

**PLANNING PROPOSAL FOR BOB WHITTLE
MURWILLUMBAH AIRFIELD**

Quarry Road, South Murwillumbah, 2484

V1 PRE-GATEWAY

April 2018

TSC File PP17/0003

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Part 1 Objectives and intended outcomes

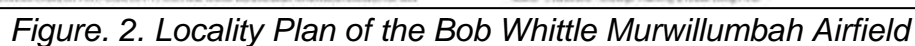
Background

The Bob Whittle Murwillumbah Airfield is located at Quarry Road in the outer edge of an industrial area in Murwillumbah South, with sugar cane land adjoining the site to the west and south, as evidenced on Fig. 1 below. The airfield has a grass strip with an effective runway length of approximately 500 metres and can accommodate up to twin propeller aircraft. It operates in unrestricted airspace and is open to use by general aviation. At present, the airfield hosts the Murwillumbah Aero Club which has approximately 50 members and owns a Cessna 172M, based at the airfield for the shared use of the Aero Club members.

This planning proposal seeks to resolve an existing land use conflict between Bob Whittle Murwillumbah Airfield and adjacent industrial land by way of including an additional, site-specific clause into the Tweed Local Environmental Plan (LEP) 2014 regulating height of buildings in the vicinity of the airfield. The intended outcome of this clause is to ensure preservation of the airspace surrounding the airfield by preventing unsuitable development from encroaching into the take off and approach surface slopes. More specifically, the proposed amendment would require the proponent to submit a review by a suitably qualified professional of the impact the proposed development will have on the airspace in the vicinity of the airfield.



Figure. 1. Aerial view of the Bob Whittle Murwillumbah Airfield



Part 2 Explanation of provisions

This planning proposal seeks to include an additional, site-specific clause within the Tweed LEP 2014, regulating development in the vicinity of the Bob Whittle Murwillumbah Airfield. For the purpose of community and public agency consultation, a clause is shown as follows:

Clause 7.8A Murwillumbah airfield operations area

- (1) The objectives of this clause are as follows:
 - (a) to provide for the effective and ongoing operation of the Murwillumbah Airfield by ensuring that such operation is not compromised by proposed development that penetrates the Obstacle Limitation Surfaces Plan or Procedures for Air Navigation Services – Aircraft Operations Plan for that airfield,
 - (b) to protect the community from undue risk from that operation.
- (2) Development consent must not be granted to development within the operational vicinity of the Murwillumbah Airfield unless the consent authority is satisfied that:
 - (a) the impacts of the proposed development on the airfield have been adequately addressed in a report prepared by a suitably qualified professional, and either
 - (b) the development will not penetrate the Obstacle Limitation Surfaces Plan or Procedures for Air Navigation Services – Aircraft Operations Plan applicable at the time, or
 - (c) the development will penetrate the Obstacle Limitation Surfaces Plan or Procedures for Air Navigation Services – Aircraft Operations Plan applicable at the time but the Murwillumbah Airfield Operator has raised no objection.
- (3) The consent authority must not grant development consent for the development if the Murwillumbah Airfield Operator advises that the development will penetrate the Obstacle Limitation Surfaces Plan or Procedures for Air Navigation Services – Aircraft Operations Plan and should not be constructed because there will be an unavoidable risk of impact on the operation of the Murwillumbah Airfield.
- (4) In this clause:
Obstacle Limitation Surfaces Plan or Procedures for Air Navigation Services – Aircraft Operations Plan means the Obstacle Limitation Surfaces Plan or the Procedures for Air Navigation Services – Aircraft Operations Plan as shown on the Obstacle Limitation Surfaces Map or the Procedures for Air Navigation Services Operations Surface Map for the Murwillumbah Airfield.

Figure. 3: Draft clause proposed for inclusion into the Tweed LEP 2014

This planning proposal has been prepared in accordance with *A Guide to Preparing Planning Proposals*. The following sections include a detailed justification (Part 3), mapping (Part 4), plan for community and public agency consultation (Part 5) and anticipated timeline (Part 6).

Part 3 Justification

Section A Need for the planning proposal

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

This planning proposal is not a result of a strategic study or report. The Bob Whittle Murwillumbah Airfield is a local airfield used predominantly by members of the local Aero Club; it is also used for agricultural purposes (aerial spraying). The site does not receive significant attention in planning strategies and analysis, mainly due to the close proximity (20km) to the Gold Coast Airport, which serves as a major domestic and international gateway to the region for both passenger and freight planes. Notwithstanding that, the Bob Whittle Murwillumbah Airfield is an integral part of the North Coast's air, rail and public transport infrastructure system and should be considered as an economic asset underpinning economic growth and prosperity of the region. As such, the airfield requires appropriate planning regulations ensuring its safe and ongoing operation.

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

A planning proposal is considered to be the most appropriate means of achieving the intended objective. Currently, development proposal in the vicinity of the airfield is assessed against the zoning designation, RU2 Rural Landscape or IN1 General Industrial with a default height of building control of 10 metres, (see Figures 4 and 5) without adequate consideration of impacts of development on the safety of airfield operations. The intended outcome of this planning proposal cannot be achieved without an amendment to Tweed LEP 2014.

Section B Relationship to strategic planning framework

Question 3: Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy or district plan or strategy (including any exhibited draft plans or strategies)?

The principal regional strategy pertinent to the Tweed Shire LGA is the North Coast Regional Plan 2036. The Plan *sets regional planning priorities and provides guidance and direction for regional and local planning decisions*. This planning proposal is consistent with the following Directions in the North Coast Regional Plan:

- (a) Direction 12: *Grow agribusiness across the region*. This direction provides that in context of agribusiness, appropriate co-location of related industries should be encouraged to maximise infrastructure and facility, decrease supply chain costs, increase economies of scale and attract further investment. A set of four (4) specific Actions is identified to advance delivery of this direction, including Action 12.4: facilitate investment in the agricultural supply chain by protecting assets (including freight and logistics facilities) from land use conflicts arising from the encroachment of incompatible land uses.

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- (b) Direction 10: *Facilitate air rail and public transport infrastructure*. This Direction provides that airports are important gateways for business, tourism and personal travel, as well as high-value freight. Whilst actions identified to advance delivery of this direction do not directly refer to Murwillumbah Airfield, the intended outcome of this planning proposal (preservation of the airspace surrounding the airfield by preventing unsuitable development from encroaching into the take off and approach surface slopes) is consistent, and responds to the overall purpose of Direction 10.

No inconsistencies between this planning proposal and the North Coast Regional Plan 2036 have been identified.

Question 4: Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

The Tweed Community Strategic Plan (CSP) 2017-2027 establishes the following vision: "The Tweed will be recognised for its desirable lifestyle, strong community, unique character and environment and the opportunities its residents enjoy". The CSP is structured around four service streams, including *Making decisions with you: We're in this together*. One of themes of this service stream is built environment (section 2.1 of the CSP). The goal of this theme is to regulate and deliver the built environment to balance the social, cultural, economic and environmental needs of the community, and is to be achieved through several actions, including:

- (a) Assess and regulate development activity to promote good design,
- (b) Provide infrastructure to meet the needs of local and regional growth.

The intended outcome of this planning proposal responds to theme 2.1 and its actions, demonstrating consistency of this planning proposal with provisions and objectives of the Tweed Community Strategic Plan 2017-2027.

Question 5: Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPPs)?

State Environmental Planning Policies, referred to as SEPPs, regulate matters of State or regional significance. They have precedence, unless specifically stated otherwise, over all local environmental plans. An assessment has been undertaken to determine the level of consistency of this planning proposal with relevant State Environmental Planning Policies (SEPPs). Due to the administrative, low impact nature of this planning proposal, no specific inconsistencies have been identified and the following remarks are made:

SEPP Exempt and Complying Development Codes (The Codes SEPP)

Consistent. The Codes SEPP provides for development of rural housing as complying development therefore it applies to the subject site and its vicinity which are zoned RU1 Primary Production and RU2 Rural Landscape. However, relevant provisions of this SEPP do not apply if the size of the lot is less than the minimum lot size for the erection of a dwelling house under the environmental planning instrument applying to the lot. Whilst rural allotments located in the vicinity of Murwillumbah Airfield do not meet the standards of the Lot Size Map, provisions of the Codes SEPP will not result in development that would contravene, or be inconsistent with, the intended outcome of this planning proposal.

SEPP (Infrastructure) 2007

This SEPP aims to facilitate the effective delivery of infrastructure across the State and identifies “air transport facilities” as one of the 25 types of infrastructure. Whilst the Murwillumbah Airfield is not directly referred to within this SEPP, the intent of this planning proposal is considered consistent with provisions of this SEPP.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

This SEPP seeks to ensure the proper management and development of mineral, petroleum and extractive material resources. Nothing in this planning proposal contradicts this aim therefore the planning proposal is considered consistent.

SEPP Coastal Management 2018

Part of Murwillumbah Airfield, as well as land affected by this planning proposal located in the vicinity of the tidal part of the Tweed River is mapped as Coastal Zone therefore provisions of this SEPP apply. Division 5 of this SEPP provides that coastal hazard and coastal management program matters must be considered at development assessment stage. This planning proposal does not intend to result in an increase to coastal hazard in the area and is considered consistent with this SEPP.

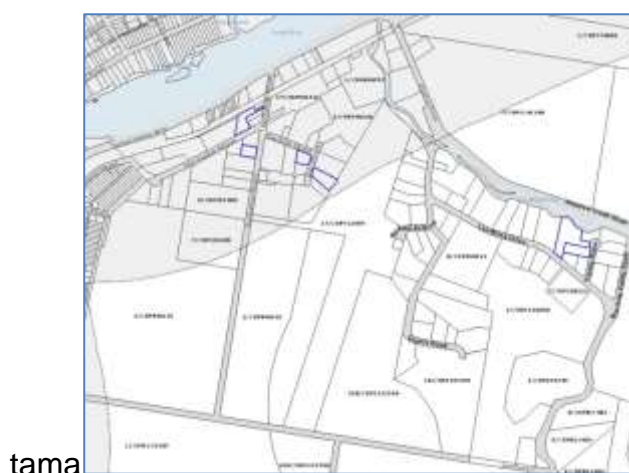


Figure 3 Land mapped as coastal zon

SEPP (Rural Lands) 2008

This SEPP applies to this planning proposal as the site is currently zoned with an environmental zone. This SEPP provides matters for consideration while subdividing or developing dwelling houses on rural lands. These matters are spelt under clauses 7 Rural Planning Principles and 8 Rural Subdivision Principles. It is noted that the Proposal is outside of the scope of these clauses as its intended outcome is to mitigate ongoing land use conflict between rural/industrial land and the Murwillumbah Airfield.

Question 6: Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)?

Section 9.1 of the EP&A Act allows the Minister for Planning to give directions to councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of draft local environmental plans (LEPs). Consistency of this planning proposal with relevant Ministerial Directions provided under Section 117 is assessed in table below.

Table 1 Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
1. Employment and Resources			
1.1 Business and Industrial Zones	<p>This direction aims to protect employment land, encourage business growth in suitable locations and support the viability of identified centres.</p> <p>It applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p>	This planning proposal affects industrial land located in the vicinity of the Murwillumbah Airfield, zoned IN1 General Industrial. The height of building standard within this zone is 10 metres, and the precinct is developed with single storey industrial sheds of varied height. As this planning proposal does not seek to limit development potential of land to which it applies, it is considered consistent with the objectives of this direction.	Consistent
1.2 Rural Zones	<p>Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>Under this direction a planning proposal must:</p> <ul style="list-style-type: none"> (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village). 	This planning proposal applies to land zoned RU1 Primary Production and RU2 Rural Landscape. It does not seek to rezone or increase permissible density of rural land; instead, it aims to ensure safe operation of Murwillumbah Airfield. No inconsistencies between this planning proposal and Direction 1.2 have been identified.	Consistent
1.3 Mining, Petroleum Production and Extractive Industries	<p>Applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <ul style="list-style-type: none"> (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials 	This planning proposal does not change the permissibility of mining, petroleum or extractive industries.	Consistent

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.		
1.5 Rural Lands	<p>Applies when:</p> <p>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</p> <p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>A planning proposal to which clauses (a) and (b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>A planning proposal to which clause (b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p>	<p>This planning proposal affects land zoned RU1 Primary Production and RU2 Rural Landscape therefore this direction is applicable.</p> <p>It is anticipated that the outcome of this planning proposal will have a minimum, if any, impact on rural land. This planning proposal is considered as consistent with principle (a) of the Rural Planning Principles provided under the Rural Lands SEPP: <i>the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas</i>. This consistency is manifested by the proposal's intent to ensure safe operation of Murwillumbah Airfield, which is used for agricultural-related operations (spraying) and as such is an economic asset of the region.</p>	Consistent
2 Environment and Heritage			
2.2 Coastal Protection	<p>This direction applies when a relevant planning authority prepares a planning proposal affecting land in the coastal zone.</p>	<p>Land affected by this planning proposal is located in the vicinity of the tidal part of the Tweed River therefore this direction applies.</p> <p>The planning proposal will not affect public access to the Tweed River foreshore or generate the need to provide new access; the use of the site for Murwillumbah Airfield is</p>	Consistent

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
		suited to its locality given surrounding land use and proximity to the industrial area and Tweed Valley Way which is the main transport corridor of the region, the proposal will not affect the scenic amenity of the Tweed River foreshore or cause overshadowing or major view impacts; the proposal will not affect threatened species or wildlife corridors; the land may be affected by coastal processes as it is located within the flood zone, the proposal will not cause conflict with water or land based activities and is compatible with its neighbouring land uses; the proposal will not cause impacts on waterbodies such as the Tweed River as long as appropriate storm water controls are implemented through the DA process; and will not impact on cultural heritage of significance	
2.3 Heritage Conservation	<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land 	<p>Council is finalising the Aboriginal Cultural Heritage Management Plan (ACHMP). Whilst the land in the vicinity of the airfield does not contain identified heritage items, the hill to the south-east is mapped within ACHMP as a 'predictive site'.</p> <p>This planning proposal does not intend to facilitate additional development therefore it is not accompanied by a heritage assessment report. It is anticipated that matters related to heritage conservation will be adequately assessed as part of the development assessment process in line with the DA framework including the ACHMP.</p>	Consistent

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.		
3. Housing, Infrastructure and Urban Development			
3.2 Caravan Parks and Manufactured Home Estates	<p>Applies when a relevant planning authority prepares a planning proposal.</p> <p>(1) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and (b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park. <p>(2) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located, (b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and 	Caravan park as a land use is permitted with consent in the RU2 Rural Landscape and prohibited in the RU1 Primary Production zone. As the rural land located in the vicinity of Murwillumbah Airfield has got RU1 zoning designation, direction 3.2 is considered as not relevant to this planning proposal.	Not applicable

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>determining the development and subdivision proposals), and</p> <p>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.</p>		
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	This proposal does not affect home occupation provisions in the Tweed LEP 2014.	Consistent
3.4 Integrating Land Use and Transport	<p>Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, that is land zoned for residential, business, industrial, village or tourist purposes.</p> <p>(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to/are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p>	Whilst the policy and the guidelines referred to in direction 3.4 are silent on the operation of airports or airfields, this planning proposal is considered as generally consistent with both documents, particularly with the principles advocating for concentration of development in centres and alignment with major transport corridors.	Consistent
3.5 Development Near Licensed Aerodrome	Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.	Whilst no ANEF contours are established for the Murwillumbah Airfield, this planning proposal is considered as consistent with direction 3.5. It does not seek to rezone land and its objective is to ensure that development applications will adequately consider proximity to the airfield and the airfield operations particularly in context of the appropriate height of buildings located in the vicinity of the airfield. Consultation with relevant state agencies will be carried out in accordance with the Gateway	Consistent

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
		Determination.	
4. Hazard and Risk			
4.1 Acid Sulfate Soils	Applies when a relevant planning authority prepares a planning proposal affecting land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	This planning proposal has been prepared with consideration to the Acid Sulfate Soils Planning Guidelines. It does not propose an intensification of land uses on land identified as Acid Sulfate Soils therefore is considered as consistent with direction 4.1. Environmental risks related with development on land containing ASS will be assessed at the DA stage.	Consistent.
4.3 Flood Prone Land	<p>A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>.</p> <p>A planning proposal must not rezone land within the flood planning areas from Special or Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Purpose Zone.</p> <p>A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ol style="list-style-type: none"> permit development in floodway areas, permit development that will result in significant flood impacts to other properties, permit an increase in the development of that land, are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or permit development to be carried out without development consent except for the purposes of 	<p>Whilst this planning proposal applies to land located within flood prone area, is considered as consistent with direction 4.3:</p> <ul style="list-style-type: none"> It does not seek to change zoning of the land to which it applies, It does not contain provisions enabling development in floodway areas, It will not result in a substantially increased requirement for government spending on flood mitigation measures, It does not permit development to be carried out without consent, It does not impose flood related development controls. 	Consistent

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>agriculture, roads or exempt development.</p> <p>A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless justified.</p> <p>For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005, unless justified.</p>		
<p>4.4 Planning for Bushfire Protection</p>	<p>Applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>Planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) have regard to <i>Planning for Bushfire Protection 2006</i>, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, (c) ensure that bushfire hazard reduction is not prohibited within the APZ. <p>A planning proposal must, where development is proposed, comply with the following provisions:</p> <ul style="list-style-type: none"> (a) provide an Asset Protection Zone (APZ) incorporating Inner and Outer Protection Areas, (b) for infill development, where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW 	<p>The planning proposal affects land mapped as bushfire-prone. As required by Direction 4.4, the planning proposal has been prepared with consideration to the Planning for Bushfire Protection 2006 (PBP). It is noted however that the PBP includes <i>Planning Principles</i> and detailed provisions with respect of LEP amendments where new development or subdivision is proposed. As this planning proposal does not facilitate new development and does not modify subdivision controls, it is considered consistent with Direction 4.4 and with the PBP.</p>	<p>Consistent</p>

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>Rural Fire Service,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on location of combustible materials in the Inner Protection Area.</p>		
5. Regional Planning			
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<p>Applies when a relevant planning authority prepares a planning proposal for land mapped as: State significant farmland, regionally significant farmland, or significant non-contiguous farmland.</p> <p>A planning proposal must not:</p> <p>(c) rezone land identified as “State Significant Farmland” for urban or rural residential purposes.</p> <p>(d) rezone land identified as “Regionally Significant Farmland” for urban or rural residential purposes.</p> <p>(e) rezone land identified as “significant non-contiguous farmland” for urban or rural residential purposes.</p>	This planning proposal affects land zoned RU1 Primary Production and mapped as State Significant Farmland. No rezoning or intensification of land uses is proposed and this planning proposal is consistent with Direction 5.3.	Consistent
5.10 Implementation of Regional Plans	This direction applies to land to which a Regional Plan has been released by the Minister for Planning. The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	The principal regional strategy pertinent to the Tweed Shire LGA is the North Coast Regional Plan 2036. Consistency between the Regional Plan and this planning proposal is discussed and demonstrated in Section B, Question 3 above.	Consistent

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
6. Local Plan Making			
6.1 Approval and Referral Requirements	<p>(4) A planning proposal must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, referral or consultation of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <p>(i) the appropriate Minister or public authority, and</p> <p>(ii) the Director-General of the Department of Planning (or an officer nominated by the Director-General),</p> <p>prior to undertaking community consultation in satisfaction of section 57 of the Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <p>(i) can satisfy the Director-General of the Department of Planning (or an officer nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</p> <p>(ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</p>	<p>This planning proposal seeks to amend the Tweed LEP 2014 to the effect that development applications affecting land in the vicinity of the airport will be referred to the Murwillumbah Airfield Operator. At time of preparing this planning proposal, the role of Airfield Operator is performed by the economic development section of Tweed Shire Council. Council is expected to continue to act as Airfield Operator of the Murwillumbah Airfield in foreseeable future, therefore the intended outcome of this planning proposal will be an additional internal referral as part of the assessment process, aiming to ensure that new development will not impact on the safety of airfield operations.</p> <p>Consistency between this planning proposal and section (4)(a)(ii) of the Direction 5.1 will be sought through the Gateway Determination stage.</p>	Consistency to be confirmed with the Department of Planning and Environment

Section C Environmental, Social and economic impact

Question 7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

The intended outcome of this planning proposal is to ensure preservation of the airspace surrounding the Bob Whittle Murwillumbah Airfield by preventing unsuitable development from encroaching into the take off and approach surface slopes. More specifically, the proposed amendment would require applicants for development proposals surrounding the airfield to submit a review by a suitably qualified professional of the impact the proposed development will have on the airspace in the vicinity of the airfield. This intended outcome is not expected to adversely impact critical habitat or threatened species, populations or ecological communities.

Question 8: Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Any restrictions on the height and location of development surrounding the airfield will be considered along with other assessment criteria already established, one of which will be potential impacts associated with vegetation.

No environmental impacts are anticipated. This planning proposal does not increase development potential or use of land to which it applies.

Question 9: How has the planning proposal adequately addressed any social and economic effects?

The Murwillumbah airfield is part of the transport infrastructure system of the region and should be considered as an economic asset supporting economic growth and prosperity of the Tweed Valley. This planning proposal seeks to ensure safe and ongoing operation of Murwillumbah airfield by limiting the height of buildings in designated areas surrounding the airfield. Currently, provisions regulating height of buildings near the airfield are limited to the default Height of Building development standard (10 metres).

This planning proposal does not propose an increase development potential or change permissibility of uses on land to which it applies therefore it is not likely to result in any social and economic effects, including impacts on the cultural heritage of the area.

Section D State and Commonwealth interests

Question 10 Is there adequate public infrastructure for the planning proposal?

The intended outcome of this planning proposal is very unlikely to result in an increase in demand on public infrastructure.

Question 11 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

State and Commonwealth public authorities have not been formally involved in this particular planning proposal as it is yet to receive a Gateway determination. Consultation

with relevant State and Commonwealth agencies will be carried out in accordance with the Gateway Determination.

Part 4 Community consultation

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

Council considers this planning proposal as low impact and recommends public exhibition for a period of 14 days. No reclassification of public land is proposed as part of this planning proposal.

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Part 6 Project timeline

The table below outlines the indicative timeframe for this planning proposal:

Task	Estimated timeframe
Gateway Determination	May 2018
Finalisation of additional information as requested by Gateway Determination	June 2018
Review and update of the planning proposal	June 2018
Public exhibition of PP for not less than 14 days	July 2018
Agency consultation	July 2018
Review submissions	August 2018
Report to Council	September 2018
Final Planning Proposal to the Department of Planning & Environment requesting the LEP amendment to be made	September 2018
Anticipated date RPA will make the plan	October 2018
Anticipated date plan is published and effective	October - November 2018

Summary and conclusions

This planning proposal has been initiated by Tweed Shire Council, who is also at this time the operator of the airfield, to provide controls ensuring that potential development in the vicinity of Murwillumbah Airfield will not affect safety or ongoing operation of the airfield.

Currently, building heights in the vicinity of the airfield are controlled through the Height of Building Map, with a default control of 10 metres applicable.

It is proposed that provisions be incorporated into Tweed LEP 2014 which ensure that height of proposed development surrounding the airfield be controlled to protect operation of the airfield.

Preliminary assessment of this proposal indicates that it is consistent with the local and regional strategic framework, as well as State Environmental Planning Policies and Ministerial Directions provided under Section 9.1 of the Environmental Planning & Assessment Act 1979.



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

tsc@tweed.nsw.gov.au
www.tweed.nsw.gov.au

Fax (02) 6670 2429
PO Box 816
Murwillumbah NSW 2484