

**Draft Tweed LEP Amendment**

**PLANNING PROPOSAL**  
**Version - GATEWAY**

**The Palms Village Caravan Park**  
Lot 1 DP 777875  
Dry Dock Road Tweed Heads South

January 2019

Council File PP16/0004



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# Introduction

## Purpose of the Planning Proposal

Council has received a request from DAC Consulting Pty Ltd on behalf of The Palms Shopping Village Pty Ltd to prepare a Planning Proposal for the rezoning of Lot 1 DP 777875 (132-134) Dry Dock Road Tweed Heads South.

It is proposed to rezone the site from R2 Low Density Residential to RE2 Private Recreation to facilitate development ancillary to the caravan park including a community hall, pool, bowling green and car park but prevent development of any type of residential accommodation that would otherwise be permissible with consent within the proposed RE2 Private Recreation zone on account of the prevailing Australian Noise Exposure Forecast (ANEF) zone guidelines.

## Process for amending the LEP

Preparation of a planning proposal initiates a process established by the NSW Department of Planning and Environment (DPE) known as the 'Gateway' process for the making or amendment of Local Environmental Plans (LEPs).

The steps in the process are summarised in Table 1 below, with the opportunity for the proposal to be revised as it progresses through the Gateway process.

Stage	Explanation
Planning Proposal	We are at this stage. Council has prepared a document explaining the effect of and justification for the making, or amending of the LEP. Once endorsed by Council, the planning proposal is submitted to the DPE for consideration.
Gateway	The DPE as a delegate for the Minister for Planning determines whether the planning proposal should proceed. If the proposal is to proceed, DPE issues a 'Gateway determination' stipulating requirements, including what additional investigations will be required, government agencies that must be consulted and the duration of public exhibition, apart from other matters that may be required.
Community consultation	With all additional investigations completed and the original planning proposal revised, the planning proposal is publicly exhibited.
Assessment	Submissions received during public exhibition are considered and the planning proposal revised as appropriate prior to Council resolving whether to proceed and forward the proposal to DPE to have the amendment to the LEP finalised or request the Minister to determine that the matter not proceed.
Drafting	Once returned to DPE, Parliamentary Counsel prepares a draft local environmental plan to amend Council's LEP.
In effect	Once agreed by Council, the amending plan is published in the Government Gazette and the amended LEP becomes effective.

**Table 1: Summary of Gateway Process**

## Structure and content of this planning proposal

This Planning Proposal presents an explanation of and strategic justification for amendment of the LEP in accordance with the Department of Planning and Environment's document 'A guide to preparing planning proposals', and 'A guide to preparing local environmental plans', and is structured Section 55 of the *Environmental Planning and Assessment Act 1979*, as summarised in Table 2.

Part	Title	Explanation
1	<b>Objectives or intended outcomes</b>	A statement of the objectives and intended outcomes of the proposed instrument
2	<b>Explanation of provisions</b>	An explanation of the provisions that are to be included in the proposed instrument
3	<b>Justification</b>	The justification for those objectives, outcomes and the process for their implementation
4	<b>Mapping</b>	Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies
5	<b>Community consultation</b>	Details of the community consultation that is to be undertaken on the planning proposal
6	<b>Project timeline</b>	The anticipated time timeline to amend the local environmental plan

**Table 2: Structure of this Planning Proposal**

### Site context and background

Lot 1 DP 777875 occupies an area of 3876 square metres and is located on Dry Dock Road Tweed Heads South immediately west of the Pacific Highway overpass across Terranora Creek as seen in Figure 1.

The site lies opposite Terranora Creek, the inlet to the Terranora Broadwater, a popular recreational estuarine system, and is approximately three kilometres from the Tweed City Shopping Centre Tweed Heads South, and Tweed Heads.

Immediately to the east and adjoining, is The Palms Village Caravan Park, which provides local shopping fronting Dry Dock Road, and comprises a convenience store, bottle shop, hairdressing salon and café. The Palms Shopping Village Pty Ltd owns and operates the Caravan Park which currently contains 226 sites, but has approval for 250 sites, 245 of which may be long stay.

To the west lies a lagoon, formerly part of the local aquatic centre now abandoned, which is connected to Terranora Creek. A narrow strip of land is contained between the high water mark in the lagoon and the western boundary of the site which will require consideration at the DA stage.

The site lies within the 30-35 ANEF zone, directly aligned with and 2.3 Kilometres south of Gold Coast Airport runway 32.

The site is identified in the North Coast Regional Plan 2036 (NCRP) as lying within an Urban growth Area.

The site has been extensively filled with no documentation available to substantiate the legality or origin of the fill material. Rehabilitation of the site and safe disposal of all waste/fill removed will require a legally binding agreement with the landowner.

The site lies directly in alignment with Gold Coast Airport's Runway 32, and is significantly impacted by restrictions imposed for development within the current 2047 25 – 30 ANEF contours.

### Desired outcome

Following rezoning of the subject land it is proposed to relocate and develop recreational facilities ancillary to the existing Palms Village Caravan Park being a community hall, pool, bowling green and car park; and to prevent construction of residential (permanent or temporary) dwellings or

accommodation on account of the prevailing Australian Noise Exposure Forecast (ANEF) zone restrictions.

Following construction of the recreation facilities, it is proposed to provide an additional 17 sites within the existing caravan park area (currently zoned RE1), increasing the number of sites from 226 to 242.

### **Planning controls – Present zoning Tweed LEP 2014**

The site is currently zoned R2 Low Density Residential under Tweed LEP 2014.

With the exception of Dry Dock Road which is zoned R2, the site is surrounded by RE2 Private Recreation as seen in Appendix 1.

### **Role of Voluntary Planning Agreement (VPA)**

#### ***Site rehabilitation***

Detailed site investigations have determined the fill is unsuitable for purposes proposed in this planning proposal.

While the contamination report concluded that the fill was suitable, geotechnically, the fill is not suitable and must be removed.

Removal of waste/fill will require further attention at the Development Application stage, but investigations have been sufficient to provide certainty that once the site is rehabilitated that it can be utilised for the proposed purpose.

The landowner has agreed that to ensure certainty in the remediation of the site and appropriate treatment of waste/fill when removed, that a voluntary planning agreement under Section 7.4 of the *Environmental Planning and Assessment Act 1979* will be entered in to with Council.

#### ***Restricting residential and accommodation development***

The site's location within ANEF zones surrounding Gold Coast Airport makes the use of the site for residential purposes undesirable and as such the proponent has agreed that a legally binding VPA to develop the site for those ancillary purposes listed above, and restrict residential or accommodation development will be entered into as part of the rezoning process.

A planning agreement will be finalised and exhibited at the same time as exhibition of the draft planning proposal once a Gateway determination has been received.

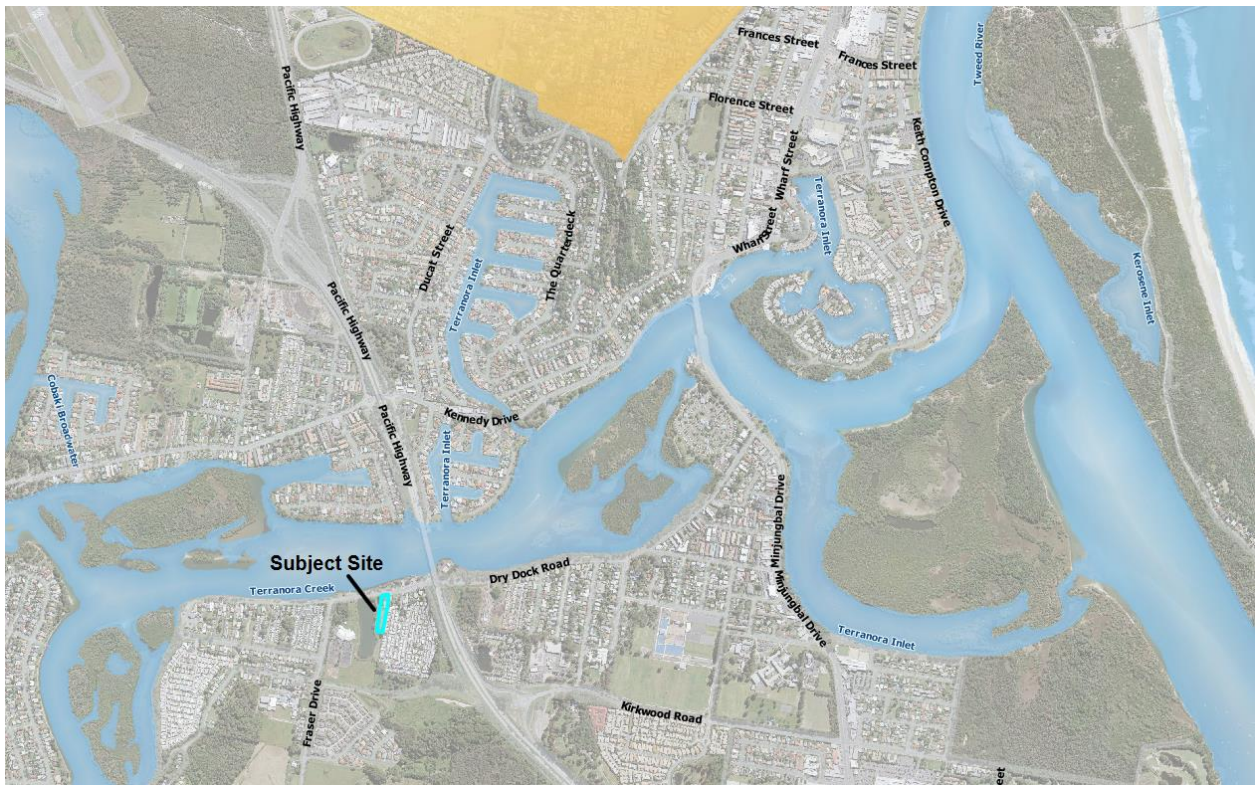
### **Council resolutions and State determinations**

On 11 May 2017 Council resolved that:

*“in terms of Planning Proposal PP16/0004 Palms Shopping Village, the matter of alleged unlawful fill of land be referred to Council’s Compliance Unit for appropriate investigation and action. On completion of this investigation, a further report will be submitted to Council to further consider the referral of the Planning Proposal to the Department of Planning and Environment for a Gateway determination.”*

A copy of the report can be seen in Appendix 9.





**Figure 1 – Site Locality Plan**



**Figure 2 - Aerial View of the site and surrounds**



## Part 1 Objectives or intended outcomes

The intended outcomes of this planning proposal is to facilitate the rezoning of Lot 1 DP 777875 (3876 square metres), for the purpose of development ancillary to the adjoining caravan park, specifically, a community hall, pool, bowling green and car park, (as seen in Figure 3) and prevent development of any type of residential accommodation that would otherwise be permissible with consent within the proposed RE2 Private Recreation zone.



Figure 3: Concept plan showing the site and integration with the adjoining caravan park

## Part 2 Explanation of provisions

The intended outcomes of permitting development ancillary to the adjoining caravan park and restricting any form of residential development will be achieved by:

1. Amending the following map sheets:

Map sheet		Current	Proposed change
LZN_021	Landuse Zone	R2 Low Density Residential	RE2 Private Recreation
LSZ_021	Minimum Lot Size	'G' - 450 square metres	No Minimum Lot Size specified
HOB_021	Height of Building	'J' – 9.0 metres	'K' – 10 metres
FSR_021	Floor Space Ratio	'J' - 0.8	No Floor Space Ratio specified

2. Use of a planning agreement under Section 7.4 of the *Environmental Planning and Assessment Act 1979*.

## Part 3 Justification

This part of the planning proposal is split into the following sections:

- Section A      Need for the planning proposal
- Section B      Relationship to strategic planning framework
- Section C      Environmental, social and economic impact
- Section D      State and Commonwealth interests

Information provided under each section is presented as a response to questions listed in the Department of Planning and Environment's document '*A guide to preparing planning proposals*'.

### Section A      Need for the planning proposal

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

The planning proposal has been prepared in response to a request from the landowner who wishes to pursue rationalisation of the existing and adjoining caravan park, and is not the result of any strategic study or report.

The site lies within the Urban Growth Areas identified in the North Coast Regional Plan 2036 (NCRP).

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

The current R2 Low Density Residential zone does not permit caravan parks. To allow development ancillary to the adjoining caravan park, a change of zone is seen as the most appropriate means of facilitating the desired outcome.

Alternatively, an amendment to Tweed LEP 2014 Schedule 1 Additional Permissible Uses could be applied which would restrict development to the listed ancillary development only; however, it would not facilitate rationalisation of the R2 zone as it currently applies to this isolated allotment, and the landowner has agreed to the use of a planning agreement for this purpose.

### Section B      Relationship to strategic planning framework

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

The North Coast Regional Plan (NCRP) is the overarching framework that manages growth within the Far North Coast. The Plan identifies and promotes a settlement pattern that protects environmental values and natural resources while utilising and developing the existing network of major urban centres, reinforcing village character and requiring efficient use of existing services and major transport routes.

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

Rezoning the site to facilitate rationalisation of services and facilities and develop a further 17 sites within the existing caravan park is considered consistent with the objectives, and settlement and housing provisions of the NCRP.

Appendix 5 provides a comparison of action is within the NCRP.

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

The Tweed Community Strategic Plan 2017/2027 (CSP) was prepared based on extensive community consultation, and provides the overarching framework and vision for the Tweed for the next 10 years.

The plan is based on four key themes, Civic Leadership, Supporting Community Life, Strengthening the Economy, and Caring for the Environment. Within each theme are key objectives.

Appendix 6 provides an assessment of consistency with the relevant objectives within each of the four themes.

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

State Environmental Planning policies (SEPPs) deal with matters of State or regional environmental planning significance. They are made by the Governor on the recommendation of the Minister for Planning and may be exhibited in draft form for public comment before being published as a legal document.

The following SEPPs, discussed further in Appendix 7, apply to the subject site:

- SEPP 21 – Caravan Parks;
- SEPP 55 – Remediation of Land, and
- SEPP (Coastal Protection) 2018.

Because the site has been extensively filled without approval, a contamination assessment was completed which concluded that the site could be used for the purposes proposed; however, a geotechnical assessment was also prepared which will require that all waste/fill be removed and the site rehabilitated prior to development occurring.

No other inconsistencies are considered sufficient to prevent the planning proposal from proceeding.

**Question 6: *Is the planning proposal consistent with applicable Ministerial Directions (s117 Directions)?***

Directions issued by the Minister for Planning to relevant planning authorities under Section 9.1 of the *Environmental Planning and Assessment Act 1979* apply to planning proposals lodged with the Department of Planning.

The following Section 9.1 (117 Directions), discussed further in Appendix 8, apply to the subject site:

- 2.1 Environment Protection Zones;
- 2.2 Coastal Protection;
- 2.3 Heritage Conservation;
- 3.1 Residential Zones;
- 3.2 Caravan parks and manufactured home estates;
- 3.4 Integrating Land Use and Transport;
- 3.5 Development Near Licensed Aerodromes;
- 4.1 Acid Sulfate Soils;
- 4.3 Flood Prone Land;
- 5.1 Implementation of Regional Strategies;
- 5.10 Implementation of Regional Plans;
- 6.1 Approval and Referral Requirements, and
- 6.3 Site Specific Provisions.

No inconsistencies are considered sufficient to prevent the planning proposal from proceeding.

## Section C Environmental, social and economic impact

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

The site has been extensively disturbed with the northern part of the site fronting Dry Dock Road occupied by a dwelling house and extensive sealed driveway, while the majority of the site behind the house to the south is covered in fill material and maintained in a grassed state.

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

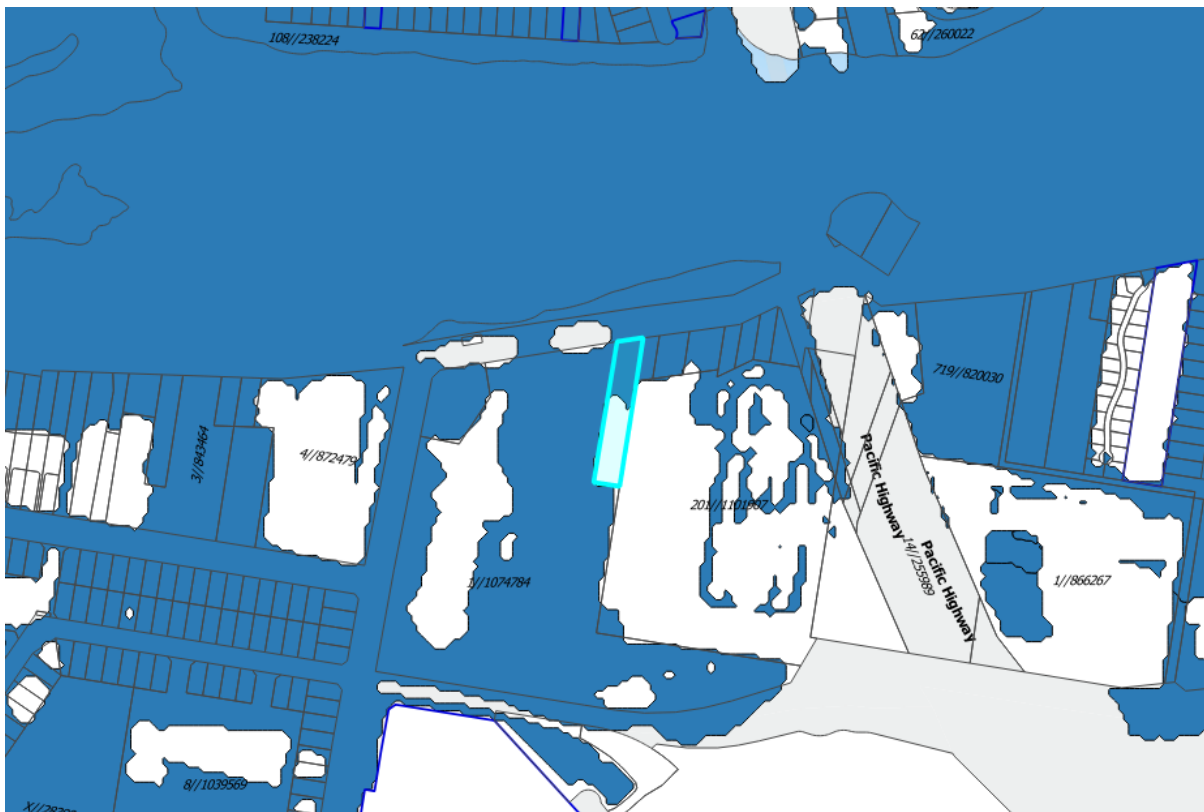
With the exception of potential site contamination, any application for development of the site will be assessed in accordance with Council's existing procedures, guidelines and requirements, and any approval will likewise require appropriate consideration of potential adverse environmental impacts on the site or adjoining land and water bodies, in particular, the lagoon to the west which is connected to Terranora Creek.

It will be a requirement spelt out in a planning agreement to be executed prior to making of the plan that the site be rehabilitated and that all material removed from the site be disposed in accordance with relevant legislation and other requirements.

It is expected that future development of the site will rationalise use of the site through its integration with the existing Palms Village Caravan Park.

### **Flooding**

The northern part of the site fronting Dry Dock Road is flood affected in a 100 year ARI event based on Tweed Council Flood Study as seen in Figure 4 below. The southern portion of the site is shown as flood free and reflects the filled area of the site.



**Figure 4: Anticipated inundation from a 1 in 100 year storm event**



Further assessment during the detailed design of any future development will need to quantify the scale and nature of any impact and recommend mitigation measures consistent with Council's requirements.

### ***Acid sulfate soils***

As Figure 5 below, Council's Acid Sulfate Soils Planning Maps show the site to be mapped as highly disturbed land suggesting that the occurrence of acid sulfate soils could be sporadic or undetermined.

Due to the site's close proximity to Terranora Creek and the lagoon to the west, and its low elevation above sea level, high water tables could be expected.

While acid sulfate soils are not considered to be a prohibitive issue for this proposal, until such time as more detailed investigations are undertaken, no guarantee can be given about the potential to encounter acid sulfate soil during deep excavation, particularly for the pool and any wastewater systems.

Any Development Application will need to be assessed against the potential implications from encountering acid sulfate soil and provide the necessary management options to ensure that contamination of land and water bodies connected to the site or land at which any potential or actual acid sulfate soil may be disposed is addressed to prevent contamination.

Any inconsistency with the Ministerial Direction on acid sulfate soils is considered to be of minor significance and will be addressed at the development application stage.



**Figure 5: Council's Acid Sulfate Soils Planning Map showing extent of highly disturbed terrain (grey shading)**

### ***Contamination and illegal fill***

The site has been extensively filled to a height consistent with the fill deposited on the adjoining Palms Village Caravan Park, as seen in Figure 6.

The current landowner has not been able to produce any evidence of approval for the fill or the location from which the fill originated.

It is a requirement of *State Environmental Planning Policy 55 – Site Remediation* that land be considered for contamination prior to inclusion in a particular zone.

Given the uncertainty relating to the nature of fill material currently sitting beside sensitive water bodies, a detailed site investigation was conducted which found that the site is suitable for the landuses proposed. However, a geotechnical assessment has shown that all material will need to be removed and the site rehabilitated.

All material removed will require further assessment prior to disposal and will require development consent at the Development Application stage.



**Figure 6: Eastern boundary of site showing depth of fill**

### ***Aircraft Noise***

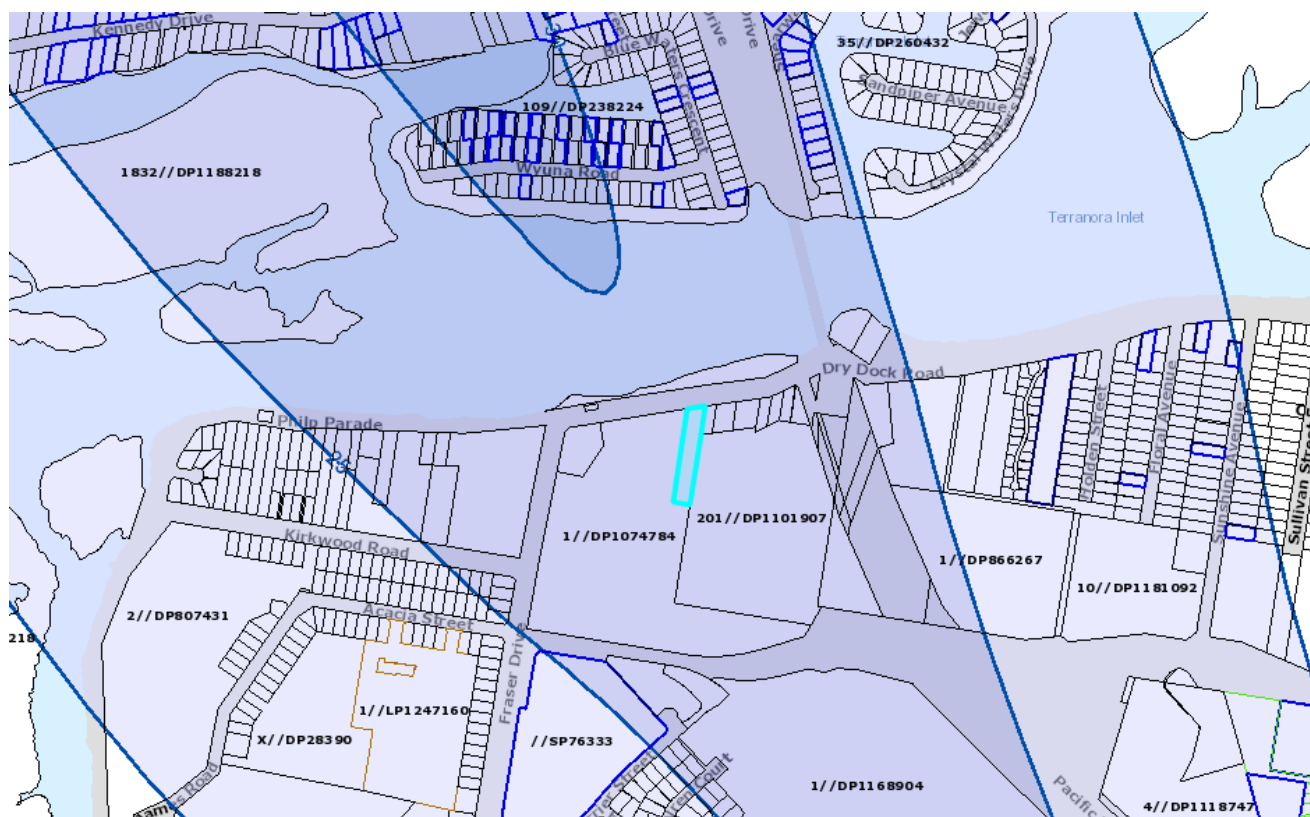
The site lies within the 25-30 ANEF 2047 zone, as shown in Figure 7 below, and as such any development of the site will need to comply with Tweed Local Environmental Plan 2014 Clause 7.9 Development in areas subject to aircraft noise, and Australian Standard AS2021-2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

This planning proposal proposes to rezone the site by removing the current R2 Low Density Residential zone and replacing it with the RE2 Private Recreation zone which will reduce the likelihood of further residential development on the site.

In addition, to prevent the potential for the future use of the site for caravans, cabins, manufactured homes or tents, it is proposed that these uses be removed through the preparation of a planning agreement under section 7.4 of the *Environmental Planning and Assessment Act 1979*.

An Aircraft Noise Impact Report has been prepared which states that construction of recreation facilities ancillary to the existing caravan park would not be inconsistent with AS2021 – 2015. The report recommends that for the proposed community hall Aircraft Noise Reduction (ANR) of 18 (an adopted internal criterion of 70 dB(A) would be required.

The report also recommends that to ensure the internal noise criterion is achieved at the proposed community hall, additional noise assessments be conducted at the detailed design phase of the buildings and prior to the issue of a construction certificate.



**Figure 7: Location of the site within the 25-30 ANEF 2047 zone surrounding Gold Coast Airport**

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

An Aboriginal cultural heritage assessment was undertaken pursuant to the Council guideline *Planning Proposal Process and Procedure – Amending a LEP*. The assessment included searches of the relevant heritage registers and a site visit with Site Officers from the Tweed Byron Local Aboriginal Land Council (TBLALC). The assessment found that:

- No Aboriginal Objects or Places were identified within the Project Area.
- No non-Indigenous (historic) Objects or Places were identified within the Project Area.
- The members of the Aboriginal Advisory Committee (AAC) had no concerns the proposed rezoning and proposed development, subject to the recommendations below being implemented.
- Consultation with the TBLALC and the AAC identified no places of particular intangible (spiritual) significance within the Project Area. However, the Project Area is situated within an immediate cultural landscape that is of high significance to the Aboriginal people of the Tweed. This significance derives from a range of spiritual, ceremonial and occupation sites in relatively close proximity to the Project Area. Consultation with the AAC and the Tweed Byron LALC indicates that the Project would appear unlikely to have a substantial detrimental impact on the significance of surrounding landscape.
- Almost all of the Project Area has been heavily impacted by past development activities and is unlikely to contain in situ (archaeologically / scientifically significant) Aboriginal Objects. The northern portion of the Project Area has been assessed as having a low to moderate



potential of containing subsurface deposits of Aboriginal Objects. The recommendations below are considered to present a reasonable strategy for managing this risk.

The assessment recommended that:

1. As a condition of any subsequent development consents for the Project:
  - a. a representative of the TBLALC be invited to inspect the Project Area immediately following removal of the existing dwellings.
  - b. The TBLALC should be given at least 7 days notice of the requirement for the inspection.
  - c. The TBLALC should be consulted prior to the Inspection over the methods used in clearing the site, to determine the appropriate timing of the inspection.
  - d. The TBLALC will advise whether an excavator is required on site, to assist in determining the subsurface nature of cultural heritage on the site.
2. It is recommended that the Proponent engage a representative of the Tweed Byron LALC to provide a cultural heritage induction to all plant operators undertaking initial ground disturbance within the Project Area.
3. If human remains are located at any stage during earthworks within the Project Area:
  - a. All works must halt in the immediate area to prevent any further impacts to the remains.
  - b. The Site should be cordoned off and the remains themselves should be left untouched.
  - c. The nearest police station, the Tweed Byron LALC and the OEH Regional Office, Coffs Harbour are to be notified as soon as possible.
4. It is recommended that if it is suspected that Aboriginal material has been uncovered as a result of development activities within the Project Area:
  - a. work in the surrounding area is to stop immediately;
  - b. a temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site;
  - c. an appropriately qualified archaeological consultant is to be engaged to identify the material; and
  - d. if the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as outlined in the OEH guidelines: Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010).

The cultural heritage assessment concluded that the rezoning of the site would not be constrained by cultural heritage, subject to appropriate mitigation in the unlikely event that material of heritage significance was to be encountered at the site.

In addition, rezoning of the site to RE2 Public Recreation will result in the removal of three dwelling houses (one on this site, and two on the adjoining caravan park) and will provide upgraded and ancillary development (Community hall, pool, and bowling green) on this site, and additional shopping opportunities on the adjoining park, for the utilisation of park residents.

## **Section D State and Commonwealth interests**

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

Due to its location on Dry Dock Road, a major thoroughfare, and the close proximity to both Tweed Heads and Tweed Heads South, the site provides public infrastructure considered appropriate for the scale and type of development proposed.

### ***Transport***

The proposed rezoning will not result in any habitable dwelling being constructed on the site and as such the impact of the ancillary development proposed is not expected to generate any additional traffic.

However, rationalisation of the adjoining caravan park by relocation of some facilities to this site will result in an additional 17 sites being occupied. While these additional sites can be expected to generate additional traffic, these additional sites will be created under existing development consent and therefore have previously been considered in prior assessments for the park.

Dry Dock Road is a two lane, sealed road with adequate capacity for potential traffic volumes. Future extension of Kirkwood Road to link Fraser Drive with Minjungbal Drive with an ultimate interchange at the Pacific Highway will also improve connectivity and transport networks within the locality.

### ***Water Supply***

Removal of the existing dwelling and construction of ancillary development as proposed is not expected to generate demand beyond the capacity of the existing water supply network.

Council has recently augmented the Murwillumbah Water Treatment Plant and sufficient capacity exists in that system to accommodate the proposed development.

The existing caravan park is serviced by reticulated water supply and as there will be no increase in the number of approved sites.

### ***Sewer***

Removal of the existing dwelling and construction of ancillary development as proposed is not expected to generate wastewater discharges beyond the capacity of Council's reticulated wastewater system.

The Banora Point Sewerage Treatment Plant is located 2 kilometres south of the site and has recently been augmented by Council.

### ***Power***

The site will be serviced utilising existing infrastructure contained within the Dry Dock Road easement. Power supply is not expected to be a constraint.

### ***Telephone***

The site will be serviced utilising existing infrastructure contained within the Dry Dock Road easement. Provision of telecommunications services is not expected to be a constraint.

### ***Health***

Tweed Heads has a public hospital located approximately 3 kilometres northeast of the site together with a cluster of medical services available within several kilometres of the site, including normal medical, dental and other health care professionals within Tweed Heads South and Tweed Heads.

### ***Police***

A Police Station located at Tweed Heads in Recreation Street approximately 3 kilometres northeast of the site. A new Police Station is under construction in Wharf Street, Tweed Heads.

### ***Ambulance***

Tweed Heads Ambulance Station is located adjacent to the Tweed Heads Hospital approximately 3 kilometres northeast of the site.



### ***Fire Brigade***

The Tweed Heads Fire Brigade Station is located on the corner of Dry Dock Road and Minjungbal Drive approximately 2 kilometres east of the site.

### ***Schools***

Tweed Heads and Tweed Heads South have two public high schools, four public primary schools, three private primary schools and two private high schools.

### ***Pedestrian mobility***

The site lies opposite the Terranora Creek, which provides pedestrian and cycle access back to Tweed Heads and Tweed Heads South.

While the rezoning of Lot 1 DP 777875 will lead to removal of the residential dwelling currently on the site, the net impact of the proposed development, when the site is incorporated into the adjoining caravan park, will be the creation of an additional 17 sites in the park. These additional sites have been approved under previous development consent and the net increase in residents has previously been considered in separate development consent issued for the caravan park.

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

This planning proposal is presented for a Gateway determination and as such this section of the planning proposal will be further addressed once a Gateway determination has been provided; however, it is anticipated that the following State and Commonwealth public authorities will need to be consulted during the public exhibition period of the planning proposal:

- Gold Coast Airport Pty Ltd
- Commonwealth Department of Infrastructure and Transport
- NSW Fisheries

## **Part 4     Mapping**

Current and proposed development standards applying to the land can be viewed in Appendix 1 – 4, as listed below:

Appendix 1 – Land Zoning

Appendix 2 – Lot Size

Appendix 3 – Height of Buildings

Appendix 4 - Floor Space ratio

All other maps remain unchanged.

## Part 5 Community consultation

This part of the planning proposal may be revised following receipt of the Department of Planning and Environment's Gateway determination to reflect community consultation requirements as stipulated in the determination.

This planning proposal is considered to be low impact and as such, it is proposed that this planning proposal be placed on public exhibition for a period of 14 days and made available for viewing as listed below:

- Council offices at Tweed Heads and Murwillumbah;
- Notice in Council's weekly newspaper, the Tweed Link, and
- Online at Council's website: [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au).

It is also proposed that the associated Planning Agreement be placed on public exhibition concurrently with the planning proposal. However, because it is a requirement of the *Environmental Planning and Assessment Regulation 2000* that planning agreements must be placed on public exhibition for a period of not less than 28 days, it is proposed that the planning proposal will be available for consideration alongside the planning agreement for the 28 day period.

## Part 6 Project timeline

The following project timeline has been prepared with the assumption that the project would commence once a Gateway determination is issued, but may be amended following assessment by the Department of Planning and Environment to provide the necessary level of confidence that the proposed amendments to *Tweed Local Environmental Plan 2014* will be finalised within a reasonable time.

Project timeline	
Benchmark	Anticipated Deadline
<ul style="list-style-type: none"> <li>Council resolution to proceed for a Gateway determination</li> </ul>	7 February 2019 (Pending resolution to proceed)
<ul style="list-style-type: none"> <li>Anticipated commencement date (date of Gateway determination)</li> </ul>	February 2019
<ul style="list-style-type: none"> <li>Anticipated timeframe for the completion of required technical information</li> </ul>	March 2019
<ul style="list-style-type: none"> <li>Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)</li> </ul>	April 2019
<ul style="list-style-type: none"> <li>Commencement date for public exhibition period</li> </ul>	April 2019
<ul style="list-style-type: none"> <li>Completion date for public exhibition period</li> </ul>	May 2019
<ul style="list-style-type: none"> <li>Dates for public hearing (if required)</li> </ul>	
<ul style="list-style-type: none"> <li>Timeframe for the consideration of submissions</li> </ul>	June 2019
<ul style="list-style-type: none"> <li>Timeframe for the consideration of a proposal post exhibition</li> </ul>	July 2019
<ul style="list-style-type: none"> <li>Date of submission to the Department of Planning and Environment to finalise the LEP</li> </ul>	July 2019
<ul style="list-style-type: none"> <li>Anticipated date RPA will make the plan (if delegated)</li> </ul>	August 2019
<ul style="list-style-type: none"> <li>Anticipated date plan is published and effective</li> </ul>	August 2019

## Summary and conclusions

The planning proposal seeks the rezoning of Lot 1 DP 777875 Dry Dock Road, Tweed Heads South, from R2 Low Density Residential to RE2 Private Recreation to facilitate development ancillary to the caravan park including a community hall, pool, bowling green and car park.

The site lies opposite Terranora Creek and adjoins the existing Palms Village Caravan Park on its eastern boundary and a Lagoon connected to Terranora Creek immediately to the west.

Rezoning will tidy up an isolated R2 Low Density Residential zoned land parcel.

As the subject site falls within the 30-35 ANEF contours, construction of habitable dwellings is not acceptable, and as such, a VPA will be executed with the proponent preventing development of any type of residential accommodation that would otherwise be permissible with consent within the proposed RE2 Private Recreation zone.

The site has been extensively filled, all of which will need to be removed and safely disposed of prior to any development commencing. The Planning Agreement will also incorporate requirements to achieve this outcome.

The site is identified in the *North Coast Regional 2036* as being within an Urban Growth Area.

Whilst the northern part of the site adjoining Dry Dock Road is flood affected during a 1 in 100 year storm event, this constraint does not preclude the proposed ancillary caravan park development.

This planning proposal has strategic merit and is recommended for referral for a Gateway determination.



## **APPENDICES**

**Appendix 1: Maps – Land zoning – Existing and Proposed**

**Appendix 2: Maps – Lot size – Existing and Proposed**

**Appendix 3: Maps – Height of Buildings – Existing and Proposed**

**Appendix 4: Maps – Floor Space Ratio – Existing and Proposed**

**Appendix 5: Consistency with North Coast Regional Plan 2036**

**Appendix 6: Consistency with Council's Community Strategic Plan**

**Appendix 7: Consistency with applicable State Environmental Planning Policies**

**Appendix 8: Consistency with applicable Section 117 Local Planning Directions**

**Appendix 9: Council Report – 11 May 2017**

**Appendix 10: Council Report – 7 February 2019**

**Appendix 11: Information Checklist**

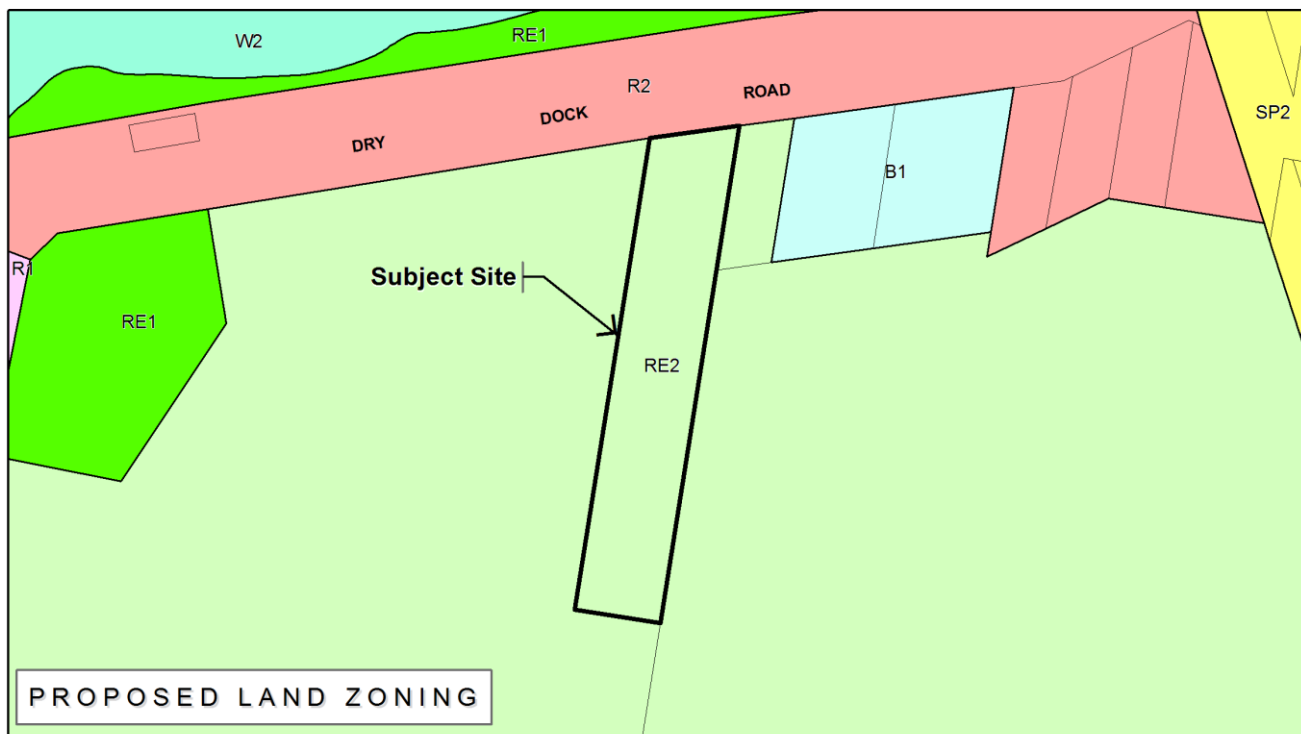
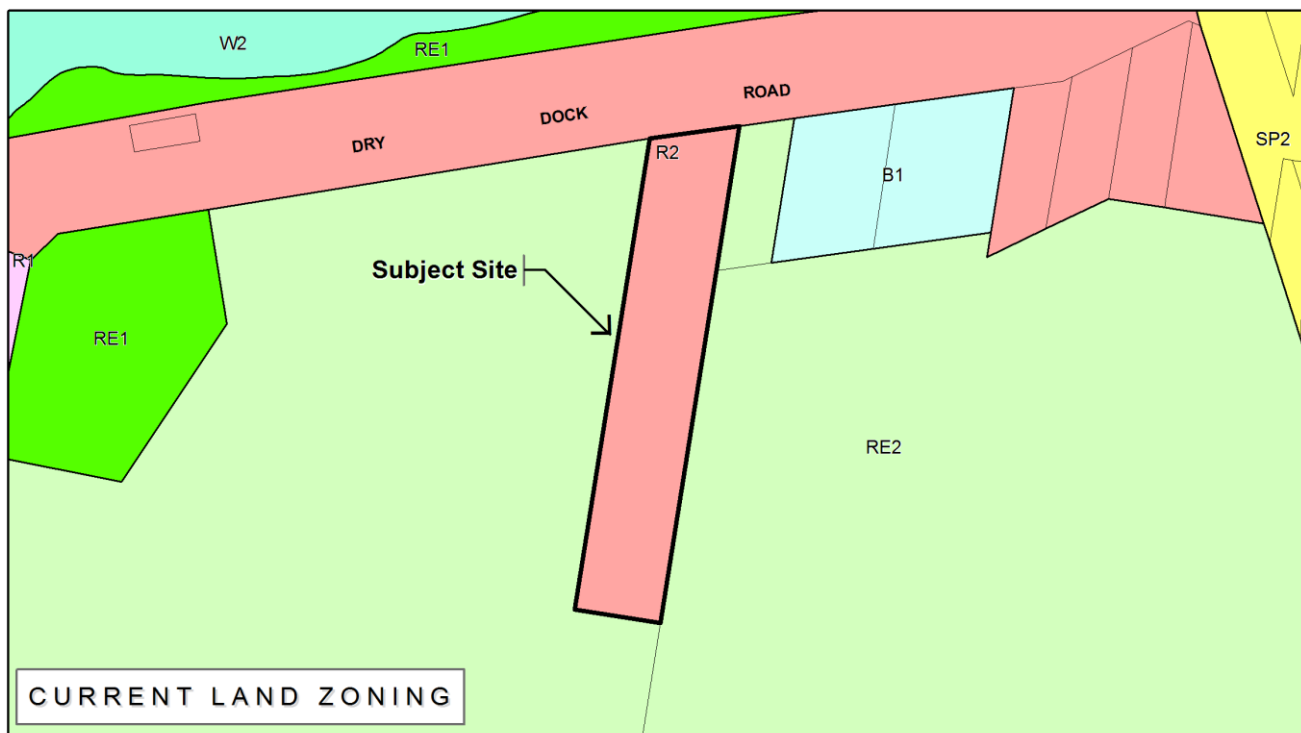
## **ATTACHMENTS**

**Attachment 1: Aboriginal Cultural Heritage Due Diligence Assessment July 2016**

**Attachment 2: Aircraft Noise Impact Report July 2016**

**Appendix 1:**

**Land Zoning Maps**  
**(Existing and Proposed)**



#### Tweed Local Environmental Plan 2014

##### Land Zoning

B1	Neighbourhood Centre
B2	Local Centre
B3	Commercial Core
B4	Mixed Use
B5	Business Development
B7	Business Park

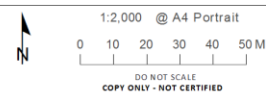
E1	National Parks & Nature Reserves
IN1	General Industrial
IN4	Working Waterfront
R1	General Residential
R2	Low Density Residential
R3	Medium Density Residential

R5	Large Lot Residential
RE1	Public Recreation
RE2	Private Recreation
RU1	Primary Production
RU2	Rural Landscape
RU5	Village

SP1	Special Activities
SP2	Infrastructure
SP3	Tourist
W1	Natural Waterways
W2	Recreational Waterways
W3	Working Waterways

DM	Deferred Matter
MD	SEPP (Major Development) 2005
TCC	Tweed City Centre LEP 2012

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 Boundaries shown should be considered approximate only.



Map Projection: Universal Transverse Mercator  
 Horizontal Datum: Geostatic Datum of Australia 1994  
 Grid: Map Grid of Australia, Zone 56

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## Tweed Local Environmental Plan 2014 DRAFT Planning Proposal

**Rezoning**  
**Affected Property:**  
 Lot 1 DP 777875  
 132-134 Dry Dock Road, Tweed Heads

Council File | PP16/0004  
 Revised | 14/02/2017

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**Appendix 2:**

**Lot Size Maps**  
**(Existing and Proposed)**



#### Tweed Local Environmental Plan 2014

Lot Size  
Minimum Lot Size (sq m)

**G** 450 **V** 2000 **Y** 1 ha **Z** 4 ha **AB1** 10 ha **AB2** 40 ha

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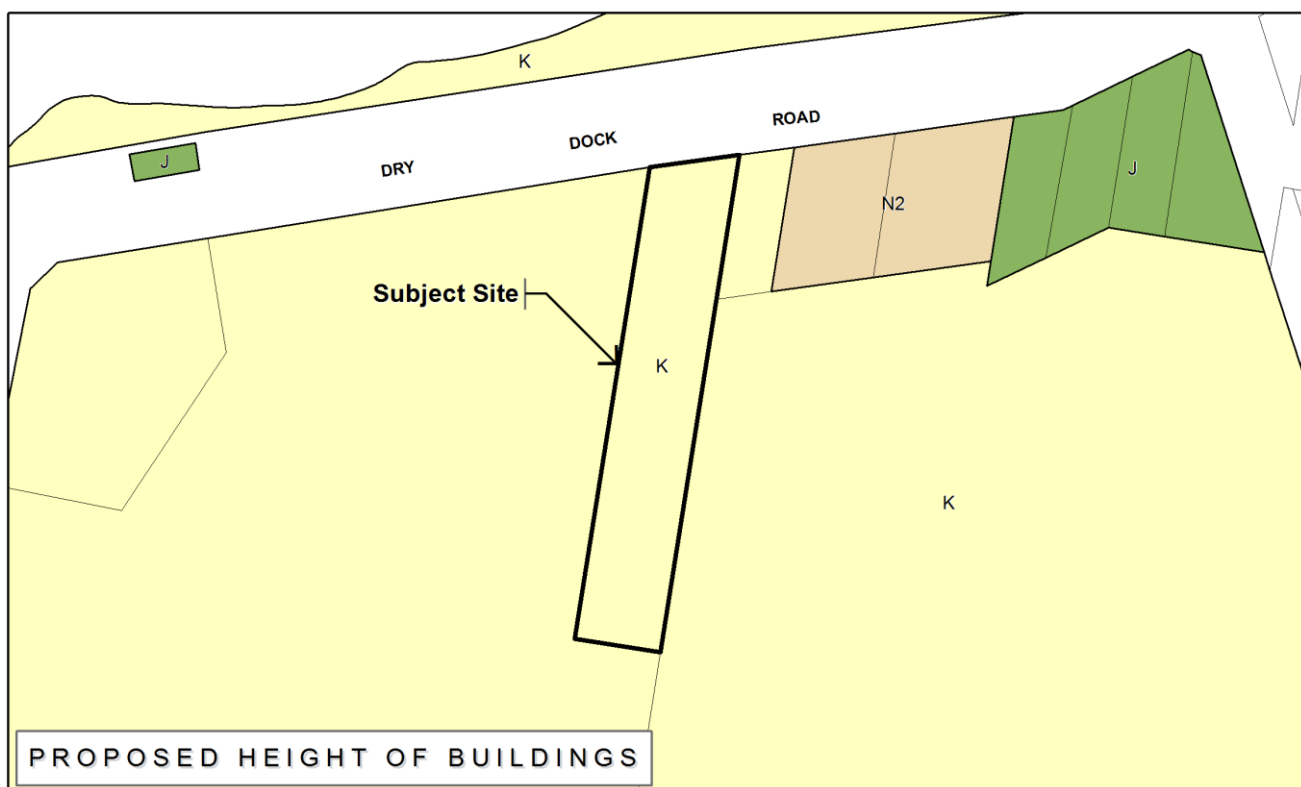
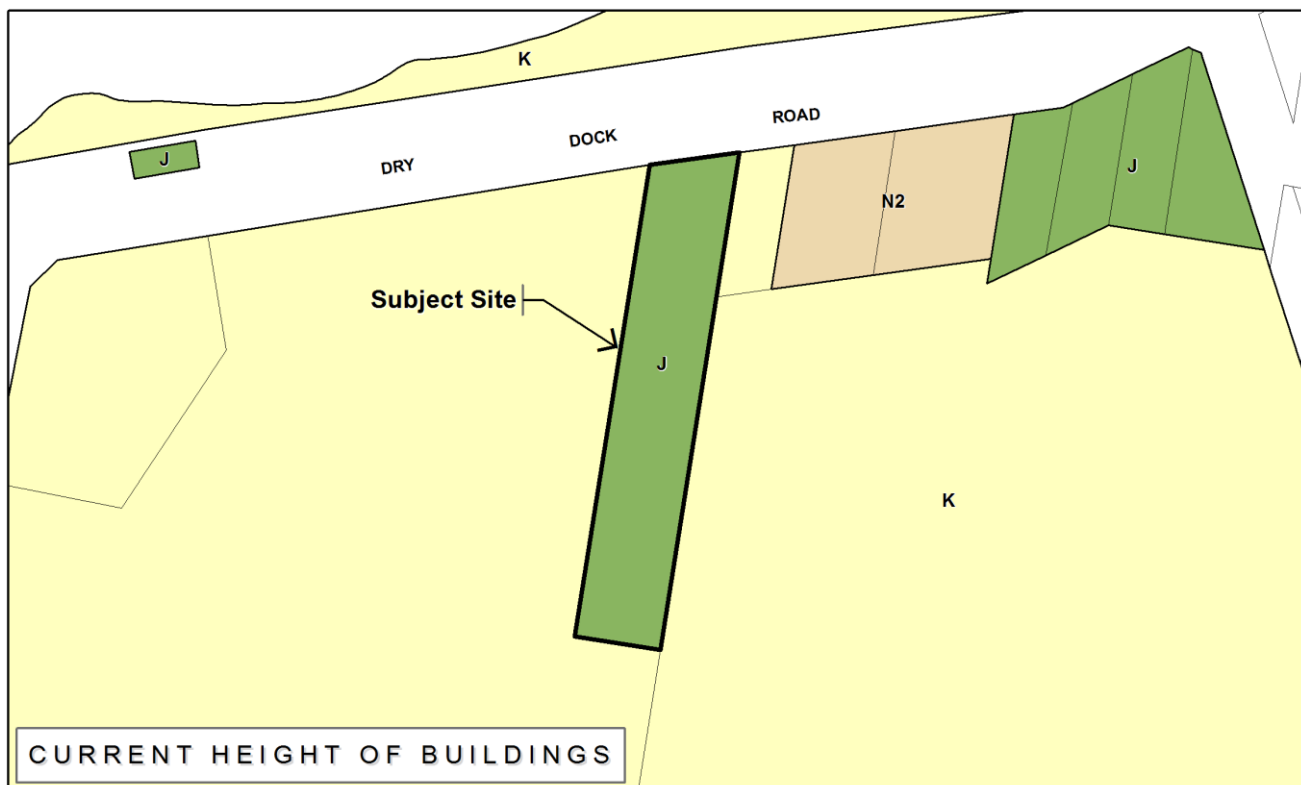
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## **Appendix 3:**

### **Height of Buildings Maps (Existing and Proposed)**



#### Tweed Local Environmental Plan 2014

Height of Buildings  
Maximum Building Height (m)

I 8	K 10	M 12.2	N2 13.6
J 9	L 11	N1 13	N3 14

Maximum Building Height (RL)  
Heights shown on map in RL(m)

21

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#### Tweed Local Environmental Plan 2014 DRAFT Planning Proposal

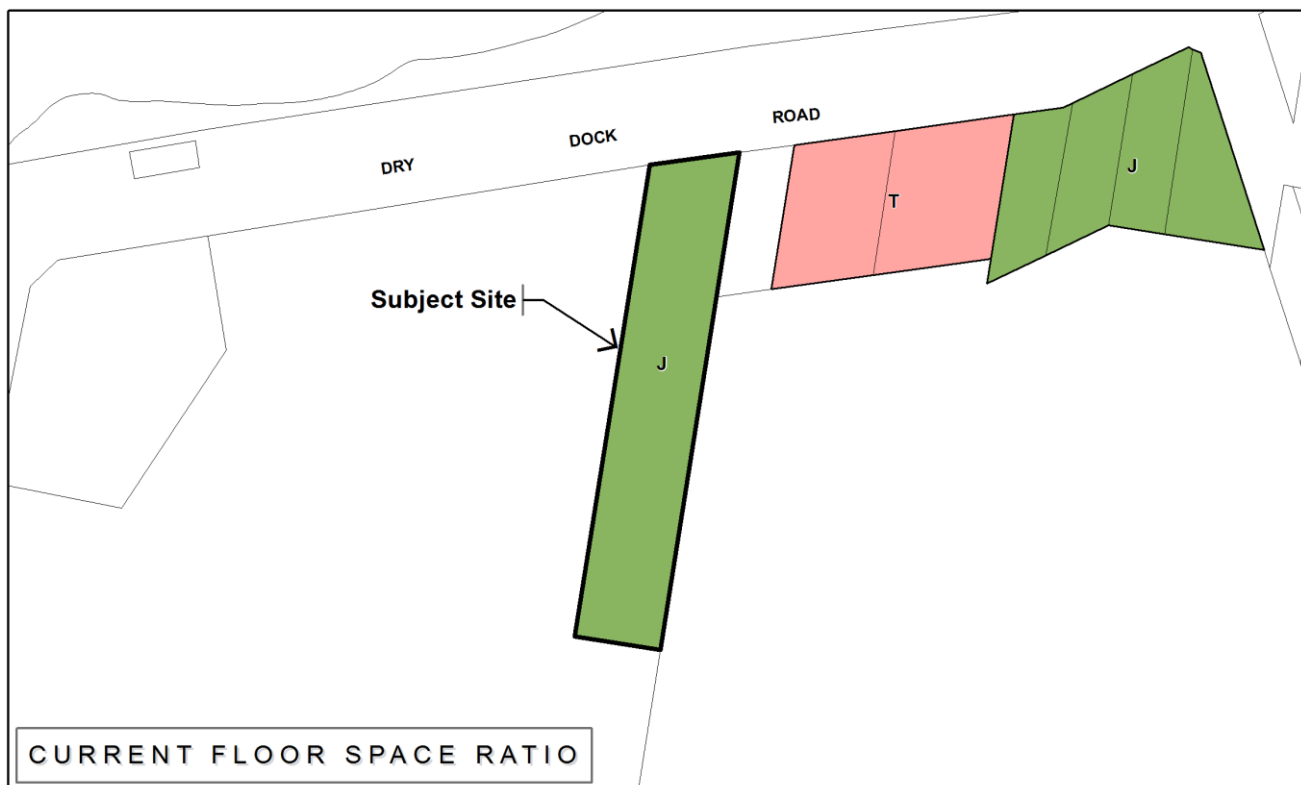
Rezoning  
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Revised | 14/02/2017

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## **Appendix 4:**

### **Floor Space Ratio Maps (Existing and Proposed)**



**Tweed Local Environmental Plan 2014**  
 Floor Space Ratio  
 Maximum Floor Space Ratio (n:1)

**D** 0.5   **E** 0.55   **F** 0.6   **J** 0.8   **P** 1.2   **S** 1.75   **T** 2

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**Rezoning**  
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## **Appendix 5:**

### **Assessment of consistency with North Coast Regional Plan 2036**

Consistency with North Coast Regional Plan 2036		
Goal 1: The most stunning environment in NSW		
Direction/Action		Response
<b>Direction 1: Deliver environmentally sustainable growth</b>		
1.1	Focus future urban development to mapped urban growth areas.	The site lies within an Urban Growth Area.
1.2	Review areas identified as 'under investigation' within urban growth areas to identify and map sites of potentially high environmental value.	N/A
1.3	Identify residential, commercial or industrial uses in urban growth areas by developing local growth management strategies endorsed by the Department of Planning and Environment.	N/A
1.4	Prepare land release criteria to assess appropriate locations for future residential, commercial and industrial uses.	N/A
<b>Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments</b>		
2.1	Focus development to areas of least biodiversity sensitivity in the region and implement the 'avoid, minimise, offset' hierarchy to biodiversity, including areas of high environmental value.	The site will avoid native vegetation
2.2	Ensure local plans manage marine environments, water catchment areas and groundwater sources to avoid potential development impacts.	Acknowledged and will be addressed in detail at the DA stage
<b>Direction 3: Manage natural hazards and climate change</b>		
3.1	Reduce the risk from natural hazards, including the projected effects of climate change, by identifying, avoiding and managing vulnerable areas and hazards.	The proposed development will be assessed at the Development Application stage against potential adverse impacts on the marine environment, risks and hazards.
3.2	Review and update floodplain risk, bushfire and coastal management mapping to manage risk, particularly where urban growth is being investigated	Any development of the site will need to comply with Council's floodplain management strategy and avoid risks from flooding and bushfire.
3.3	Incorporate new knowledge on regional climate projections and related cumulative impacts in local plans for new urban development.	Acknowledged
<b>Direction 4: Promote renewable energy opportunities</b>		
4.1	Diversify the energy sector by identifying renewable energy resource precincts and infrastructure corridors with access to the electricity network	N/A
4.2	Enable appropriate smaller-scale renewable energy projects using bio-waste, solar, wind, small-scale hydro, geothermal or other innovative storage technologies	N/A
4.3	Promote appropriate smaller and community-scale renewable energy projects	An option to be considered at the development assessment stage
Goal 2: A thriving, interconnected economy		
<b>Direction 5: Strengthen communities of interest and cross-regional relationships</b>		
5.1	Collaborate on regional and intra-regional housing and employment land delivery, and industry development	N/A
5.2	Integrate cross-border land use planning between NSW and South East Queensland, and remove barriers to economic, housing and jobs growth.	N/A

Consistency with North Coast Regional Plan 2036		
5.3	Encourage ongoing cooperation and land use planning between the City of Gold Coast and Tweed Shire Council	N/A
5.4	Prepare a regional economic development strategy that drives economic growth opportunities by identifying key enabling infrastructure and other policy interventions to unlock growth.	N/A
<b>Direction 6: Develop successful centres of employment</b>		
6.1	Facilitate economic activity around industry anchors such as health, education and airport facilities by considering new infrastructure needs and introducing planning controls that encourage clusters of related activity	N/A
6.2	Promote knowledge industries by applying flexible planning controls, providing business park development opportunities and identifying opportunities for start-up industries	N/A
6.3	Reinforce centres through local growth management strategies and local environmental plans as primary mixed-use locations for commerce, housing, tourism, social activity and regional services.	N/A
6.4	Focus retail and commercial activities in existing centres and develop place-making focused planning strategies for centres	N/A
6.5	Promote and enable an appropriate mix of land uses and prevent the encroachment of sensitive uses on employment land through local planning controls	N/A
6.6	Deliver an adequate supply of employment land through local growth management strategies and local environmental plans to support jobs growth	N/A
6.7	Ensure employment land delivery is maintained through an annual North Coast Housing and Land Monitor	N/A
<b>Direction 7: Coordinate the growth of regional cities</b>		
7.1	Prepare action plans for regional cities that:	
	• ensure planning provisions promote employment growth and greater housing diversity;	N/A
	• promote new job opportunities that complement existing employment nodes around existing education, health and airport precincts;	N/A
	• identify infrastructure constraints and public domain improvements that can make areas more attractive for investment; and	N/A
	• deliver infrastructure and coordinate the most appropriate staging and sequencing of development.	N/A
<b>Direction 8: Promote the growth of tourism</b>		
8.1	Facilitate appropriate large-scale tourism developments in prime tourism development areas such as Tweed Heads, Tweed Coast, Ballina, Byron Bay, Coffs Harbour and Port Macquarie.	N/A

Consistency with North Coast Regional Plan 2036		
8.2	Facilitate tourism and visitor accommodation and supporting land uses in coastal and rural hinterland locations through local growth management strategies and local environmental plans.	This proposal will result in additional tourist accommodation being added to the existing caravan park.
8.3	Prepare destination management plans or other tourism-focused strategies that: <ul style="list-style-type: none"> <li>• identify culturally appropriate Aboriginal tourism opportunities;</li> <li>• encourage tourism development in natural areas that support conservation outcomes; and</li> <li>• strategically plan for a growing international tourism market.</li> </ul>	N/A
8.4	Promote opportunities to expand visitation to regionally significant nature-based tourism places, such as Ellenborough Falls, Dorrigo National Park, Wollumbin-Mount Warning National Park, Iluka Nature Reserve and Yuraygir Coastal Walk.	N/A
8.5	Preserve the region's existing tourist and visitor accommodation by directing permanent residential accommodation away from tourism developments, except where it is ancillary to existing tourism developments or part of an area otherwise identified for urban expansion in an endorsed local growth management strategy.	N/A
Direction 9: Strengthen regionally significant transport corridors		
9.1	Enhance the competitive value of the region by encouraging business and employment activities that leverage major inter-regional transport connections, such as the Pacific Highway, to South East Queensland and the Hunter.	N/A
9.2	Identify buffer and mitigation measures to minimise the impact of development on regionally significant transport infrastructure including regional and state road network and rail corridors.	N/A
9.3	Ensure the effective management of the State and regional road network by: <ul style="list-style-type: none"> <li>• preventing development directly adjoining the Pacific Highway;</li> <li>• preventing additional direct 'at grade' access to motorway-class sections of the Pacific Highway;</li> <li>• locating highway service centres on the Pacific Highway at Chinderah, Ballina, Maclean, Woolgoolga, Nambucca Heads, Kempsey and Port Macquarie, approved by the Department of Planning and Environment and Roads and Maritime Services; and</li> <li>• identifying strategic sites for major road freight transport facilities.</li> </ul>	N/A
Direction 10: Facilitate air, rail and public transport infrastructure		
10.1	Deliver airport precinct plans for Ballina-Byron, Lismore, Coffs Harbour and Port Macquarie that capitalise on opportunities to diversify and maximise the potential of value-adding industries close to airports.	N/A



Consistency with North Coast Regional Plan 2036		
10.2	Consider airport-related employment opportunities and precincts that can capitalise on the expansion proposed around Gold Coast Airport.	N/A
10.3	Protect the North Coast Rail Line and high-speed rail corridor to ensure network opportunities are not sterilised by incompatible land uses or land fragmentation.	N/A
10.4	Provide public transport where the size of the urban area has the potential to generate sufficient demand.	N/A
10.5	Deliver a safe and efficient transport network to serve future release areas.	N/A
<b>Direction 11: Protect and enhance productive agricultural lands</b>		
11.1	Enable the growth of the agricultural sector by directing urban and rural residential development away from important farmland and identifying locations to support existing and small-lot primary production, such as horticulture in Coffs Harbour.	N/A
11.2	Deliver a consistent management approach to important farmland across the region by updating the <i>Northern Rivers Farmland Protection Project</i> (2005) and <i>Mid North Coast Farmland Mapping Project</i> (2008).	N/A
11.3	Identify and protect intensive agriculture clusters in local plans to avoid land use conflicts, particularly with residential and rural residential expansion.	N/A
11.4	Encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector's capacity to adapt to changing circumstances.	N/A
11.5	Address sector-specific considerations for agricultural industries through local plans.	N/A
<b>Direction 12: Grow agribusiness across the region 40</b>		
12.1	Promote the expansion of food and fibre production, agrichemicals, farm machinery, wholesale and distribution, freight and logistics, and processing through flexible planning provisions in local growth management strategies and local environmental plans.	N/A
12.2	Encourage the co-location of intensive primary industries, such as feedlots and compatible processing activities.	N/A
12.3	Examine options for agribusiness to leverage proximity from the Gold Coast and Brisbane West Wellcamp airports.	N/A
12.4	Facilitate investment in the agricultural supply chain by protecting assets, including freight and logistics facilities, from land use conflicts arising from the encroachment of incompatible land uses.	N/A
<b>Direction 13: Sustainably manage natural resources</b>		
13.1	Enable the development of the region's natural, mineral and forestry resources by directing to suitable locations land uses such as residential development that are sensitive to impacts from noise, dust and light interference.	N/A

Consistency with North Coast Regional Plan 2036		
13.2	Plan for the ongoing productive use of lands with regionally significant construction material resources in locations with established infrastructure and resource accessibility.	N/A
Goal 3: Vibrant and engaged communities		
Direction 14: Provide great places to live and work		
	Prepare precinct plans in growth areas, such as Kingscliff, or centres bypassed by the Pacific Highway, such as Woodburn and Grafton, to guide development and establish appropriate land use zoning, development standards and developer contributions.	N/A
	Deliver precinct plans that are consistent with the <i>Precinct Plan Guidelines</i> (Appendix C)	The site is an isolated expansion of an existing caravan park
Direction 15: Develop healthy, safe, socially engaged and well-connected communities		
15.1	Deliver best-practice guidelines for planning, designing and developing healthy built environments that respond to the ageing demographic and subtropical climate.	To be considered at the DA stage
15.2	Facilitate more recreational walking and cycling paths and expand interregional and intra-regional walking and cycling links, including the NSW Coastline Cycleway.	To be considered at the DA stage
15.3	Implement actions and invest in boating infrastructure priorities identified in regional boating plans to improve boating safety, boat storage and waterway access.	N/A
15.4	Create socially inclusive communities by establishing social infrastructure benchmarks, minimum standards and social impact assessment frameworks within local planning.	N/A
15.5	Deliver crime prevention through environmental design outcomes through urban design processes.	To be considered at the DA stage
Direction 16: Collaborate and partner with Aboriginal communities		
16.1	Develop partnerships with Aboriginal communities to facilitate engagement during the planning process, including the development of engagement protocols.	Engagement of the Local Aboriginal Land Council has occurred and will be further conducted throughout the planning process
16.2	Ensure Aboriginal communities are engaged throughout the preparation of local growth management strategies and local environmental plans.	Engagement of the Local Aboriginal Land Council has occurred and will be further conducted throughout the planning process
Direction 17: Increase the economic self-determination of Aboriginal communities		
17.1	Deliver opportunities to increase the economic independence of Aboriginal communities through training, employment and tourism.	N/A
17.2	Foster closer cooperation with Local Aboriginal Land Councils to identify the unique potential and assets of the North Coast communities.	N/A
17.3	Identify priority sites with economic development potential that Local Aboriginal Land Councils may wish to consider for further investigation.	N/A
Direction 18: Respect and protect the North Coast's Aboriginal heritage		

Consistency with North Coast Regional Plan 2036		
18.1	Ensure Aboriginal objects and places are protected, managed and respected in accordance with legislative requirements and the wishes of local Aboriginal communities.	Engagement of the Local Aboriginal Land Council has occurred and will be further conducted throughout the planning process
18.2	Undertake Aboriginal cultural heritage assessments to inform the design of planning and development proposals so that impacts to Aboriginal cultural heritage are minimised and appropriate heritage management mechanisms are identified.	An Aboriginal cultural heritage assessment has occurred and not identified any sites or objects on the site.
18.3	Develop local heritage studies in consultation with the local Aboriginal community, and adopt appropriate measures in planning strategies and local plans to protect Aboriginal heritage.	N/A
18.4	Prepare maps to identify sites of Aboriginal heritage in 'investigation' areas, where culturally appropriate, to inform planning strategies and local plans to protect Aboriginal heritage.	N/A
Direction 19: Protect historic heritage		
19.1	Ensure best-practice guidelines are considered such as the <i>Australia International Council on Monuments and Sites (ICOMOS) Charter for Places of Cultural Significance</i> and the <i>NSW Heritage Manual</i> when assessing heritage significance.	N/A
19.2	Prepare, review and update heritage studies in consultation with the wider community to identify and protect historic heritage items, and include appropriate local planning controls.	Any objects found during development will be considered for inclusion.
19.3	Deliver the adaptive or sympathetic use of heritage items and assets.	Acknowledged
Direction 20: Maintain the region's distinctive built character		
20.1	Deliver new high-quality development that protects the distinct character of the North Coast, consistent with the <i>North Coast Urban Design Guidelines</i> (2009).	This site is highly visible and the potential impact on the scenic amenity will be considered in detail at the Development Application stage.
20.2	Review the <i>North Coast Urban Design Guidelines</i> (2009).	Acknowledged
Direction 21: Coordinate local infrastructure delivery		
21.1	Undertake detailed infrastructure service planning to support proposals for new major release areas.	The site is or can be fully serviced.
21.2	Maximise the cost-effective and efficient use of infrastructure by directing development towards existing infrastructure or promoting the co-location of new infrastructure.	Acknowledged
Goal 4: Great housing choice and lifestyle options		
Direction 22: Deliver greater housing supply		
22.1	Deliver an appropriate supply of residential land within local growth management strategies and local plans to meet the region's projected housing needs.	N/A
22.2	Facilitate housing and accommodation options for temporary residents by: <ul style="list-style-type: none"> <li>• preparing planning guidelines for seasonal and itinerant workers accommodation to inform the location and design of future facilities; and</li> </ul>	N/A

Consistency with North Coast Regional Plan 2036		
	<ul style="list-style-type: none"> <li>• working with councils to consider opportunities to permit such facilities through local environmental plans.</li> </ul>	
22.3	Monitor the supply of residential land and housing through the North Coast Housing and Land Monitor.	Monitoring is occurring
<b>Direction 23: Increase housing diversity and choice</b>		
23.1	Encourage housing diversity by delivering 40 per cent of new housing in the form of dual occupancies, apartments, townhouses, villas or dwellings on lots less than 400 square metres, by 2036.	N/A
23.2	Develop local growth management strategies to respond to changing housing needs, including household and demographic changes, and support initiatives to increase ageing in place.	Acknowledged
<b>Direction 24: Deliver well-planned rural residential housing areas</b>		
24.1	Facilitate the delivery of well-planned rural residential housing areas by: <ul style="list-style-type: none"> <li>• identifying new rural residential areas in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment; and</li> <li>• ensure that such proposals are consistent with the <i>Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies</i> (2007) or land release criteria (once finalised).</li> </ul>	N/A
24.2	Enable sustainable use of the region's sensitive coastal strip by ensuring new rural residential areas are located outside the coastal strip, unless already identified in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment.	N/A
<b>Direction 25: Deliver more opportunities for affordable housing</b>		
25.1	Deliver more opportunities for affordable housing by incorporating policies and tools into local growth management strategies and local planning controls that will enable a greater variety of housing types and incentivise private investment in affordable housing.	Housing opportunities will exist once the existing caravan park is further developed as a result of this planning proposal.
25.2	Prepare guidelines for local housing strategies that will provide guidance on planning for local affordable housing needs.	N/A

## **Appendix 6:**

### **Consistency with Council's Community Strategic Plan**

Council's Community Strategic Plan is structured around four service streams, each of which is broken into a number of sub-streams. The streams have been developed based on feedback from the community, stakeholders and leaders, and incorporate local, regional, state and national priorities for Council. The four streams are:

- Leaving a legacy: Looking out for future generations;
- Making decisions with you: We're in this together;
- People, places and moving around: Who we are and how we live, and
- Behind the scenes: Providing support to make it happen.

## Consistency with relevant objectives of Tweed Community Strategic Plan 2017/2027

### Leaving a legacy: *Looking out for future generations*

#### 1.1 Natural resource management

##### Goal

Protect and manage the environment and natural beauty of the Tweed for current and future generations, and ensure that ecological sustainability and climate change consideration underpin decision making in Council.

Strategies/actions	Response
<ul style="list-style-type: none"> <li>• Develop and use regulatory instruments to protect and manage the environment</li> <li>• Implement land and waterway rehabilitation and protection projects</li> <li>• Lead and engage the community to enhance awareness and improve sustainable management of the environment</li> <li>• Decrease the carbon footprint of the Tweed community and progress towards 100 per cent self-sufficiency in renewable energy</li> <li>• Prepare for climate change through adaptation and mitigation strategies</li> <li>• Provide for appropriate public access and use of natural areas</li> <li>• Council maintains a strong position to ensure the Shire retains a 'Gas Field Free' status</li> </ul>	The site is heavily disturbed and has been filled removing all native vegetation.

#### 1.2 Asset Protection

##### Goal

Protection of people and property by managing the risk of flooding and its impacts on property owners, the environment and the broader community.

Strategies/actions	Response
<ul style="list-style-type: none"> <li>• Capture and convey rainfall runoff back into the environment</li> <li>• Evaluate and respond to flood impacts associated with land use and development</li> <li>• Design, construct and maintain flood protection assets such as floodgates, flood pumps and levees</li> <li>• Ensure adequate stormwater drainage infrastructure is provided with new development</li> </ul>	Development will be assessed against Council's floodplain management policy at the Development Application stage.



## Consistency with relevant objectives of Tweed Community Strategic Plan 2017/2027

### 1.3 Utility Services

#### Goal

Provide high quality and secure water, sewer, rubbish and recycling services that meet health and environmental requirements.

Strategies/actions	Response
<ul style="list-style-type: none"><li>• Provide rubbish collection, disposal and recycling services which maximise the diversion of rubbish from landfill</li><li>• Ensure adequate facilities and plans are in place to minimise service interruptions and to cater for current and future demand</li></ul>	The site is capable of being fully serviced

### 1.4 Managing Community Growth

#### Goal

Plan for sustainable development which balances economic, environmental and social considerations. Promote good design in the built environment.

Strategies/actions	Response
<ul style="list-style-type: none"><li>• Support the community to adapt to changing social, economic and climatic conditions</li><li>• Encourage housing diversity and choice that meets the needs of the community</li><li>• Enable economic opportunities for productive and employment-generating land uses</li><li>• Sustainable management and protection of Aboriginal and European heritage</li><li>• Plan for well-located and connected centres that meet the business, health and social needs of the community</li><li>• Protect and manage the Tweed's unique character and world heritage scenic landscapes</li><li>• Protect and enhance productive farmland</li></ul>	To be addressed at the DA stage

## Making decisions with you: *We're in this together*

### 2.1 Built Environment

#### Goal

Regulate and deliver the built environment to balance the social, cultural, economic and environmental needs of the community.

Strategies/actions	Response
--------------------	----------

## Consistency with relevant objectives of Tweed Community Strategic Plan 2017/2027

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Assess and regulate development activity to promote good design in the built environment</li> <li>• Determine development applications fairly and accurately</li> <li>• Engage the community to enhance awareness and improve understanding and management of the built environment</li> <li>• Provide infrastructure to meet the needs of local and regional growth</li> <li>• Promote sustainable construction practices and reuse of materials</li> <li>• Align cross border planning with south east Queensland</li> </ul> | <p>Provision of services ancillary to the existing caravan park, and an increase in accommodation on the existing park will support the needs of tourists and residents seeking long stay accommodation.</p> |
|---|--|

## 2.2 Engagement

### Goal

Provide public participation opportunities that inform decision-making processes on current and future Council infrastructure and service requirements of the community.

### Strategies/actions

- Communicate and engage with the community, government and business groups on important matters affecting the Tweed
- Convene open, accessible and transparent Council and Committee Meetings
- Provide professional and efficient services to Council's customers
- Deliver strong and sustainable budgets to provide for long term asset management and service delivery

### Response

The planning proposal will be advertised as per requirements of the Gateway determination.

## People, Places and Moving around: *Who we are and how we live*

### 3.1 People

### Goal

Provide social, cultural and economic opportunities enabling healthy, safer and more inclusive communities.

### Strategies/actions

### Response

### Consistency with relevant objectives of Tweed Community Strategic Plan 2017/2027

- |  |  |
|--|--|
| <ul style="list-style-type: none"><li>• Provide well maintained and suitable community buildings and facilities</li><li>• Undertake health and wellbeing initiatives that encourage a happy and active lifestyle</li><li>• Provide support and advice to businesses and industry</li><li>• Improve telecommunications and digital services to support businesses and industry</li><li>• Market the Tweed as a tourism destination</li><li>• Protect public health and community safety</li><li>• Provide more opportunities for people in the Tweed to work</li><li>• Improve local and regional healthcare infrastructure and services</li><li>• Improve tertiary education and vocational training infrastructure and services</li><li>• Advocacy and support for community access and inclusion in all Council facilities</li></ul> | Development of the site for services and facilities ancillary to the existing caravan park will support the wellbeing of the park's residents. |
|--|--|

### 3.2 Places

#### Goal

Provide places for people to live, work, visit, play and enjoy the Tweed.

#### Strategies/actions

- Provide places, spaces and facilities for the sporting, recreation, leisure and cultural pursuits of locals and visitors
- Provide diverse, affordable and attractive holiday park accommodation and facilities
- Promote the distinctive character and diverse identities of Tweed's towns and villages

#### Response

Development of the site for services and facilities ancillary to the existing caravan park will support the wellbeing of the park's residents.

### 3.3 Moving around

#### Goal

Provide an integrated, connected, safe and accessible transport network that facilitates efficient, coordinated and reliable movement of people, vehicles and air traffic.

#### Strategies/actions

- Provide a safe, connected and efficient regional transport network
- Design, construct and maintain a safe and efficient local transport network
- Gain a more equitable distribution of transport funding from other levels of government
- Encourage healthy and sustainable alternative transport options such as walking, cycling and integrated public transport

#### Response

The site is well located for access to the major shopping centres of Tweed Heads and Tweed Heads South and other services.

## Consistency with relevant objectives of Tweed Community Strategic Plan 2017/2027

### Behind the scenes: *Providing support to make it happen*

#### 4.1 Assurance

##### Goal

Support Council to meet its legislative and compliance requirements and implement opportunities for organisational improvement.

Strategies/actions	Response
<ul style="list-style-type: none"><li>• Provide Council's leadership with a strong governance and management framework that promotes transparent and informed decision making</li><li>• Obtain structured independent assessment of Council's organisational compliance, practices and performance</li></ul>	N/A

#### 4.2 Support services

##### Goal

Foster safe, productive and professional workspaces, enabling Council staff to source, manage and maintain services to the community.

Strategies/actions	Response
<ul style="list-style-type: none"><li>• Provide a professional, skilled and customer focused workforce</li><li>• Plan and prepare for future contemporary local government workforce structures</li><li>• Provide professional learning and career development opportunities for all staff</li><li>• Prioritise staff health and wellbeing</li></ul>	N/A

## **Appendix 7:**

### **Consistency with applicable State Environmental Planning Policies**

## Consistency with relevant State Environmental Planning Policies (SEPPs)

SEPP	Consistency
SEPP 14 – Coastal Wetlands	The subject land does not contain or adjoin any mapped coastal wetlands.
SEPP 21 – Caravan Parks	Any development must comply with the requirements of this SEPP, and the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i>
SEPP 44 – Koala Habitat	The subject land does not contain any koala habitat.
SEPP 55 – Remediation of Land	<p>A majority of the site has been extensively filled with material of unknown origins to a depth of approximately one metre, with building materials are evident in exposed batters.</p> <p>A preliminary contamination assessment will be required prior to determining if the planning proposal should be placed on public exhibition.</p>
SEPP 64 – Advertising and signage	The planning proposal does not contain provisions that will contravene application of the SEPP.
SEPP (Coastal Management) 2018	<p>The northern boundary of the site lies 50 metres from Terranora Creek and adjoins a lagoon on its western boundary that is connected to the creek.</p> <p>Part 2 of the SEPP sets out the relevant matters that should be considered in the preparation and assessment of a DA. Matters relevant to the Planning Proposal include the suitability of the development given its type, location and design and its relationship with the surrounding area.</p> <p>The site is suitable for development ancillary to the adjoining and to be integrated caravan park.</p>
SEPP (Exempt and Complying Development Codes) 2008	Provisions of the SEPP will continue to apply

## **Appendix 8:**

### **Consistency with applicable Section 9.1 (formerly 117) local planning directions**



## Consistency with relevant section 9.1 (formerly 117(2)) Ministerial Directions

### Environment and Heritage

#### 2.1 Environment Protection Zones

A LEP shall include provisions that facilitate the protection and conservation of environmentally sensitive areas and shall not reduce the environmental protection standards that apply to the land.

The objective of this direction is to protect and conserve environmentally sensitive areas.

While the site adjoins a lagoon connected to Terranora Creek, there are no existing environmental protection zones on site and no environmentally sensitive areas requiring environmental protection zones.

#### 2.2 Coastal Management

This Direction applies when a relevant planning authority prepares a Planning Proposal that applies to land in the coastal zone.

The objective of this direction is to implement the principles in the *NSW Coastal Policy 1997*.

The site is located within the coastal zone, and is subject to the *NSW Coastal Policy 1997*; however the site is separated from Terranora Creek by Dry Dock Road to the north.

The site is located within an urban area and is not subject to ocean waves.

There is no significant erosion, coastal process threats or hazards to the site.

Due to the location of the lagoon on western boundary of the property, special attention will need to be applied when designing, constructing and maintaining development.

#### 2.3 Heritage Conservation

A planning proposal must contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area.

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The site is heavily disturbed and contains no identified heritage items under Tweed LEP 2014.

The Due Diligence Assessment completed for the site has recommended that, as a condition of development consent, that a representative of the Tweed Byron LALC be invited to inspect the site immediately following removal of the existing dwellings.

### 3. Housing, Infrastructure and Urban Development

#### 3.1 – Residential Zones

A planning proposal must encourage a variety and choice of housing types to provide for existing and future housing needs, efficiently use existing infrastructure and services and minimise the impact of residential development on the environment.

The objective of this direction is to broaden the choice of building types and locations, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing and associated urban development on the urban fringe, and be of good design.

Removal of the R2 zone and applying restrictions on the type of development possible on the site will reduce the potential for conflict with restrictions that apply due to the site's location within the 30-35 ANEF zone, and facilitate a more efficient and affordable housing outcome on the existing Palms Village Caravan Park without increasing the approved scale of residential development within the Gold Coast Airport flight path.

### 3.2 – Caravan parks and manufactured home estates

This Direction provides that the relevant planning authority must retain provisions that permit development for the purpose of a caravan park to be carried out on land, and retain the zonings of existing caravan parks or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument that would facilitate the retention of the existing caravan park.	The objectives of this direction seek to provide for a variety of housing types, and opportunities for caravan parks and manufactured home estates	<p>This Planning Proposal seeks to rezone the subject land to enable recreation facilities ancillary to the existing Palms Village Caravan Park to be integrated into the park.</p> <p>Any development on the site will be required to comply with the relevant acts and regulations.</p>
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### 3.4 Integrating Land Use and Transport

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, including land zoned for residential, business, industrial, village or tourist purposes.	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts improving access to housing, jobs and services by walking, cycling and public transport, reducing dependence on cars, and travel demand including the number of trips, especially by car.	<p>Adequate services exist within the locality.</p> <p>The site adjoins Dry Dock Road which provides linkage for public transport to Tweed Heads South and Tweed Heads where a range of health facilities and shopping opportunities are available.</p>
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### 3.5 Development Near Licensed Aerodromes

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 land in the vicinity of a licensed aerodrome	The objectives of this direction are to ensure the effective and safe operation of aerodromes, prevent construction of hazards or potential hazards to aircraft flying in the vicinity, and ensure development for human occupation, if situated on land within an ANEF zone incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	<p>The site is within the 30 – 35 ANEF contour associated with the Gold Coast Airport.</p> <p>The direction states that for commercial development purposes where the ANEF is above 30 than AS2021 interior noise levels apply.</p> <p>Tweed LEP 2014 clause 7.9 Development in areas subject to aircraft noise makes special provision for development within land bound by ANEF contours, including compliance with the requirements of Australia Standard AS 2021-2015.</p> <p>Any development consent will require compliance with these planning provisions and standards.</p>
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## 4. Hazard and Risk

### 4.1 Acid Sulfate Soils

This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning.	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.	<p>The site is identified on Tweed LEP 2014 Acid Sulfate Soils map as being highly disturbed land.</p> <p>Tweed LEP 2014 clause 7.1 contains provisions to regulate works undertaken on and in proximity to acid sulfate soils.</p> <p>While the site has previously been illegally filled, due to close proximity to the lagoon</p>
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		<p>and Terranora Creek, and the potential for significant disturbance to address potential geotechnical requirements, and excavation for the construction of the pool, subsurface excavation is likely be required.</p> <p>It is proposed that any Development Application require further investigations once the extent and locations of excavation areas are known.</p> <p>Inconsistencies with this direction are considered of minor significance.</p>
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#### 4.3 Flood Prone Land

<p>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</p>	<p>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) to ensure that the provisions of LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>	<p>The northern part of the site is flood affected in a 100 year ARI event based on Tweed Council Flood Study.</p> <p>The Planning Proposal is justifiably inconsistent with this direction as the proposal will rezone the site for private recreation and not lead to further habitable dwellings.</p> <p>While not discussed in the request to prepare the planning proposal, it would be likely that the northern part of the site would also be filled to a height above the design flood level.</p> <p>The site is already developed and heavily disturbed with fill, any potential future flooding issues on this part of the site can be dealt with at the development assessment stage.</p> <p>Any inconsistency with this direction is considered of minor significance.</p>
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### 5. Regional Planning

#### 5.1 Implementation of Regional Strategies

<p>Planning proposals must be consistent with a regional strategy released by the Minister for Planning.</p>	<p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</p>	<p>The site is contained within an Urban growth Area of the NCRP, and therefore the Planning Proposal is consistent with the Regional Strategy.</p>
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#### 5.10 Implementation of Regional Plans

<p>This direction applies to land to which a Regional Plan has been released by the Minister for Planning.</p>	<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p>	<p>The Draft North Coast Regional Plan 2016 has now been publicly exhibited and once finalised will replace the Far North coast Regional Strategy 2006.</p> <p>Until such time as the Plan is published, comment on consistency with this draft document is not considered relevant.</p>
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## 6. Local Plan Making

### 6.1 Approval and Referral Requirements

This Direction provides that a LEP shall minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or Public Authority, not contain these provisions unless Council has obtained approval from the relevant Authority and not identify development as designated development unless certain prerequisites can be met

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

The Planning Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.

### 6.3 Site Specific Provisions

A LEP that amends another environmental planning instrument in order to allow a particular development proposal shall either allow that land use to be carried out in the zone that the land is situated on or rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already existing or allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal planning instrument being amended.

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

The Planning Proposal seeks to facilitate rationalisation of the existing Palms Village Caravan Park and to provide opportunity to ensure that undesirable development due to the site's location within the 30-35 ANEF zone does not occur, as agreed by the landowner.

## **Appendix 9:**

### **Report – Council meeting 11 May 2017**

[\[PR-PC\] Planning Proposal PP16/0004 The Palms Shopping Village, Dry Dock Road, Tweed Heads South](#)

TWEED SHIRE COUNCIL  
MEETING TASK SHEET

User Instructions

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

Action Item - PLANNING COMMITTEE MEETING Thursday, 11 May 2017

Action is required for Item 6 as per the Planning Committee Recommendation outlined below.

**ATTENTION:**

PLEASE NOTE THE ADOPTION OF THE COMMITTEE RECOMMENDATIONS BY COUNCIL AT ITS MEETING HELD Thursday, 11 May 2017 (Minute No 179 Refers)

TITLE: → [PR-PC] Planning Proposal PP16/0004 [The Palms Shopping Village, Dry Dock Road Tweed Heads South](#)

Cr W Polglase  
Cr P Allsop

RECOMMENDED that in terms of Planning Proposal PP16/0004 Palms Shopping Village, the matter of alleged unlawful fill of land be referred to Council's Compliance Unit for appropriate investigation and action. On completion of this investigation, a further report will be submitted to Council to further consider the referral of the Planning Proposal to the Department of Planning and Environment for a Gateway determination.

The Motion was Carried

*FOR VOTE - Unanimous*

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• **TITLE:** → [PR-PC] Planning Proposal PP16/0004 The Palms Shopping Village, Dry Dock Road Tweed Heads South

• **SUBMITTED BY:** → Strategic Planning and Urban Design

**FILE REFERENCE:** → PP16/0004



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- |       |  |  |
|-------|--|--|
| 1.0   | Civic Leadership   |  |
| 1.5   | Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economical viable agriculture land  |  |
| 1.5.2 | Land use plans and development controls will be applied and regulated rigorously and consistently and consider the requirements of development proponents, the natural environment and those in the community affected by the proposed development |  |

### SUMMARY OF REPORT:

Council has received a request to prepare a planning proposal for Lot 1 DP 777875 Dry Dock Road, Tweed Heads South. It seeks a change of zoning from R2 Low Density Residential to RE2 Private Recreation to enable integration with the existing and adjoining Palms Village Caravan Park, and development ancillary to the park.

Rezoning will facilitate rationalisation of the existing caravan park and result in the constitution of a community hall, pool, bowling green and car parking.

The site currently lies within the 30-35 ANEF 2031 contours with residential development unacceptable under Australian Standard 2021-2015. To limit development to those types listed above, and prevent the potential for construction of cabins, manufactured homes, and caravans permissible within the proposed RE2 zone, a planning agreement under section 93F of the *Environmental Planning and Assessment Act 1979* has been agreed by the proponent.

Gold Coast Airport Pty Ltd has advised that once the Gold Coast Airport Master Plan 2017 is approved by the Federal Minister for Infrastructure and Transport, currently assumed to be before mid-2017, new ANEF contours projected to 2047 will replace the current 2031 contours. The impact of this will be to change the ANEF zone from 30-35, to 25-30. Residential development is still unacceptable in this zone.

The site has been filled with material of unknown origin without consent and is situated just metres from a lagoon which joins to Terranora Creek. It is proposed that Council endorse an investigation into this alleged unauthorised fill activity prior to a further report being submitted to Council on whether or not to submit the Planning Proposal to the Department of Planning and Environment for a Gateway determination.

### RECOMMENDATION:

That in terms of Planning Proposal PP16/0004 Palms Shopping Village, the matter of alleged unlawful fill of land be referred to Council's Compliance Unit for appropriate



investigation and action. On completion of this investigation, a further report will be submitted to Council to further consider the referral of the Planning Proposal to the Department of Planning and Environment for a Gateway determination.¶

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CONFIDENTIAL

## REPORT

On 4 August May 2016 a request was received for Council to prepare a planning proposal for Lot 1 DP 777875 Dry Dock Road, Tweed Heads South (see Figures 1 and 2).

### The request

The request seeks to rezone Lot 1 DP 777875 from R2 Low Density Residential to RE2 Private Recreation for the purpose of development ancillary to the operation of the caravan park on the adjoining land (See Figure 3).

It is proposed that the site will be integrated with the existing Palms Village Caravan Park and be developed for the purpose of:

- → Community hall;
- → Swimming pool;
- → Bowling green, and
- → Car parking.

### Implications of the request

1. → Caravan parks are prohibited in the R2 Low Density Residential zone, but permissible with consent in the RE2 Private Recreation zone.

2. → It is proposed that the existing pool and community hall will be relocated to this site from their current locations within the caravan park.

3. → The site lies within the 30 – 35 ANEF 2031 (Aircraft noise) contours surrounding Gold Coast Airport and as such residential development is unacceptable.

4. → To prevent the site from being utilised for residential purposes such as caravans, cabins, manufactured homes or tents, it is agreed by the proponent that a planning agreement be utilised to secure perpetual restrictions on the types of development possible on the site.

5. → The site has been extensively filled with material of unknown origin without any approval. This matter should be resolved prior to submission of this proposal to the Department of Planning and Environment for a Gateway determination.

6. → Relocation of facilities from the existing park to this site will enable the park to provide an additional 17 sites which is within its existing development approval.

Discussion of the implications of this request is presented in the remainder of this report.

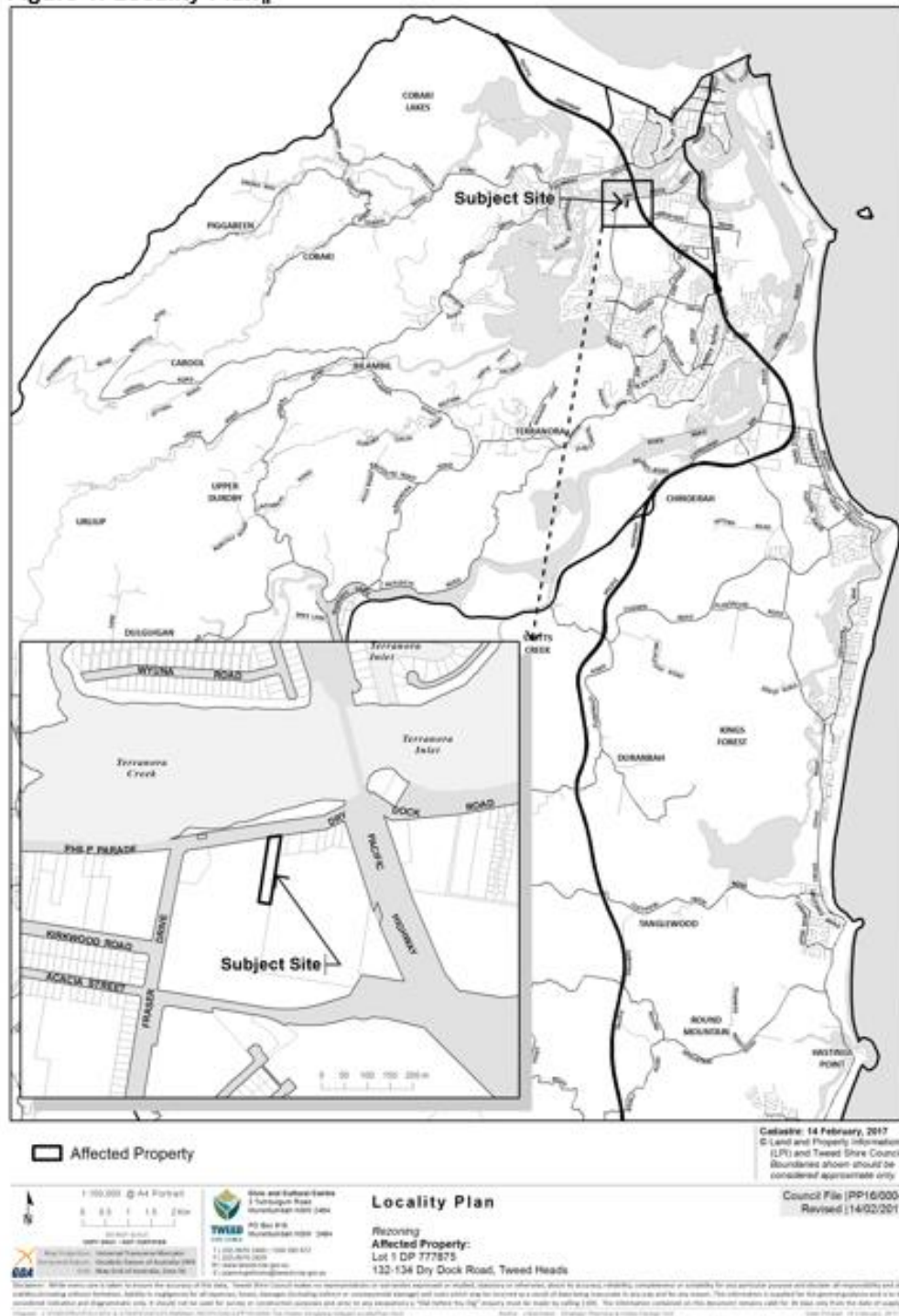
### The site and surrounding environment

The site lies immediately west of the Pacific Highway overpass on Dry Dock Road in direct alignment with Gold Coast Airport Runway 32.

The site covers an area of approximately 3876 square metres (0.38 hectares), adjoins the existing Palms Village Caravan Park to the east and a narrow strip of land bordering the lagoon being part of the former aquatic centre to the west. The lagoon enters Terranora Creek on the opposite side of Dry Dock Road.

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Figure 1: Locality Plan



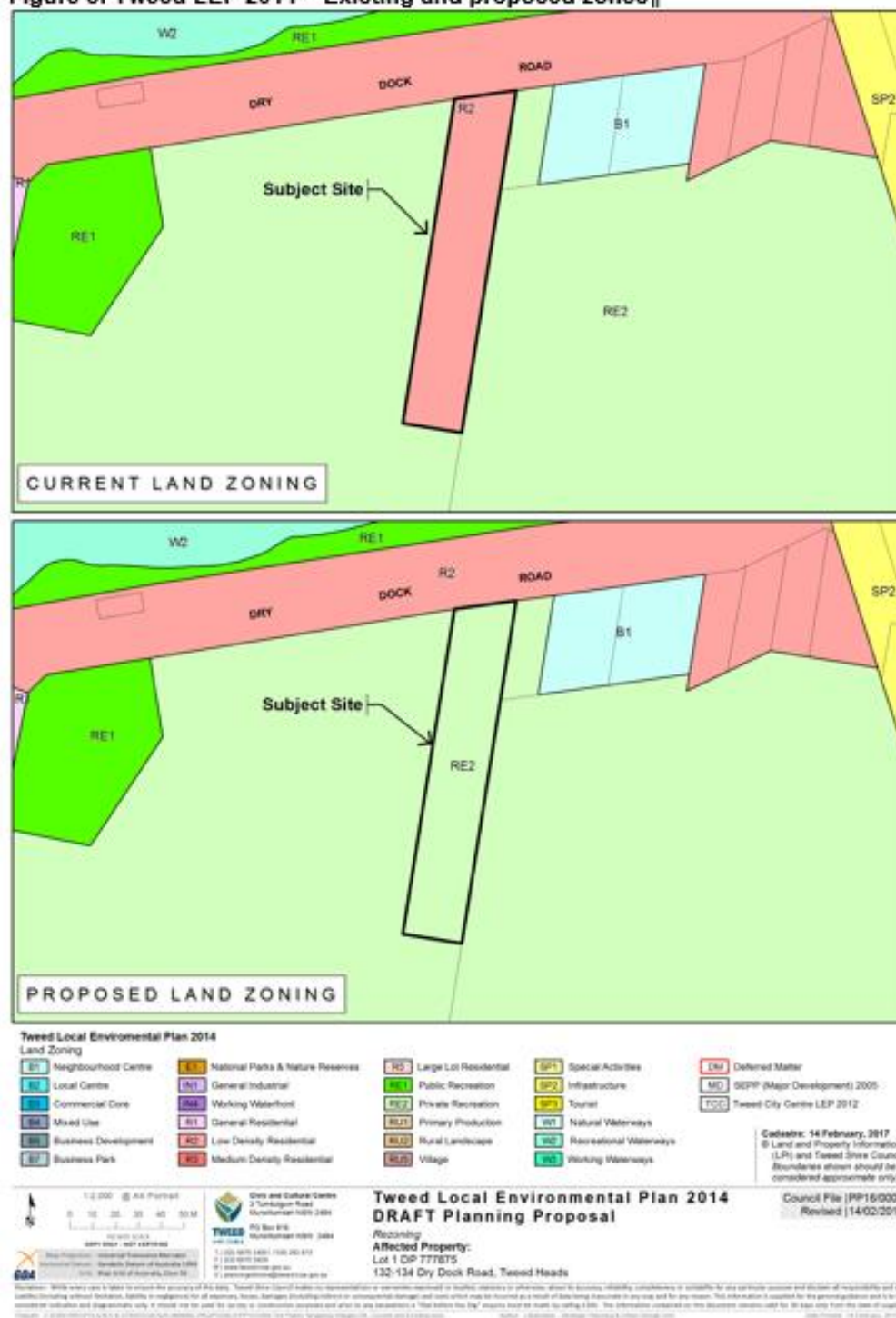
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Figure 3: Tweed LEP 2014 - Existing and proposed zones



## The issues

A preliminary assessment has determined that at least the following issues require further consideration prior to the proposal being placed on public exhibition:

1. → Aircraft noise;
2. → Status of illegal fill;
3. → Contamination;
4. → Geotechnical matters, and
5. → Restricting development types.

### Aircraft Noise

The site lies directly in alignment with Gold Coast Airport's Runway 32, and is significantly impacted by restrictions imposed for development within the current 2031-30-35 ANEF contours.

Draft Preliminary Gold Coast Airport Master Plan 2017 has recently been on public exhibition and shows how the ANEF contours are projected to vary over the period to 2047, as seen in Figure 4.

Gold Coast Airport Pty Ltd has advised that once the Gold Coast Airport Master Plan 2017 is approved by the Federal Minister for Infrastructure and Transport, currently assumed to be before mid-2017, new ANEF contours projected to 2047 will replace the current 2031 contours.

As Figure 4 illustrates, the 30 ANEF contour will shorten placing the site within the 25-30 ANEF zone. Notwithstanding this change, residential development remains undesirable on this site.

While it is assumed that a community hall could be attenuated sufficiently to comply with the requirements of Tweed LEP 2014 clause 7.9 Development in areas subject to aircraft noise, and AS 2021-2015 Australian Standard Acoustics – Aircraft noise intrusion – Building siting and construction, it will be the responsibility of the landowner to ensure that development complies with these standards.

Should Council resolve to proceed with this planning proposal, it is proposed that the proponent be advised that compliance with all legislation and standards associated with aircraft noise impact and attenuation will be required prior to issue of any development consent.

### Status of fill, contamination and geotechnical matters

Early in the development of the adjoining caravan park, the land was filled to a level approximately one metre above the natural ground level and separated from this site by a retaining wall along the common boundary of the allotments.

Subsequent to this, as seen in Figures 5 and 6, the site subject of this request was filled to an equivalent level, burying the retaining wall in some sections. The landowner has not been able to provide any evidence of consent to fill, or any information regarding the origin of the material deposited; however, building materials are evident in the exposed batters facing the lagoon.

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Figure 4: Existing 2031 and draft 2047 ANEF contours

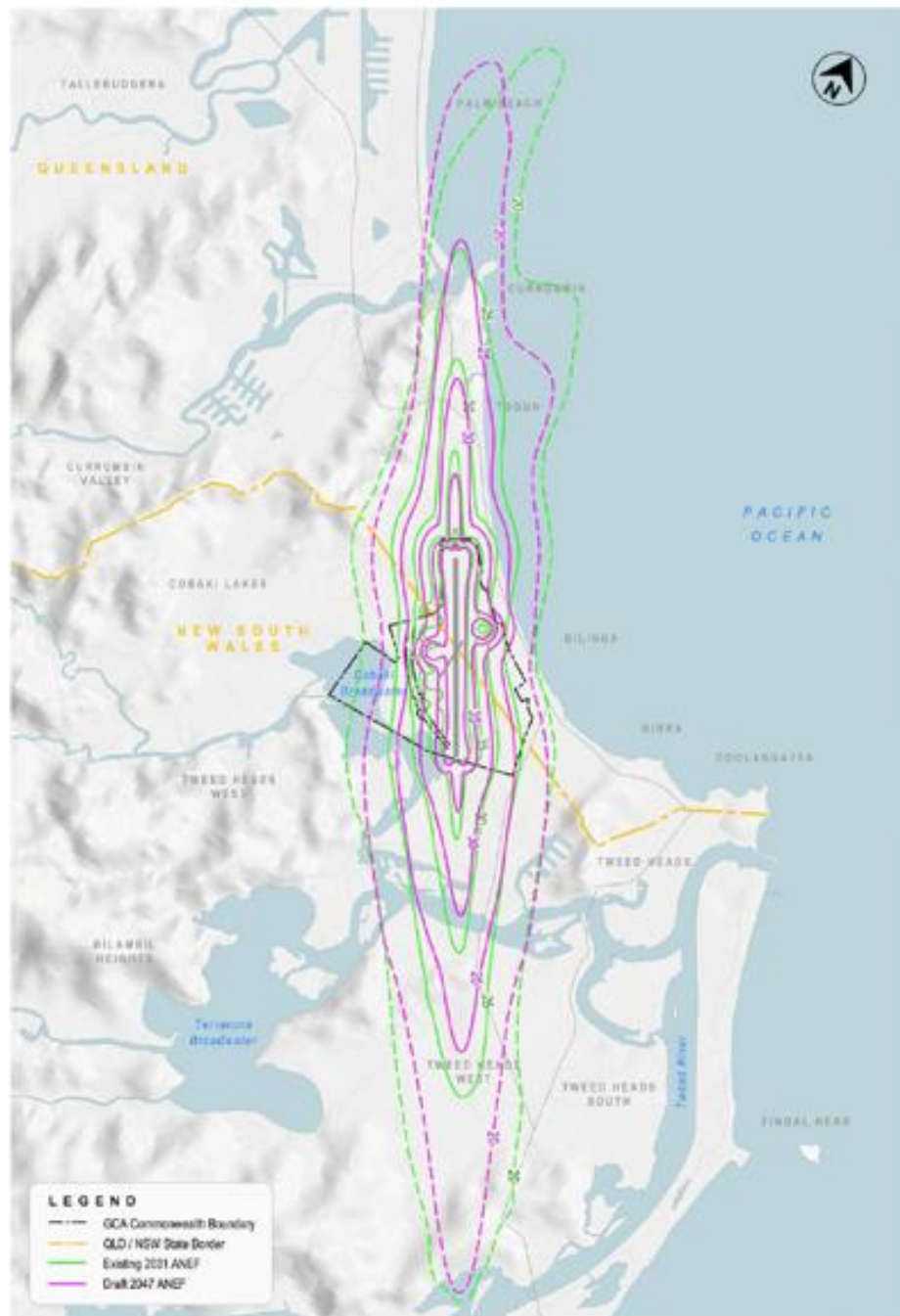


Figure 5.7 Comparison between 2011 Master Plan 2031 ANEF and 2047 ANEF

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Figure-5: Extent of fill on the site.



Figure-6: Building materials present in exposed batter of fill.



#### Restricting development types

Rezoning of the site from R2 Low Density Residential to RE2 Private Recreation will by default make all landuses listed as permissible with consent within the zone potential landuses on the site, and includes all residential type development typically found within a caravan park.

While residential development is deemed 'unacceptable' under *Australian Standard 2021-2015*, the ability of the site to be developed for some form of residential development cannot be eliminated through the rezoning of the site.



The purpose of establishing ANEF zones surrounding airports is in part intended to reduce the likelihood of noise nuisance and potential conflict with residents living within the various aircraft noise zones.¶

¶ While ANEF contours are derived from Federal legislation, ANEF contours provide the opportunity locally to manage development at a more strategic landuse planning level such that nuisance and conflict are recognised and minimised where possible.¶

¶ This planning proposal provides the opportunity through a change in zoning and use of a planning agreement to restrict development of the site to non-residential development types consistent with the long term strategic outcomes for this site and the surrounding locality.¶

¶ Should Council resolve to proceed with this planning proposal, a draft planning agreement will be prepared in consultation with the proponent, as already agreed by the proponent, at no cost to Council, and placed on public exhibition with the planning proposal for a period of not less than 28 days in accordance with clause 25D of the *Environmental Planning and Assessment Regulation 2000*.¶

¶ The planning agreement will need to be registered against the title for the property prior to the finalisation of the planning proposal.¶

#### ¶ Existing approval for adjoining caravan park¶

¶ The outcome of this rezoning will be integration of the site with the adjoining caravan park.¶

¶ The caravan park operates under an existing consent (Notice No. 96/422 modified on 9 September 2016) for a maximum of 250 sites, with the maximum number of long term and short term sites permitted at any time being 240 and 10 respectively.¶

¶ The caravan park is currently operating only 226 sites. Following rezoning and rationalisation of services and facilities which will include relocation of a pool and community hall to this site, the number of sites within the park will be increased by 17 sites, bringing the total number of sites to 243.¶

#### ¶ OPTIONS:¶

1. → In terms of Planning Proposal PP16/0004 Palms Shopping Village, the matter of alleged unlawful fill of land be referred to Council's Compliance Unit for appropriate investigation and action. On completion of this investigation, a further report will be submitted to Council to further consider the referral of the Planning Proposal to the Department of Planning and Environment for a Gateway determination.¶

2. → Not proceed with the planning proposal and notify the proponent accordingly.¶

¶ The Officers' recommendation is Option 1.¶

#### ¶ CONCLUSION:¶

¶ Palms Village Caravan Park is seeking to rationalise the park by extending onto adjoining land the subject of this planning proposal.¶

¶ Rationalisation will include the relocation of certain recreational facilities and construction of others, specifically a community hall, swimming pool, bowling green, and car park. This will

CONCERN ¶

allow the existing caravan park to provide an additional 17 sites which falls within its existing development consent.¶

¶  
The site has been extensively filled with material of unknown origin without consent. The fill lies within metres of the adjoining lagoon which connects to Terranora Creek, and has no geotechnical certification. Resolution of matters relating to illegal fill should be resolved prior to forwarding this planning proposal to the Department of Planning and Environment for a Gateway determination.¶

¶  
Rezoning of the site to RE2 Private Recreation will bring this land into a zone consistent with the surrounding land, and with the use of a planning agreement will prevent any residential development unacceptable within the ANEF zones affecting the site by limiting development to a community hall, pool, bowling green and car park.¶

#### ¶ COUNCIL IMPLICATIONS:¶

¶  
a. → Policy:¶  
Corporate Policy Not Applicable¶

¶  
b. → Budget/Long Term Financial Plan:¶  
Not Applicable¶

¶  
c. → Legal:¶  
Not Applicable.¶

¶  
d. → Communication/Engagement:¶  
Consult-We will listen to you, consider your ideas and concerns and keep you informed.¶

#### ¶ • UNDER SEPARATE COVER/FURTHER INFORMATION:¶

Attachment 1. → Aboriginal Cultural Heritage Due Diligence Assessment July 2016 (ECM-4503416)¶

¶  
Attachment 2. → Aircraft Noise Impact Report July 2016 (ECM-4503427).¶

¶

¶

¶

## **Appendix 10:**

### **Report – Council meeting 7 February 2019**

**6 [PR-PC] Planning Proposal PP16/0004 The Palms Village Caravan Park - Lot 1 DP 777875 Dry Dock Road, Tweed Heads South - Unauthorised Fill and Recommendation to Proceed to Gateway**

**SUBMITTED BY:** Strategic Planning and Urban Design

**FILE REFERENCE:** PP16/0004



**Leaving a Legacy**

*Looking out for future generations*

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 1 Leaving a Legacy
- 1.4 Managing Community Growth
- 1.4.1 Strategic Land-Use Planning - To plan for sustainable development which balances economic environmental and social considerations. Promote good design in the built environment.

**ROLE:** **Leader**

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**SUMMARY OF REPORT:**

This report is seeking Council's endorsement of the planning proposal to rezoning part of the Palm Village Caravan Park site known as Lot 1 DP 777875 (Nos.132-134 Dry Dock Road Tweed Heads South) from R2 Low Density Residential to RE2 Private Recreation. This planning proposal would facilitate development ancillary to the caravan park including a community hall, pool, bowling green and car park but prevent development of any type of residential accommodation that would otherwise be permissible with consent within the proposed RE2 Private Recreation zone on account of the prevailing Australian Noise Exposure Forecast (ANEF) zone restrictions.

This report also provides an update on Council's resolution of 11 May 2017 which required investigations and a further report on unauthorised fill on Nos.132-134 Dry Dock Road Tweed Heads South, prior to proceeding with rezoning of the site.

The site adjoins the western boundary and is part of a proposed upgrade and integration with the Palms Village Caravan Park.

A majority of the site has been filled without consent using material of unknown origin prior to the purchase of the property by the current landowner.

While contamination investigations have concluded the site is suitable for the purposes proposed in the planning proposal; geotechnically the fill is not suitable and will need to be removed.

Removal of the fill and rehabilitation of the site and safe disposal of the fill can be finalised at the Development Assessment stage; however, to ensure that rehabilitation occurs before any

development commences, the landowner has agreed to enter in to a voluntary planning agreement which will ensure this outcome.

The site's location within the 25-30 ANEF 2047 zones surrounding Gold Coast Airport makes the site undesirable for residential purposes. The proponent has agreed to enter into a Voluntary Planning Agreement (VPA) to prohibit any residential or accommodation type development across the subject site.

Once the planning agreement has been executed, the planning proposal and consequent amendment to the Tweed Local Environmental Plan 2014 can be finalised.

This report recommends that the planning proposal attached to this report be sent to the Department of Planning and Environment for a Gateway determination and that a planning agreement and the planning proposal be placed public exhibition simultaneously.

**RECOMMENDATION:**

**That Council endorses:**

1. The attached planning proposal for Lot 1 DP 777875 (132-134 Dry Dock Road Tweed Heads South) be sent to the Department of Planning and Environment for a Gateway determination;
2. A planning agreement which ensures that the site is rehabilitated and any waste/fill removed from the site is disposed of safely, and to restrict residential or tourism accommodation be finalised and placed on public exhibition simultaneously with the planning proposal, and
3. The planning agreement be executed prior to finalisation of the planning proposal and making of the plan.



## REPORT:

This report provides an update on investigations into the status of unauthorised fill on Lot 1 DP 777875, being Nos.132-134 Dry Dock Road Tweed Heads South (the site), and recommends that a planning proposal seeking a rezoning of the site from R2 Low Density Residential to RE2 Private Recreation be sent to the Department of Planning and Environment (DPE) for a Gateway determination.

The site adjoins the western boundary of the Palms Village Caravan Park. The owners have sought a rezoning of the site to facilitate development ancillary to the caravan park including a community hall, pool, bowling green and car park.

Initial investigations revealed that a majority of the site is covered by imported fill more than two metres in depth of an unknown origin which was deposited at some time prior to the purchase of the site by the current caravan park owners.

Due to the lack of any approval for the fill and uncertainty about the nature of the fill it was a requirement under State Environmental Planning Policy 55 – Remediation of Land, and draft guidelines in the Expression of Intended Effects for the proposed Remediation of Land SEPP publically exhibited in January 2018, that a detailed investigation be undertaken to determine whether the land is suitable for the uses proposed. If found to be suitable from a contamination perspective, the investigation is also required to determine whether it was geotechnically suitable for such purposes prior to proceeding with the planning proposal.

On 11 May 2017 Council endorsed a recommendation that:

*"in terms of Planning Proposal PP16/0004 Palms Shopping Village, the matter of alleged unlawful fill of land be referred to Council's Compliance Unit for appropriate investigation and action. On completion of this investigation, a further report will be submitted to Council to further consider the referral of the Planning Proposal to the Department of Planning and Environment for a Gateway determination."*

While remediation of the site will be a priority, due to the unknown history of the fill and inability of the new landowners to provide any background information, pursuit of action through the Compliance Unit has been deferred pending finalisation of investigations.

### **Findings of detailed site investigations and implications**

On 13 November 2018 Council received and reviewed the Final Detailed Site Investigation Report. The investigation concluded that the fill is considered suitable for the current and proposed use and no further investigation is required at this stage.

However, due to the fill having been placed without due controls to ensure adequate compaction (that is, in un-controlled circumstances), and due to the diverse nature of the fill, testing has concluded that it is geotechnically unsatisfactory for use as foundation material for development and will need to be removed.

Once all fill has been removed, the site will need to be rehabilitated as per the recommendations of the Geotechnical and Acid Sulfate Soils Investigation undertaken by Geotech Investigations in September 2017.

The proponent and landowner have acknowledged the need for the site to be rehabilitated prior to any development occurring, and that the fill when removed will be further tested, treated if necessary, and disposed of at a site suitable for this material.

## **Role of voluntary planning agreement**

### ***Site rehabilitation***

At this stage in the rezoning process, in accordance with legislative requirements under the *State Environmental Planning Policy 55 – Remediation of Land*, it is sufficient to know that the site can be rehabilitated, and consistent with the intention of the Gateway process, which seeks to reduce up-front costs and deal primarily with strategic level matters, it is appropriate to recommend proceeding with the planning proposal pending execution of a legally binding agreement which ensures that the site will be rehabilitated, and fill disposed of appropriately, prior to any development commencing.

The landowner has agreed that to ensure certainty in the remediation of the site and appropriate treatment of waste/fill when removed, that a voluntary planning agreement (VPA) under Section 7.4 of the *Environmental Planning and Assessment Act 1979* will be entered into with Council. The use of a Section 7.4 agreement which sets out the rehabilitation requirements will be incorporated into the VPA.

In effect the VPA will need to ensure that full consideration is given to both rehabilitation of the site, and potential for treatment of material when removed prior to any work commencing on development of the site; a range of options for removal of the waste/fill include:

- Disposal at an approved landfill facility (NSW or Queensland) as “solid waste”, and/or
- Potential reuse of the waste as Excavated Natural Material subject to future compliance with a NSW Environment Protection Authority (EPA) Resource Recovery Order or Resource Recovery Exemption; however, the presence of acid sulfate soil and recycled road base with asphalt or bitumen have been identified which may affect waste classification for reuse.

The future export or import of waste (including fill or soil) from or to the site will need to occur in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the NSW Environment Protection Authority’s Waste Classification Guidelines (2014).

Any future development application (DA) would consider the removal of fill along with other key considerations including but not limited to potential noise impacts on amenity, dust, vibration, hours of operation, management of acid sulfate soil and dewatering.

### ***Restricting development types***

The intended outcome of this planning proposal is to facilitate the rezoning of Lot 1 DP 777875 (3876 square metres), for the purpose of development ancillary to the adjoining caravan park, specifically, a community hall, pool, bowling green and car park but prevent development of any type of residential accommodation that would otherwise be permissible with consent within the proposed RE2 Private Recreation zone.

The site’s location within the 25-30 ANEF 2047 zones surrounding Gold Coast Airport makes the site undesirable for residential purposes. The proponent has agreed to enter into a VPA

to prohibit any residential or accommodation type development across the subject site. It is a requirement that the VPA is executed (signed by all parties) prior to amendment of the Tweed Local Environmental Plan 2014 (the LEP) being finalised (that is prior to the making of the plan).

It is intended that both the Planning Agreement and Planning Proposal should be publicly exhibited simultaneously.

In consideration of the above, it is now proposed that a draft planning agreement be prepared, and that the planning proposal be forwarded to the DPE for a Gateway determination.

**OPTIONS:**

1. Proceed with preparation of a planning proposal for rezoning of the site from R2 Low Density Residential to RE2 Private Recreation to facilitate development ancillary to the caravan park, and prepare a voluntary planning agreement to ensure the rehabilitation of the site and safe disposal of fill and restrict residential land uses across the site; or
2. Defer proceeding with the planning proposal until the site is rehabilitated and waste/fill disposed of safely.

Option 1 is the officers' recommendation.

**CONCLUSION:**

Detailed site investigations to ascertain the nature of fill on the site have concluded that from a contamination perspective the fill is suitable for the uses proposed. However, geotechnical investigations have indicated that the fill is not suitable for the development proposed and will need to be removed.

While sampling confirms the waste/fill meets the criteria for solid waste, allowing for material to be transported to an approved landfill facility, areas of acid sulfate soil and gravel/road base have been identified across the site which may affect waste classification for reuse.

Investigations have now confirmed that the site can be used for the purposes proposed in the planning proposal; however, to ensure that the site is rehabilitated prior to any development occurring on the site, the landowner has agreed to enter in to a voluntary planning agreement to ensure that the site is rehabilitated and that any waste/fill removed is treated in accordance with relevant legislation and that any residential land uses would be prohibited on account of the prevailing ANEF zone restrictions.

It is intended that the VPA be exhibited concurrently with the planning proposal, and be executed by all parties prior to making the plan.

It is now recommended that the planning proposal be sent to the DPE for a Gateway determination, and that a planning agreement be prepared and executed.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable



**b. Budget/Long Term Financial Plan:**

All costs associated with preparation of the planning proposal and planning agreement will be at no cost to Council.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1.

Planning Proposal The Palms Village Caravan Park - Lot 1  
DP 777875 Dry Dock Road, Tweed Heads South - Gateway  
Version 1 (ECM 5743406)

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# **Appendix 11:**

## **Information checklist**

INFORMATION CHECKLIST					
STEP 1: REQUIRED FOR ALL PLANNING PROPOSALS (under s55 (a)-(e) of the EP&A Act)					
• Objectives and intended outcome	✓		• Explanation of provisions		✓
• Mapping (including current and proposed zones)	✓		• Justification and process for implementation (including compliance assessment against relevant Section 117 Direction/s)		✓
• Community consultation (agencies to be consulted)	✓				
STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS					
(Depending on complexity of planning proposal and nature of issues)					
PLANNING MATTERS OR ISSUES	TO BE CONSIDERED	N/A	PLANNING MATTERS OR ISSUES	TO BE CONSIDERED	N/A
Strategic Planning Context			• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)		✓
• Demonstrated consistency with relevant Regional Strategy	✓		• Sea level rise		✓
• Demonstrated consistency with relevant Sub-regional, Strategy		✓	Urban Design Considerations		
• Demonstrated consistency with or support of relevant DG endorsed local strategy		✓	• Existing site plan (buildings, vegetation, roads, etc)		✓
• Demonstrated consistency with Threshold Sustainability Criteria		✓	• Building mass/block diagram study (changes in building height and FSR)		✓
Site Description / Context			• Lighting impact		✓
• Aerial photographs	✓		• Development yield analysis (potential yield of lots, houses, employment generation)		✓
• Site photos / photomontage	✓		Economic Considerations		
• Traffic and Transport Considerations	✓		• Economic impact assessment	✓	
• Local traffic and transport	✓		• Retail centre hierarchy	✓	
• TMAP		✓	• Employment land	✓	
• Public transport	✓		Social and Cultural Considerations		
• Cycle and pedestrian movement	✓		• Heritage Impact	✓	
Environmental Considerations			• Aboriginal archaeology	✓	
• Bushfire hazard		✓	• Open space management	✓	
• Acid Sulfate soils	✓		• European archaeology		✓
• Noise impact	✓		• Social & cultural impacts	✓	
• Flora and/or fauna		✓	• Stakeholder engagement	✓	
• Soil stability, erosion risk. Sediment control, landslip assessment, and subsidence		✓	Infrastructure Considerations		
• Water quality	✓		• Infrastructure servicing and potential funding arrangements	✓	
• Stormwater management	✓		Miscellaneous / Additional Considerations Undertaken		
• Flooding	✓		• Structure and Staging		✓
• Land/site contamination	✓		• Aboriginal Cultural Heritage Due Diligence	✓	
			• Flora and Fauna		✓
			• Bushfire		✓
			• Traffic	✓	
			• Geotechnical / Engineering	✓	
			• Stormwater Management		✓
			• Contaminated Land and declaration	✓	





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