

The Regional Strategy identifies and promotes a settlement pattern that protects environmental values and natural resources while utilising and developing the existing network of major urban centres, reinforcing village character and requiring efficient use of existing services and major transport routes.

To accommodate the addition of 60400 people anticipated to be living in the region by 2031, the Regional Strategy has set individual dwelling targets for each Local Government Area.

The Strategy aims to achieve a more appropriate mix for future housing that reflects the region's changing housing needs (ie. 60% single dwellings and 40% multi unit) for the 51000 proposed dwellings within the town and village growth boundaries by 2031.

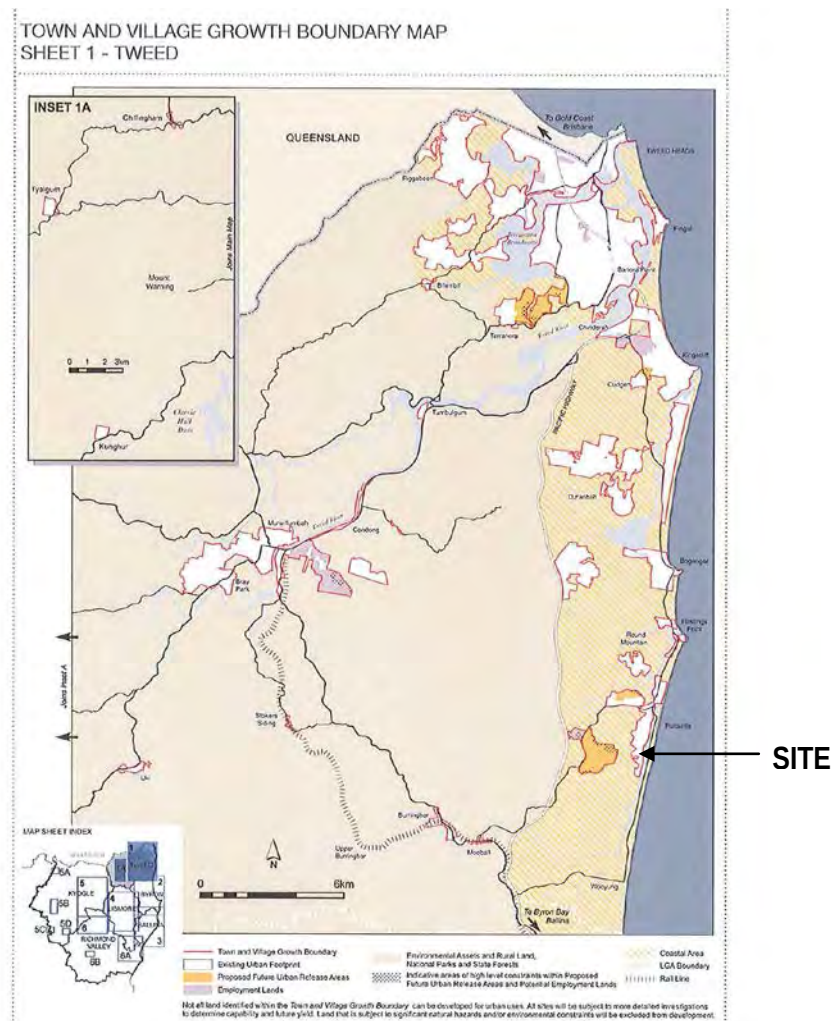


Figure 4 – Town and Village Growth Boundary Map
Source: Far North Coast Regional Strategy 2006 - 2031

The Strategy indicates that in the Tweed Local Government Area there were 34650 dwellings existing in 2006 and an additional 19100 dwellings will be required by 2031 to accommodate the expected population growth.

The Town and Village Growth Boundary Map, Sheet 1 indicates that the site is within the existing urban footprint. A yield of 4 lots is anticipated from the area to be rezoned.

Rezoning of the site as proposed in this Planning Proposal and development of the site for residential purposes would be consistent with the Settlement and Housing Provisions of the Far North Coast Regional Strategy in that it will provide 4 dwellings in a range of housing types to assist in meeting identified demand for an additional 19,100 dwellings within the Tweed Local Government Area by 2031.

Rezoning and development of the site for residential purposes will also assist in achieving the key strategic land use outcomes identified in the Regional Strategy.

Table 2 identifies the key actions contained in the Regional Strategy and assesses the subject land against those actions.

TABLE 2 – FAR NORTH COAST REGIONAL STRATEGY	
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.	As demonstrated elsewhere in this Report, the land which is the subject of this Planning Proposal does not have any environmental, agricultural or natural values as the site has been filled and serviced.
♦ 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 site is within the Far North Coast Regional Strategy existing urban footprint.
♦ Local environmental plans will identify and zone land of landscape value (including scenic and cultural landscapes) to protect those values.	The subject land is relatively low lying and does not have any significant landscape values. It is buffered from Mooball Creek by a public reserve approximately 50m wide.
♦ Local environmental plans will protect land identified as having extractive resources of regional significance (see Appendix 2).	The land does not contain areas of extractive resources.
♦ 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 subject land is buffered from Mooball Creek by a public reserve approximately 50m wide.
♦ The Department of Primary Industries and the Department of Planning will assist local government with the development of appropriate subdivision standards for rural zones.	Not applicable.
♦ Local environmental plans will: > include minimum subdivision standards for rural and environment protection zones	It is proposed to adopt the existing Tweed Local Environmental Plan 2000 provisions.
> include provisions to limit dwellings in the rural and environmental zones > not include provisions to permit concessional allotments.	

TABLE 2 – FAR NORTH COAST REGIONAL STRATEGY	
ACTION	ASSESSMENT
♦ Local environmental plans will include provisions to encourage habitat and corridor establishment in future zoning of Environmental Assets and Rural Land area.	The Mooball Creek foreshore reserve (Lot 381 DP 1148511) was dedicated and revegetated by the owner of the subject land in conjunction with development of the adjacent Black Rocks Estate Residential subdivision.
♦ Local environmental plans will include provisions to limit the creation of additional water rights on land fronting watercourses.	Not applicable.

6.2.2 Is the Planning Proposal Consistent with Applicable State Environmental Planning Policies

The following table addresses compliance with relevant State Environmental Planning Policies.

TABLE 3 – STATE ENVIRONMENTAL PLANNING POLICIES	
STATE ENVIRONMENTAL PLANNING POLICY	COMMENTS
State Environmental Planning Policy (North Coast Regional Environmental Plan) 1988 This Policy applies to the subject land and the following clauses are particularly relevant to this Planning Proposal:	
Clause 7 – Prime Crop or Pasture Land	The subject land comprises filled and serviced land and is not mapped as State or Regionally significant farmland. It does not comprise prime crop or pasture land.
Clause 14 – Wetlands or Fisheries Habitat	An appropriate buffer has been dedicated and revegetated between the subject land and Mooball Creek. Water quality control mechanisms have been incorporated into the adjacent subdivision design including an artificial wetland to pre-treat flows prior to discharge to the Mooball Creek.
Clause 29 – Natural Areas	There are no natural areas on the site.
Clause 38 – Urban Release Strategy	The subject land appears to be included in the Tweed Shire Council Residential Development Strategy, 1991 as future urban. Consistency with the Far North Coast Regional Strategy is addressed in Section 6.2.1 of this Planning Proposal.
Clause 40 - Principles for Urban Zones	The Planning Proposal will adopt the existing residential zones within the Tweed Local Environmental Plan 2000 or the exhibited Draft Tweed Local Environmental Plan 2010.
Clause 42 – Principles for Housing	As above.
Clause 45 – Hazards	All relevant hazards are addressed in Section 2.0 of this Planning Proposal. There are no hazards which impose a constraint on the rezoning of the land.
Clause 50 – Height Controls	The height controls contained in Tweed Local Environmental Plan 2000 or exhibited Draft Tweed Local Environmental Plan 2010 will apply.
Clause 58 – Servicing Urban Area	All necessary urban infrastructure has been provided in the adjacent residential subdivision to service the subject land.

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TABLE 3 – STATE ENVIRONMENTAL PLANNING POLICIES	
STATE ENVIRONMENTAL PLANNING POLICY	COMMENTS
Clause 61 – Health and Education Facilities	The village of Pottsville has a primary school and a small shopping centre located approximately 1.5 km north of the site. Kingscliff contains a number of medical centres and health care professionals, one public high school, a public primary school and a private primary school. Adequate facilities are therefore available for the likely additional population of approximately 10 - 15 people.
Clause 65 – Provision of Community Welfare and Childcare Services	Pottsville contains community buildings and a pre-school. Kingscliff contains normal community welfare and childcare services (including a childcare centre in Kingscliff Street) which are considered to be adequate for the proposed minor rezoning.
Clause 78 – Public Recreation Areas	Appropriate areas of casual and structured open space (playing fields) have been dedicated and embellished in the adjacent Black Rocks subdivision.
State Environmental Planning Policy No. 44 – Koala Habitat	The subject land does not contain any Koala habitat areas and therefore this Policy is not applicable.
State Environmental Planning Policy No. 55 – Remediation of Land	The land has been filled to the design flood level using appropriate fill and the filling has been certified by Tweed Shire Council and the Plan of Subdivision has been registered. The land is therefore suitable for residential development.
State Environmental Planning Policy (Major Development) 2005	The site is within the coastal zone however any future Development Application would not exceed 25 lots and would be determined by the Tweed Shire Council.
State Environmental Planning Policy (Rural Lands) 2008 Clause 7 of the Policy contains the following Planning Principles: (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas, (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State, (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development, (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,	As indicated elsewhere in this Planning Proposal, the site does not comprise prime agricultural land and is not mapped as state significant or regionally significant farmland. The Planning Proposal is therefore not inconsistent with this Principle. As above. As above. The Planning Proposal involves a rezoning of a relatively small area of land which is not of a sufficient size or soil quality to provide an economic agricultural use. Therefore its rezoning for urban purposes represents the highest and best use, the most efficient use of infrastructure and achieves positive social, economic and environmental outcomes for the community.

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TABLE 3 – STATE ENVIRONMENTAL PLANNING POLICIES	
STATE ENVIRONMENTAL PLANNING POLICY	COMMENTS
(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,	There are no natural resources on the site.
(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,	Not applicable.
(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,	All appropriate services and infrastructure are available on the adjacent estate and within the village of Pottsville generally.
(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.	The proposal's consistency with the Far North Coast Regional Strategy is addressed in Section 6.2.1.

6.2.3 Is the Planning Proposal Consistent With Applicable Ministerial Directions (Section 117 Directions)

The following table (**Table 4**) addresses consistency with relevant Section 117 Local Planning Directions.

TABLE 4 – SECTION 117 LOCAL PLANNING DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
1.2 – Rural Zones	In summary, this Direction provides that Draft LEPs shall retain existing zones and provisions relating to the control of traffic generating developments or access to major roads and shall not rezone rural land for urban purposes unless the land has been identified in a Strategy, is justified by an Environmental Study or is in accordance with an approved Regional Strategy.	The subject land does not have frontage to a major road and rezoning of the land for urban purposes is consistent with the Far North Coast Regional Strategy and the DOA between Tweed Shire Council and Black Rocks Estate Pty Ltd.
4.5 – Rural Land	In summary, this Direction provides that a Planning Proposal must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008. The Policy further provides that a Planning Proposal may be inconsistent with the terms of the Direction only if the relevant planning authority can satisfy the Director General of the Department of Planning that the provisions of the proposal are justified by a strategy which gives consideration to the objectives of the Direction or identifies the land which is the subject of a Planning Proposal or is approved by the Director General of the Department of Planning or is of minor significance.	Table 3 addresses the Planning Principles contained in State Environmental Planning Policy (Rural Lands) and demonstrates compliance. In addition, this rezoning is of minor significance and it is therefore submitted that it is consistent with the Direction.
2.1 – Environmental Protection Zones	A Draft LEP shall include provisions that facilitate the protection and conservation of environmentally sensitive areas and shall not reduce the environmental protection standards that apply to the land.	Part of the land to which this planning proposal applies is zoned 7(l), however it has been filled and serviced, the dedicated Mooball Creek foreshore reserve will remain in the 7(l) zone.

TABLE 4 – SECTION 117 LOCAL PLANNING DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
2.2 – Coastal Protection	In summary this Direction provides that a Draft LEP shall give effect to and be consistent with the Coastal Management Manual 1990, the NSW Coastal Policy 1997 and the Coastal Design Guidelines 2003.	The site is not subject to coastal processes and is consistent with the NSW Coastal Policy. Future buildings will address Coastal Design Guidelines.
2.3 – Heritage Conservation	In summary this Direction provides that a Draft LEP shall contain provisions to facilitate the conservation of items of environmental heritage significance and aboriginal objects, areas of aboriginal heritage significance or aboriginal places.	The site has been filled and urbanised and is unlikely to contain any aboriginal heritage values.
3.1 – Residential Zones	In summary, this Direction provides that Draft LEPs shall contain requirements that broaden the choice of building types and locations, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing and associated urban development, are of good design, not permit residential development until the land is adequately services and not contain provisions which will reduce the permissible residential density of the land.	The proposed zone will integrate into the Standard Planning Instrument which is currently being implemented by way of exhibited Draft Tweed Local Environmental Plan 2010.
3.3 – Home Occupations	In summary, this Direction provides that a Draft LEP shall permit home occupations to be carried out in dwelling houses without the need for development consent.	As above.
3.4 – Integrated Land Use and Transport	In summary, this Direction provides that a Draft LEP shall locate zones for urban purposes and include provisions that give effect to or are consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for Planning and Development (DUAP 2001) and The Right Place for Business and Services – Planning Policy (DUAP 2001). The Direction also provides that a Draft LEP may be consistent with the Direction if the land has been identified in the Strategy prepared by Council and approved by the Director General or, the rezoning is justified by an Environmental Study or the rezoning is in accordance with the relevant regional strategy.	It is considered that the Planning Proposal is consistent with this Direction because the rezoning is consistent with the Far North Coast Regional Strategy and Overall Drive is a Surfside Buslines bus route (Route 6.3).
4.1 – Acid Sulphate Soils	Direction requires Councils to consider the Acid Sulphate Soils Planning Guidelines and include provisions which are consistent with the Acid Sulphate Soils Model Local Environmental Plan.	The subject land has been filled to the design flood level and any future excavations for the purpose of erecting a dwelling house is unlikely to expose acid sulphate soils.
4.3 – Flood Prone Land	In summary, this Direction provides that a Draft LEP shall include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.	The proposal is not inconsistent with the Flood Prone Land Policy and the principles contained in the Flood Plain Development Manual 2005 for the reasons discussed in Section 2.3.
4.4 – Planning for Bushfire Protection	In summary, this Direction provides that in the preparation of a Draft LEP a Council shall consult with the Commissioner of the Rural Fire Service and take into account any comments made. In addition, the Draft LEP is required to have regard to Planning for Bushfire Protection, 2001 among other things.	As indicated in Section 2.4 the site is not mapped as bushfire prone, however, adjoining land to the east is mapped. The future subdivision layout can comply with Planning for Bushfire Protection 2006.

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TABLE 4 – SECTION 117 LOCAL PLANNING DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
5.1 – Implementation of Regional Strategies	This Direction provides that when a Council prepares a Draft LEP the Plan shall be consistent with a Regional Strategy released by the Minister for Planning.	Consistency with the Far North Coast Regional Strategy is addressed in Section 6.2.1 of this Planning Proposal.
5.3 – Farmland of State and Regional Significance on the NSW Far North Coast	In summary, this Direction provides that a Draft LEP shall not rezone land identified as State Significant Farmland or Regionally Significant Farmland for urban or rural residential purposes, unless the Draft LEP is consistent with Section 4 of the Report titled “Northern Rivers Farmland Protection Project – Final Recommendations, February 2005”.	The subject land is not identified as being State or Regionally Significant Farmland on the relevant maps.
6.1 – Approval and Referral Requirements	In summary, this Direction provides that a Draft LEP shall minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or Public Authority, not contain these provisions unless Council has obtained approval from the relevant Authority and not identify development as designated development unless certain prerequisites can be met.	The LEP Amendment will integrate into the Standard Planning Instrument and exhibited Draft Tweed Local Environmental Plan 2010.
6.2 – Reserving Land for Public Purposes	This Direction provides that a Draft LEP shall not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant Authority among other things.	As above.
6.3 – Site Specific Provisions	This Direction provides that a Draft LEP that amends another Environmental Planning Instrument in order to allow a particular development proposal shall either allow that land use to be carried out in the zone that the land is situated on or 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 existing or allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal Planning Instrument being amended.	As above.

6.2.4 NSW Coastal Policy, 1997

The site is within the coastal zone and therefore relevant provisions of the Policy apply. **Annexure 9** comprises a Coastal Policy Checklist demonstrating that the Planning Proposal is consistent with the Policy.

6.3 Section C – Environmental, Social and Economic Impacts

6.3.1 Is There any Likelihood That Critical Habitat, Threatened Species, Populations or Ecological Communities, or Their Habitats, Will be Adversely Affected As a Result of the Proposal?

The subject land has been filled to the design flood level or above and contains managed grasslands planted following completion of filling works.

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Based on the above, there is no likelihood that critical habitat, threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal.

6.3.2 Are There Any Other Likely Environmental Affects As a Result of the Planning Proposal and How Are They Proposed to be Managed

Section 2.0 of this Report identifies the key site opportunities and constraints applicable to the land which is the subject of the Planning Proposal.

In summary, there are no significant constraints on rezoning of the site as proposed. Appropriate management and mitigation measures relating to water quality in the adjacent open drain and bushfire asset protection zones can be dealt with at the Development Application stage for the subdivision and future dwelling houses.

6.3.3 How Has the Planning Proposal Adequately Addressed Any Social and Economic Effects

Social, economic and environment issues are addressed in the Net Community Benefit Analysis contained in Section 6.1.3. In summary, the Planning Proposal will have positive social and economic benefits in that it will provide a greater range of housing choice in close proximity to the Pottsville town centre and also contribute approximately \$35,000 per allotment towards Council's normal Section 94 and Section 64 Contributions for community infrastructure.

In addition, rezoning of the subject land will give effect to the 2003 DOA which required dedication at no cost to Council of approximately 100 hectares of high conservation value land as part of the Tweed Local Environmental Plan Amendment No. 8 rezoning.

Contemporary environmental planning practice requires development projects to be assessed against the key ecologically sustainable development principles.

Table 5 identifies those principles and assesses the site generally and the rezoning/development concept against each of those principles.

TABLE 5 – ESD PRINCIPLES	
OBJECTIVE	COMMENT
(a) the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by: (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and (ii) an assessment of the risk-weighted consequences of various options, and	An assessment of the site's biophysical and geophysical opportunities and constraints has been undertaken to inform the rezoning process. Key environmental factors are discussed in Section 2.0. There are no areas of high conservation value on the site and appropriate buffers and water quality control measures have been implemented to ensure that water quality in the adjacent Mooball Creek is not compromised. The subject land has been filled and serviced to facilitate development of the site for its highest and best use, being residential development. The relatively minor and logical expansion of the existing urban area does not give rise to any significant risks and is considered to be an appropriate and sustainable land use.
(b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations, and	The Planning Proposal is considered to be consistent with this Principle in that the site has no significant ecological values and is suitable for sustainable residential use.

TABLE 5 – ESD PRINCIPLES	
OBJECTIVE	COMMENT
(c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration, and	The site does not exhibit any attributes of high biological diversity or ecological integrity.
(d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as: (i) polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, and (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.	Appropriate water quality control mechanisms have been implemented to ensure that water quality in the adjacent Mooball Creek is not diminished. Appropriate contributions will also be paid towards the augmentation of the Hastings Point Sewerage Treatment Plant to ensure that only high quality effluent is discharged to the natural water way system. In addition, the site will be connected to the reticulated sewerage system. The future landowners will pay appropriate costs by way of contributions and normal rates and charges to ensure that services are provided on an equitable and sustainable basis. A number of mechanisms will be implemented to achieve the environmental goals including water and energy efficiency, stormwater management and compliance with BASIX requirements in respect of future dwellings to be erected on the subject land.

6.4 Section D – State and Commonwealth Interests

6.4.1 Is There Adequate Public Infrastructure For the Planning Proposal

Transport

The subject land has frontage to Overall Drive which is an urban road of collector status with sufficient capacity to accommodate a future bus route. Overall Drive links to the Pottsville town centre approximately 1.5km north of the site and to the Tweed Coast Road via a bridge over Mooball Creek approximately 50m to the north of the site. Overall Drive and/or Tweed Coast Road have sufficient geometric capacity to accommodate buses and the additional traffic likely to be generated by 4 allotments.

Water Supply

The subject land is serviced by an existing water main within the Overall Drive frontage and appropriate services can be provided from this main.

Sewer

The subject land is serviced by an existing gravity sewer main in the Overall Drive frontage and the subject land can be serviced by this main.

Power

The subject land is serviced by existing underground power in the Overall Drive frontage and sufficient capacity is available to service the subject land.

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These services are available in the Overall Drive reserve at the frontage of the subject land.

Health

Tweed Heads has a public hospital located approximately 30km north of the site. Kingscliff also has medical, dental and other health care professionals within the town.

Police

Kingscliff has a Police Station located in Marine Parade, approximately 15km north of the site.

Ambulance

Kingscliff has an Ambulance Station located within the town centre, approximately 15 kilometres north of the site.

Fire Brigade

Kingscliff has a Fire Brigade located in Marine Parade approximately 15 kilometres north of the site and a rural fire service is available within Pottsville village.

Schools

Pottsville has a Primary School. Kingscliff has a public high school located approximately 15 km north of the site.

In addition, there is a public primary school and a private primary school located within Kingscliff approximately 15 kilometres north of the site.

In summary, given the scale of the rezoning and the potential lot yield (4 lots), it is submitted that all existing public infrastructure has adequate capacity to meet the additional demands generated by the development.

6.4.2 What are the Views of State and Commonwealth Public Authorities Consulted In Accordance With the Gateway Determination

This Section of this Planning Proposal will be completed following consultations with the State and Commonwealth Public Authorities identified in the Gateway Determination.

Any issues raised by these Authorities will be summarised and addressed as appropriate.

7.0 PART 4 – COMMUNITY CONSULTATION

The Gateway Determination will specify the community consultation that must be undertaken on this Planning Proposal. The consultation will be tailored to specific proposals generally on the basis of a 14 day exhibition period for low impact Planning Proposals and a 28 day exhibition period for all other Planning Proposals.

Low Impact Planning Proposal means a Planning Proposal that, in the opinion of the person making the Gateway Determination: is consistent with the pattern of surrounding land use zones and/or land uses; is consistent with the strategic planning framework; presents no issues with regard to infrastructure servicing; is not a principal Local Environmental Plan; and does not reclassify public land.

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Having regard to the definition of Low Impact Planning Proposals and the scale, nature and issues relating to this Planning Proposal, it is submitted that it would be defined as a Low Impact Planning Proposal.

Community consultation will be commenced by the placing of a public notice in the local newspapers and on the website of the Tweed Shire Council and/or the Department of Planning. In addition, adjoining landowners will be notified in writing.

Normal exhibition material will be made available by the relevant planning authority during the exhibition period. The community consultation process will be completed when the relevant planning authority has considered any submissions received concerning the proposed Local Environmental Plan and has forwarded those reports to the Department of Planning for final consideration by the Minister.

8.0 SUMMARY AND CONCLUSIONS

As reflected in this Report, the Planning Proposal involves a modest scale residential rezoning comprising 2878m² of land which is anticipated to yield 4 lots.

Rezoning of the subject land to residential will give effect to the DOA between Tweed Shire Council and Black Rocks Estate Pty Ltd dated 5 June 2003.

All necessary infrastructure to service the subject land is available and the site has been filled to a height above the design flood level and is fully serviced. The proposal is consistent with the Far North Coast Regional Strategy 2006 – 2031 and will facilitate the creation of 4 residential lots to assist in meeting the demand identified within the Strategy.

The Site Analysis undertaken as part of this Planning Proposal does not identify any significant constraints on the development potential of the land for residential purposes and this Planning Proposal therefore concludes that rezoning of the site to 2(a) Low Density Residential or R2 Low Density Residential in accordance with **Annexure 8** would achieve ESD Principles and be consistent with the public interest.

Council and the Department of Planning are therefore requested to support the Planning Proposal to enable the project to proceed through the Gateway Process.



ANNEXURE 1 Tweed LEP 2000 Amendment No. 8 Map

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Planning Proposal
Project No: PDC 01/01 Pt 4 – March 2011

Overall Drive
Pottsville



**ANNEXURE 2 Deed of Agreement Between Tweed Shire Council & Black Rocks Estate Pty Ltd
Dated 5 June 2003**

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ANNEXURE 3 Exhibited Draft Tweed Local Environmental Plan 2010 – Zoning Map

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ANNEXURE 4 Landowner's Consent

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ANNEXURE 5 DP 1148511

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Overall Drive
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ANNEXURE 6 Plan Showing As Constructed Work at Black Rocks Estate – NC White & Associates, 25 September 2009

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ANNEXURE 7 Photo Plates 1 to 4

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ANNEXURE 8 Plan of Proposed Zones

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Overall Drive
Pottsville

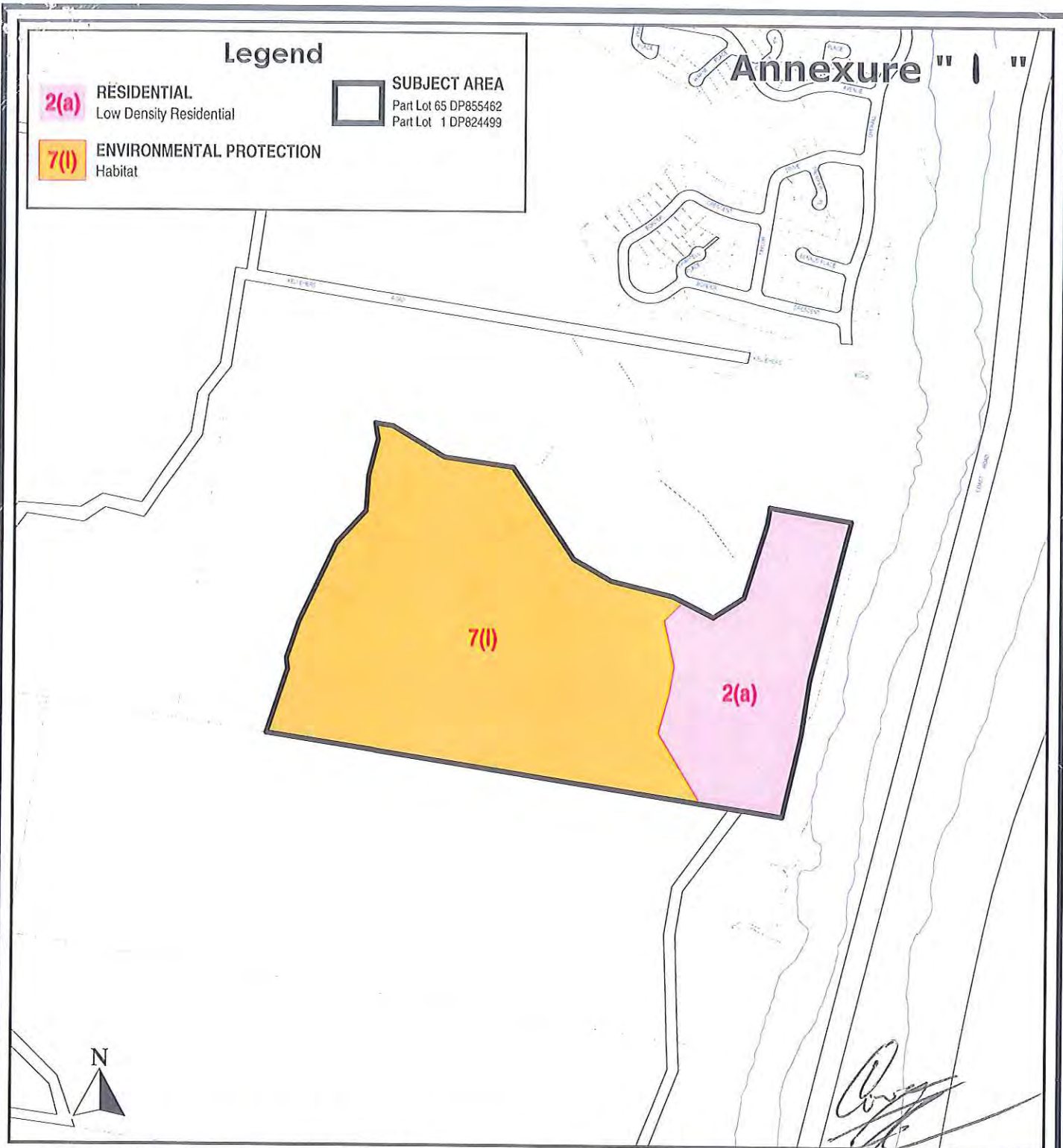


ANNEXURE 9 NSW Coastal Policy Compliance Checklist

Darryl Anderson Consulting Pty Ltd
A.C.N. 093 157 165
Town Planning & Development Consultants

Planning Proposal
Project No: PDC 01/01 Pt 4 – March 2011

Overall Drive
Pottsville



SCALE: 1:10,000

LOCALITY: POTTSVILLE

PARISH: MOOBALL

COUNTY: ROUS

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
TWEED
LOCAL ENVIRONMENTAL PLAN 2000 AMENDMENT No. 8

DRAWN BY: J. Batchelor	DATE: 06/05/03	STATEMENT OF RELATIONSHIP WITH OTHER PLANS	
SUPERVISING DRAFTER:		AMENDS: TWEED LOCAL ENVIRONMENTAL PLAN 2000	
PLANNING OFFICER: G. Judge			
COUNCIL FILE No. GTI/LEP/2000/8			
DEPT. FILE No.: G93/00504		CERTIFIED IN ACCORDANCE WITH	
GOVT. GAZETTE OF:		THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS	6/5/03
		GENERAL MANAGER	DATE

DATED:

5/6/03

BETWEEN:

THE TWEED SHIRE COUNCIL

AND:

BLACK ROCKS ESTATE PTY LTD

DEED

OF

AGREEMENT

Stacks The Law Firm
Solicitors
12 Queen Street
MURWILLUMBAH NSW 2484

REF: GT1/LEP/2000/8
PH: 6672 1855
FAX: 6672 4677

30 May 2003

THIS DEED made 5th day of June

Two Thousand and Three **BETWEEN THE TWEED SHIRE COUNCIL** a Council duly incorporated in pursuance of the provisions of the Local Government Act 1993 of Council Chambers, Tumbulgum Road, Murwillumbah in the State of New South Wales (hereinafter called "the Council") **AND BLACK ROCKS ESTATE PTY LTD** a company duly incorporated in New South Wales and having its registered office at , 27 Macquarie Place , Sydney (ACN 000 614 399) (hereinafter called "the Owner").

WHEREAS

- A. The Owner is the registered proprietor of Lot 65 Deposited Plan 855462, Lot 183 Deposited Plan 1034824 and Lot 1 Deposited Plan 824499 (Parish Mooball) and being the land contained in Certificates of Title Folio Identifiers 65/855462, 183/1034824 and 1/824499 (hereinafter called "the land").
- B. The land is zoned Part 2(a), Part 7(l), Part 7(d), Part 7(a) and Part Rural 1(a) under the Tweed Local Environmental Plan 2000 (hereinafter called "the plan").
- C. The Owner has requested the Council to make an application to the Minister administering the Environmental Planning and Assessment Act 1979 (hereinafter known as "the Act") to make an amendment to the Tweed Local Environmental Plan 2000 to permit approval of residential allotments upon the land and inter alia, a Koala and creek side habitat and wetland area and sportsfield.
- D. The Council has considered the request for rezoning under the provisions of the Act resolving pursuant to S54 that the rezoning of the land shall be in accordance with and in furtherance of the provisions of the Act and has prepared a draft Local Environmental Plan (see Annexure "A1" herewith) (hereinafter called the "draft LEP") to rezone the land so that the zoning shall be part 2(a) and part 7(l) under the Tweed Local Environmental Plan 2000 as amended and such proposed rezoning to be generally in accordance with the areas so depicted in plan annexed hereto marked "A2".



THIS DEED WITNESSES THAT the owner agrees with the Council to the following terms and conditions in consideration for the Council making a draft LEP and application to the Minister as follows:

1. The Council will pursuant to Section 54 of the Act submit the draft LEP to the Minister upon the execution of this Deed.
2. The Council shall also take all necessary steps in accordance with the Act to provide to the Minister all such things as are in its power to provide so as to allow the Minister to make a determination with regard to the rezoning of the land.
3. Upon the Minister making the Local Environmental Plan in respect of the land and in pursuance of the Act so that the Council is empowered to approve a subdivision of the land into residential allotments and to create a koala habitat and creek side reserves it shall consider any such proposal for development made by the owner as may then be permitted in accordance with the Act and the Local environmental Plan.
4. That the Owner shall upon the Local Environmental Plan being made:
 - 4.1 Execute a transfer in escrow of the land identified as koala habitat, scenic protection and the Mooball Creek buffer zone and more particularly identified as "public reserve" hereinafter in Clause 4.3, such transfer to be executed and capable of registration by the Council in respect of the said land in the name of the Council upon the approval of a plan of subdivision to be submitted to Council with the first Development Application for the development of the land. Such transfer is to be prepared by the solicitors for the Council and forwarded to the Owner for such execution.

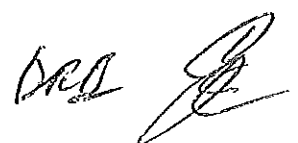
A handwritten signature in black ink, appearing to be 'Des R', located at the bottom right of the page.

4.2 The Owner shall submit a management plan with the development application referred to in clause 4.1 which shall include;

- (i) a comprehensive fencing plan to protect koala habitat such plan to include appropriate fencing around the boundaries of the area marked koala habitat and scenic protection and shaded green and yellow shown in the plan annexed hereto and marked "B1". The plan to be approved by the Director, Development Services on behalf of Council; and
- (ii) a compensatory koala food tree planting plan within areas marked koala habitat and shaded green in the plan annexed hereto and marked "B1" for planting of five (5) koala food trees for every one (1) koala food tree removed in the construction of the future sportsfield referred to in clause 4.3 (iii) (c). The plan to be approved by the Director, Development Services on behalf of Council.

4.3 The Owner will proceed at the Owner's cost to prepare a plan of subdivision for the approval of Council so as to provide in such a subdivision without cost to the Council as public reserve that part of the land shown in the plans annexed hereto and marked "B1" and "B2" as "Public Reserve" for the purposes and on the further terms and conditions set out hereunder.

- (i) The owner will at its own expense make a subdivision application with all necessary documentation and information for the processing by the Council of said application and if the Council should grant approval for such subdivision with conditions of consent for that subdivision the owner will at its own expense observe and comply with every such reasonable lawful condition imposed by the Council and will in every respect comply with the requirements for registration of plans by the Act and the Regulations thereunder in relation to the subdivision of the land.
- (ii) The Owner will in such subdivision provide without cost to the Council as a public reserve that part of the land shown on the plan



annexed hereto marked "B1" and "B2" as "Public Reserve" and being all the land contained within the areas coloured red, green and yellow shading and will in the plan of such subdivision show such part of the land as "Public Reserve" to the intent and so that such parts of the said land shall vest in the Council in accordance with the provisions of Section 49 of the Local Government Act 1993 and shall pay all rates and taxes and outgoings including land tax of whatever nature outstanding at the date of registration of the said plan of subdivision in the Land and Property Information Office and shall at its cost procure execution of all transfers re-conveyances releases surrenders and discharges necessary to vest the same in the Council.

(iii) The land to be provided as public reserve shall be primarily for the following purposes:

- (a) to dedicate to the Council the area of land identified as koala habitat and scenic protection as generally indicated by green shading and yellow shading on Annexure "B1" to this Agreement and Mooball Creek buffer generally indicated by red shading on Annexure "B2". The land so dedicated shall subsequently be fenced in accordance with the Management Plan detailed in clause 4.2 (i) to the satisfaction of Council prior to the release of the linen plan pursuant to the powers of Council under the Local Government Act 1993 and the Environmental Planning & Assessment Act 1979 for the subdivision of the land. Such fencing shall be at the cost of the party seeking the release of the linen plan; and
- (b) to plant the land identified as koala habitat with koala food trees in accordance with the management plan detailed in clause 4.2 (ii) to the satisfaction of Council prior to the release of the linen plan for the first stage of residential subdivision of land identified as 2(a) and shaded pink on Annexure "A2" pursuant to the powers of Council under the Local Government Act 1993 and the Environmental Planning & Assessment Act 1979 for the



subdivision of the land. Such planting shall be at the cost of the party seeking the release of the linen plan; and

- (c) to dedicate to Council a minimum of four (4) hectares of land for the purpose of a sportsfield in the general area indicated by blue edging and blue hatching on Annexure "B1". The land so dedicated shall be filled, drained, topsoiled, grassed and provided with an automated water sprinkler system in accordance with detailed plans to be submitted by the Owner and approved by Council prior to work commencing. The work for filling, draining, topsoiling and grassing is to be completed prior to the release of the linen plan for the first stage of the residential development of the land zoned 2(a) shown in Annexure "A2" pursuant to the powers of Council under the Local Government Act 1993 and the Environmental Planning & Assessment Act 1979. The provision of an automated water sprinkler system is to be completed prior to the release of the linen plan for the final stage of residential subdivision of the land zoned 2(a) shown in Annexure "A2" pursuant to the powers of Council under the Local Government Act 1993 and Environmental Planning & Assessment Act 1979 such stage shall not be less than 20 lots. Such embellishments shall be at the cost of the party seeking the release of the linen plans;
- (d) in the alternative the parties may agree to an alternative location for the sportsfield subject to the conditions detailed in Clause 4.3(iii)(c) and in accordance with the draft Local Environmental Plan (Annexure "A1").
- (e) to embellish and dedicate to council a minimum of two thousand (2000) square metres of land for the purpose of casual open space. The parties acknowledge that part of the casual open space may include the Mooball Creek Buffer indicated by red shading on Annexure "B2". The parties acknowledge that part of the casual open space must include part of the land marked 2(a)



and coloured pink on Annexure "A2" and must be embellished with children's play equipment. The land so dedicated and embellished shall be in accordance with detailed plans to be submitted and approved by Council for the first stage of residential subdivision of land marked 2(a) and coloured pink on Annexure "A2".

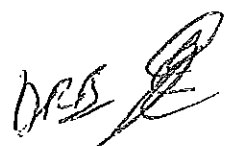
- 4.4 Until the vesting of that part of the said land in the Council as public reserve as aforesaid the Owner shall not assign or part with possession of the land until a Deed of Covenant containing the same obligations and liabilities to those herein contained shall have firstly at the cost of the Owner been procured from such persons as may acquire an interest in the said land or any part by reason of any assignment transfer or surrender of possession thereof it being acknowledged by the Owner that the Council has a proprietary and equitable interest in and to so much of the said land that is shown in the annexed plan as "Proposed Public Reserve" and is at liberty if it so desires to cause registration in the Land and Property Information Office of any Caveat or document that it shall consider necessary to ensure that notice of this Deed is available to any person intending to acquire an interest in any part of the said land and in the event of the Owners having failed to obtain such Deed of Covenant then notwithstanding any omission by the Council to cause such Caveat to be entered the Owner shall indemnify and keep indemnified the Council against all payments of compensation costs and expenses whatsoever incurred by it in causing the vesting in it as public reserve of that part of the said land that is shown in the annexed plans as "Public Reserve".
5. The Owner hereby releases and discharges the Council from all or any claims actions suits and proceedings of whatsoever nature and kind which the Owner now has against the Council in respect of the said land or in respect of the severance of the said land or any part thereof from any land used or enjoyed in conjunction therewith arising out of or by virtue of the coming into operation of the aforesaid amendment to the zoning of the land or by reason of any prohibition or restriction imposed by or under any rezoning or otherwise howsoever arising out of or in respect of the land.



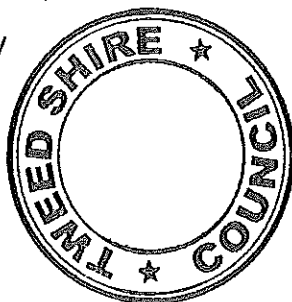
6. IT IS HEREBY AGREED AND DECLARED that the provisions in this Deed are conditional upon the rezoning and the said document shall not operate or have effect until a Plan is approved providing for the rezoning.
7. Each party shall pay their own legal fees. The Owner shall pay all stamp duties in connection with the preparation and execution of this document and any document executed ancillary or pursuant thereto.
8. The parties hereby acknowledge that it is a fundamental condition of the Council entering into this Agreement that the area of land identified as Koala Habitat, scenic protection and the Mooball Creek buffer zone identified in Clause 4.1 (excluding land identified in clause 4.3 (iii) (c) and (e)) herein are areas of high conservation value and to be preserved as such pursuant to this Agreement and does not constitute in any way a contribution by the Owner under S94 of the Environmental Planning & Assessment Act 1979.
9. The parties acknowledge that the proposed dedications and embellishments set out in Clause 4.3(iii)(c) and (e) herein represents a material public benefit pursuant to Section 94 of the Environmental Planning & Assessment Act 1979 and any payment as such under this agreement for embellishment shall be capable of being accounted for in any demand under Section 94 on the approval of a proposed development in respect of the subject land.
10. The Owner agrees to bind itself and its successors in title to the whole of the land described in Recital A of this Deed and to have any successor in title to execute a Deed in the same form and to the same effect as the current Deed. The Owner agrees that it shall not execute any transfer of the land until such a Deed has been executed.
11. Each party shall promptly execute all documents and do all things that the other party may from time to time reasonably require to effect perfect or complete the provisions of this document and any transaction contemplated by it.
12. Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the Courts of New South Wales and any courts which have jurisdiction to hear appeals from any of those courts and waives any right to object to any proceedings brought in those courts.



13. In this Deed the word "Act" means the Environmental Planning and Assessment Act 1979 or any Act amending repealing or replacing the same.
14. Where herein used words importing the singular number of plural number shall include the plural number and singular number respectively and words importing the masculine gender shall include the feminine or neuter gender.

A handwritten signature in black ink, appearing to be 'D.R.S.' followed by a stylized flourish.

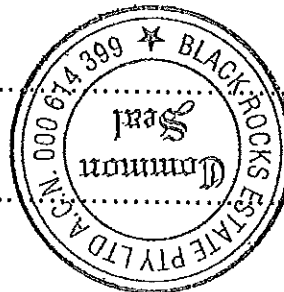
44TH day of JUNE 2003



[Handwritten signature]

David B. B. B.
GENERAL MANAGER

Director, and Secretary whose signatures
are set opposite thereto




 J. Edgar Hoover
 Director

Annexure "A1"



Tweed Local Environmental Plan 2000 (Amendment No 8)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G93/00504/S69)

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

Tweed Local Environmental Plan 2000 (Amendment No 8)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Tweed Local Environmental Plan 2000 (Amendment No.8)*.

2 Aims of plan

This plan aims:

- (a) to require the consideration of bushfire hazards and buffer zones when determining applications for development of land within the local government area of Tweed, and
- (b) to permit additional development of certain land at Pottsville for the purposes of sports fields, and
- (c) to rezone certain land at Pottsville to permit urban development and environmental protection on that land.

3 Land to which plan applies

- (1) To the extent that this plan deals with bushfire protection, it applies to all land within the local government area of Tweed to which the *Tweed Local Environmental Plan 2000* applies.
- (2) To the extent that this plan permits additional development of land, it applies to land at Pottsville being Part Lot 65 DP 855462.
- (3) To the extent that this plan rezones land, it applies to land at Pottsville being Part Lot 65 DP 855462 and Part Lot 1 DP 824499.

4 Amendment of Tweed Local Environmental Plan 2000

Tweed Local Environmental Plan 2000 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 39A

Insert after clause 39:

39A Bushfire protection

(1) Objective

- to minimise bushfire risk to built assets and people and to reduce bushfire threat to ecological assets and environmental assets.

(2) In determining whether to grant consent to development in areas that, in the opinion of the consent authority, are likely to be affected by bushfire, the consent authority must take into account:

- (a)** whether the development is likely to have a significant adverse effect on the implementation of any strategies for bushfire control and fuel management adopted by the Bushfire Control Office established by the Council for the area, and
- (b)** whether a significant threat to the lives of residents, visitors or emergency services personnel may be created or increased as a result of the development (including any threat created or increased by the access arrangements to and from the development), and
- (c)** whether the increased demand for emergency services during bushfire events that is created by the development would lead to a significant decrease in the ability of the emergency services to effectively control major bushfires, and
- (d)** the adequacy of measures proposed to avoid or mitigate the threat from bushfires including:
 - (i)** the siting of the development, and
 - (ii)** the design of structures and the materials used, and
 - (iii)** the importance of fuel-free and fuel-reduced areas, and

Tweed Local Environmental Plan 2000 (Amendment No 8)

Schedule 1 Amendments

-
- (iv) landscaping and fire control aids such as roads, reserves, access arrangements and on-site water supplies, and
 - (e) the environmental and visual impacts of the clearing of vegetation for bushfire hazard reduction.
 - (3) In taking into account the matters required by subclause (2), the consent authority must have regard to the provisions of the document entitled *Planning for Bushfire Protection*, prepared by Planning & Environment Services, NSW Rural Fire Service in co-operation with the Department of Urban and Transport Planning, and dated December 2001, and must be satisfied that those provisions are, as much as is possible, complied with.

[2] Schedule 3 Development of specific sites

Insert at the end of the Table to the Schedule:

That part of Lot 65, DP 855462, Pottsville that is within Zone No 7 (I) Environmental Protection (Habitat)	Development for the purposes of sports fields.	Maximum area of 4 hectares. (excluding water quality control ponds or drains.) The sports fields must be located as close to possible to the residential land on the eastern portion of the site, the western side of the dunal ridge and the southern boundary of the land.
--	--	---

[3] Schedule 6 Maps and Zones

Insert in appropriate order in Part 2:

Tweed Local Environmental Plan 2000 (Amendment No 8)

Legend

2(a)

RESIDENTIAL
Low Density Residential



SUBJECT AREA
Part Lot 65 DP855462
Part Lot 1 DP824499

7(l)

ENVIRONMENTAL PROTECTION
Habitat

Annexure "A2"

7(l)

2(a)

N

SCALE: 1:10,000

LOCALITY: POTTSVILLE

PARISH: MOOBALL

COUNTY: ROUS

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 TWEED LOCAL ENVIRONMENTAL PLAN 2000 AMENDMENT No. 8

DRAWN BY: **J. Batchelor**

DATE: **06/05/03**

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

SUPERVISING DRAFTER:

AMENDS: **TWEED LOCAL ENVIRONMENTAL PLAN 2000**

PLANNING OFFICER: **G. Judge**

COUNCIL FILE No. **GTI/LEP/2000/8**

DEPT. FILE No.: **G93/00504**

GOVT. GAZETTE OF:

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

GENERAL MANAGER

6/5/03
DATE

Annexure "B2"

Part Lot 1 in DP 824499
zoned 7(l) Environmental Protection
(Habitat)

Part Lot 1 in DP 824499
zoned 7(l) Environmental Protection
(Habitat)

Part Lot 65 in DP 855462
zoned 7(l) Environmental Protection
(Habitat)

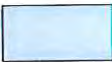
7(l) / 2(a) boundary

165 metres from 7(l)/2(a)

Approximately 2.8 hectares

Mooball Creek

Coast Road

 excluded area
approximately 3,300m²

 cadastre

 Mooball Creek Buffer -
Public Reserve



50 0 50 100 Meters

May 2003

Annexure "B1"

part Lot 183 on DP 1034824
approximately 47.5 hectares

**dedication excludes 10
metres from Kellehers Road
zoned Rural 1(a)**

**dedication excludes 10
metres from Kellehers Road
zoned Rural 1(a)**

part Lot 65 on DP 855462
approximately 56.5 hectares

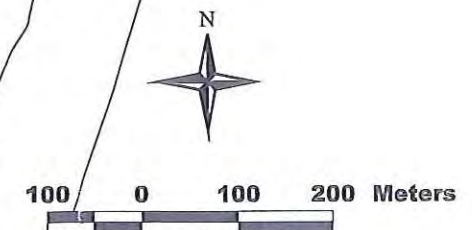
Black Rocks Estate

Coast Road

Kellehers Road

part Lot 65 DP 855462
approximately 2.0 hectares

- Scenic Protection - Public Reserve
- Cadastral
- 4 hectare sportsfield - Public Reserve
- Koala Habitat - Public Reserve

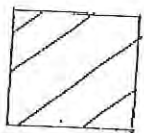


May 2003

A handwritten signature in black ink, located at the bottom right of the map.

KELLEHERS (20115 WIDE) ROAD

RESE



Suggested
7(1) Habitat Zone
to be dedicated
to TSC as part
of legal agreement
for Tweed LEP 2000
(Amendment No 8)

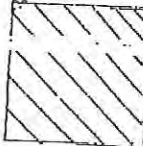
BUFFER
LINE

Approx 16-18 metres

Existing
Zone Boundary

-1855800

POR. 180



Suggested
7(1) Habitat Zone
not to be
dedicated to
TSC as part
of legal
agreement for
Tweed LEP 2000
(Amendment No 8)

-1855600

PLAN SHOWING BUFFER
50 m. FROM M.H.W.M.
PORTIONS 179 & 180.
Parish of MOOBALL
'BLACK ROCKS ESTATE'

SCALE - 1:2500

0 50 100
C.S. Robertson & Associates
CONSULTING SURVEYORS
P.O. BOX 110
TWEED HEADS 2430

Ref. No - N.1926

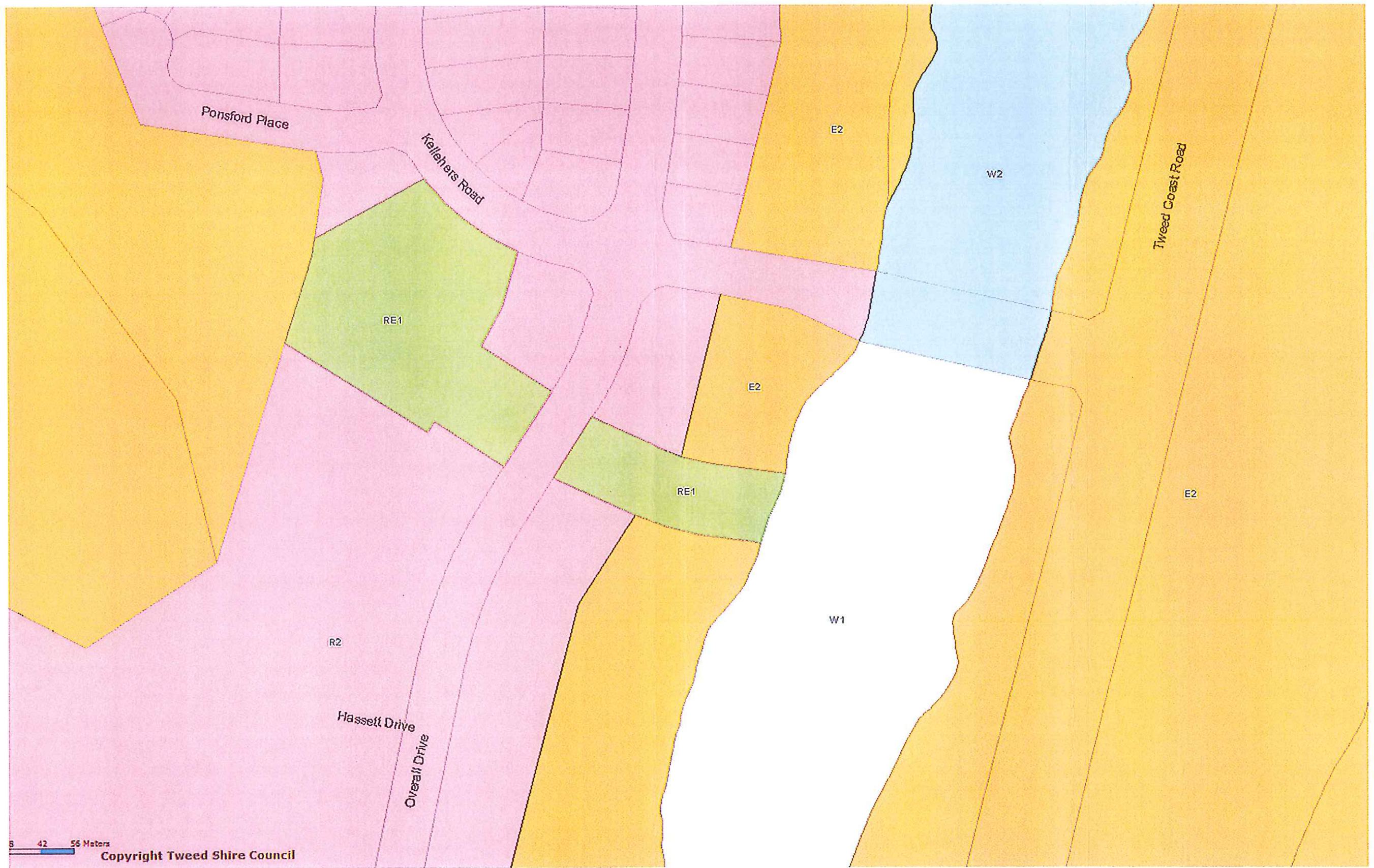
For The purposes of drawing up the legal
agreement I agree with the above

26/3/03

Ref. No - N.1926

21/3/03

[Signature]



Exhibited DWP 2010
1

BLACK ROCKS ESTATE PTY LTD

ACN 000 614 399 ABN 58 000 614 399
P.O. Box N27, Grosvenor Place, NSW 1220
Telephone: (02) 9247 2219 Facsimile: (02) 9241 1813

7 March 2011

General Manager
Tweed Shire Council
P O Box 816
Murwillumbah NSW 2484

Dear Sir

**Request for Planning Proposal – Rezoning of Lot 378 DP 1148511 Overall Drive,
Pottsville (Black Rocks Estate)**

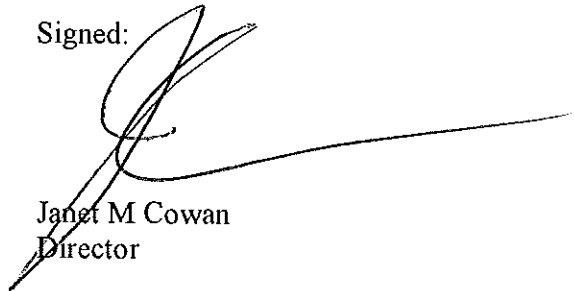
Black Rocks Estate Pty Ltd authorises Darryl Anderson Consulting Pty Ltd to lodge a Planning Proposal Request for rezoning of Lot 378 DP 1148511 Overall Drive, Pottsville to 2(a) Low Density Residential under Tweed Local Environmental Plan 2000 or R2 Low Density Residential under exhibited Draft Tweed Local Environmental Plan 2010.

Signed:



Richard L. Cowan
Director

Signed:



Janet M Cowan
Director

MARK	M G A CO-ORDINATES		R L	CLASS	H V	ORDER	H V	C S F
	EASTING	NORTHING						
PM 151356	554582.273	6856636.663	3.846	C	LD	4	L4	0.999636
PM 161980	554522.198	6856763.581	2.162	C	LD	4	L4	0.999636
SSM 123772	554927.610	6857075.353	3.095	A	LC	1	L3	0.999637
SSM 144520	554825.482	6857137.429	2.857	C	LD	3	L4	0.999637
SOURCE SCIMS 19/08/2009 ZONE 56								
MARK	M G A CO-ORDINATES		R L	CLASS	H V	ORDER	H V	C S F
	EASTING	NORTHING						
SSM 144556	554823.705	6856894.115	3.173	BY SURVEY				0.999637
SSM 144555	554707.014	6856762.692	3.872	BY SURVEY				0.999637
SSM 144552	554792.076	6856659.573	3.565	BY SURVEY				0.999637
SSM 144527	554631.576	6856660.526	3.865	BY SURVEY				0.999637

TABLE OF SHORT LINES		
No	BEARING	DIST.
1	197° 41' 45"	96.875
90	191° 00' 40"	4.82
91	149° 59' 50"	40
92	201° 59' 50"	50
93	214° 59' 50"	50
94	262° 59' 50"	50
95	56° 57' 30"	65.205

65.205 ME
65.299 D.P. 1134599

LP DENOTES LINE PEG

TABLE OF SHORT LINES AND CURVES				
No	BEARING	DIST.	ARC	RADIUS
7	118° 21' 28"	75.697	85.866	50
8	313° 47' 18"	61.14	64.83	55
9	261° 28' 03"	68.875	70.09	108.225
10	78° 53' 45"	73.125	74.08	132.79
11	78° 13' 24"	80.685	81.652	152.79
75	117° 13' 35"	107.76	122.975	70
96	261° 28' 03"	56.145	57.14	88.225
97	313° 47' 17"	38.905	41.255	35

M.G.A.

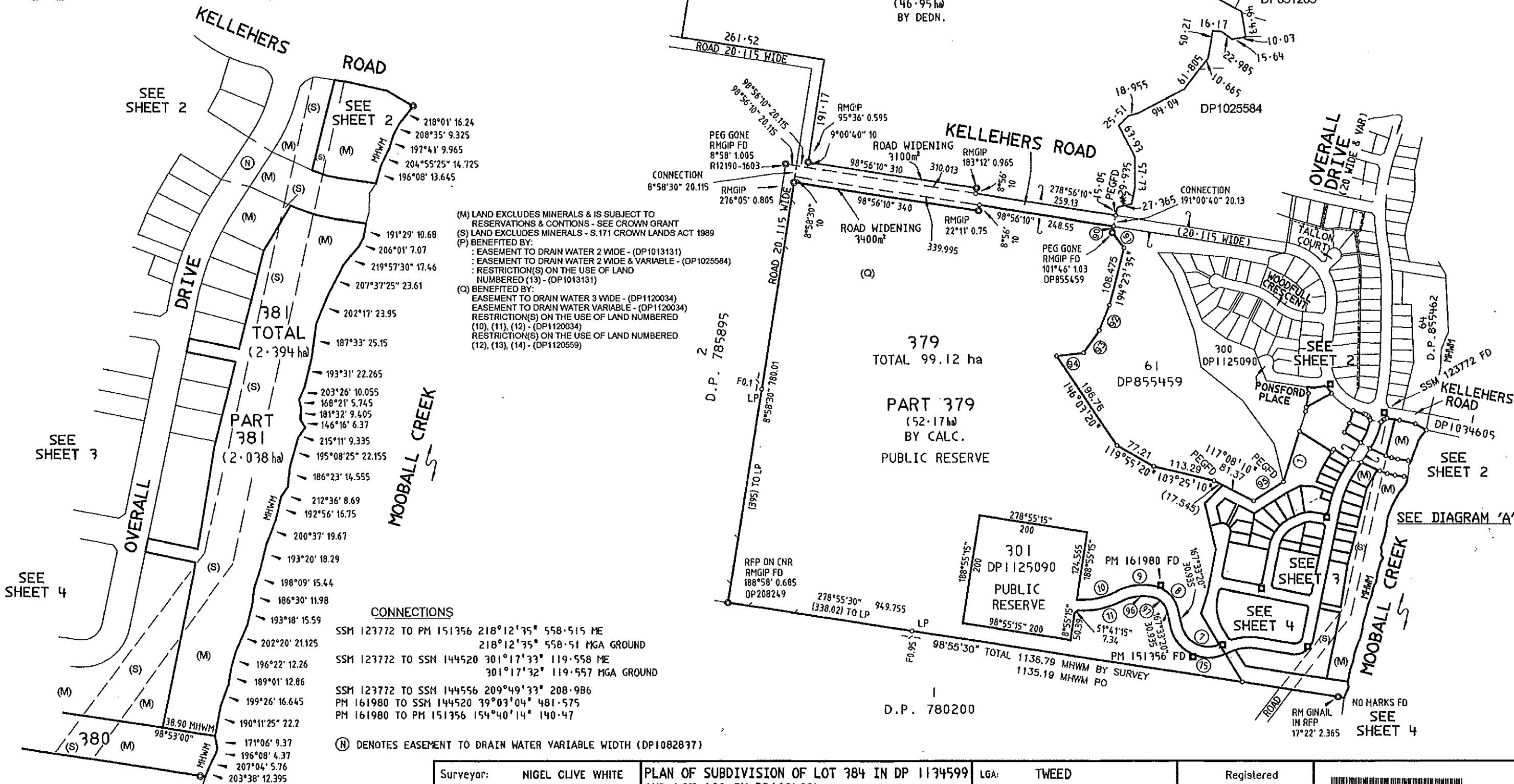


DIAGRAM 'A'
RR 1:2000

Surveyor: NIGEL CLIVE WHITE
Date of Survey: 22/12/2009
Surveyor's Ref: BR13DP2

PLAN OF SUBDIVISION OF LOT 384 IN DP 1134599
AND LOT 183 IN DP1034824

LGA: TWEED
Locality: POTTSVILLE
Subdivision No: SC10/0001
Lengths are in metres. Reduction Ratio 1: 5000

Registered
24.03.2010



DP1148511 P

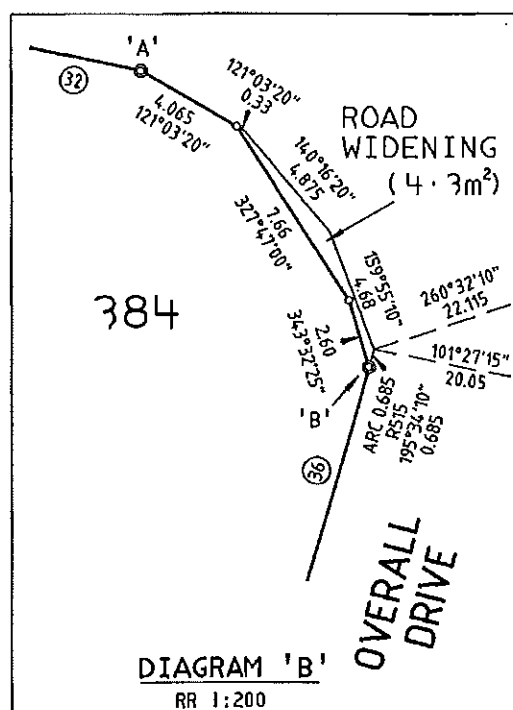
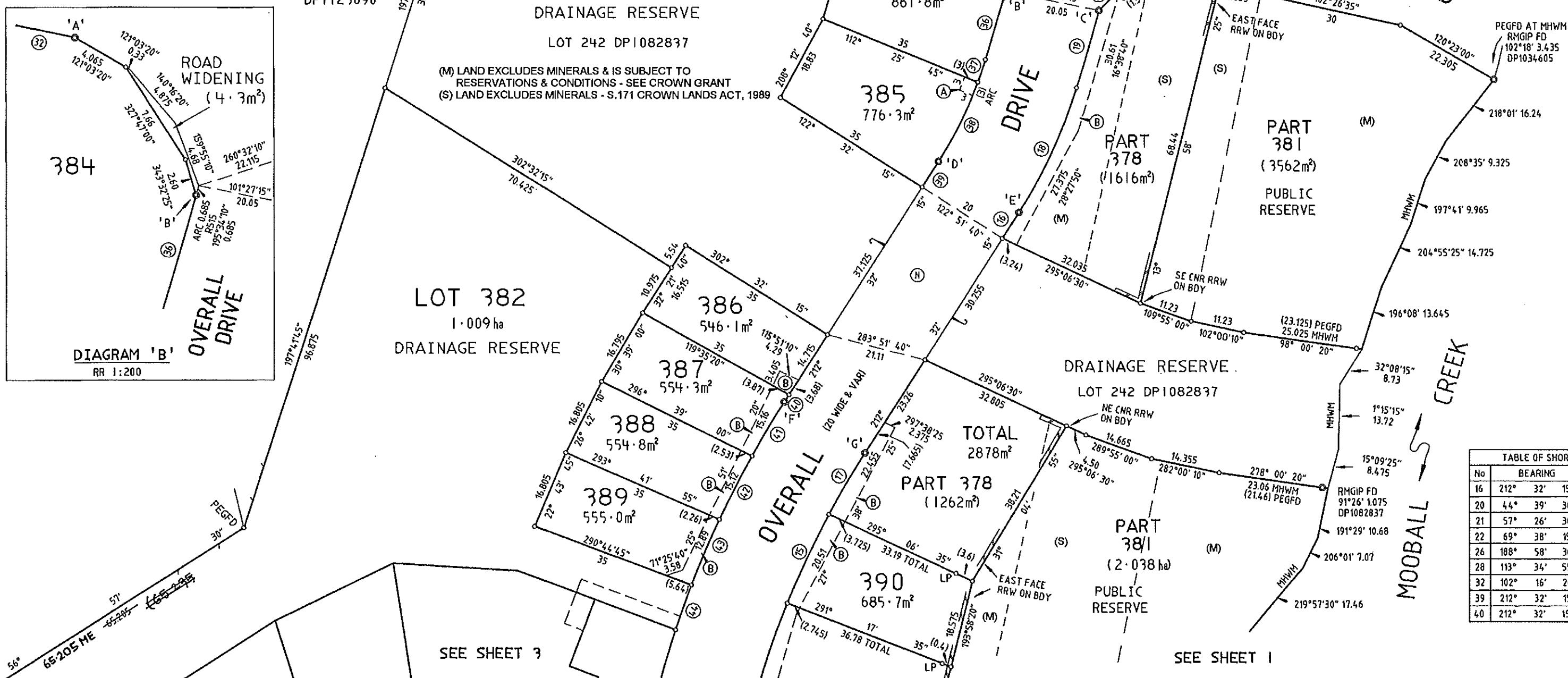
M.G.A.



REFERENCE MARKS			
'A'	RM DH&W FD	132°25' 9.855	DP1072665
'B'	RM DH&W	321°46' 6.16	
'C'	RM DH&W	54°27' 7.82	
'D'	RM DH&W	293°49' 3.925	
'E'	RM DH&W	129°22' 3.915	
'F'	RM DH&W	302°59' 3.87	
'G'	RM DH&W	120°59' 3.86	
'Q'	RM DH&W FD	237°26'40" 2.935	DP1120034
'R'	RM DH&W FD	176°29'15" 4.065	DP1120034
'S'	RM DH&W FD	229°20'45" 5.895	DP1120034

CONNECTIONS

SSM 123772 TO SSM 144520 301°17'33" 119.558

DIAGRAM 'B'
RR 1:200

- (A) DENDTES EASEMENT TO DRAIN SEWAGE 3 WIDE
 (B) DENDTES EASEMENT TO DRAIN SEWAGE VARIABLE WIDTH
 (C) DENDTES EASEMENT FOR SEWER RISING MAIN 3 WIDE
 (N) DENDTES EASEMENT TO DRAIN WATER VARIABLE WIDTH (DP1082837)
 LP DENOTES LINE PEG
 RRW DENOTES RENDERED RETAINING WALL
 NOTE: RMGIP'S SHOWN ON DP1125090 IN OVERALL DRIVE
 NOW GONE FOLLOWING ROAD & SERVICES CONSTRUCTION

TABLE OF SHORT LINES AND CURVES					
No	BEARING	DIST.	ARC	RADIUS	
15	204° 53' 45"	20.674	20.684	190	
17	210° 16' 33"	14.996	15	190	
18	24° 51' 39"	28.907	28.994	108.195	
19	16° 16' 30"	17.02	17.02	535	
27	146° 22' 55"	12.97	12.975	100	
29	128° 09' 25"	50.1	50.64	100	
30	86° 57' 35"	32.08	32.24	94	
31	107° 57' 40"	19.824	19.857	100	
36	16° 23' 10"	14.33	14.33	515	
37	18° 48' 15"	4.985	4.985	88.195	
38	26° 28' 50"	18.61	18.645	88.195	
41	210° 44' 10"	13.21	13.215	210	
42	206° 53' 10"	15	15.005	210	
43	202° 47' 35"	15	15.005	210	
44	199° 22' 50"	10.005	10.005	210	
83	97° 51' 30"	3.525	3.525	94	

TABLE OF SHORT LINES		
No	BEARING	DIST.
16	212° 32' 15"	6.525
20	44° 39' 30"	4.53
21	57° 26' 30"	4.375
22	69° 38' 15"	4.125
26	188° 58' 30"	7.565
28	113° 34' 55"	6.33
32	102° 16' 20"	4.12
39	212° 32' 15"	6.41
40	212° 32' 15"	1.79

Surveyor: NIGEL CLIVE WHITE
 Date of Survey: 22/12/2009
 Surveyor's Ref: BR13DP2

PLAN OF SUBDIVISION OF LOT 384 IN DP1134599
 AND LOT 183 IN DP1034824

LGA: TWEED
 Locality: POTTSVILLE
 Subdivision No: SC10/0001
 Lengths are in metres. Reduction Ratio 1:600

Registered
 24.03.2010

DP1148511

PONSFORD PLACE

KELLEHERS
ROAD

ROAD

INFILTRATION
BASIN

OVERALL
DRIVE

LEGEND

RRW RENDERED RETAINING WALL
CP CONCRETE PATH
LP LIGHT POLE
TP TELECOMMUNICATIONS PIT
E ELECTRICITY PILLAR / BOX
TK TOP OF KERB & GUTTER
EB EDGE OF BITUMEN

NOTE:-

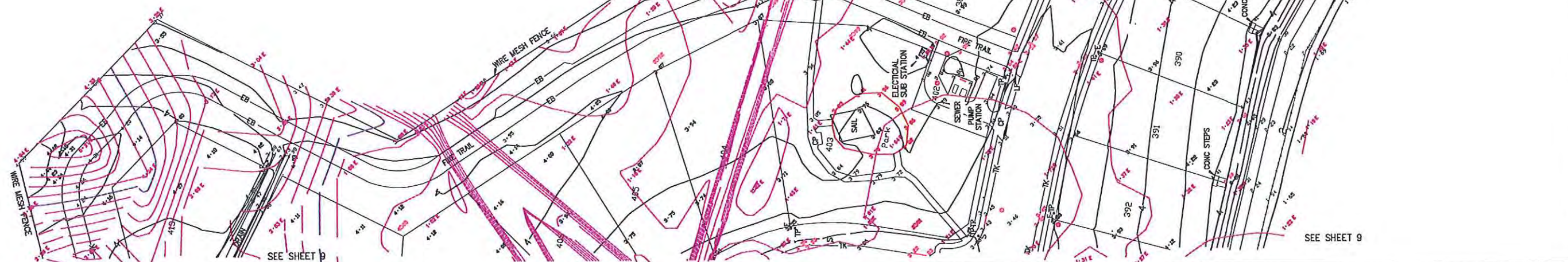
1. ORIGIN OF LEVELS : BENCH MARK SSM61837
RL 2.521 AHD BY TSC RECORDS
2. SPOT HEIGHT SURFACE LEVELS SHOWN THUS 6.12
3. CONTOUR INTERVAL 0.2 METRES
4. PRE EXISTING SURFACE CONTOUR INTERVAL 0.2 METRES
PRE EXISTING SURFACE CONTOURS SHOWN THUS 1.20
PRE EXISTING SURFACE SPOT HEIGHTS SHOWN THUS 1.20

I NIGEL WHITE , ACTING AS THE REPRESENTATIVE OF
N.C. WHITE & ASSOCIATES CERTIFY THAT THIS PLAN IS A TRUE
AND ACCURATE RECORD OF WORKS CERTIFIED IN CONSTRUCTION
CERTIFICATE No.CC07/1166 AS ACTUALLY CONSTRUCTED, AND
THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH
DEVELOPMENT DESIGN SPECIFICATION D13-ENGINEERING PLANS
(SUBDIVISIONS), PART D13.15 "SUMMARY WAX PLANS".

NAME...NIGEL WHITE...SIGNATURE.....
REGISTERED SURVEYOR OF NC WHITE & ASSOCIATES
DATE 30/11/2009

I TONY CROMACK , ACTING AS THE REPRESENTATIVE OF
ARDILL PAYNE & PARTNERS CERTIFY THAT THIS PLAN IS A TRUE
AND ACCURATE RECORD OF WORKS CERTIFIED IN CONSTRUCTION
CERTIFICATE No.CC07/1166 AS ACTUALLY CONSTRUCTED, AND
THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH
DEVELOPMENT DESIGN SPECIFICATION D13-ENGINEERING PLANS
(SUBDIVISIONS), PART D13.15 "SUMMARY WAX PLANS".

NAME...TONY CROMACK...SIGNATURE.....
CONSULTING ENGINEER OF ARDILL PAYNE & PARTNERS
DATE 30/11/2009



For....
BLACK ROCKS ESTATE PTY LTD

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SHOULD BE CONFIRMED ON SITE WITH THE RELEVANT SERVICE AUTHORITIES

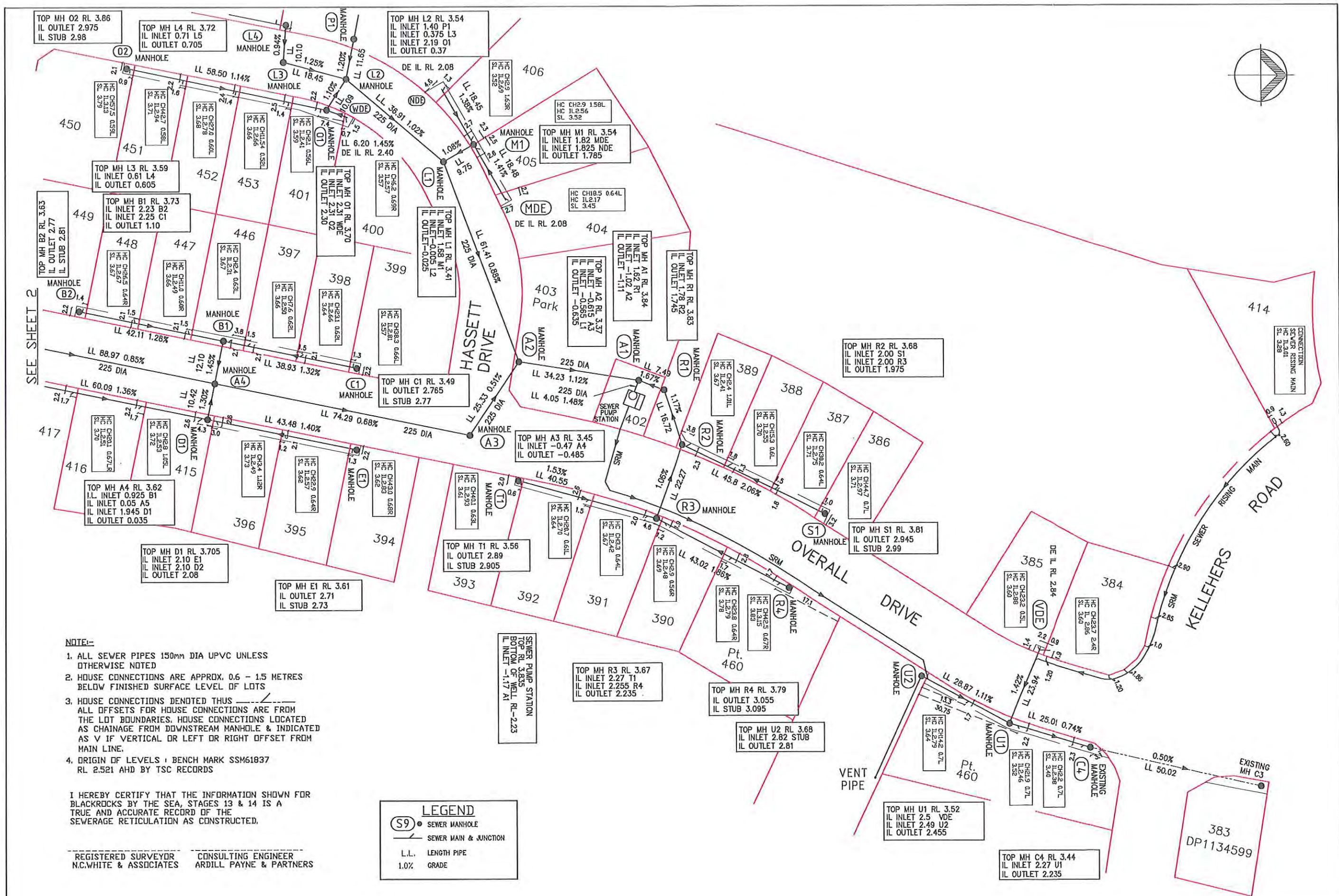
DATE	REVISION	BY
30/11/2009	ADD PRE EXISTING CONTOURS AND SPORTSFIELD IRRIGATION WAX	NW



N.C.WHITE & ASSOCIATES
LAND & ENGINEERING SURVEYORS
P.O.BOX 35, MURWILLUMBAH, 2484.
PHONE / FAX : 02 66726261

TITLE
PLAN SHOWING AS CONSTRUCTED WORKS AT BLACKROCKS BY THE SEA
POTTSVILLE STAGES 13 & 14
AS CONSTRUCTED ROAD & SURFACE LEVELS

DRAWN	CHECKED	R.R.	DATUM	REF.	SHEET
25/09/2009	NW	1:500	AHD	BR1314WXB/1	8 OF 11



For...
BLACK ROCKS ESTATE PTY LTD

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DATE	REVISION	BY

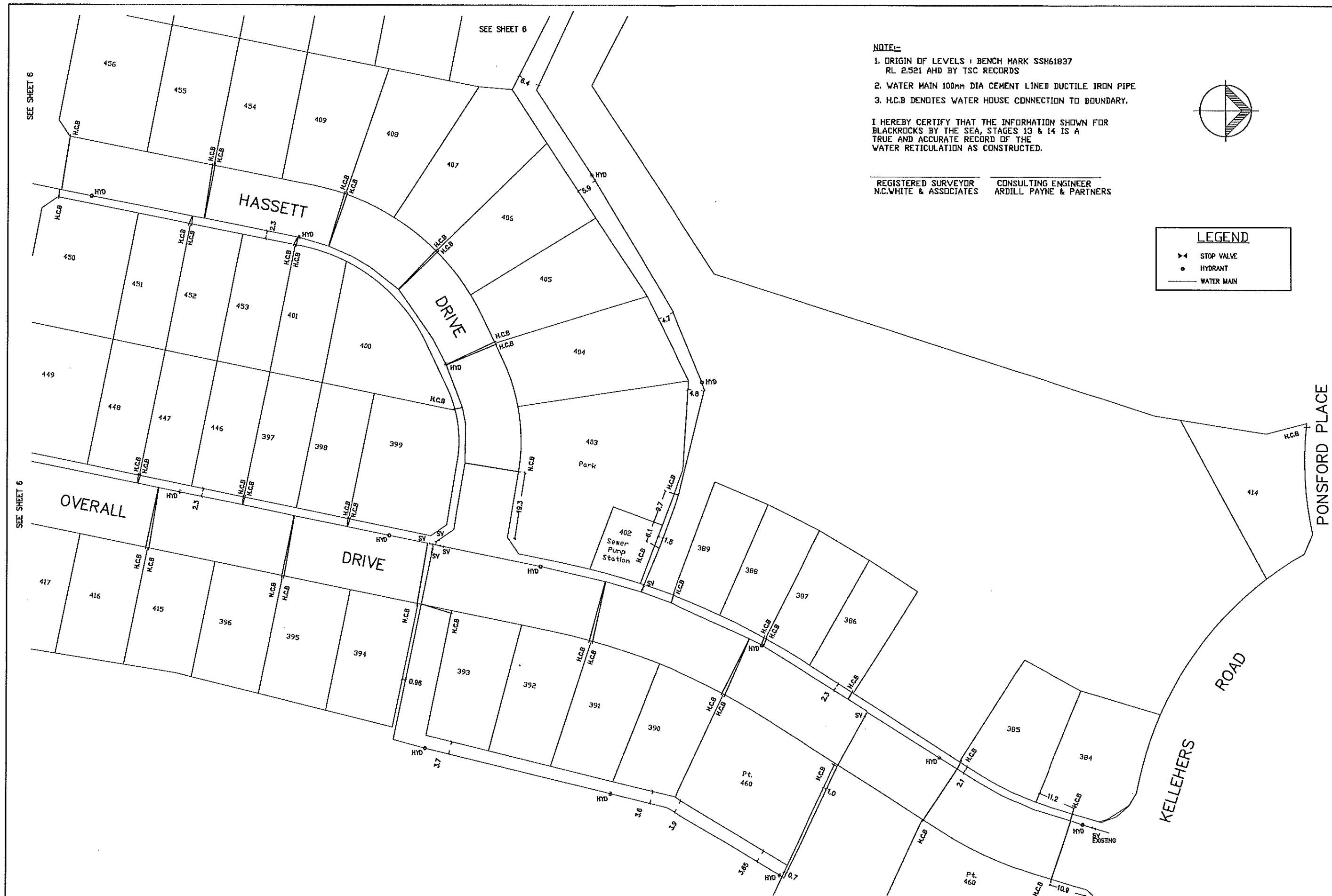


N.C.WHITE & ASSOCIATES
LAND & ENGINEERING SURVEYORS

P.O.BOX 35, MURWILLUMBAH, 2484.
PHONE / FAX : 02 66726261

TITLE
PLAN SHOWING AS CONSTRUCTED WORKS AT BLACKROCKS BY THE SEA
POTTSVILLE STAGES 13 & 14
AS CONSTRUCTED SEWERAGE RETICULATION

DRAWN	CHECKED	R.R.	DATUM	REF.	SHEET
25/09/2009	NW	1:500	AHD	BR1314WXB/1	1 OF 11



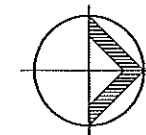
NOTE:-

1. ORIGIN OF LEVELS : BENCH MARK SSM61837
RL 2.521 AHD BY TSC RECORDS
2. WATER MAIN 100mm DIA CEMENT LINED DUCTILE IRON PIPE
3. H.C.B DENOTES WATER HOUSE CONNECTION TO BOUNDARY.

I HEREBY CERTIFY THAT THE INFORMATION SHOWN FOR BLACKROCKS BY THE SEA, STAGES 13 & 14 IS A TRUE AND ACCURATE RECORD OF THE WATER RETICULATION AS CONSTRUCTED.

REGISTERED SURVEYOR
N.C.WHITE & ASSOCIATES

CONSULTING ENGINEER
ARDILL PAYNE & PARTNERS



LEGEND

- ◀▶ STOP VALVE
- HYDRANT
- WATER MAIN

For..... BLACK ROCKS ESTATE PTY LTD	DISCLAIMER THIS DOCUMENT IS PREPARED FOR THE SPECIFIC USE OF THE INSTRUCTING CLIENT OF N.C. WHITE & ASSOCIATES AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE. PRIOR TO THE COMMENCEMENT OF ANY SITE WORKS, LOCATION OF SERVICES SHOULD BE CONFIRMED ON SITE WITH THE RELEVANT SERVICE AUTHORITIES.	DATE	REVISION	BY
N.C.WHITE & ASSOCIATES LAND & ENGINEERING SURVEYORS P.O.BOX 35, MURWILLUMBAH, 2484. PHONE / FAX : 02 66726261				
TITLE PLAN SHOWING AS CONSTRUCTED WORKS AT BLACKROCKS BY THE SEA POTTSVILLE STAGES 13 & 14 AS CONSTRUCTED WATER RETICULATION				
DRAWN 25/09/2009	CHECKED NW	R.R. 1:500	DATUM AHD	REF. BR1314WXB/1
SHEET 5 OF 11				



View Southwest from Kellehers Road



View South Westerly from the North Eastern Corner of the Land



View North from the South Eastern Corner of the Land



View North from the South Western Boundary of the Land



 Proposed 2(a) Low Density Residential or R2 Low Density Residential Zone

NSW COASTAL POLICY, 1997 – COMPLIANCE CHECKLIST
REQUEST FOR PLANNING PROPOSAL – LOT 378 DP 1148511, OVERALL DRIVE, POTTSVILLE (BLACK ROCKS ESTATE)

STRATEGIC ACTION	PROVISION	CONSISTENT (YES/NO/N/A)	INDICATE HOW THE LEP IS CONSISTENT/INCONSISTENT WITH THE POLICY
	PROTECT, REHABILITATE AND IMPROVE THE NATURAL ENVIRONMENT.		
1.1.2	Does the site have areas with land and/or marine and estuarine conservation value? If so, are these to be dedicated?	YES	Site does not have conservation values.
	If the land is Crown land (submerged or otherwise), has it been assessed for dedication/reservation under appropriate Acts (e.g. MPA, NPWS, NSWFW)?	N/A	
	If foreshore Crown land, will public access be maintained and/or appropriately zoned?	N/A	
1.1.5	If open space land, is it to be classified "community land" under the Local Government Act?	N/A	
1.1.9	Does the land have recognised conservation values? If so, what zones and/or other provisions are proposed?	YES	Site does not have recognised conservation values.
1.1.10	Is the land adjacent to a marine park? If so, what provisions are included which will give effect to the marine park zoning and operational plans?	N/A	
1.1.11	Does the plan enable the natural habitats of the site to form part of a regional open space corridor (including water areas)? If so, how?	YES	Site does not have natural habitat values.
1.3.7	Is the site included in a catchment management plan?	YES	Tweed Urban Stormwater Quality Management Plan.
	Have water quality objectives been established? If so, in what form (i.e. instrument/strategy)?	YES	Strategy.
	Does the plan incorporate water quality objectives and controls?	YES	
	Is ongoing water monitoring proposed?	YES	With future Development Application if required.
	Does the plan incorporate water monitoring provisions?	YES	
1.3.8	Has a stormwater management plan been developed?	YES	The subject land has been filled and serviced in accordance with relevant development consents and construction certificates (see Section 1.0 of PPR Report)
	Does the plan include stormwater controls?	YES	As Above.
1.3.14	Does the plan create the potential for impacts on ground water? If so, does the plan incorporate management	YES	As Above.

Darryl Anderson Consulting Pty Ltd

A.C.N. 093 157 165

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STRATEGIC ACTION	PROVISION	CONSISTENT (YES/NO/N/A)	INDICATE HOW THE LEP IS CONSISTENT/INCONSISTENT WITH THE POLICY
	controls for ground water?		
	RECOGNISE AND ACCOMMODATE NATURAL PROCESSES AND CLIMATE CHANGE		
2.1.1	Does a coastline, estuary or floodplain PoM apply to the land? If so, does the L E P incorporate provisions to give effect to these plans?	YES	Tweed Development Control Plan 2008, Section A3 applies and Clause 34 of Tweed Local Environmental Plan 2000. The proposal is consistent.
2.1.4	If the site is effected by Acid Sulphate Soils, does the plan incorporate objectives for their management in accordance with the ASS manual and section 117 Direction ASS C1?	YES	Clause 35 of Tweed Local Environmental Plan 2000 applies.
2.2.2	Does the plan include provisions for sea level change as provided by the inter-governmental Panel On Climate Change?	YES	The land has been filled above the climate change level (see Section 2.3 of the PPR Report).
	PROTECT AND ENHANCE THE AESTHETIC QUALITIES OF THE COASTAL ZONE		
3.1.2	Does the plan include provisions to protect areas or items of high aesthetic value? If so, in what way?	N/A	
3.2.4	How does the plan address design and locational principles listed below (as detailed in appendix C table 3 page 83 Coastal Policy) ;	N/A	
	• Only essential public developments (e.g. surf lifesaving clubs on beach frontal dunes;	N/A	
	• Overshadowing of beaches and waterfront open space;	N/A	
	• Preservation of undeveloped headlands;	N/A	
	• New development on developed headlands (require environmental assessment including visual impact from adjoining beaches);	N/A	
	• No buildings greater than 14 m (unless justified following environmental planning considerations);	YES	
	• Do building height controls apply to the land? In what form (e.g. LEP, endorsed DCP)?	YES	Tweed Local Environmental Plan 2000 provides for a 2 storey height limit.
	• Is D U A P concurrence required or does Council have assumed concurrence? If so, up to what height?	YES	Concurrence required for buildings over 14m high under Clause 51 of the SEPP (North Coast Regional Environmental Plan) 1988.
	• Does the plan establish a setback line from coastal lakes, estuaries, beaches, foreshores and cliffs? Provide details.	N/A	

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STRATEGIC ACTION	PROVISION	CONSISTENT (YES/NO/N/A)	INDICATE HOW THE LEP IS CONSISTENT/INCONSISTENT WITH THE POLICY
	Is public access to foreshore to be maintained or provided? If so, how does the plan achieve this?	YES	Public access is provided by the existing cycleway/walkway and the dedicated public reserve comprising the foreshore of Mooball Creek (See Annexure 7 and Figure 1).
	Have provisions been made for dedication or an agreement entered into, to ensure use and maintenance of the public access area?	N/A	
	Tourist or recreation developments adjacent to or within a National Park, Nature Reserve or State Recreation Area.	N/A	
3.3.1	Has a regional and/or local housing strategy been developed to encourage compact towns? If so, does the plan comply?	N/A	
	PROTECT AND CONSERVE CULTURAL HERITAGE.		
4.1.2	How does the plan conserve or protect known regional/local items or areas of coastal heritage?	N/A	
	Does the plan protect any significant views or vistas within or from towns?	N/A	
	PROMOTE ECOLOGICALLY SUSTAINABLE DEVELOPMENT AND USE OF RESOURCES.		
5.1.2	Does a regional industry, economic development and/or tourism strategy apply to the area? If so, does the plan comply?	N/A	
5.1.3	Is the land identified as class 1, 2 or 3 (prime crop and pasture land) in NSW Agriculture's Land Classification Scheme?	N/A	Class 9 (Urban).
	If so, how does the plan protect this resource?	N/A	
5.1.7	Does the plan affect or facilitate the identification or development of areas for aquaculture?	N/A	
5.1.8	Does the plan identify or facilitate mineral exploration, mining or extraction?	N/A	
	How does the plan ensure ecologically sustainable development of the resource and protect environmentally significant site?	N/A	
5.2.3	Are there plans of management that apply to the site?	N/A	
	How does the plan integrate these to ensure responsible and ecologically sustainable development and use of resources?	N/A	
5.2.11	Does a regional and/or local tourism plan apply to the area?	N/A	
	If so, how does the L E P compliment this plan?	N/A	

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STRATEGIC ACTION	PROVISION	CONSISTENT (YES/NO/N/A)	INDICATE HOW THE LEP IS CONSISTENT/INCONSISTENT WITH THE POLICY
	PROVIDE ECOLOGICALLY SUSTAINABLE HUMAN SETTLEMENT		
6.1.1	Is the plan consistent with a regional settlement strategy prepared by D U A P and consistent with the Coastal Policy?	YES	Consistent with NCUPS, 1995 and Far North Coast Regional Strategy, 2006 - 2031
6.1.2	Is the plan consistent with an urban land release/strategy endorsed by D U A P and consistent with the Coastal Policy?	YES	Consistent with Tweed Residential Development Strategy, 1991.
6.1.4	Does the plan create canal estate developments as these types of developments are prohibited?	N/A	
6.2.1	If the plan creates urban areas are they "compact" and "contained" rather than "ribbon", "unrelated cluster" or "continuous"?	YES	The site immediately adjoins an established urban area.
	Does the plan define urban boundaries and indicate the amount and form of development?	N/A	
	Can servicing and infrastructure be economically and environmentally provided?	YES	All necessary infrastructure exists adjacent to the subject land.
6.3.1	Is the plan consistent with a rural residential release strategy, endorsed by D U A P and consistent with the coastal policy, which preserves scenic conservation, agricultural, significant or extractive resources?	N/A	
6.4.1	Does the plan provide greater choice in housing?	YES	
6.4.2	Is the area close to an existing town centre?	YES	Kingscliff is approximately 15km north of the site. Pottsville town centre is approximately 1.5 km north of the subject land
	Does the plan provide for higher density residential development?	YES	
	Does the plan require additional infrastructure? What type?	N/A	All existing infrastructure is adequate.
	PROVIDE FOR APPROPRIATE PUBLIC ACCESS AND USE.		
7.2.4	If the plan provides for tourism development, what provisions have been included in the plan to ensure public access to the foreshore?	N/A	

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TWEED
LOCAL ENVIRONMENTAL PLAN 2000

STATEMENT OF RELATIONSHIP WITH OTHER PLANS
REPEALS TWEED LOCAL ENVIRONMENTAL PLAN 1987, TWEED LOCAL ENVIRONMENTAL PLAN No.24
& ALL OTHER LOCAL ENVIRONMENTAL PLANS & DEEMED ENVIRONMENTAL PLANNING INSTRUMENTS
TO THE EXTENT THEY APPLIED TO THE SAME LAND AS THIS PLAN

SCALE = 1:5,000

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING &
ASSESSMENT ACT 1979 & REGULATIONS
DATE 21.9.1999

GOVT GAZETTE OF
April 7th 2000

LEGEND

1. RURAL

- 1(a) Rural
- 1(b1) Agricultural Protection
- 1(b2) Agricultural Protection
- 1(c) Rural living

2. RESIDENTIAL

- 2(a) Low Density Residential
- 2(b) Medium Density Residential
- 2(c) Urban Expansion
- 2(d) Village
- 2(e) Residential Tourist
- 2(f) Tourism

3. BUSINESS

- 3(a) Sub-Regional Business
- 3(b) General Business
- 3(c) Commerce & Trade
- 3(d) Waterfront Enterprise
- 3(e) Special Tourist (Jack Evans Boat Harbour)

4. INDUSTRIAL

- 4(a) Industrial

5. SPECIAL USES

- 5(a) Special Uses

6. OPEN SPACE

- 6(a) Open Space
- 6(b) Recreation

7. ENVIRONMENTAL PROTECTION

- 7(a) Environmental Protection (Wetlands and Littoral Rainforest)
- 7(d) Environmental Protection (Scenic / Escarpment)
- 7(f) Environmental Protection (Coastal Lands)
- 7(l) Environmental Protection (Habitat)

8. NATIONAL PARKS & NATURE RESERVES

- 8(a) National Parks and Nature Reserves

DEFER

- defer

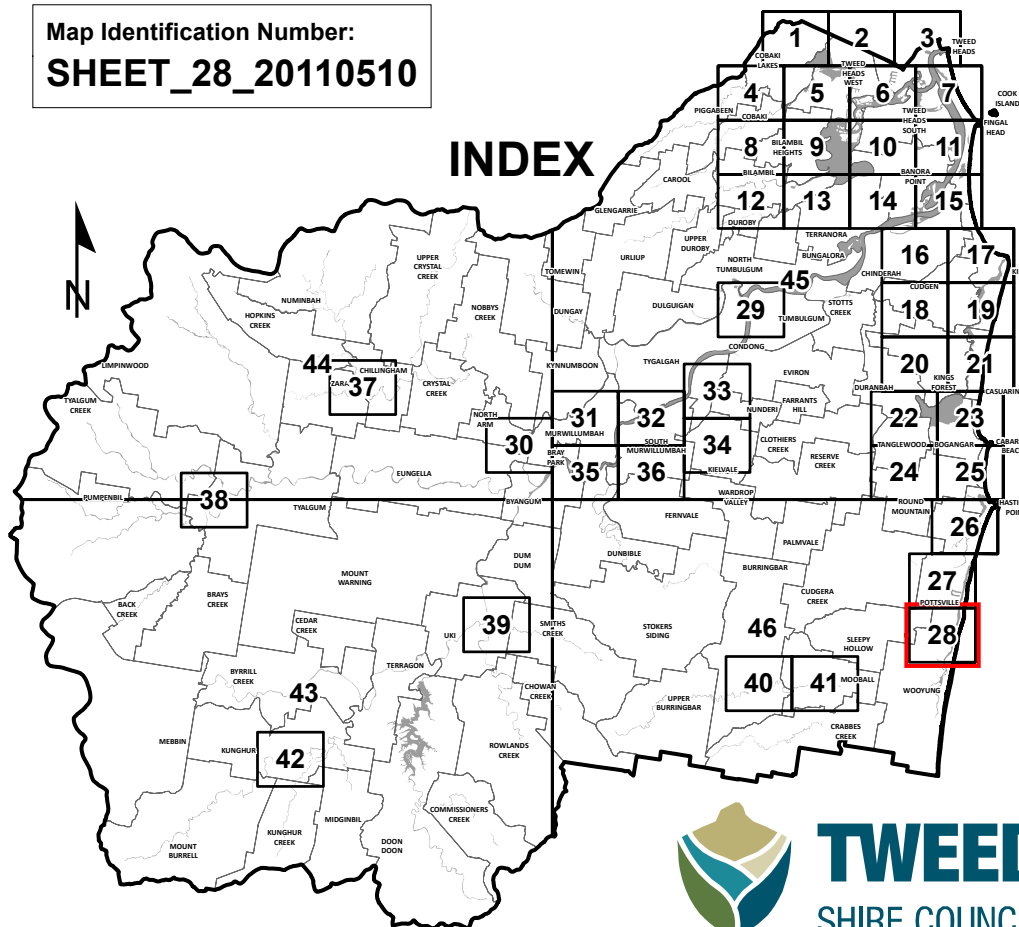
Additional Controls

- Clause 37 (Transmission Line Corridor)
- Clause 38 (Future Roads)
- Clause 41 (Heritage Conservation Area)
- Clause 52 (Existing and Future Dam Areas)
- Clause 52 (Minimum Lot Sizes)
- Clause 52 (Stormwater and Fill)
- Clause 53 (Schedule 3 Item)
- Clause 52 (Pottsville)

Cadastre 10/05/2011
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Map Identification Number:
SHEET_28_20110510

INDEX





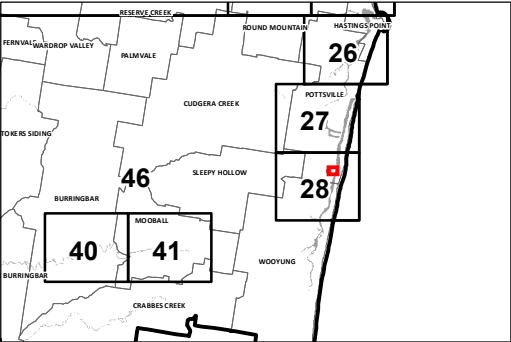
**Tweed Local
Environmental
Plan 2000
Amendment No.88**

Site Identification Map
Part of map tile: Sheet 28_20110510

Legend

Proposed Zone
 Subject Land

Cadastre
 Cadastre 11/05/2011
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0 5 10 15 20 25
Meters
Scale : 1:1,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number: SHEET_28_20110510

