

**Planning Proposal (PP19/0002)
for Potential Employment Land Area 6
Wardrop Valley Road, Murwillumbah**

Version 1 for Gateway Determination

August 2020

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Table of Contents

Part 1	Objectives and intended outcomes	2
	Introduction	2
	Objectives and Intended Outcomes	3
	Property details	4
	Background	7
	Proposed Development	10
	Key considerations	12
Part 2	Explanation of provisions	16
	Zoning Amendments	16
	Amendments to Height of Buildings Map, Floor Space Ratio Map and Lot Size Map	16
	Schedule 1 Additional permitted uses	17
	Section 5.4 Controls relating to miscellaneous permissible uses	17
Part 3	Justification	18
	Section A Need for the planning proposal	18
	Section B Relationship to strategic planning framework	22
	Section C Environmental, Social and Economic Impact	48
	Section D State and Commonwealth interests	50
Part 4	Mapping	51
Part 5	Community consultation	53
	Additional studies and information	53
Part 6	Timeframe	55
Part 7	Summary and conclusions	56
Appendices	58

Part 1 Objectives and intended outcomes

Introduction

This report has been prepared by an independent planning consultant, PSA Consulting (Australia) Pty Limited, in collaboration with Tweed Shire Council (TSC).

TSC has received a request for a Planning Proposal from DAC Planning Pty Ltd, under instruction from Wardrop Valley Pty Ltd and WDLC Pty Ltd. The Planning Proposal is for the purpose of affecting a zoning amendment on land at Wardrop Valley Road (the site) currently included in the RU2 Rural Landscape Zone. The proposed amendments are aimed at facilitating the development of employment generating uses by establishing the B2 Local Centre Zone, B4 Mixed Use Zone, B7 Business Park Zone, IN1 General Industry Zone, R5 Large Lot Residential Zone, RE1 Public Recreation Zone, and retention of land for environmental protection within the RU2 Zone (pending completion of the E-Zone review and incorporation of environmental zones in the *Tweed Local Environmental Plan 2014*). Council has a direct property interest in the Planning Proposal as the land owner of Lot 1 on DP1069561. Approximately 6 hectares of Lot 1 on DP1069561 is included in the zoning amendment proposed as part of this Planning Proposal.

This report has been prepared to satisfy the requirements of the Department of Planning, Industry and Environment's *Planning Proposals: A guide to preparing planning proposals* for submission for a Gateway Determination.

TSC resolved on 4 April 2019 that:

- 1. The concept rezoning scheme as detailed in the Wardrop Valley Master Plan, prepared by RPD (January 2019 – Dwg.136593), is supported for the purpose of informing a Planning Proposal to seek a rezoning on the subject lands;*
- 2. The proponent(s) must agree on a legally enforceable and binding approach, that is workable with the Environmental Planning and Assessment Act 1979, to ensure that future individual lots of buildings incorporate sustainable energy systems to provide or substantially supplement their energy demand that is consistent with the recommendations of the Master Planning Proposal, Solar Feasibility Report prepared by ECL Power Services dated July 2018; and*
- 3. A planning proposal over Area 6 in alignment with the endorsed master plan be prepared and submitted for Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979, describing the strategic intent and justification for the rezoning amendment and detailing the studies to be undertaken prior to any public exhibition of the proposal.*

A copy of the Council Resolution (dated 4 April 2019) is provided in **Attachment 1**. Please note that the Wardrop Valley Master Plan identified in the council resolution is subject to revision pending the outcome of further investigations to be completed prior to this Planning Proposal going on Public Exhibition.

This Planning Proposal is to be submitted to the Department of Planning, Industry and Environment for Gateway Determination.

Council is proceeding with this Planning Proposal on the basis that there is merit in rezoning the site for employment generating purposes, consistent with the site being identified for that purpose in the *Tweed Urban and Employment Lands Release Strategy 2009*. It is acknowledged that further studies are required to address environmental and other matters

and that the rezoning will be subject to the outcome of these studies. The concept plan shown in this Planning Proposal is conceptual and subject to change as further studies are completed and inform refinement of the concept. As a result, the proposal is considered appropriate and has sufficient planning merit to warrant acceptance in the Gateway Process.

As part of the request for a Planning Proposal, various technical reports have been prepared to support and guide the transition of the site from rural to employment generating and residential uses. A review of these reports has identified that while there are some deficiencies (as they are based on early concepts for the rezoning), there is sufficient merit to proceed to the next stage.

This Planning Proposal sets out the broad objectives for the intent of the proposal. The legislative process is intentionally developed this way to give a level of certainty to an applicant that an idea is supported in principle by the Council and then by the DPIE through a Gateway Determination, without the need to undertake detailed studies at extensive cost.

This Planning Proposal identifies the detailed studies required to address matters that have not been fully resolved. Additional studies (where required) have also been identified to guide future development of the site, and inform future development assessment processes.

Objectives and Intended Outcomes

The planning proposal seeks to facilitate the rezoning of Potential Employment Land Area 6 (PELA 6) – Wardrop Valley East identified in the *Tweed Urban and Employment Lands Release Strategy 2009*.

The objective of this Planning Proposal is to facilitate a rezoning of the site to allow the development of a best practice commercial and industrial estate that integrates with the existing Tweed Industry Central industrial estate.

The proposed commercial and industrial estate is to allow for a range of complementary business and commercial uses, provide a range of employment opportunities and provide serviced land free from flooding constraints, which impact other established industrial land within Tweed Shire. A portion of the site is also proposed to be rezoned to R5 Large Lot Residential Zone to provide a sympathetic land use response to constraints and interface with adjoining rural land uses. An enquiry by design process undertaken in 2017 identified an opportunity for large lot residential to be provided in the south-eastern area of the site. The large lot residential area is intended to provide opportunity for artisanal food and drink industries to be co-located with residential uses, which is not currently provided for within the local government area. The proposed large lot residential area is also intended to act as a buffer and transitional area between the proposed industrial uses and surrounding rural uses.

Specifically, this Planning Proposal seeks to amend the *Tweed Local Environmental Plan 2014* (Tweed LEP 2014) to rezone the subject site from the RU2 Rural Landscape Zone to:

- B2 Local Centre Zone;
- B4 Mixed Use Zone;
- B7 Business Park Zone;
- IN1 General Industry Zone;
- R5 Large Lot Residential Zone;
- RE1 Public Recreation; and
- Land for environmental protection to be retained within the RU2 Zone until completion of Council's E-Zone review process.

Given that E-Zones have not yet been incorporated in the *Tweed Local Environmental Plan 2014*, the Proponent would need to demonstrate how the environmental outcomes of land which may potentially be identified for environmental protection would be ensured in a legally binding manner, such as a

Voluntary Planning Agreement (VPS), until the incorporation of environmental zones in the *Tweed Local Environmental Plan 2014*.

Property details

The site is located approximately 3 kilometres south-east of the Murwillumbah town centre on Wardrop Valley Road, South Murwillumbah and comprises eight allotments and part of the Wardrop Valley Road reserve as shown in Figure 1 and listed in Table 1.

TABLE 1: LOT DETAILS

LOT ON PLAN	AREA (HA)	OWNER	CURRENT ZONING
Lot 4 on DP811482	2	Wardrop Valley Pty Ltd	RU2 Rural Landscape
Lot 5 on DP811482	2	Wardrop Valley Pty Ltd	RU2 Rural Landscape
Lot 6 on DP811482	2	Wardrop Valley Pty Ltd	RU2 Rural Landscape
Lot 7 on DP811482	2.114	Wardrop Valley Pty Ltd	RU2 Rural Landscape
Lot 8 on DP811482	2	Wardrop Valley Pty Ltd	RU2 Rural Landscape
Lot 9 on DP811482	2.202	Wardrop Valley Pty Ltd	RU2 Rural Landscape
Lot 1 on DP842157	41.69	WDLC Pty Ltd	RU2 Rural Landscape
Lot 1 on DP1069561 (Part of)	73.72 (6 within the site)	Tweed Shire Council	RU2 Rural Landscape
Part Wardrop Valley Road Reserve (to be closed)	2.5	Tweed Shire Council	RU2 Rural Landscape



Wardrop Valley

Locality Plan

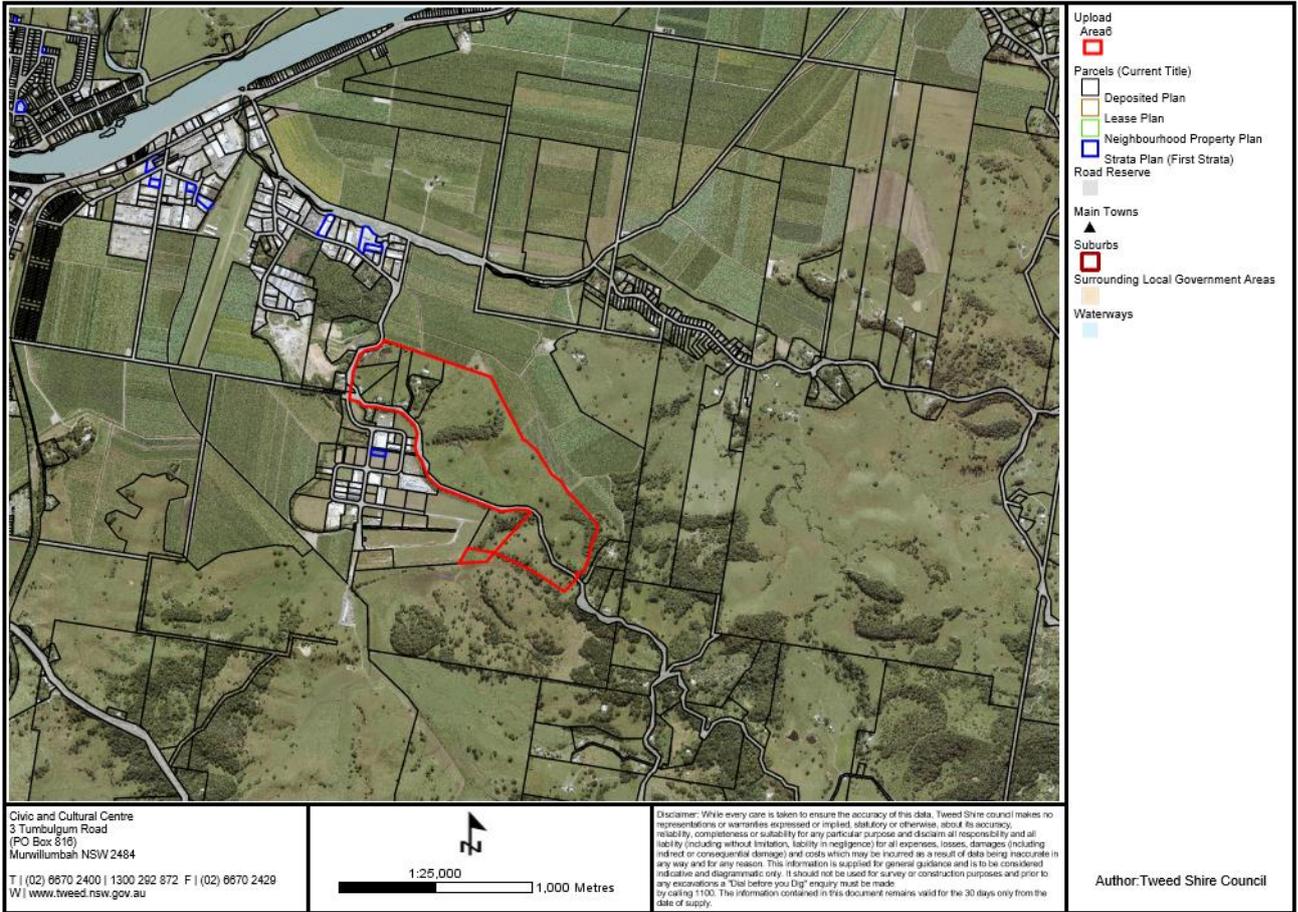


FIGURE 1: AERIAL PHOTO SHOWING SITE (SOURCE: TWEED SHIRE COUNCIL, 2019)

The site is currently zone RU2 Rural Landscape as shown in Figure 2.



Wardrop Valley

Land Zoning

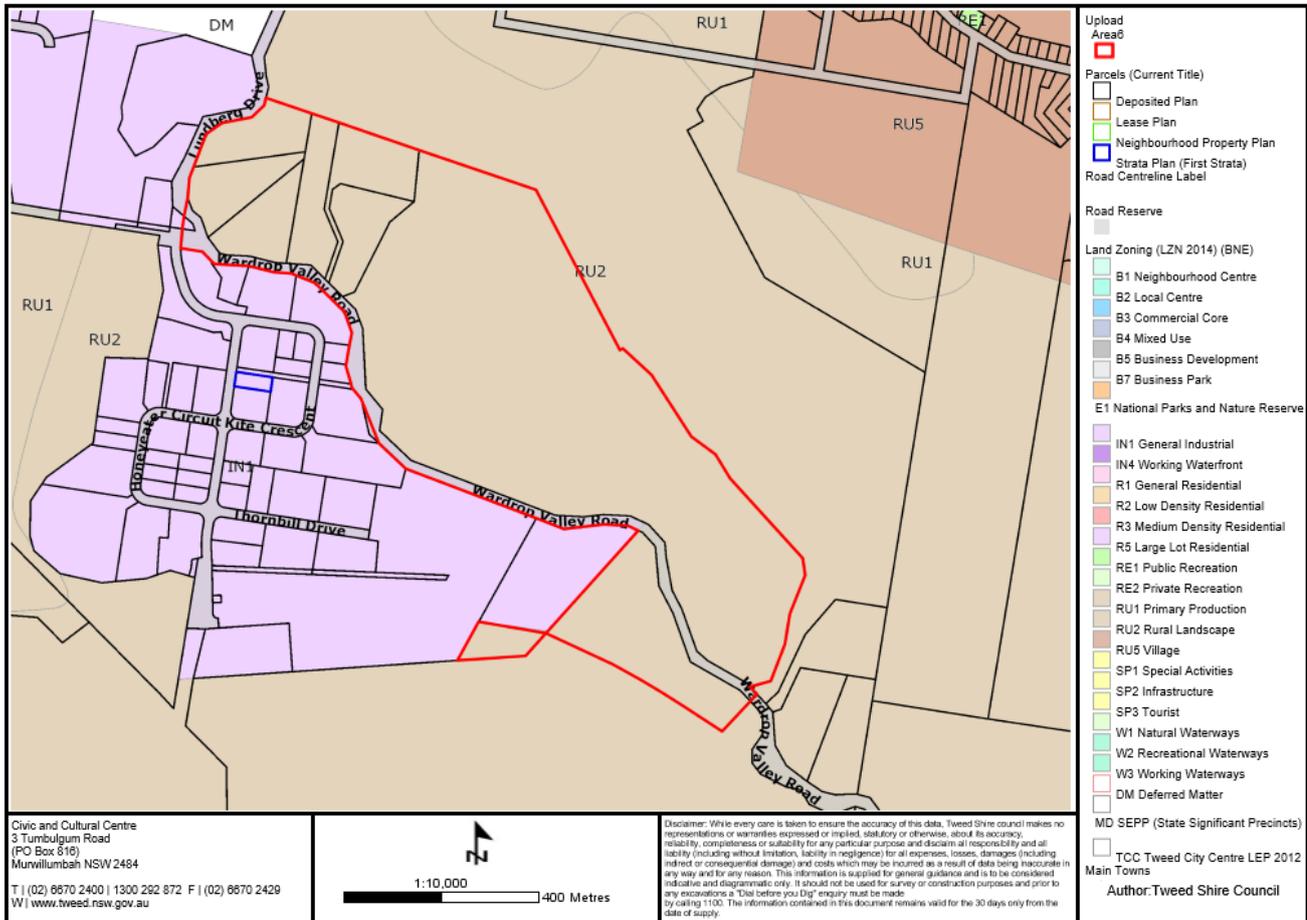


FIGURE 2: LAND ZONING FOR SUBJECT SITE (SOURCE: TWEED SHIRE COUNCIL, 2019)

Existing development is focused in the western part of the site where six of the eight existing lots contain dwelling houses with ancillary residential structures such as garages and swimming pools. The remaining lots to the south-east are vacant and have historically been used for grazing. The site has a total area of approximately 64.8 hectares and is irregular in shape with the western and southern boundaries of the site generally following Lundberg Drive and Wardrop Valley Road and the north-eastern boundary aligned with the adjoining sugar cane fields.

The *Tweed Shire Employment Lands Strategy 2009* was developed by TSC in recognition of a strategic planning need to identify sufficient industrial and commercial land to meet the current and projected demand for employment land and economic development in the Tweed Shire. The site is generally identified as Potential Employment Land Area 6 (PELA 6) – Wardrop Valley East in the *Tweed Urban and Employment Lands Release Strategy 2009* in proximity to the established Tweed Valley Industrial Park (refer to Figure 3).

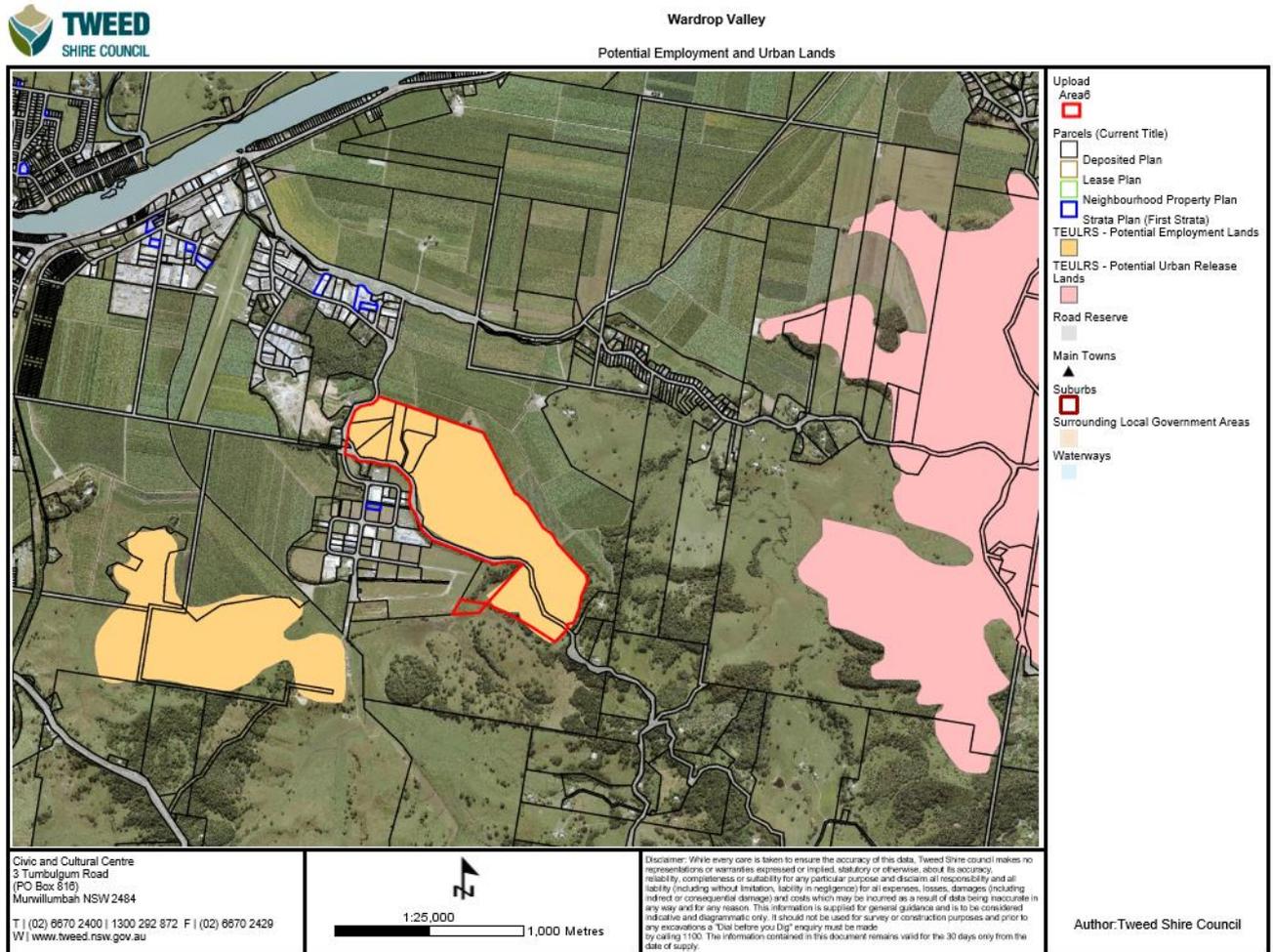


FIGURE 3: AERIAL PHOTO SHOWING PELA5 AND PELA6 (SOURCE: TWEED SHIRE COUNCIL, 2019) SITE CONTEXT AND SETTING

The site topography is undulating with levels ranging from RL 2m AHD on the northern and eastern parts of the site adjacent to the sugar cane fields, up to approximately RL 30m AHD along the ridgeline adjacent to Wardrop Valley Road. The site contains a number of smaller ridges, valleys, and low-lying areas.

The site is accessible via Lundberg Drive and Wardrop Valley Road. The six lots which contain existing dwelling houses have formalised driveways whilst the two vacant lots do not have driveway access.

The site contains remnant vegetation in the north-eastern, central and south-eastern portion of the site.

The predominant land uses surrounding the site consist of established sugar cane farms to the north east and partially developed industrial land to the south and west. South east of the site is partially vegetated and largely undeveloped.

Background

The land-use investigations and potential for re-zoning associated with this Planning Proposal have been ongoing for around 8 years with initial concepts focused on expanding the existing industrial zone located to the south-west of Wardrop Valley Road. Prior to proceeding with that concept, Council undertook an enquiry by design process to determine the site’s broader strategic value, improve the urban design outcome and maximise the land use opportunity which in turn informed a site master plan endorsed by Council at the Council Meeting of 4th April 2019. This process has culminated in the mix of uses, zones and land uses put forward in this Planning Proposal.

A brief history of the steps in this process are identified below.

Project Inception: To facilitate development of PELA 6, a Cost Sharing Deed was developed between Tweed Shire Council, and Dickinson Group of Companies in January 2011 to investigate a potential rezoning of the subject site.

Request to Prepare a Planning Proposal: In December 2012, a formal request for Tweed Shire Council to Prepare a Planning Proposal was lodged with Council by DAC Planning Pty Ltd, accompanied by the following specialist reports:

- Preliminary Geotechnical Investigation Report (Maiden Geotechnics, 2010);
- Traffic Impact Assessment (CRG, 2012);
- Ecological Assessment (James Warren & Associates, 2012); and
- Cultural Heritage Impact Assessment (Everick Heritage Consultants, 2012).

The rezoning application and accompanying reports were based on a previous concept for a standard industrial estate rather than a mix of uses, and therefore show a different lot reconfiguration and internal road layout.

Enquiry by Design Workshop: In September 2017 an enquiry by design (EBD) and structure planning workshop was held with TSC staff, Councillors and representatives of the Dickinson Group. The workshop included a site inspection, and identification of the sub-regional needs and constraints facing the expansion of the Murwillumbah Township and the broader locality.

The group identified key design principles based on two independent schemes, working collaboratively through the Deicke Richards design facilitators. The ideas and concepts from the two group schemes were very similar, and both identified the need for a mixed-use zoning to maximise the strategic value of the site.

A Workshop Outcomes Report was presented at TSC's Planning Committee Meeting in December 2017. This report identified the outcomes of the meeting and summarised principles which were intended to guide the future master-planning and planning proposal process.

Wardrop Valley Master Plan: Following the EBD Workshop and TSC endorsement of a Workshop Outcomes Report, RPS Consultants (on behalf of the landowner proponents) prepared a master plan for the site which utilised the endorsed design principles within the Workshop Outcomes Report to inform the design. The key outcome of the master plan was the configuration and mix of zoning which included both mixed use, industrial and open space land uses to enable the clustering of emerging lifestyle and produce industries, such as the growing regional artisan food and drink industry. The master plan also nominated part of the site for large lot residential where the site interfaced with surrounding rural land holdings to the south east in recognition of the topographic constraints, amenity and character based considerations. Large lot residential in this location would also provide a transition between uses and opportunities for the establishment of vegetative buffers between the proposed large lot residential and employment land use areas.

The master plan also illustrated the realignment of Wardrop Valley Road to further define the expanded developable portion of the site and to enable through traffic movement around the edge of, rather than through the site.

The master plan was reviewed against the design principles within the Workshop Outcomes Report and endorsed by Council at the Council Meeting of 4th April 2019.

Additional Specialist Reports: In response to the workshop, further specialist reports were undertaken in relation to the development of the site including:

- Visual Impact Assessment (EF Landscape Architecture, 2018); and
- A Draft Structure Plan based on the workshop outcomes (RPS, February 2018).

Planning Proposal Version 1: PSA Consulting (Australia) Pty Ltd was engaged by TSC in August 2019 to prepare this Planning Proposal and undertake the tasks outlined below.

1. Collation and consolidation of information and specialist reports relating to the site.
2. Analysis and review of reports presented with the initial rezoning application, and the subsequent additional reports which were produced. This involved the identification of key findings.
3. A site visit was undertaken in August 2019 attended by PSA and TSC representatives to provide further context. Further meetings were held with Council officers regarding key findings in the reports and TSC advice was sought on specific matters, such as reticulated services and biodiversity.
4. A gap analysis was prepared which identified matters requiring further investigation and analysis which will be addressed as part of Planning Proposal Version 2.

Proposed Development

TSC has identified the need for additional employment generating land in order to increase business growth and employment opportunities within the region. In response, TSC is proceeding with this Planning Proposal to facilitate development of Potential Employment Land Area 6 - Wardrop Valley.

A conceptual master plan has been developed, shown in **Figure 4**, which shows the general intent for the proposed zoning changes as well as a possible realignment of Wardrop Road and a potential internal road network. The Wardrop Valley Master Plan is subject to revision pending the outcome of further investigations and detailed studies to be completed prior to this Planning Proposal going on Public Exhibition.



FIGURE 4: CONCEPTUAL MASTER PLAN FOR PELA6 (SOURCE: RPS AND TSC, 2020)

This Planning Proposal seeks to amend the Tweed LEP 2014 to facilitate the development of business, industrial and residential uses on the site which is largely undeveloped and currently zoned RU2 Rural Landscape.

The amendment involves the establishment of the B2 Local Centre Zone, B4 Mixed Use Zone, B7 Business Park Zone, IN1 General Industry Zone, R5 Large Lot Residential Zone, RE1 Public Recreation and land for environmental protection to be retained as RU2 until completion of Council’s E-Zone review process.

The portion of the site proposed to be rezoned to R5 Large Lot Residential Zone has environmental values and topography that is better suited to uses requiring less earthworks to establish. It is intended that the south R5 Large Lot Residential Zone will provide a compatible land use interface with surrounding rural land uses as well as providing opportunities for artisanal food and drink industries to be co-located with residential uses.

The permissible land uses for each of these zones are outlined in **Table 2**.

TABLE 2: LAND USES PERMISSIBLE WITHIN EACH OF THE ZONES

Zones	Types of land uses which are permissible
B2 Local Centre Zone	<p>Permitted without consent: Environmental facilities; Environmental protection works; Home occupations</p> <p>Permitted with consent: Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home industries; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified as permitted without consent or prohibited</p>
B4 Mixed Use Zone	<p>Permitted without consent: Environmental facilities; Environmental protection works; Home occupations</p> <p>Permitted with consent: Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified as permitted without consent or prohibited</p>
B7 Business Park Zone	<p>Permitted without consent: Environmental facilities; Environmental protection works</p> <p>Permitted with consent: Centre-based child care facilities; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Kiosks; Light industries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Roads; Serviced apartments; Shop top housing; Specialised retail premises; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified as permitted without consent or prohibited</p>
IN1 General Industry Zone	<p>Permitted without consent: Environmental facilities; Environmental protection works</p> <p>Permitted with consent: Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Roads; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified as permitted without consent or prohibited</p>
R5 Large Lot Residential Zone	<p>Permitted without consent: Environmental facilities; Environmental protection works; Extensive agriculture; Home occupations</p> <p>Permitted with consent: Bed and breakfast accommodation; Dual occupancies (attached); Dwelling houses; Group homes; Home industries; Horticulture; Oyster aquaculture; Pond-based aquaculture; Roads; Roadside stalls; Tank-based aquaculture; Any other development not specified as permitted without consent or prohibited</p>
RE1 Public Recreation	<p>Permitted without consent: Environmental facilities; Environmental protection works</p> <p>Permitted with consent: Agriculture; Aquaculture; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities; Emergency services facilities; Entertainment facilities; Flood mitigation works; Forestry; Heliports; Industrial training facilities; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Mooring pens; Moorings; Passenger transport</p>

Zones	Types of land uses which are permissible
	facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Resource recovery facilities; Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Sewage treatment plants; Signage; Take away food and drink premises; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities
<p>RU2 Rural Landscape</p> <p>Note: Land for environmental protection to be retained as RU2 pending completion of Council's E-Zone review process.</p>	<p>To be confirmed subject to completion of Council's E-Zone review process.</p> <p>Given that E-Zones have not yet been incorporated in the <i>Tweed Local Environmental Plan 2014</i>, the Proponent would need to demonstrate how the environmental outcomes of land which may potentially be identified for environmental protection would be ensured in a legally binding manner, such as a Voluntary Planning Agreement (VPA) until the incorporation of environmental zones in the <i>Tweed Local Environmental Plan 2014</i>.</p>

Key considerations

As previously mentioned, the Wardrop Valley Master Plan is subject to future revision pending the outcome of further investigations and detailed studies to be completed prior to this Planning Proposal going on Public Exhibition. The work undertaken to date on this Planning Proposal has identified the following key matters requiring further consideration. These matters will inform revision of the Master Plan and be addressed in Version 2 of the Planning Proposal.

Environmental

Several environmental investigations have been undertaken which have identified ecological matters which need to be further considered and will be resolved in the preparation of Version 2 of the Planning Proposal.

An Ecological Assessment was conducted by James Warren & Associates Pty Ltd in 2012 which identified an Endangered Ecological Community (EEC) on a south eastern portion of the site. This area has been identified for potential, future transition to E2 Environmental Conservation Zone pending the outcome of Council's E-Zone review process, but is proposed to be retained as RU2 Rural Landscape in the interim. The surrounding area to the south west is proposed to be changed from RU2 Rural Landscape to R5 Large Lot Residential.

The report identifies the following key points:

- An engineering and stormwater assessment / plan are required which consider the potential effect of earthworks on the hydrological regime and drainage patterns affecting the Endangered Ecological Community (EEC). Furthermore, it is stated that to ensure no negative impact on the EEC, there should be no net change in runoff volumes or flow rates following the earthworks activities; and
- The concentration of stormwater pollutants from the proposed industrial development and the potential impact on the EEC is also to be considered.

The current master planning was based on the findings of this assessment.

Since this initial report, further investigations have been conducted by TSC officers. These investigations involved the review of the previous assessment, current legislation and additional supporting information. A site visit was also conducted by TSC officers.

The investigations undertaken by TSC environmental officers identified the following concerns with the proposal:

- Significant concerns with the currency, method and value of the ecological report upon which the planning process to date has been based;
- Insufficient consideration of a range of significant ecological values including further candidate EECs, koala habitat, hollow bearing trees and threatened species habitat;
- Insufficient justification for the proposed removal of 2.95 hectares of vegetation;
- Inadequate ecological buffers or consideration of the likely impact of the proposal on the hydrological regime critical to the conservation of the range of forested and treeless wetlands present on the site;
- Inconsistency with Council's Biodiversity and Habitat Management DCP, including with regard to meeting the Biodiversity Conservation Act 2016 requirements with regard to avoiding and minimising impact; and
- Insufficient consideration of the impact of the proposed realignment of Wardrop Valley Road.

It is acknowledged the report was prepared in 2012 and as noted above this proposal recommends further environmental assessment to inform the final site structure plan and zoning and to justify any removal of vegetation, additional ecological buffers, protection of mature vegetation and the location of infrastructure.

The following recommendations are made and will be undertaken as part of preparing the Version 2 Planning Proposal (subject to Gateway Determination):

- Prepare a revised ecological assessment which identifies measures to avoid, mitigate, and offset impacts in accordance with the *Biodiversity Conservation Act 2016*, Biodiversity Offset Scheme (BOS), DCPA19 Biodiversity and Habitat Management and Tweed LEP 2014;
- Revise the Master Plan in response to the findings of the assessment and implement current best practice ecological buffers;
- Assess potential impacts resulting from the relocation of Wardrop Valley Road; and
- Reassess the best approach to vegetation retention and restoration with due consideration to engineering design issues.

A new ecological assessment will be prepared, and the conceptual master plan revised accordingly, addressing the above matters prior to public exhibition of the Planning Proposal.

Scenic Amenity

The site has been recognised for its views and vistas, particularly toward Mount Warning. The open Tweed River floodplain juxtaposed against the heavily forested ridges contribute to the highly scenic nature of the valley and reinforce its importance to local identity and overall landscape structure.

Due to the extent of earthworks required to create a mixed-use estate some impacts are expected on the scenic amenity and rural character of the locality.

A Visual Impact Assessment has been prepared by EF Landscape Architecture which explores how the impacts on scenic amenity and rural character can be mitigated and managed. Allowing for the degree of modification to the current view based on the anticipated earthworks and considering the distance from the site, when viewed from areas sensitive to change the visual sensitivity to modification is determined by the report to be low to moderate.

A number of management responses will need to be considered in further master planning and detailed design stages, such as the use of landscape and vegetative screening and building design.

Access and Traffic

The rezoning of the site will require alterations and upgrades to existing roads and subsequent delivery of internal road infrastructure.

Primary vehicular access to the industrial zoned land and large lot residential zoned land is to be via an intersection with Lundberg Drive. Two additional intersections with Lundberg Drive are proposed to enable vehicular access to the business park zone (refer to

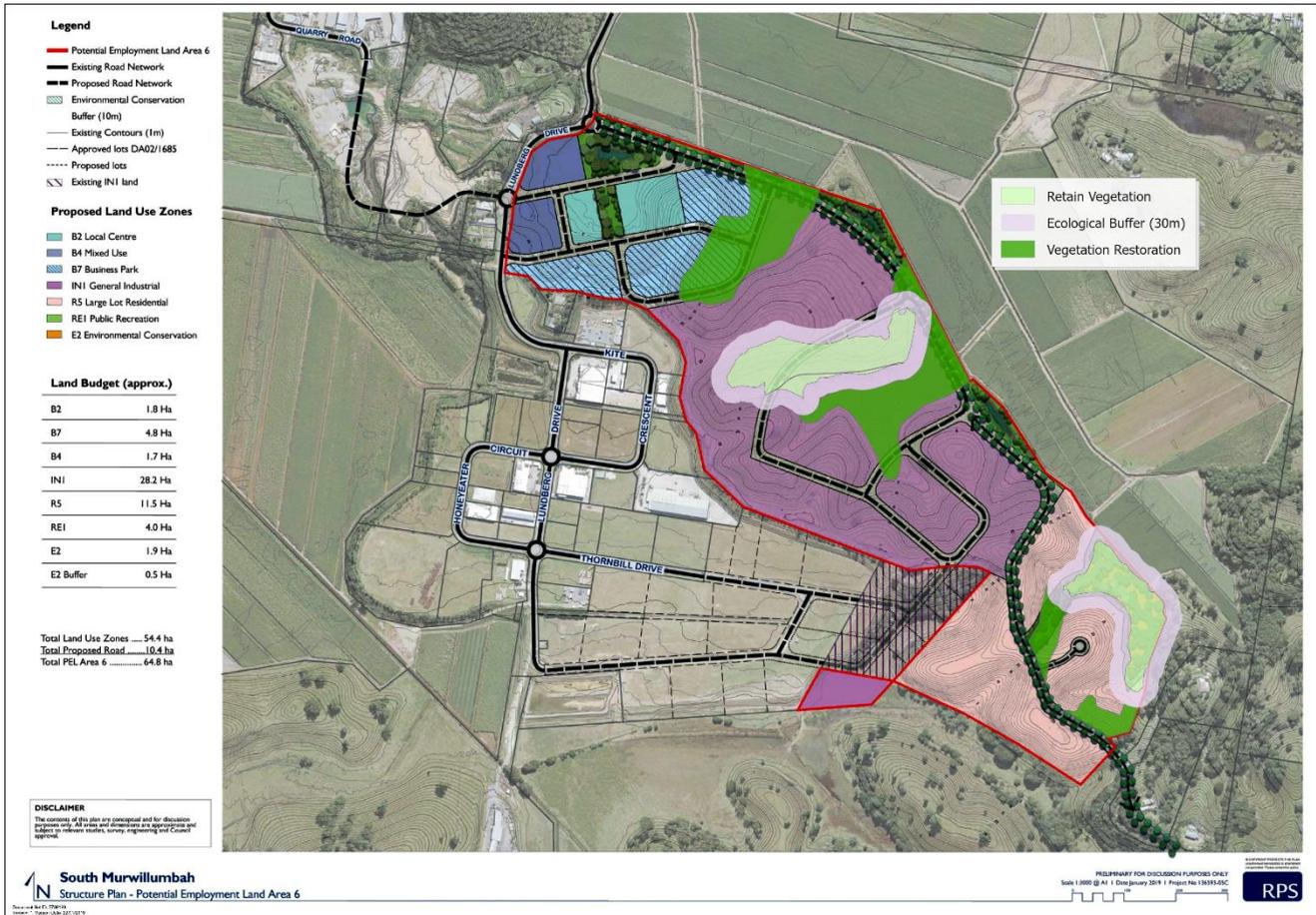


Figure 4).

The primary road through the site will provide the main connection to the north and south, and as part of the current Master Plan is proposed to be the realigned Wardrop Valley Road, traversing the north-eastern boundary of the site. It is anticipated that four industrial access roads will be required to service the site; two providing connection to the business park area and two to the industrial area as well as a cul-de-sac to the residential area.

A Traffic Impact Assessment Report was prepared by CRG in 2012 identifying the key impacts of a proposed zoning change and industrial development. This report concluded that subject to a range of mitigation works being undertaken, the rezoning could proceed without introducing unacceptable traffic impacts.

Whilst this report contains pertinent information, it is acknowledged that the information is dated and based on the previous master planning concept. As such this report will be updated to inform the Version 2 Planning Proposal to more accurately reflect the proposed rezoning and current traffic conditions.

Infrastructure and Services

TSC has prepared the *Murwillumbah Industrial Precinct Development - Water and Wastewater Infrastructure Report* (March 2019) which provides an analysis of the existing capacity of sewerage and water infrastructure in the development area. The findings relating to the report are detailed below.

- The existing Murwillumbah Sewerage Plant is approaching capacity and will require upgrades in order for full development of PELA6 to occur;
- Existing connecting sewer mains servicing Industry Central to the South will require upgrade when development of PELA6 commences; and
- Existing water supply infrastructure is adequate to allow both Stage two of Industry Central (south of the site) and PELA6 to proceed in the short term to medium term with a loop main to be constructed linking the areas at a future date.

It is important to note that the report assumes that measures to increase water security, such as raising of the Clarrie Hall Dam, will be completed to provide for sufficient water supply for the development.

While TSC has determined that the rezoning area can be adequately serviced, the timeframe, sequencing and delivery of infrastructure will be subject to further investigation.

Part 2 Explanation of provisions

The Planning Proposal seeks to amend the current Tweed LEP 2014 in the following manner.

Zoning Amendments

Zoning amendments to the Tweed LEP 2014 to transition the site from RU2 Rural Landscape Zone to the various zones identified in Table 3.

TABLE 3: PROPOSED ZONING AMENDMENTS TO TWEED LEP 2014

Lot on Plan	Current	Proposed Change
Lot 4 on DP811482	RU2 Rural Landscape	B4 Mixed Use and RE1 Public Recreation
Lot 5 on DP811482	RU2 Rural Landscape	B4 Mixed Use, RE1 Public Recreation and B2 Local Centre
Lot 6 on DP811482	RU2 Rural Landscape	B2 Local Centre, RE1 Public Recreation and B7 Business Park
Lot 7 on DP811482	RU2 Rural Landscape	B2 Local Centre, RE1 Public Recreation and B7 Business Park
Lot 8 on DP811482	RU2 Rural Landscape	B7 Business Park and IN1 General Industrial
Lot 9 on DP811482	RU2 Rural Landscape	RE1 Public Recreation and B7 Business Park
Lot 1 on DP842157	RU2 Rural Landscape	IN1 General Industrial, R5 Large Lot Residential and RU2 (land for environmental protection to be retained as RU2 pending completion of Council's E-Zone review process).
Lot 1 on DP1069561 (Part of)	RU2 Rural Landscape	R5 Large Lot Residential and IN1 General Industrial
Part Wardrop Valley Road Reserve (to be closed)	RU2 Rural Landscape	IN1 General Industrial, B7 Business Park and RE1 Public Recreation.

Amendments to Height of Buildings Map, Floor Space Ratio Map and Lot Size Map

The proposed rezoning will result in amendments to other development standards including building height, floor space ratio and minimum lot sizes. Building heights proposed have been identified based on what is applied to similar zones in other locations as well as taking into account site specific considerations such as visual impact, topography and desired land use outcomes. Table 4 details the building heights, floor space ratios and minimum lot sizes proposed to be applied across the zones.

TABLE 4: PROPOSED AMENDMENTS TO BUILDING HEIGHT, FLOOR SPACE RATIO AND MINIMUM LOT SIZE

Zone	Proposed Building Height	Proposed Floor Space Ratio	Proposed Minimum Lot Size
B2 Local Centre Zone	13.6m	2:1	450m ²
B4 Mixed Use Zone	13.6m	2:1	450m ²
B7 Business Park Zone	12.2m	2:1	450m ²
IN1 General Industry Zone	10m	Nil	2000m ²
R5 Large Lot Residential Zone	9m	0.55	1 ha

RE1 Public Recreation	10m	Nil	Nil
Land for environmental protection to be retained as RU2 pending completion of Council's E-Zone review process.	Nil	Nil	Nil

The mapping amendments required as a result of the proposed zoning changes as well as the amendments to the Height of Buildings Maps, Floor Space Ratio Maps and Lot Size Maps are detailed in Part 4.

Schedule 1 Additional permitted uses

Inclusion of a new section in Schedule 1 of the *Tweed Local Environmental Plan 2014* to allow for additional permitted uses in the R5 Large Lot Residential Zone and IN1 General Industry Zone.

21 Use of certain land at Wardrop Valley Road, South Murwillumbah for Potential Employment Land Area 6

- (1) *This clause applies to the land identified as "TBC" on the Additional Permitted Uses Map.*
- (2) *Development for the purpose of light industry (artisan food and drink industry) is permitted with development consent in the R5 Large Lot Residential Zone over part of Lot 1 on DP842157.*
- (3) *Development for the purpose of a caretaker's residence is permitted with consent if ancillary to the primary use of the site in the IN1 General Industry Zone over Lot 8 on DP811482 and Lot 1 on DP842157.*

Section 5.4 Controls relating to miscellaneous permissible uses

Amend the Artisan food and drink industry exclusion to include reference to the R5 Large Lot Residential Zone within the PELA 6.

- (10) *If development for the purposes of an artisan food and drink industry is permitted under this Plan in an industrial or rural zone or large lot residential zone within PELA 6 the floor area used for retail sales (not including any cafe or restaurant area) must not exceed*
 - a. 40% of the gross floor area of the industry, or
 - b. 400 square metres,*whichever is the lesser.*

Part 3 Justification

Section A Need for the planning proposal

1. Is the planning proposal a result on an endorsed local strategic planning statement, strategic study or report?

North Coast Regional Plan 2036

Murwillumbah is identified within the *North Coast Regional Plan 2036 (Regional Plan)* as an area for employment generation and business park opportunities. More specifically, PELA6 is identified in the Regional Plan as an 'Investigation Area – Employment Land' and as such is considered suitable for development, subject to the resolution of constraints and servicing arrangements

Tweed Urban and Employment Land Release Strategy 2009

The *Tweed Urban and Employment Land Release Strategy 2009 (TUELRS)* has identified the location of future employment lands to ensure sustainable and long-term employment opportunities are provided. The relevant aims of the strategy are to:

- *Provide a range of locations for new employment generating developments to provide for consumer choice;*
- *Ensure that the limited “greenfield sites” available in the Tweed Shire are developed to their maximum capability without compromising the quality of the natural or living environment;*
- *Ensure that “greenfield sites” are not all used for residential development but also allow for employment land uses; and*
- *Ensure that new development is linked to Council’s physical and social infrastructure plans.*

The site is identified as PELA6 which is within proximity to the existing Tweed Industry Central and forms part of the broader Murwillumbah Industrial Area. The site is identified as an area which “subject to further investigation may be suitable for rezoning to accommodate future employment growth”. The site (at the time of the document’s publication) had a short term (0-10 years) designation in terms of rezoning.

The proposed rezoning of the site is intended to facilitate a range of employment generating uses. Moving forward the Planning Proposal will be informed through a range of further studies as required by Council, and the concept master plan revised accordingly. It is therefore considered that this satisfies the intent of the both the *Regional Plan* and the TUELRS.

Tweed Shire Economic Development Strategy (2014)

The Tweed Shire Economic Development Strategy is a joint project between Tweed Shire Council and Destination Tweed which was developed to identify “*practical actions for the enhancement of the Tweed Shire economy, responding to the opportunities and constraints to economic and business growth in Tweed Shire and the values of the Tweed Shire community*”.

The strategy identifies seven economic development objectives which apply to this Planning Proposal. Relevant visions for these objectives are outlined below:

- *Tweed Shire effectively leverages off its strategic location in proximity to the Gold Coast Airport and South East Queensland through attraction of investment and growth in targeted sectors; and*
- *Council will plan for the future growth and prosperity of the Shire, with consideration to renewable energy, climate change, workforce participation, digital technology and continued diversification of the business base.*

It is considered that the creation of employment generating uses on the site will contribute to the prosperity of the Shire and meet the intent of the *Tweed Shire Economic Development Strategy*.

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

The employment generating uses envisaged within PELA6 are not permitted in the current RU2 Rural Landscape Zone, which restricts the development and economic potential of the site. Rezoning will allow for the site to be developed for employment purposes with the ultimate vision for the site as a welcoming and attractive business environment drawing together local and regional industries as well as clustering retail, commercial and business opportunities.

The site is currently zoned RU2 Rural Landscape under the Tweed LEP 2014 and is proposed to be rezoned to the following zones:

- B2 Local Centre Zone;
- B4 Mixed use Zone;
- B7 Business Park Zone;
- IN1 General Industry Zone;
- R5 Large Lot Residential Zone;
- RE1 Public Recreation; and
- Land for environmental protection to be retained within the RU2 Zone until completion of Council’s E-Zone review process.

The rezoning from RU2 Rural Landscape to the above-mentioned zones will allow for the realisation of the long-term intent of the land for employment generating uses as indicated in the *Regional Plan* and the *Employment Land Strategy*.

With the exception of the R5 Large Lot Residential Zone, the zones proposed as part of this Planning Proposal have been chosen to facilitate development of employment generating uses for the PELA6. The objectives of the zones are included in **Table 5** with sections that specifically reference employment generating uses or employment opportunities underlined for emphasis.

The inclusion of R5 Large Lot Residential Zone is intended to complement the other zones by providing a transition to the surrounding rural uses and the opportunity for Artisan Food and Drink Industry uses to be co-located with residential uses as a unique style of home business. The inclusion of lower density R5 Large Lot Residential Zone use with opportunity for ancillary Artisan Food and Drink Industry uses in this location is also considered to be better suited to the undulating topography across this part of the site.

As previously indicated, it is proposed that the R5 Large Lot Residential Zone objectives are amended to support the inclusion of Artisan Food and Drink Industry Uses.

TABLE 5: OBJECTIVES OF THE PROPOSED ZONES

Proposed Zone	Objectives of the Zone (emphasis added)
B2 Local Centre Zone	<ul style="list-style-type: none"> • To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. • To encourage employment opportunities in accessible locations. • To maximise public transport patronage and encourage walking and cycling. • To provide for tourism and residential opportunities that contribute to the vitality of the local centre.

Proposed Zone	Objectives of the Zone (emphasis added)
B4 Mixed Use Zone	<ul style="list-style-type: none"> To provide a mixture of compatible land uses. To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
B7 Business Park Zone	<ul style="list-style-type: none"> To provide a range of office and light industrial uses. To encourage employment opportunities. To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. To encourage a range of compatible uses, including residential, recreational and community facilities to maximise cross utilisation of urban infrastructure. To encourage and promote good urban design through the integration of all structures (including buildings) and landscaped areas with strong visual and aesthetic appeal.
IN1 General Industry Zone	<ul style="list-style-type: none"> To provide a wide range of industrial and warehouse land uses. To encourage employment opportunities. To minimise any adverse effect of industry on other land uses. To support and protect industrial land for industrial uses. To enable land uses that provide facilities or services to meet the day to day needs of workers in the area.
R5 Large Lot Residential	<ul style="list-style-type: none"> To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality. To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future. To ensure that development in the area does not unreasonably increase the demand for public services or public facilities. To minimise conflict between land uses within this zone and land uses within adjoining zones. To maintain the rural and scenic character of the zone.
RE1 Public Recreation	<ul style="list-style-type: none"> To enable land to be used for public open space or recreational purposes. To provide a range of recreational settings and activities and compatible land uses. To protect and enhance the natural environment for recreational purposes.
<p>RU2 Rural Landscape</p> <p>Note: Land for environmental protection to be retained as RU2 until completion of Council’s E-Zone review process.</p>	<ul style="list-style-type: none"> To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. To prevent development that could destroy, damage or otherwise have an adverse effect on those values. <p><i>Note: Taken from Standard Instrument – Principal Local Environmental Plan</i></p>

It is considered that an amendment to the Tweed LEP 2014, to allow development of employment generating land uses is warranted and appropriate and will facilitate the site's ultimate redevelopment into an integrated industrial, commercial and residential area. Moving forward the Planning Proposal will be informed through a range of further studies as required by TSC, and the concept master plan revised accordingly.

Section B Relationship to strategic planning framework

1 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including exhibited draft plans or strategies)?

The *North Coast Regional Plan 2036* identifies Wardrop Valley as an Investigation Area for Employment Land with Murwillumbah identified as an area to “deliver new employment and business park opportunities” (refer to **Figure 5**, where a red circle identifies the Wardrop Valley).

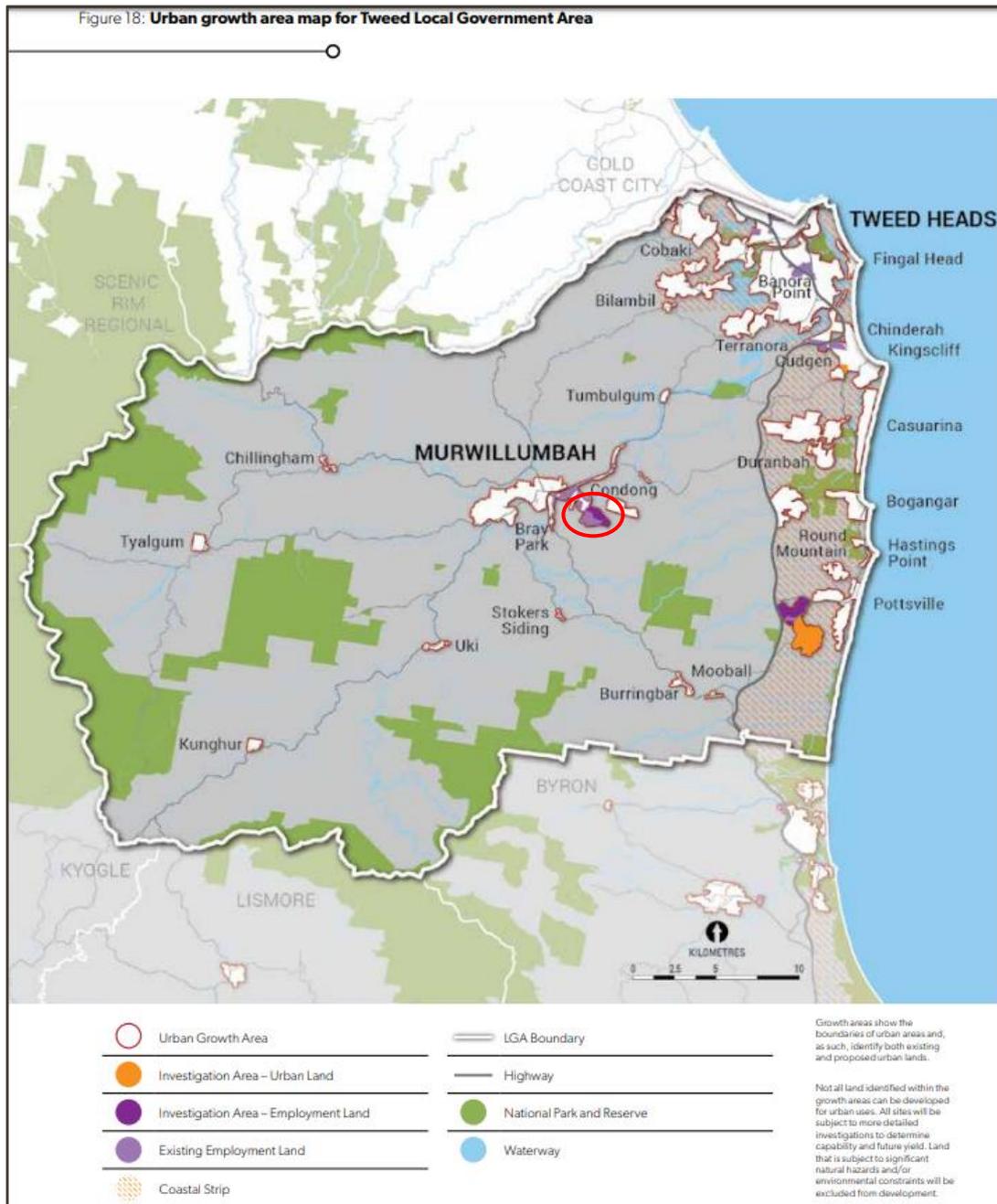


FIGURE 5: URBAN GROWTH AREA MAP FOR TWEED LOCAL GOVERNMENT AREA (NSW GOVERNMENT, 2017)

The TUELRs identified “*a number of locations that may be suitable for further investigation including... land in the Wardrop Valley near Murwillumbah*”. This land has been identified as having “potential for employment lands”. Wardrop Valley (along with other sites in the Tweed Local Government Area) were found to:

- meet physical suitability criteria;
- have good access to transport links, have proximity to existing and /or proposed employment lands;
- can generally be serviced;
- are spread out across the Shire to provide a choice of locations; and
- be consistent with the urban centres hierarchy for the Tweed Shire.

The site subject to this Planning Proposal has the potential to accommodate the proposed uses. As discussed, the conceptual master plan is indicative and will be revised accordingly based on findings from further investigations and detailed studies.

The Strategy also identified that the following matters would need resolution prior to development of these areas for industrial/employment uses (section 7.6 of the Strategy):

- A review of the intersection with Reserve Creek Road and the Tweed Valley Way;
- Capacity problems on both Reserve Creek Road and the Tweed Valley Way;
- The Tweed Road Development Strategy would need to be reviewed prior to these lands being zoned to assess the traffic impacts more closely;
- A bulk earthworks strategy to address how the undulating nature of the site could be engineered to create useable industrial land;
- Confirmation that water supply can be extended to PELA6 via the upgrading of trunk mains along Tweed Valley Way; and
- Identification of options for reticulated sewerage to service PELA6, including the upgrade of the Murwillumbah Sewerage Treatment Plan.

The Strategy also highlights that “*It is noted with regard to the Far North Coast Regional Strategy that these sites were partially identified and the Wardrop Valley area is shown in that strategy as the focus for employment lands. Concentrating additional opportunities in this location will have benefits in terms of synergies between businesses.*”

2 Will the planning proposal give effect to Council’s endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The planning proposal will give effect to TSC’s endorsed Local Strategic Planning Statement (LSPS), in particular planning priority 6 and associated actions aiming to ‘Promote a strong, sustainable and diverse economy with a robust economic policy framework to facilitate investment and local employment opportunities. The LSPS recognises sustaining economic growth, alongside rapid population growth and proximity to the SEQ market requires a proactive approach to economic development to provide certainty for investment and make the Tweed a preferred destination for business.

The site is identified in the LSPS as Potential Employment Land with a short-term timeframe for rezoning of 0 to 10 years.

Furthermore the LSPS identifies that the Tweed Shire has close linkages with the Gold Coast and South East Queensland and as such is facing:

- Rapid population growth;
- High tourism visitations;
- Development pressures on natural areas, the coastal zone and agricultural lands; and
- A requirement to invest in additional infrastructure and community services.

As such, affordable land is becoming increasingly limited and land for industries that generate export jobs is decreasing. The Far North Regional Strategy estimates that an additional 156 hectares of industrial land and 76 ha of commercial land would be required to provide employment opportunities for the project population.

Additionally, the Tweed economy has historically relied heavily on primary industries including “*the agricultural commodities sugar cane, dairy products, bananas and vegetable growing.*” However, the Tweed Economic Development Corporation (TEDC) in 2002 identified traditional agriculture as declining at 7.4% per annum. As such it is considered that rezoning of RU2 Rural Landscape zoned land to employment generating aligns with LSPS.

The planning proposal is considered to provide a framework for the redevelopment of land into employment generating land uses which will provide land for a variety of businesses and increase the number of jobs in the Murwillumbah area and ensuring opportunity for regional economic growth.

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

The applicable SEPP’s are outlined below with an assessment of the Planning Proposal against the SEPPs included.

SEPP	Assessment
<p>State Environmental Planning Policy (Primary Production and Rural Development) 2019</p>	<p>The aims of this policy are as follows:</p> <ul style="list-style-type: none"> a) to facilitate the orderly economic use and development of lands for primary production, b) <u>to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources.</u> c) <u>to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations.</u> d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts, e) to encourage sustainable agriculture, including sustainable aquaculture, f) to require consideration of the effects of all proposed development in the State on oyster aquaculture, g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.

SEPP	Assessment
	<p>The underlined text highlights parts of the policy which are of particular relevance to this Planning Proposal.</p> <p>While the site has historically been used for agricultural purposes and is currently zoned RU2 Rural Landscape based on anecdotal evidence it is not considered appropriate or financially viable for the purposes of a cropping operation. This is partly due to the steep topography across much of the site as well as the site being a relatively small parcel of land making grazing operations financially unviable.</p> <p>Under the Farmland Protection Project (DIPNR, 2005) the site is mapped as Other Rural Land and is not Regionally Significant Farmland or State Significant Farmland. Therefore the planning proposal is not impacting State Significant Agricultural Land as listed in the SEPP.</p> <p>Additionally, the planning proposal does not include farm dams or other low risk artificial waterbodies, livestock industries, or sustainable aquaculture uses to which this SEPP would apply.</p>
<p>State Environmental Planning Policy No 55 - Remediation of Land</p>	<p>This SEPP is intended to provide a state-wide approach to the remediation of contaminated land so that the risk of harm to human health or any other aspect of the environment may be reduced. The policy states that land must not be developed if contamination renders it unsuitable for a proposed use. If the land is unsuitable, remediation must take place before the land is developed.</p> <p>Section 6 of the SEPP provides the provisions to be considered where contamination and remediation of land is concerned in zoning or rezoning proposals.</p> <p>A search of the contaminated land register has revealed that none of the lots contained within the site, are listed on the register. Furthermore, historical analysis of the uses of the site reveals that the predominant land use has been for grazing operations and dwelling houses. The previous land uses are considered unlikely to have resulted in contamination to the land to the point where remediation is required.</p>
<p>State Environmental Planning Policy No 33 – Hazardous and Offensive Development</p>	<p>This SEPP requires assessment against any development that involves hazardous and offensive development. The SEPP defines the following uses:</p> <p><i>potentially hazardous industry means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality:</i></p> <ul style="list-style-type: none"> <i>(a) to human health, life or property, or</i> <i>(b) to the biophysical environment,</i>

SEPP	Assessment
	<p><i>and includes a hazardous industry and a hazardous storage establishment.</i></p> <p>potentially offensive industry means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.</p> <p>A hazard analysis would be required to support any Development Applications for land zoned in the IN1 General Industry Area which included uses meeting the above definitions. As a result this is not a matter than needs to be addressed as part of this Planning Proposal.</p>
<p>State Environmental Planning Policy (Koala Habitat Protection) 2019</p>	<p>The overarching aim of the SEPP is to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</p> <p>Areas of the subject site are mapped within the <i>Koala Development Application Map</i> and <i>Site Investigation Areas for Koala Plans of Management Map</i>. This mapping seeks to initially identify koala habitat and to assist Council in preparing a Koala Plan of Management (KPoM) by focussing effort to identify core koala habitat in areas most likely to support koalas.</p> <p>Council is yet to approve a KPoM. Where no approved KPoM exists and land is identified on the Koala Development Application Map and with a land area of at least 1 hectare any application for consent must take into account the requirements of the <i>Koala Habitat Protection Guideline</i>.</p> <p>Since the initial James Warren’s Ecological Assessment in 2012, a subsequent desktop and basic field investigation has been conducted by Tweed Shire Council, identifying the need for further investigation into the potential ecological impacts of proposed rezoning of the site.</p> <p>It is intended that a revised Environmental Assessment Report will be prepared to identify the ecological values in order to confirm and protect the environmentally sensitive areas of the site. This report will also identify and protect koala habitat and/or food trees.</p>

4 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)?

The planning proposal is consistent with the Ministerial s9.1 Directions, as outlined in the following table.

Table 2- Consistency with 9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
1. Employment and Resources			
1.1 Business and Industrial Zones	<p><u>Summary of Objectives</u> To protect, encourage and support employment / strategic centres.</p> <p><u>Application</u> 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>	<p>Applicable.</p> <p>The site is zoned RU2 Rural Landscape and is proposed to be changed to the following zones across three precincts:</p> <ul style="list-style-type: none"> • B2 Local Centre Zone • B4 Mixed Use Zone • B7 Business Park Zone • IN1 General Industrial Zone • R5 Large Lot Residential Zone • RE1 Public Recreation Zone <p>Under the <i>Tweed Local Environmental Plan 2014</i>.</p> <p>Note: Land for environmental protection is to be retained as RU2 until completion of Council's E-Zone review process.</p>	<p>Yes.</p> <p>The rezoning of the site is proposed to encourage the development of employment generating land uses. As previously identified all proposed zones will include uses within Land Use Tables of the <i>Tweed LEP 2014</i> which cater for employment of the local community, with the exception of the RE1 Public Recreation Zone and the E2 Environmental Conservation Zone.</p>
1.2 Rural Zones	<p><u>Objectives:</u></p>	<p>Applicable.</p>	<p>Justification for inconsistency under (5)(a) -</p>

Table 2- Consistency with 9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>The objective of this direction is to protect the agricultural production value of rural land.</p> <p><u>Application:</u></p> <p>A planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>(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).</p>	<p>The site is zoned RU2 Rural Landscape and is proposed to be changed to the following:</p> <ul style="list-style-type: none"> • B2 Local Community Centre Zone • B4 Mixed Use Zone • B7 Business Park Zone • IN1 General Industrial Zone • R5 Large Lot Residential Zone • RE1 Public Recreation Zone <p>The site is not considered suitable for cropping due to the steep topography and therefore only has potential for the grazing of animals. The parcel of land is considered to be of insufficient size to support a financially viable grazing operation.</p> <p>Furthermore the site is not mapped as high value agricultural land and can therefore be considered suitable for other purposes.</p>	<p>The Tweed Shire Employment Lands Strategy 2009 was developed by TSC in recognition of a strategic planning need to identify industrial and commercial land to meet current and projected employment land needs and promote economic development in the Tweed Shire. As previously mentioned the subject site was identified as Area 6; an area which “subject to further investigation may be suitable for rezoning to accommodate future employment growth”.</p> <p>This planning proposal forms part of an extensive process of investigation which has been undertaken to ensure the proposal is not impacting land that would be better utilised for agricultural purposes. It is considered that suitability of the site, its identification in the Regional Plan and TEULRS 2009, and the lack of available industrial/business zoned land in shire all contribute to the necessity of the site to be rezoned.</p>
<p>1.3 Mining, Petroleum Production and Extractive Industries</p>	<p><u>Objectives:</u></p> <p>The future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials is not compromised by inappropriate development.</p> <p><u>Application:</u></p> <p>When a relevant planning authority prepares a planning proposal that would have the effect of:</p>	<p>Not Applicable.</p> <p>The site is a small area which is not known to have any mining, petroleum production or extractive industries potential.</p>	<p>Not Applicable</p>

Table 2- Consistency with 9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>(a)prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</p> <p>(b)restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p>		
<p>1.4 Oyster Aquaculture</p>	<p><u>Objectives:</u></p> <p>To protect Priority Oyster Aquaculture Areas (POA) and oyster aquaculture outside such an area, from adverse impacts on water quality, the health of the oysters and oyster consumers.</p> <p><u>Application:</u></p> <p>When there is a change in land use that could result with adverse impact or incompatibility of land uses.</p>	<p>Not Applicable.</p> <p>The proposal will not impact Oyster Aquaculture.</p>	<p>Not Applicable.</p>
<p>1.5 Rural Lands</p>	<p><u>Objectives:</u></p> <p>To protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes.</p> <p><u>Applies when:</u></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, or</p>	<p>Applicable.</p> <p>The site is zoned RU2 Rural Landscape and is proposed to be changed to the following:</p> <ul style="list-style-type: none"> • B2 Local Community Centre Zone • B4 Mixed Use Zone • B7 Business Park Zone • IN1 General Industrial Zone • R5 Large Lot Residential Zone • RE1 Public Recreation Zone 	<p>Justification for inconsistency under (6)(a)</p> <p>The Tweed Urban and Employment Land Release Strategy 2009 (TUELRs) was developed by TSC in recognition of a strategic planning need to identify industrial and commercial land to meet current and projected employment land needs and promote economic development in the Tweed Shire. The subject site was identified as Area 6; an area which “subject to further investigation may be suitable for</p>

Table 2- Consistency with 9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<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>Note: Land for environmental protection is to be retained as RU2 until completion of Council's E-Zone review process.</p>	<p>rezoning to accommodate future employment growth".</p> <p>The site is not considered suitable for cropping due to the site topography and therefore only has potential for the grazing of animals. The parcel of land is considered to be of insufficient size to support a financially viable grazing operation.</p> <p>Furthermore, under the Farmland Protection Project (DIPNR, 2005) the site is mapped as Other Rural Land and is not Regionally Significant Farmland or State Significant Farmland.</p> <p>This planning proposal forms part of an extensive process of investigation which has been undertaken to ensure the proposal is not impacting land that would be better utilized for agricultural purposes. It is considered that suitability of the site, its identification in the Regional Plan and TUELRs 2009, and the lack of available industrial/business zoned land in shire are all supporting factors for the rezoning of the site.</p>

Table 2- Consistency with 9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
2. Environment and Heritage			
2.1 Environment Protection Zones	<p><u>Objective</u> To protect and conserve environmentally sensitive areas.</p> <p><u>Application</u> When a relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>An area of High Conservation Value has been identified in the Ecological Assessment Report however further investigation is required to determine if additional Environmental Protection Zones are to be implemented.</p>	<p>Justification for Inconsistency under (6)(b) and (c)</p> <p>Since the initial James Warren's Ecological Assessment in 2012, a subsequent desktop and basic field investigation has been conducted by Tweed Shire Council, identifying the need for further investigation into the potential ecological impacts of proposed rezoning of the site.</p> <p>It is intended that a revised Environmental Assessment Report will be prepared to identify the ecological values in order to confirm and protect the environmentally sensitive areas of the site.</p>
2.2 Coastal Protection	<p><u>Objective</u> To implement the principles in the NSW Coastal Policy.</p> <p><u>Application</u> When a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.</p>	<p>Not Applicable.</p> <p>The site is not located in the Coastal Zone.</p>	Not Applicable
2.3 Heritage Conservation	<p><u>Objective</u> To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p><u>Application</u></p>	<p>Applicable.</p> <p>The site may potentially yield artefacts of Indigenous Heritage Significance.</p>	<p>Yes</p> <p>A Cultural Heritage Report was prepared in 2012 by Everick Heritage Consultants which identified the following key points:</p> <ul style="list-style-type: none"> No Aboriginal Objects or Places were identified in the site assessment.

Table 2- Consistency with 9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>When a relevant planning authority prepares a planning proposal.</p>		<ul style="list-style-type: none"> • No places or items of historic heritage significance were identified during the assessment. • One area of Archaeological interest was identified during the field inspection as it had a greater likelihood of containing Aboriginal Objects than surrounding areas. This area is not likely to alter the rezoning proposal however it was recommended that further investigations are to be carried out prior to the rezoning proposal going on public exhibition. <p>All future works on site are to be carried out in accordance with the appropriate Aboriginal Finds Procedure, outlined in the Heritage Impact Assessment.</p>
<p>2.4 Recreation Vehicle Areas</p>	<p><u>Objective</u></p> <p>To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</p> <p><u>Application</u></p> <p>When a relevant planning authority prepares a planning proposal.</p>	<p>Not Applicable.</p> <p>The site is not proposed to be used for Recreation Vehicles.</p>	<p>Not Applicable.</p>
<p>2.5 Application of E2 and E3 Zones and Environmental</p>	<p><u>Objective:</u></p>	<p>Applicable.</p>	<p>Yes</p> <p>The final Planning Proposal will address this direction. A revised Environmental Assessment</p>

Table 2- Consistency with 9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
<p>Overlays in Far North Coast LEPs</p>	<p>To ensure that a balanced and consistent approach is taken when applying environmental protection zones and overlays to land on the NSW Far North Coast.</p> <p><u>Application:</u></p> <p>When a relevant planning authority prepares a planning proposal that introduces or alters an E2 or E3 zone, or an overlay with associated clause.</p> <p>A relevant planning authority must apply the proposed E2, E3 or the overlay and associated clause consistent with the Northern Councils E Zone Review Final Recommendations.</p>	<p>Note: Land for environmental protection is to be retained as RU2 until completion of Council’s E-Zone review process. This land is likely to transition to the E2 Environmental Conservation Zone.</p>	<p>Report will be prepared to identify the ecological values in order to confirm and protect the environmentally sensitive areas of the site.</p> <p>Ultimately, it is proposed that the south eastern portion of the site is to be investigated to be changed from RU2 Rural Landscape to land for environmental protection, but this will be retained as RU2 until completion of Council’s E-Zone review process, to reflect the EEC area identified in James Warren’s report. It is considered that other vegetation located on the site may also require protection, however this is to be determined as part of a revised Ecological Assessment.</p> <p>Areas of ecological value will be identified for an environmental zone once the E-zones are incorporated into the LEP, consistent with the Northern Councils E-Zone Final Recommendations Report review. The findings and recommendations of the ecological assessments will inform the final structure plan.</p> <p>An additional ecological assessment will provide a body of evidence to support the consistent application of conservation zoning across the site.</p>

Table 2- Consistency with 9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	<p><u>Summary of Objectives:</u></p> <ul style="list-style-type: none"> (a) to encourage a variety and choice of housing types, (b) to make efficient use of existing infrastructure and services, (c) to minimise the impact of residential development on the environment and resource lands. <p><u>Application</u></p> <p>When a planning proposal affects land within:</p> <ul style="list-style-type: none"> (a) an existing or proposed residential zone, or (b) any other zone in which significant residential development is permitted or proposed to be permitted. 	<p>Applicable.</p> <p>The south eastern corner of the site has been identified for a zoning change under the <i>Tweed Local Environmental Plan 2014</i>, from RU2 Rural Landscape Zone to R5 Large Lot Residential Zone. This allows the built form to respond to the topographic and environmental attributes of the site and accommodate artisan food and drink industry where it is co-located with a residential use.</p>	<p>Yes.</p> <p>Inclusion of the R5 Large Lot Residential Zone will create a greater diversity of housing choice in the Murwillumbah area and is an efficient use of land since the Planning Proposal co-locates a residential zone, employment generating industrial and business zones.</p>
3.2 Caravan Parks and Manufactured Home Estates	<p><u>Objectives:</u></p> <ul style="list-style-type: none"> (a) to provide for a variety of housing types, and (b) provide opportunities for caravan parks and manufactured home estates. <p><u>Application:</u></p> <p>When a relevant planning authority prepares a planning proposal.</p>	<p>Not Applicable.</p> <p>The proposal does not involve a Caravan Park or Manufactured Home Estate.</p>	<p>Not Applicable.</p>
3.3 Home Occupations	<p><u>Objective:</u></p>	<p>Applicable.</p>	<p>Yes</p>

Table 2- Consistency with 9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>To encourage the carrying out of low-impact small businesses in dwelling houses.</p> <p><u>Application:</u></p> <p>When a relevant planning authority prepares a planning proposal.</p> <p><u>If this direction applies:</u></p> <p>Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.</p>	<p>Small SOHO format business are included as part of the zoning change in this Planning Proposal.</p>	<p>The intention of the commercial zones in the business precinct is to encourage SOHO format business uses allowing for shop top housing ideal for small business of a low impact nature.</p> <p>It is proposed that the R5 Large Lot Residential Zone will primarily operate as a residential area. The zone will also serve a secondary function being to incorporate Artisan Food and Drink Industry (AFDI) uses. This will further strengthen the relationship and create a unique opportunity to encourage cross business integration between the multiple land zone areas and uses creating a clear nexus between the living and working environments situated on the site.</p> <p>It is considered that the inclusion of AFDI uses which require a maximum floor area of 400m² within the R5 Large Lot Residential Zone can be readily accommodated within the 4000m² minimum lot size. This will ensure that businesses located in this zone will be low impact in nature.</p>
<p>3.4 Integrating Land Use and Transport</p>	<p><u>Summary of Objectives:</u></p> <p>To ensure that urban structures, building forms, land use, subdivision and street layouts achieve the following objectives:</p>	<p>Applicable.</p> <p>As previously mentioned, the site is zoned RU2 Rural Landscape and is proposed to be divided into a variety of urban land use zones.</p>	<p>Yes.</p> <p>Streets and footpaths will be designed to Council standards and increase interconnectivity between the business, industrial and residential precincts through a new internal road network.</p>

Table 2- Consistency with 9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled,</p> <p>(d) supporting the efficient operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p> <p><u>Application:</u></p> <p>This direction 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.</p>		<p>All future Development Applications will include assessment provisions which ensure that streets are accessible by all transport modes allowing for vehicles associated with residential uses and freight vehicles associated with industrial uses to move seamlessly through the site as well as individuals lots.</p> <p>The co-location of the three precincts will encourage the use of active transport and potentially public transport, therefore increasing the range of transport options in a largely rural area, reducing dependence on cars and promoting the sustainability objectives of council.</p> <p>The site is within 4km of the Murwillumbah Town Centre and has access to major transport routes. Should public transport be provided to the site, provisions will be made during detailed design to ensure roads can accommodate the infrastructure required.</p>
<p>3.5 Development Near Licensed Aerodrome</p>	<p><u>Summary of Objectives:</u></p> <p>(a) ensure the effective and safe operation of aerodromes,</p> <p>(b) ensure that their operation is not compromised by development,</p>	<p>Not Applicable.</p> <p>The site is not located near a licenced aerodrome.</p>	<p>Not Applicable.</p>

Table 2- Consistency with 9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>(c) ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast contours of between 20 and 25, incorporates appropriate mitigation measures.</p> <p><u>Application:</u></p> <p>When a 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.</p> <p><u>What must be done</u></p> <p>Summary: a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome must be subject to prescribed consultation and take certain prescribed matters into account.</p>		
3.6 Shooting Ranges	<p><u>Objectives:</u></p> <p>(a) to maintain public safety and amenity,</p> <p>(b) to reduce land use conflicts,</p> <p>(c) to identify issues for consideration when rezoning land adjacent to an existing shooting range.</p> <p><u>Application:</u></p> <p>When a planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to a shooting range.</p>	<p>Not Applicable.</p> <p>No shooting Ranges are proposed.</p>	<p>Not Applicable.</p>

Table 2- Consistency with 9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p><u>What must not be done</u></p> <p>A planning proposal must not seek to rezone land adjacent to and/ or adjoining an existing shooting range that has the effect of permitting more intensive land uses than those which are permitted under the existing zone or permitting land uses that are incompatible with the noise emitted by the shooting range.</p>		
<p>3.7 Reduction in non-hosted short term rental accommodation period</p>	<p>Does not apply to Tweed Shire Council.</p>	<p>Not Applicable.</p>	<p>Not Applicable.</p>
<p>4. Hazard and Risk</p>			
<p>4.1 Acid Sulfate Soils</p>	<p><u>Objective</u></p> <p>To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p><u>Application:</u></p> <p>When a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils.</p>	<p>Applicable.</p> <p>Under the <i>Tweed LEP 2014</i> the site is mapped for Acid Sulphate Soils containing Class 5 and Class 3.</p>	<p>Yes.</p> <p>The class of Acid Sulphate Soils directly relates to the sites' topography with lower risk (Class 5) mapped on elevated portions of the site and higher risk areas (class 2 & 3) mapped across the lower parts of the site and the broader area.</p> <p>Given the above characteristics, the proposal is unlikely to involve in excavation resulting in the net removal of soil as part of future bulk earthworks that would pose significant Acid Sulphate Soils exposure risk.</p> <p>The Preliminary Geotechnical Investigation Report prepared by Maiden Geotechnics (2012) identified</p>

Table 2- Consistency with 9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
			<p>that detailed acid sulphate management plans will be required for bulk earthworks.</p> <p>Works affecting acid sulphate soils will continue to be managed through the extensive legislative requirements under Part 7.1 of the <i>Tweed LEP 2014</i> which among other things requires the preparation of Acid Sulphate Management Plans to accompany the Development Application over land affected by Acid Sulphate Soils.</p> <p>Therefore, the presence of Acid Sulphate Soils on site is not considered to significantly impact the proposed rezoning of the site.</p>
<p>4.2 Mine Subsidence and Unstable Land</p>	<p>To prevent damage to life, property and the environment on land unstable or potentially subject to mine subsidence.</p> <p><u>Application:</u> When a relevant planning authority prepares a planning proposal that permits development on land that is within a mine subsidence district, or has been identified as unstable in a study, strategy or other assessment.</p>	<p>Not Applicable.</p> <p>The site is not on unstable land or susceptible to mine subsidence.</p>	<p>Not Applicable.</p>
<p>4.3 Flood Prone Land</p>	<p>Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p>	<p>Applicable.</p> <p>TSC's flood mapping identifies low lying areas of the site as flood prone land, located within the design flood level boundary and susceptible to 3.5-4m inundation.</p>	<p>Yes.</p> <p>The Tweed Valley Floodplain Risk Management Study identified PELA6, noting that further investigation is required with respect to the hydraulic impact of the development and potential</p>

Table 2- Consistency with 9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
			<p>evacuation risks. As such, an appropriate management response is to be developed as part of the preparation of Version 2 of the planning proposal which will require a Flood Impact Assessment to be undertaken and a Stormwater Management Plan prepared.</p> <p>The Flood Impact Assessment will assess the following:</p> <ul style="list-style-type: none"> • how filling of flood affected areas will impact on flood storage; • any adverse impacts on upstream or downstream properties; and • hydraulic impacts on points of discharge and any necessary management or mitigation works. <p>Development Applications over land situated in a flood prone area will be required to comply with the extensive legislative requirements detailed in section 7.3 and 7.4 of the <i>Tweed LEP 2014</i> and the provisions of Development Control Plan Section A3 – Development of Flood Liable Land.</p>
4.4 Planning for Bushfire Protection	<u>Objective</u>	Applicable.	<p>Further investigation required</p> <p>Vegetation category 1 is present on the site and will require detailed bushfire risk assessment. In addition to meeting all the relevant provisions of</p>

Table 2- Consistency with 9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) to encourage management of bush fire prone areas.</p> <p><u>Application:</u> 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>According to TSC's Bushfire Prone Land Map (2012), the site is mapped for bushfire prone land, containing Vegetation Category 1 and Vegetation Buffer.</p>	<p>PBP, proposed development is also required to meet the buffer provisions of the Biodiversity DCP. This may impact on the developable footprint of the site, especially for the proposed R5 given the steep slopes and northern aspect.</p> <p>Pending the findings of an additional Ecological Impact Assessment conducted as part of Version 2 of this Planning Proposal, appropriate bushfire building controls and measures will be implemented for future development located near Vegetation Category 1.</p> <p>Future Development Applications for developments located on mapped bushfire prone land will be required to ensure buildings and structures are designed to meet the six objectives outlined in the NSW Rural Fire Service guideline, <i>Planning for Bushfires 2019</i>. Developments meeting these objectives will afford residents and workers adequate protection from bushfire exposure, will provide appropriate separation distances at risk vegetation, minimising direct flame contact with built structures. Water supply and safe access and egress is to be provided as part of the gradual development of the site.</p>

Table 2- Consistency with 9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
			The bushfire prone status of the land is therefore not a considered to be a constraint to the rezoning of the land.
5. Regional Planning			
5.1 Implementation of Regional Strategies	<p><u>Objective</u> To give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</p> <p><u>Application:</u> When a relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>This planning proposal is for a site located in the North Coast of NSW and is therefore required to consider the provisions of the North Coast Regional Plan 2036.</p>	Yes.
5.2 Sydney Drinking Water Catchments	Does not apply to Tweed Shire Council.	<p>Not Applicable.</p> <p>The site is not located in the Sydney Drinking Water Catchment Area.</p>	Not Applicable.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<p><u>Objective</u></p> <p>(a) to ensure that the best agricultural land will be available for current and future generations to grow food and fibre,</p> <p>(b) to provide more certainty on the status of the best agricultural land, and</p> <p>(c) to reduce land use conflict.</p> <p><u>Application:</u> When a relevant planning authority prepares a planning proposal for land mapped as: State significant farmland,</p>	<p>Not Applicable.</p> <p>Under the Farmland Protection Project (DIPNR, 2005) the site is mapped as Other Rural Land and is not Regionally Significant Farmland or State Significant Farmland.</p>	Not Applicable.

Table 2- Consistency with 9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
	regionally significant farmland, or significant non-contiguous farmland. A planning proposal must not rezone land identified as “State Significant Farmland”, “Regionally Significant Farmland” or “significant non-contiguous farmland” for urban or rural residential purposes.		
5.4 Commercial and Retail Development along the Pacific Hwy, North Coast	<p><u>Objective</u> To manage commercial and retail development along the Pacific Highway to preserve and protect the safe function of the highway and its users.</p> <p><u>Application:</u> When a relevant planning authority prepares a planning proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.</p>	<p>Not Applicable.</p> <p>The subject site is not located along the Pacific Highway.</p>	Not Applicable.
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to Tweed Shire Council.	Not Applicable.	Not Applicable.
5.9 North West Rail Link Corridor Strategy	Does not apply to Tweed Shire Council.	Not Applicable.	Not Applicable.
5.10 Implementation of Regional Plans	<p><u>Objective</u> To give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>Applies when preparing a planning proposal.</p>	<p>Applicable.</p> <p>This planning proposal is for a site located in the North Coast of NSW and is therefore required to consider the provisions of the North Coast Regional Plan 2036.</p>	<p>Yes.</p> <p>Murwillumbah is identified within the <i>North Coast Regional Plan 2036 (Regional Plan)</i> as an area for employment generation and business park opportunities. More specifically the subject site has been identified in the Regional Plan as ‘Investigation Area – Employment Land’ and as such is considered suitable for development for the purposes of this planning proposal.</p>

Table 2- Consistency with 9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
			<p>NCRP notes that: <i>not all these areas will be suitable for development and further detailed assessment will be required. Councils will use the urban growth areas to define the land available to investigate for release as they prepare their local growth management strategies.</i></p> <p>Importantly the plan also states that “<i>only minor and contiguous variations to urban growth areas in the coastal strip</i>” will be considered as there are many competing land uses competing for this limited area, which is often environmentally and topographically constrained. This highlights the importance of establishing areas of designated employment land for future growth in the area.</p> <p>This planning is generally considered to meet the actions outlined in the Regional Plan. Additionally, the conceptual master plan will be revised accordingly to reflect the findings of the further technical studies.</p>
5.11 Development of Aboriginal Land Council land	Does not apply to Tweed Shire Council.	Not Applicable.	Not Applicable.

Table 2- Consistency with 9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
6.Local Plan Making			
6.1 Approval and Referral Requirements	<p><u>Objective</u> To ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p><u>Application:</u> When a relevant planning authority prepares a planning proposal.</p> <p><u>What must be done:</u> Ensure provisions minimise concurrence roles, consultation or referral of DAs to public authority.</p>	Applicable.	<p>Yes</p> <p>Where possible, consideration has been given to the ensure appropriate uses are considered in the Land Use Tables</p>
6.2 Reserving Land for Public Purposes	<p><u>Objective</u> (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	Applicable.	<p>Yes</p> <p>A portion of land in the northern boundary of the site and sections in the East and West of the site have been designated as RE1 Public Recreation.</p>
6.3 Site Specific Provisions	<p><u>Objective</u> To discourage unnecessarily restrictive site specific planning controls.</p> <p><u>Application:</u> When a relevant planning authority prepares a planning proposal that will allow a particular development.</p>	Applicable.	<p>Yes.</p> <p>Site specific planning controls not are not proposed as part of this planning proposal – with the exception of the facilitation of artisanal food and drink industry uses in the R5 Large Lot Residential zone. These planning controls are considered to be appropriate given the visual, topographical and environmental attributes of the site.</p>

Table 2- Consistency with 9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney	Does not apply to Tweed Shire Council.	Not Applicable.	Not Applicable.
7.2 Implementation of Greater Macarthur Land Release Investigation	Does not apply to Tweed Shire Council.	Not Applicable.	Not Applicable.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Does not apply to Tweed Shire Council.	Not Applicable.	Not Applicable.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Does not apply to Tweed Shire Council.	Not Applicable.	Not Applicable.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply to Tweed Shire Council.	Not Applicable.	Not Applicable.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply to Tweed Shire Council.	Not Applicable.	Not Applicable.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Does not apply to Tweed Shire Council.	Not Applicable.	Not Applicable.

Table 2- Consistency with 9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Does not apply to Tweed Shire Council.	Not Applicable.	Not Applicable.
7.9 Implementation of Bayside West Precincts 2036 Plan	Does not apply to Tweed Shire Council.	Not Applicable.	Not Applicable.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Does not apply to Tweed Shire Council.	Not Applicable.	Not Applicable.

Section C Environmental, Social and Economic Impact

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

Further investigation is to be undertaken as part of preparation of Version 2 of the Planning Proposal to confirm the potential environmental impacts of the rezoning and subsequent development of the site. Work completed to date are outdated and do not fully assess the likelihood of adverse impacts on critical habitat, threatened species, populations, ecological communities or their habitats.

As identified as part of further investigations undertaken by TSC, a revised Ecological Assessment Report is required and will be prepared as part of Version 2 of this Planning Proposal. It is intended that this proposal will identify the following:

- Prepare a revised ecological assessment which identifies measures to avoid, mitigate, and offset impacts in accordance with the *Biodiversity Conservation Act 2016*, Biodiversity Offset Scheme (BOS), DCPA19 Biodiversity and Habitat Management and Tweed LEP 2014;
- Revise the Master Plan to restore significant areas of vegetation, provide current best practice ecological buffers;
- Further consider and assess potential impacts resulting from the relocation of Wardrop Valley Road and
- Reassess the best approach to vegetation retention and restoration with due consideration to engineering design issues.

Completion of this additional report and modification of the master in accordance with its findings will ensure that critical habitat and any identified threatened species, populations, or ecological communities will not be adversely impact by this Planning Proposal.

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

Subject to further Ecological Assessment to be conducted as part of Version 2 of the Planning Proposal, potential environmental impacts are to be identified and managed according to current best practice principles. Whilst limitations have been identified in the existing Ecological Assessment Report, management practices which are proposed, are identified below. It is intended that further Ecological Assessment will build management foundations presented in the initial report.

A review of the submitted Ecological Assessment, by Council's Biodiversity team identified the following matters that require further attention.

- The proposed relocation of Wardrop Valley Road has not been considered in the Ecological Assessment Report prepared by James Warren.
- There has been no consideration of koala habitat values of the vegetation present on site - including areas of potential koala habitat, areas mapped as secondary A and secondary B koala habitat and significant remnant preferred koala food trees.
- The fauna survey undertake is not sufficient to adequately assess the potential occurrence of a range of threatened species.
- The assessment of the ecological significance of the central 2.95 ha remnant vegetation is not adequate. This area features significant conservation values including, more than 50 very large (> 800 mm DBH) trees, and key food and nesting resources for koala and

glossy-black cockatoo, good condition canopy of brush-box and tallowwood, and overall diverse, including rainforest elements in good condition.

- Consideration of the overall ecological significance of the site is not sufficient given its remnant features of a complex of forested and treeless wetlands on the lower elevations.
- Ecological buffers have been identified as not adequate.

Council's Biodiversity team have also advised that the Further Ecological Assessment will need to be a complete an up-to-date ecological assessment, including analysis of site values and proposed measures to avoid, mitigate and offset impacts in accordance with the *Biodiversity Conservation Act 2016*, Biodiversity Offset Scheme (BOS), DCPA19 Biodiversity and Habitat Management and Tweed LEP 2014.

The JWA report also identifies that "*an engineering and stormwater assessment / plan should consider the potential effect of earthworks on the hydrological regime and drainage patterns affecting the EEC. To ensure no negative impact on the EEC, there should be no net change in runoff volumes or flow rates following the earthworks activities*".

It is considered likely that these management processes will be integrated into the final Planning Proposal. It is intended that the Planning Proposal will be supported by an additional Ecological Assessment Report which may include greater environmental conservation measures, therefore minimising the potential environmental effects of the rezoning and subsequent development of the site.

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

The intent of this Planning Proposal is consistent with the *Tweed Local Strategic Planning Statement 2020*, *Tweed Urban and Employment Land Release Strategy 2009* and *North Coast Regional Plan 2036*. These documents identify the need for employment generating land uses in the area.

The proposed zoning allows for a range of business and industry uses with the three precincts created to ensure adequate separation of key use areas. The outcome of this Planning Proposal will therefore be one of significant economic effect due to the potential employment generating capacity of the site once successfully rezoned.

A significant central industrial area is included with landscaping and buffers incorporated to ensure there is minimal impact on the proposed large lot residential area to the east of the site. Co-location of the new industrial zoned land with existing industry to the south will create an opportunity for clustering of uses whilst affording established business the ability to grow, if required.

Additionally, the provision of employment generating uses across all three precincts will increase the diversity of businesses in the area with bulky goods uses and food markets able to be established where currently unable to be accommodated for within the existing Murwillumbah Town Centre.

In terms of social impacts, the provision of upgraded infrastructure, public recreation areas and the potential employment benefits generated by the proposal will all contribute to the general increase of social capital in the local area. Additionally, the existing owners of the site have displayed a long-term vision for the site to be developed as part of the strategic planning process which has been afoot for nearly a decade.

In the preparation of a site master plan, consideration has also been given to ensuring that potentially adverse impacts are minimised by way of reconfiguration of the local road network

enabling a bypass of the site, consideration of appropriate interface land uses and opportunities for landscaping and vegetation retention.

Impacts on the surrounding road network have been considered in an initial TIA, with further updates required as part of Version 2 of the Planning Proposal to manage and ensure no significant increased impact on the broader community.

Likewise, the interface between existing cropping land and the proposed development will be carefully managed, especially during earthworks, where management and mitigation measures will be established.

Section D State and Commonwealth interests

1 Is there adequate public infrastructure for the planning proposal?

TSC's *Murwillumbah Industrial Precinct Development - Water and Wastewater Infrastructure Report* provides an analysis of the existing capacity of sewerage and water infrastructure in the development area. As previously discussed, the report makes the following key points regarding water infrastructure:

- Report found that Water Supply Infrastructure is adequate to allow Industry Central Stage 2 and ELRS Area 6 to proceed in the short term;
- The existing lead in mains to the Lundberg Drive industrial areas are adequate for the connection of ELRS Area 6 in addition to infill of Industry Central and Industry Central Stage 2;
- A loop main between Industry Central Stage 2 and the south eastern end of ELRS Area 6 is required and
- No external water supply infrastructure is required to be constructed by Council as the Water Utility for Industry Central Stage 2 and ELRS Area 6.

It is important to note that the Report assumes that measures to increase water security, such as raising of the Clarrie Hall Dam, are to be completed to provide sufficient water supply to service the ultimate development.

The following points are made regarding waste water/sewerage infrastructure:

- Upgrade of the Murwillumbah Sewage Treatment plant has been initiated and will be necessary in order for the full development of the areas in the vicinity of Murwillumbah identified in the Tweed Urban and Employment Land Release Strategy 2009 to occur;
- It is recommended that works to increase the capacity of the Wastewater Treatment Plan be put in the ten-year long-term financial plan;
- Existing gravity sewers in Industry Central will need to be upgraded; and
- In the adopted strategy, works to connected ELRS Area 6 have not been included other than to make allowance for upgrade of a sewer within the proposed Industry Central Stage Two works and for a possible augmentation of an existing gravity sewer within Industry Central. Local pump stations and connection works from the ELRS Area 6 would normally be a requirement of the developer of the area rather than being a utility responsibility.

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

Consultation with state agencies is planned to be undertaken prior to the submission of Version 2 of the Planning Proposal. At this stage, no Commonwealth public authorities have been identified requiring consultation. State agencies requiring consultation are Roads and Maritime Authority (RMS) and potentially the Department of Planning, Industry, and Environment (DPIE).

Part 4 Mapping

To achieve the objectives of the Planning Proposal amendments to the maps identified in Table 6, will be required.

TABLE 6: DETAILS OF PROPOSED MAPPING AMENDMENTS

Map Details	Proposed Amendments
Additional Permitted Uses Map	
Sheet APU_010	Show 'Additional Permitted Use' of Part of Lot 8 on DP811482 and Lot 1 on DP842157.
Sheet APU_010A	
Sheet APU_011	Show 'Additional Permitted Use' of Part of Lot 1 on DP842157.
Floor Space Ratio Map	
Sheet FSR_010	Show proposed areas for B2 Zone as 2:1 (T).
Sheet FSR_011	Show proposed areas for B4 Zone as 1.2:1 (P). Show proposed areas for B7 Zone as 2:1 (T). Show proposed areas for R5 Zone as 0.55:1 (E). Show proposed areas for IN1 Zone, RE1 Zone and RU2 Zone as having no maximum FSR.
Height of Buildings Map	
Sheet HOB_010	Show proposed areas for B2 Zone and B4 Zone as 13.6m (N2).
Sheet HOB_011	Show proposed areas for B7 Zone as 12.2m (M). Show proposed areas for IN1 Zone and RE1 Zone as 10m (K). Show proposed areas for R5 Zone as 9m (J). Show proposed areas for RU2 Zone as 10m (K)..
Lot Size Map	
Sheet LSZ_010	Show proposed area for B2 Zone, B4 Zone and B7 Zone as 450m ² (G).
Sheet LSZ_011	Show proposed area for IN1 Zone as 2,000m ² (V). Show proposed area for R5 Zone as 1 hectare (Y). Show proposed area for RE1 Zone as having no Minimum Lot Size.

	Show proposed area for RU2 Zone as 40ha (AB2).
Land Zoning Map	
Sheet LZN_010	Remove RU2 Zone.
Sheet LZN_011	Show B2 Zone, B4 Zone, B7 Zone, IN1 Zone, R5 Zone, RE1 Zone and RU2 Zone generally in accordance with distribution shown on Master Plan, subject to review and recalculation of the distribution of the E2 Zone across the site.

All other maps will remain unchanged.

Maps of the existing and proposed zones will be prepared upon resolution of the outstanding environment and biodiversity matters so that the required extent of the RU2 zone to be retained, in lieu of an appropriate environmental zone pending the outcome of Council' E-Zone review process, can be identified. These maps will be included in the Version 2 Planning Proposal for public consultation.

Part 5 Community consultation

Public consultation will take place in accordance with a Gateway Determination to be made by the Minister for Planning in accordance with Section 3.34 of the *Environmental Planning & Assessment Act 1979*.

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

Additional studies and information

Council is proceeding with this Planning Proposal on the basis that the rezoning is consistent with existing strategic planning frameworks and TSC resolutions and has sufficient planning merit to warrant acceptance in the Gateway Process. However, it is acknowledged that a number of the existing reports supporting the Planning Proposal need to be updated and additional studies need to be prepared to assist in guiding future development of the site and to assist in assessment of the Planning Proposal.

It is intended that updated and additional studies will be commissioned by the proponent after a Gateway Determination for the Planning Proposal and prior to public exhibition of the Planning Proposal Version 2.

The existing studies and where applicable, agreed upon updates to these studies are outlined in Table 7 below.

TABLE 7: REPORTS TO BE UPDATED

Report	Author and Year	Updates to be made
Preliminary Geotechnical Investigation Report	Maiden Geotechnics, 2010	Report to be updated to include further investigation of precautionary earthworks.
Traffic Impact Assessment	CRG, 2012	To be updated to reflect updated zoning changes as well as: <ul style="list-style-type: none"> • Updated traffic generation rates; • Current traffic counts; • Demonstrate how the proposal can be serviced without the creation of a new connection between Lundsberg Road and Reserve Road; and • Update traffic volumes used in SIDRA.
Ecological Assessment	James Warren & Associates, 2012	Revised Ecological Assessment to be prepared that: <ul style="list-style-type: none"> • identifies measures to avoid, mitigate, and offset impacts in accordance with the <i>Biodiversity Conservation Act 2016</i>, <i>Biodiversity Offset Scheme (BOS)</i>, DCPA19 Biodiversity and Habitat Management and Tweed LEP 2014; • recommends revisions to the current master plan to restore significant areas of vegetation, provide current best practice ecological buffers; • considers and assesses potential impacts resulting from the relocation of Wardrop Valley Road;

Report	Author and Year	Updates to be made
		<ul style="list-style-type: none"> confirms the best approach to vegetation retention and restoration with due consideration to engineering design issues; and Confirms the most appropriate E-Zone for proposed environmental protection areas having regard to the criteria outlined in the <i>Northern Councils E Zone Review Final Recommendations Report</i> (NSW Department of Planning, October 2015) and the negotiated development outcome for the site.
Cultural Heritage Due Diligence Assessment	Everick Heritage Consultants, 2012	To be updated to reflect search of the Bundjalung Mapping Project and include updated consultation with the Tweed Byron Aboriginal Land Council.
Solar Feasibility Analysis	ECL Power Services, July 2018	To be updated to reflect a review of battery costs.

The additional studies requested, and the terms of reference and scope agreed upon, are outlined below in Table 8.

TABLE 8: ADDITIONAL REPORTS REQUIRED

Report	Matters to be addressed
Flood Report	<p>A Flood Report will be required that assesses how filling of flood affected areas will impact flood storage and ultimately demonstrate no net loss in flood storage as result of works.</p> <p>The flood report is to address the following:</p> <ul style="list-style-type: none"> how potential filling of low lying flood prone land will impact on flood storage; any adverse impacts on upstream or downstream properties; any hydraulic impacts on points of discharge; and necessary management or mitigation works.
Concept Stormwater Management Plan	<p>The Concept Stormwater Management Plan (SWMP) and supporting analysis will address the following items as a minimum:</p> <ul style="list-style-type: none"> Identify how stormwater quality and quantity will be managed in accordance with Council requirements and identify land required for stormwater detention and quality management; Identify how the future development will incorporate Water Sensitive Urban Design (WSUD) using the Water by Design principles;

Report	Matters to be addressed
	<ul style="list-style-type: none"> Identify mitigation measures to avoid/limit potential hydrological impacts on the Swamp Sclerophyll EEC; and Consider the potential effect of earthworks on the hydrological regime and drainage patterns effecting the EEC. To ensure no negative impact on the EEC there should be no net change in runoff volumes or flow rates as a result of the earthworks.
Archaeological Investigation	As recommended by the Cultural Heritage Due Diligence Assessment prepared by Everick Heritage Consultants Pty Ltd an Archaeological Investigation is required prior to the Version 2 Planning Proposal going on exhibition.
Agricultural Land	Updated advice is required with respect to the identification of the site under the Agricultural Land Suitability Map.
Contaminated Land	The landowner statement does not address all lots within the site. A revised statement / investigation of potential contamination sources will be required.

Part 6 Timeframe

Task	Timeframe	Completed
Referral of the planning proposal for a Gateway determination	July 2020	✓
Gateway Determination	August 2020	
Undertake requirements of the Gateway Determination and prepare V2 planning proposal	September 2020 - March 2021	
Agency consultation	September – December 2020	
Public exhibition	January – February 2021	
Review submissions, respond and prepare V3 planning proposal for Council's consideration	March – April 2021	
Council report to finalise and refer the plan to the DPE to be made	April 2021	
Referral of the Plan to the DPE for making	May 2021	
Plan to be made within 14 months of Gateway	June 2021	

Part 7 Summary and conclusions

The Tweed Shire Council (TSC) received a request for a Planning Proposal from DAC Planning Pty Ltd, under instruction from Wardrop Valley Pty Ltd and WDLC Pty Ltd, for the purpose of affecting a zoning amendment to facilitate the development of employment generating uses by establishing the B2 Local Centre Zone, B4 Mixed use Zone, B7 Business Park Zone, IN1 General Industry Zone, R5 Large Lot Residential Zone, RE1 Public Recreation Zone, and retention of areas for environmental protection as RU2 Rural Landscape Zone (pending the completion of Council's E-Zone review process), under the *Tweed Local Environmental Plan 2014*.

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

- *The Far North Coast Regional Plan 2036*, in particular the identification of the site as an Investigation Area for Future Employment;
- *The Tweed Urban and Employment Land Release Strategy 2009* in which the site is identified as a potential employment area (PELA6); and
- *The Tweed Shire Economic Development Strategy*.

There are also several community benefits which will flow from the proposal including:

- Establishing employment generating uses on the site with the long term;
- Facilitating the generation of employment;
- Generating social capital through the provision through the co-location of residential, industrial and business uses;
- Supporting the existing Industry Central Area to the south of the site; and
- Greater utilisation of land which is considered unsuitable for viable agricultural business.

Council is proceeding with this Planning Proposal on the basis that the rezoning is consistent with existing strategic planning frameworks and TSC resolutions and has sufficient planning merit to warrant acceptance in the Gateway Process. However, it is acknowledged that a number of the existing reports supporting the Planning Proposal need to be updated and additional studies need to be prepared to assist in guiding future development of the site and to assist in assessment of the Planning Proposal. Table 7 and Table 8 provide detailed information on the following matters that need to be resolved as part of Version 2 of this Planning Proposal including:

- revision of the Preliminary Geotechnical Investigation Report;
- revision of the Traffic Impact Assessment;
- revision of the Ecological Assessment Report;
- revision of the Cultural Heritage Due Diligence Assessment;
- revision of the Solar Feasibility Analysis;
- a Flood Impact Report
- a Concept Stormwater Management Plan
- an Archaeological investigation as recommended by the Cultural Heritage Due Diligence Assessment;
- updated advice regarding identification of the site under the Agricultural Land Suitability Map; and

- a revised statement of potential contamination sources.

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

Attachments

Attachment 1 – Council Resolution

Planning Committee Meeting – Thursday, 4 April 2019

1. The concept rezoning scheme as detailed in the *Wardrop Valley Master Plan*, prepared by RPS (January 2019 – Dwg.136593-05C), is supported for the purpose of informing a Planning Proposal to seek a rezoning of the subject lands;
2. The Proponent(s) must agree on a legally enforceable and binding approach, that is workable with the *Environmental Planning and Assessment Act 1979*, to ensure that future individual lots or buildings incorporate sustainable energy systems to provide or substantially supplement their energy demand that is consistent with the recommendations of the Master Planning Proposal, Solar Feasibility report prepared by ECL Power Services dated July 2018; and
3. A planning proposal over Area 6 in alignment with the endorsed master-plan be prepared and submitted for a Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act, 1979*, describing the strategic intent and justification for the rezoning amendment and detailing the studies to be undertaken prior to any public exhibition of the proposal.



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