

### Planning Proposal To Facilitate Rail Trail

Version 1 July 2018

FWEED SHIRE COUNCIL | TOGETHER FORWARD

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### Introduction

Tweed Shire Council at its meeting on the 7th June 2018 unanimously resolved, inter alia, that in relation to Stage 1 Murwillumbah to Crabbes Creek section of the Northern Rivers Rail Trail, Council prepare a Planning Proposal to amend the Tweed Local Environmental Plan to enable the rail trail to be carried out and assessed under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Both the Commonwealth and NSW State Governments have committed \$6.15 million each to the repurposing of a section of the Casino to Murwillumbah rail corridor for the purpose of a rail trail between Murwillumbah and Crabbes Creek, located in the Tweed Shire LGA.

This new \$13 million regional tourist product, which is being delivered through partnership with the Department of Premier and Cabinet will help strengthen and showcase the Northern Rivers regional identity, community and cultural heritage; improve the health and welfare of our regional communities, and leverage regional jobs and opportunities for young people.

The purpose of this planning proposal is to satisfy Division 3.4 of the EP&A Act giving consideration to the following guideline documents:

- A guide to preparing planning proposals (NSW Department of Planning and Environment, 2016)
- A guide to preparing local environmental plans (Department of Planning and Environment, 2016).

### Part 1 Objectives and intended outcomes

The planning proposal includes site specific amendments to the land parcels forming the North Coast rail line between Crabbes Creek and South Murwillumbah. The amendment will permit the development of a rail trail over these land parcels, as permissible without consent. For the purpose of this planning proposal a rail trail would include a dedicated public carriageway / pathway catering primarily to pedestrians and cyclists.

### Part 2 Explanation of provisions

The amendments to the *Tweed Local Environmental Plan 2014* (TLEP 2014, the EPI) the subject of this planning proposal are as follows:

- Amend the Land Zoning Map under Clause 2.2 of the EPI, specifically Sheet LZN\_012, to rezone part of Lot 4738 DP 1231020 from 5(a) (Special Uses: Railway) under the *Tweed Local Environmental Plan 2000* to RU2 (Rural Landscape) under TLEP 2014. The subject part of this land parcel is currently a deferred matter and does not satisfy the environmental requirements of Department of Planning & Environment: *Northern Councils E Zone Review Final Recommendations Report,* (2005), to warrant an environmental zoning.
- Include an additional permitted use in Schedule 1, generally in the following terms:

Item 22: Use of certain railway land at Crabbes Creek, Mooball, Burringbar, Stokers Siding, Dunbible and South Murwillumbah

(1) This clause applies to the following land parcels and identified as "22" on the Additional Permitted Uses Map.

Lot 1 DP 1045525 Lot 1 DP 914069 Lot 102 DP 914390 Lot 1 DP 1184422 Lot 3 DP 1184422 Lot 1 DP 1054156 Lot 61 DP 915493 Lot 4740 DP 1230993 Lot 4736 DP 1231018 Lot 122 DP 915234 Lot 4738 DP 1231020 UNIDENTIFIED Lot 1 DP 938031 Lot 4737 DP 1230989 Lot 4739 DP 1231019 Lot 100 DP 865105 Part of Tweed Valley Way road reserve located immediately to the south of Lot 1 DP 1186759

- (2) Development for the purpose of a rail trail is permitted without consent.
- (3) For the purpose of subclause (2) a rail trail includes a dedicated public carriageway or pathway for the movement and recreation of pedestrians and cyclists and includes ancillary activities and construction works such as:
  - a. Environmental protection works
  - b. Temporary laydown areas and stockpiling activities
  - c. Bridges
  - d. Concrete, asphalt and gravel pathways
  - e. Signage
  - f. Traffic and pedestrian safety devices
  - g. Access ramps
  - h. Lighting
  - i. Stairs
  - j. Stormwater drainage works
  - k. Earthworks
  - I. Minor road improvement works for example road surface upgrades, kerb and guttering
  - m. Minor building internal and external alterations
  - n. Amenity facilities
  - o. Carparks
  - p. Demolition works
  - q. Any like, ancillary or incidental development or works that are of a recreation, retail, commercial or environmental kind.

### Part 3 Justification

#### Section A - Need for the planning proposal

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

The planning proposal does relate to a strategic study. The NSW Government through the Department of Premier and Cabinet commissioned Arup Pty Ltd to prepare the *Casino to Murwillumbah Rail Trail Study – Final Report* (2014) and Part 8.2.1 specifically addresses the matter of planning approvals for the rail trail. It foreshadows the likelihood for an LEP amendment.

This study was one of several prepared by the NSW Government when evaluating the business case for maintaining railway operations, reinstating railway operations following its closure on 16 April 2004, as well as addressing the present and future transport needs for the region. The culmination of these studies and the government's commitment to stronger, more resilient communities is the current public investment in building a rail trail.

The relationship and consistency of this planning proposal with other applicable strategic planning policies is considered in Section B of this Part.

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

Enabling the rail trail to be constructed and developed without development consent by or on behalf of a public authority is the best means for achieving the objectives and intended outcomes.

Currently, the proposed land use is considered to comprise a *recreation facility (outdoor)* under the Standard Instrument definitions. This is a prohibited land use in the B5 Business Development zone which applies to Lot 100 DP 865105 (Murwillumbah Railway Station land parcel), and the W1 Natural Waterways zone which applies to Lot 4739 DP 1231019 and part of Lot 4738 DP1231020, pursuant to the TLEP 2014. Similarly, part of Lot 4738 DP 1231020 remains a deferred matter and is zoned 5(a) Special Uses: Railway pursuant to the *Tweed Local Environmental Plan 2000* (TLEP 2000), effectively prohibiting the proposed land use over this part of the railway corridor.

Further, in recognition of the NSW Government's commitment to ensuring flexibility and regulatory certainty for the delivery of public infrastructure across the State it is recommended that Part 5 of the EP&A Act is the appropriate mechanism in order to consider the environmental impacts of such an infrastructure project – in its entirety. As there are currently no provisions within other EPIs which would permit the land use, amendment of the TLEP 2014 is appropriate in this instance. It will provide consistency and surety in the planning approvals pathway for both government and community.

On this note, Council recognises the *State Environmental Planning Policy (Infrastructure)* 2007 (ISEPP) would permit a rail trail if the railway corridor was a public reserve. The tenure arrangements currently being consulted with Transport for NSW and the NSW Crown Lands for the railway corridor 'may' include the subject land parcels being dedicated as a public reserve with Council as the probable trustee of the land. However, the nature or description of the dedication of the land remains to be determined.

The planning proposal represents an orderly planning response that is consistent with the NSW Government's objective of facilitating pubic infrastructure across the State and irrespective of whether it is declared public reserve or otherwise.

### Section B - Relationship to strategic planning framework

### 1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Tweed local government area is located within the North Coast region, subject to the *NSW North Coast Regional Plan 2036* (referred to herein as 'the Plan'). The overall vision statement for the North Coast region prescribed under this Plan is "the best region in *Australia to live, work and play thanks to its spectacular environment and vibrant communities.*" The Plan includes broad directions to achieve this vision. The following provides consideration of the planning proposal against the relevant directions of the Plan.

Direction 8 aims to "promote the growth of tourism" with a key action being to "facilitate tourism and visitor accommodation and supporting land uses in coastal and rural hinterland locations through...local environmental plans". The intended outcome of the planning proposal would provide a regional drawcard to the Tweed local government area through the provision of a rail trail. This is expected to have resultant flow-on effects in terms of new tourism development including promoting existing accommodation providers located along the rail trail and the establishment of new providers.

Direction 10 of the Plan would "protect the North Coast Rail Line... to ensure network opportunities are not sterilised by incompatible land uses or land fragmentation". Reference to the North Coast Rail Line made by the Plan excludes the land parcels the subject of the planning proposal. That is, the Plan specifies the North Coast Rail Line as "a nationally significant rail line and part of the National Land Transport Network", which evidences that line as the operational North Coast Rail Line servicing Casino to Brisbane, not Casino to Murwillumbah. The subject land parcels are currently disused for railway and therefore the planning proposal would provide for the beneficial use of surplus government land until such time, if any, as a railway corridor is reinstated for rail transport purposes.

Direction 15 of the Plan aims to "develop healthy, safe, socially engaged and well-connected communities", noting that "expanding on the recreational walking and cycling trails that already exist will allow more people to experience the region's villages and wonderful natural areas". The Plan's identified action no 15.2 to "facilitate more recreational walking and cycling paths" is satisfied by the planning proposal.

In summary, the planning proposal is consistent with the broad directions of the NSW North Coast Regional Plan 2036.

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

The vision of the Tweed Shire Council Community Strategic Plan 2017-2027 (TCSP) is that "the Tweed will be recognised for its desirable lifestyle, strong community, unique character and environment and the opportunities its residents enjoy".

Of the four key principals of the TCSP, the principal of *People, places and moving around* includes strategies, actions and targets directly relevant to the intended outcomes of the planning proposal. These are:

- Increase visitor numbers to the Tweed
- Increase the supply of alternative transport options
- Reduce the number of transport network hazards
- Provide places, spaces and facilities for the sporting, recreation, leisure and cultural pursuits of locals and visitors
- Promote the distinctive character and diverse identities of Tweed's towns and villages
- Encourage healthy and sustainable alternative transport options such as walking, cycling and integrated public transport.

The planning proposal is consistent with the *Tweed Shire Council Community Strategic Plan* 2017-2027.

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

SEPPs relevant to the planning proposal are considered below.

- 1. SEPP (Coastal Management) 2018. Part of the site the subject of this planning proposal includes land within the coastal zone to which the SEPP applies. This includes land mapped within the coastal management areas of coastal environment area and coastal use area. The principal aim of the SEPP is to manage development within the coastal zone and to protect the environmental assets of the coast. The planning proposal would provide for the development of a rail trail. Generally, this would include development within the currently disused railway corridor of the North Coast Rail Line. The intended outcome of the planning proposal would limit application of the SEPP by permitting the development without consent. The coastal environment area and coastal use area provisions of the SEPP apply to development applications, specifically consideration under Section 4.15 of the EP&A Act 1979. Considering the subject site and the few land parcels mapped within the coastal zone, as well as its disturbed nature limited by way of significant environmental assets, this is recommended to be an acceptable outcome.
- 2. SEPP (Infrastructure) 2007. The SEPP effectively provides for certainty, flexibility and efficiency in the delivery of public infrastructure across NSW however, it is likely an unintended and unforseen eventuality that the SEPP does not currently address rail trail repurposing of disused rail corridors because their development and take-up in NSW is in its infancy. The planning proposal will service that purpose in the meantime.
- 3. SEPP (Rural Lands) 2008. This SEPP provides for Rural Planning Principles for consideration during LEP preparation. The intended outcomes of the planning proposal would promote the use of currently surplus Government land for recreation, alternative transport and tourism purposes. These uses are not incompatible with adjacent rural land uses of the railway corridor and would continue the theme of transport within the site. The planning proposal does not include urban or rural residential uses that would further fragment rural land within the Tweed local government area. The planning proposal would provide for an assessment of any land use conflicts associated with a rail trail including the consideration of biosecurity matters and appropriate safeguards to avoid and minimise any conflicts.
- 4. SEPP No 44—Koala Habitat Protection. SEPP44 applies to development applications on land identified as potential Koala habitat. The intended outcomes of the planning proposal would remove the requirement for development consent however would require environmental assessment under Part 5 of the Act. Further, preliminary fauna investigations indicate potential Koala habitat is absent on the land parcels the subject of the planning proposal.

5. SEPP No 55—Remediation of Land. SEPP55 requires consideration be given to contamination and remediation when preparing an LEP. SEPP55 applies because the intended outcomes of the planning proposal would result in a change of use of the subject land parcels from an industrial land use associated with a railway to a recreational open space land use associated with a rail trail, and railway yards are listed as potentially contaminating activities pursuant to Table 1 to the contaminated land planning guidelines.

Preliminary site investigations have been performed within the railway corridor which concluded the proposed land use would be suitable and remediation actions are unlikely to be required. Council as the planning authority is satisfied that the intent of the planning proposal would not contravene the aims of SEPP55 and would provide for further assessment to be performed that would ensure measures are implemented that avoid adverse impacts from contaminated land. The concept design for the rail trail would see the majority of existing proposed useable areas as being capped and it should be noted that the ultimate design and construction methods remain under investigation and will be further assessed following the successful award of a design and construct tender process in late 2018 / early 2019. This will allow further interrogation of any potentially exposed areas and their further targeted assessment.

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

The consistency of this planning proposal with relevant Ministerial Directions under section 9.1 of the EP&A Act is provided in table below.

Table No.2 – Consistency with s9.1(2) Directions			
s9.1 direction	Application	Relevance to this planning proposal	Consistency with direction
1. Employment & Reso	Durces		
Industrial Zones	A planning proposal must: (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.	This planning proposal applies to business zone B5 Business Development. The proposed land use would protect and further promote employment growth within the South Murwillumbah locality by providing for existing tourism uses within the site as well as ancillary recreational and tourism uses to the rail trail. The planning proposal would not amend the zoning nor would it reduce the available land for employment uses.	
1.2 Rural Zones	<ul> <li>A planning proposal must not:</li> <li>a) rezone land from a rural zone to a residential, business, industrial, village or tourist zone, or</li> <li>b) contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</li> </ul>	This planning proposal applies to rural zone RU2 Rural Landscape. It would increase the amount of rural zoned land by rezoning land currently zoned 5(a) Special Uses: Railway, and would be consistent with the remainder of the adjoining railway land. The planning proposal will not lead to an increase in permissible density of land within a rural zone	Consistent
1.4 Rural Lands	Applies when: (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of	Consistency of this planning proposal with SEPP (Rural Lands) 2008 was addressed under Part 3 Section 3 of this planning proposal. This planning proposal is considered to be consistent with the Rural Planning Principles.	Consistent

Table No.2 – Consist	Table No.2 – Consistency with s9.1(2) Directions			
s9.1 direction	Application	Relevance to this planning proposal	Consistency with direction	
	any existing rural or environment protection zone boundary), or			
	(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.			
	The planning proposal is to be consistent with the relevant sections of SEPP (Rural Lands) 2008.			
2. Environment and H	leritage		-	
2.2 Coastal Management	The objective of this direction is to protect and manage coastal areas of NSW.	This planning proposal applies to the coastal zone including the coastal management areas of coastal environment area and coastal use area. This planning proposal would permit a rail trail land use. Detailed assessment under Part 5 would include measures to minimise impacts to identified environmental assets within the coastal zone, noting the part of the land parcels the subject of this planning proposal within the coastal zone are highly modified by former railway uses and infrequent land management practices. The land use would improve these practices.	Consistent	
2.3 Heritag Conservation	<ul> <li>A planning proposal must contain provisions that facilitate the conservation of:</li> <li>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</li> </ul>	This planning proposal applies to listed heritage items. Preliminary investigations indicate the subject land parcels are unlikely to include Aboriginal objects and places. It would not amend the existing provisions of the TLEP 2014 nor any other legislation or management plan that protects heritage items and Aboriginal objects and places. The planning proposal would provide for the assessment of any impacts to heritage	Consistent	

S9.1 direction       Application       Relevance to this planning proposal       C. w         (b)       Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and       conservation associated with the development of a rail trail.       conservation associated with the development of a rail trail.         (c)       Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.       The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.       The planning proposal applies to land mapped with the development of a rail trail. It would not remove provisions of the existing TLEP 2014 regulating acid sulfate soil management during development activities.         4.3 Flood Prone Land       This direction 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.       The planning proposal applies to flood prone land could be the angoing use of an existing transport corridor for transport purposes. The construction and operation of a rail trail on the land could be managed to avoid the exacerbation of a diverse or word the exacerbation of impacts to life and property associated with flooding.         4.4       Planning       for the objectives of this direction are:       The planning proposal appli	Table No.2 – Consistency with s9.1(2) Directions			
and       protected under the National Parks and Wildlife Act 1974, and       rail trail.         (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.       rail trail.         3. Hazard and Risk       The objective of this direction is to avoid significant has a probability of containing acid sulfate soils.       The planning proposal applies to land mapped within acid sulfate soil constraint areas. It would provide for an assessment of impacts associated with the development of a rail trail. It would not remove provisions of the existing TLEP 2014 regulating acid sulfate soil management during development activities.         4.3 Flood Prone Land       This direction 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.       The planning proposal applies to flood prone land council and nucleds the ongoing use of an existing true prepares to life and property associated with flooding.       The objectives of this direction are:       The planning troposal applies to bushfire prone land. The Council or and operation of arail trail or the adverse environmental impacts from the use of land that that be development activities.         4.3 Flood Prone Land       This direction 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.       The planning proposal applies to bushfire prone land. The coust to bushfire prone la	Consistency with direction	Relevance to this planning proposal		
4.1 Acid Sulfate Soils       The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.       The planning proposal applies to land mapped within acid sulfate soil constraint areas. It would provide for an assessment of impacts associated with the development of a rail trail. It would not remove provisions of the existing TLEP 2014 regulating acid sulfate soil management during development activities.         4.3 Flood Prone Land       This direction 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.       The planning proposal applies to flood prone land could be managed to avoid the exacerbation of impacts to life and property associated with flooding.       Could be managed to avoid the exacerbation of impacts to bushfire prone land.       Could be managed to avoid the exacerbation of impacts associated with flooding.		rail trail.	protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage	3 Hozard and Pick
adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.within acid sulfate soil constraint areas. It would provide for an assessment of impacts associated with the potential oxidation of acid sulfate soils associated with the development of a rail trail. It would not remove provisions of the existing TLEP 2014 regulating acid sulfate soil management during development activities.4.3 Flood Prone LandThis direction 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.The planning proposal applies to flood prone land or insport corridor for transport purposes. The construction and operation of a rail trail on the land could be managed to avoid the exacerbation of impacts to life and property associated with flooding.Cd4.4 PlanningforThe objectives of this direction are:The proposal applies to bushfire prone land. The Cd	Consistent	The planning proposal applies to land managed	The chiestive of this direction is to evoid significant	
Prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.and includes the ongoing use of an existing transport corridor for transport purposes. The construction and operation of a rail trail on the land could be managed to avoid the exacerbation of impacts to life and property associated with flooding.4.4PlanningforThe objectives of this direction are:The proposal applies to bushfire prone land. The		within acid sulfate soil constraint areas. It would provide for an assessment of impacts associated with the potential oxidation of acid sulfate soils associated with the development of a rail trail. It would not remove provisions of the existing TLEP 2014 regulating acid sulfate soil management during development activities.	adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	
		and includes the ongoing use of an existing transport corridor for transport purposes. The construction and operation of a rail trail on the land could be managed to avoid the exacerbation of impacts to life and property associated with flooding.	prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	
Bushfire Protection       (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 (b) to encourage sound management of bush fire prone areas, and reas.       planning proposal would not remove the requirement for the rail trail and its environmental assessment to consider the application of the Rural Fires Act 1997 and the underpinning bushfire planning guidelines.         5. Regional Planning       S. Regional Planning	Consistent	planning proposal would not remove the requirement for the rail trail and its environmental assessment to consider the application of the <i>Rural Fires Act 1997</i> and the underpinning bushfire	<ul><li>(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</li><li>(b) to encourage sound management of bush fire prone</li></ul>	Bushfire Protection

Table No.2 – Consistency with s9.1(2) Directions				
s9.1 direction	Application	Relevance to this planning proposal	Consistency with direction	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Applies (to Tweed) when a relevant planning authority prepares a planning proposal for land mapped as: (a) State significant farmland, or (b) regionally significant farmland, or (c) significant non-contiguous farmland. The objective is to ensure that the best agricultural land will be available for current and future generations, to provide more certainty on the status of the best agricultural land, and to reduce land use conflicts.	The planning proposal applies to Regionally Significant Farmland and includes use of an existing transport corridor. The proposal would not remove farmland for current and future generations. Environmental assessment of the rail trail as provided for by the planning proposal would consider land use conflicts. For the most part the rail trail would be developed on top of an existing railway track within a dedicated railway corridor and therefore conflicts with surrounding farming land uses are considered minimal. A biosecurity risk assessment is currently being undertaken by Local Land Services which will assist with ensuring that any impact or threat to farmland arising from the rail trail is adequately mitigated and managed.	Consistent	
5.10 Implementation of Regional Plans	Planning proposals must be consistent with a Regional Plan released by the Minister for Planning	Consistency of this planning proposal with the North Coast Regional Growth Plan has been provided within Part 3 Section B of the document	Consistent	
6. Local Plan making				
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The planning proposal aims to provide regulatory certainty and flexibility in the delivery of public infrastructure.	Consistent	
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:	Rail trail is not a defined use in the LEP template and is applicable only to 'rail' corridor usage, being typically historic disused railways. As there are no other railways in the Tweed Shire it would be a superfluous provision to enable a rail trail on other lands or generally within other zones and the control would have no work to do.	Consistent	

Table No.2 – Consistency with s9.1(2) Directions			
s9.1 direction	Application	Relevance to this planning proposal	Consistency with direction
	<ul> <li>(a) allow that land use to be carried out in the zone the land is situated on, or</li> <li>(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</li> <li>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</li> <li>A planning proposal must not contain or refer to drawings that show details of the development proposal</li> </ul>	An appropriate planning response is proposed for this unique purpose and land.	

### 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?

No adverse social or environmental impacts are anticipated as a result of finalising this planning proposal. The planning proposal would provide for the completion of assessments that consider adverse impacts to the environment as a result of a rail trail. Preliminary assessments indicate the proposed rail trail would not result in adverse impacts to these factors because the existing railway corridor provides marginal habitat for threatened species and endangered ecological communities.

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

The planning proposal would provide for the identification of environmental effects as a result of constructing and operating a rail trail. No specific environmental impacts have been identified at this point.

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

The proposed rail trail between Murwillumbah and Crabbes Creek was the subject of a business feasibility study which concluded the project would have considerable social and economic benefits. The planning proposal seeks to consider the project pursuant to Part 5 of the EP&A Act 1979 and therefore would allow for the further consideration of social and economic effects.

#### Section D - State and Commonwealth interests

#### 1 Is there adequate public infrastructure for the planning proposal?

The planning proposal inherently facilitates the use of currently disused government land for public infrastructure purposes. Council acknowledges a rail trail would create additional demand for local public infrastructure to support such a facility. The provision of State and Commonwealth Infrastructure is unlikely to be required.

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

No consultation has been carried out yet. Following a gateway determination of this planning proposal this section would be updated to provide a summary of consultation performed with relevant public authorities.

### Part 4 Mapping

A site plan has been developed and is attached which describes the land parcels that would be affected by the planning proposal.

LEP mapping related to the planning proposal has been prepared and is reproduced below.





### Part 5 Community consultation

No consultation has been carried out yet. Should this planning proposal receive a Gateway Determination to proceed, this section will be updated to provide for a summary of community consultation.

### Part 6 Timeframe

Task	Timeframe	Completed
Referral of the Planning Proposal for Gateway	July 2018	
determination		
Gateway Determination	August 2018	
Undertake requirements of the Gateway	August 2018	
Determination and prepare V2 Planning Proposal		
Public exhibition	September 2018	
Agency consultation	September 2018	
Review submissions, respond and prepare V3	October 2018	
Planning Proposal for Council's consideration		
Council report recommending referral of the	October 2018	
planning proposal to the DPE to make the LEP		
amendment		
Revisions to the planning proposal	October 2018	
Referral of the planning proposal to the DPE for	November 2018	
Gateway alteration		
Plan Made	December 2019	





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