

Draft LEP Amendment No. **15**

**Planning Proposal
for Lot 156 DP 628026, Hastings Point (PP16/0006)**

Version 1 for Gateway Determination
February 2017

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Part 1 Objectives and intended outcomes

Introduction

1. In 2010 Council adopted the Hastings Point Locality Based Development Code (Hastings Point Code), that has since become Section B23 of the Tweed Development Control Plan 2008. Whilst the core role of this document is to provide development controls, it also contains strategic recommendations with respect of the future use of land in Hastings Point locality. Many of these recommendations required amendments to the Tweed Local Environmental Plan 2014 (the Tweed LEP 2014) in order to take effect.
2. One of the strategic recommendations provided within the Hastings Point Code is related to land know as Lot 156 DP 628026, located at Creek Street. By way of background, Lot 156 involves a large, predominantly undeveloped parcel of land with zoning comprised of R1 General Residential and Deferred Matter within the Tweed LEP 2014 and environmental protection within the Tweed LEP 2000.
3. The land deferred from LEP 2014 was a result of the Review of Environmental Zones by the Department and the removal of environmental zones from the LEP 2014.
4. This site was subject to development application process that was being undertaken at the Hastings Point Code's drafting stage – this DA however was concluded by way of refusal.
5. Following this refusal, Council considered it appropriate to utilise the specialist studies and findings provided by the landowner in support of the development assessment to better inform the strategic framework for this site. As a consequence, on 6 November 2014 Council resolved to amend the Tweed DCP Section B23 Hastings Point by providing recommendations regarding the size and location of the developable footprint of Lot 156 through suitable protection and buffers for land of environmental quality and clarifying the desired character of the built form and engineering design. The DCP B23 amendment came into effect on 15 September 2015 following the required statutory processes.
6. In early 2015 Council commenced implementation of the strategic recommendations of the updated Hastings Point Code through Amendment No.11 to the Tweed LEP 2014 (Planning Proposal 14/0001). Parallel to this process, that is in March 2015, the landowner lodged a development application seeking consent to subdivide the subject site into sixteen residential lots and one community lot – a development proposal, which was inconsistent with the updated Hastings Point Code. In the final stage of the DA process and in response to Council's deemed refusal, the landowner lodged an appeal with the Land and Environmental Court.
7. The LEP Amendment No.11 implementing the strategic recommendations for the Hastings Point locality was finalised on 19 November 2015, with Lot 156 DP 628026 being deferred from that plan by the NSW Department of Planning & Environment under section 59(3) of the Environmental Planning & Assessment Act 1979 (the Act) until the proceedings in the Land and Environmental Court were finalised. As the Court proceedings have recently been discontinued (Notice of Discontinuance was filed by the landowner on 22 November 2016), and the prior concerns raised by the Department have been lifted, Council should now be at liberty to proceed with a site-specific planning proposal, as first sought, and to finalise implementation of its strategic recommendations applying to Lot 156 DP 628026.

Objectives and Intended Outcomes

Council prepared this planning proposal to finalise implementation of a number of strategic recommendations provided within the Hastings Point Code and pertinent to land known as Lot 156, DP 628026 at Creek Street in Hastings Point. Specifically, this planning proposal seeks to facilitate the following outcomes:

Table 1: Intended outcomes of this planning proposal:

Outcome 1: Ensure adequate protection of environmental attributes on Lot 156 DP 628026

Outcome 2: Define a suitable urban footprint providing landowner with the certainty of a settled statutory zoning framework, to assist with any further or future development pursuits.

Outcome 3: Apply a buffer zone separating environmentally sensitive areas from residential land

The above outcomes will be achieved through amendments to the Land Zoning and associated overlay maps of the Tweed Local Environmental Plan 2014 (“the LEP”). The specifics of these amendments are discussed under Part 2 “Explanation of Provisions” and illustrated within Part 5 “Mapping” of this planning proposal.

This planning proposal has been prepared as a continuation of work resulting from Council Planning Committee Meeting of 6 November 2014, when Council resolved the following:

- 1. A Planning Proposal to facilitate the strategic objectives of the Hastings Point and Pottsville Locality Based Development Codes be prepared and submitted to NSW Planning & Environment, requesting a Gateway Determination under Section 56(1) of the Environmental Planning and Assessment Act 1979;*
- 2. Council staff amend the proposed extension to the environmental zones and the size and location of the developable footprint of Lot 156 by increasing the 50 metre buffers to 75 metre buffers and adjusting the footprint layout (roads, houses, stormwater treatment/filtration area and bushfire protection zone) accordingly where referred to in the text and diagrams of the draft Development Control Plan B23, Hastings Point and the Planning Proposal for submission to NSW Planning & Environment referred to in paragraph 1 above;*
- 3. On receiving an affirmative Determination Notice, the Planning Proposal be finalised and exhibited in accordance with the Determination or where there is no condition, for a period not less than 30 days;*
- 4. The Minister for Planning and Infrastructure or his Delegate be advised that Tweed Council is not seeking plan making delegations for this planning proposal;*
- 5. The public exhibition of draft Tweed Development Control Plan, Section B23 – Hastings Point Locality Based Development Code, be undertaken for a minimum period of 30 days, in accordance with section 74E of the Environmental Planning Assessment Act 1979; and*
- 6. Following public exhibition a further report is to be submitted to Council detailing the content and response to submissions received.*

Part 2 Explanation of provisions

Background information

The subject site is presently zoned part urban and part environmental protection and the amendment seeks a reduction in the urban footprint to enable increased environmental protection of the sensitive coastal landscape and vegetation. As displayed within Figure 1 below, the draft development footprint of Lot 156 is to be defined by achieving:

- A 75m buffer to the intertidal and salt marsh extents of Christies Creek;
- A 75m buffer to areas of high wetland conservation value (as mapped by Australian Government Department on the Environment and Heritage),
- A 75m buffer to the intertidal and salt marsh extents identified to the western edge of the site,
- A 20m buffer to existing terrestrial native vegetation located within the eastern, south western and western parts of the site,
- A 100m buffer to SEPP 14 Wetland areas.

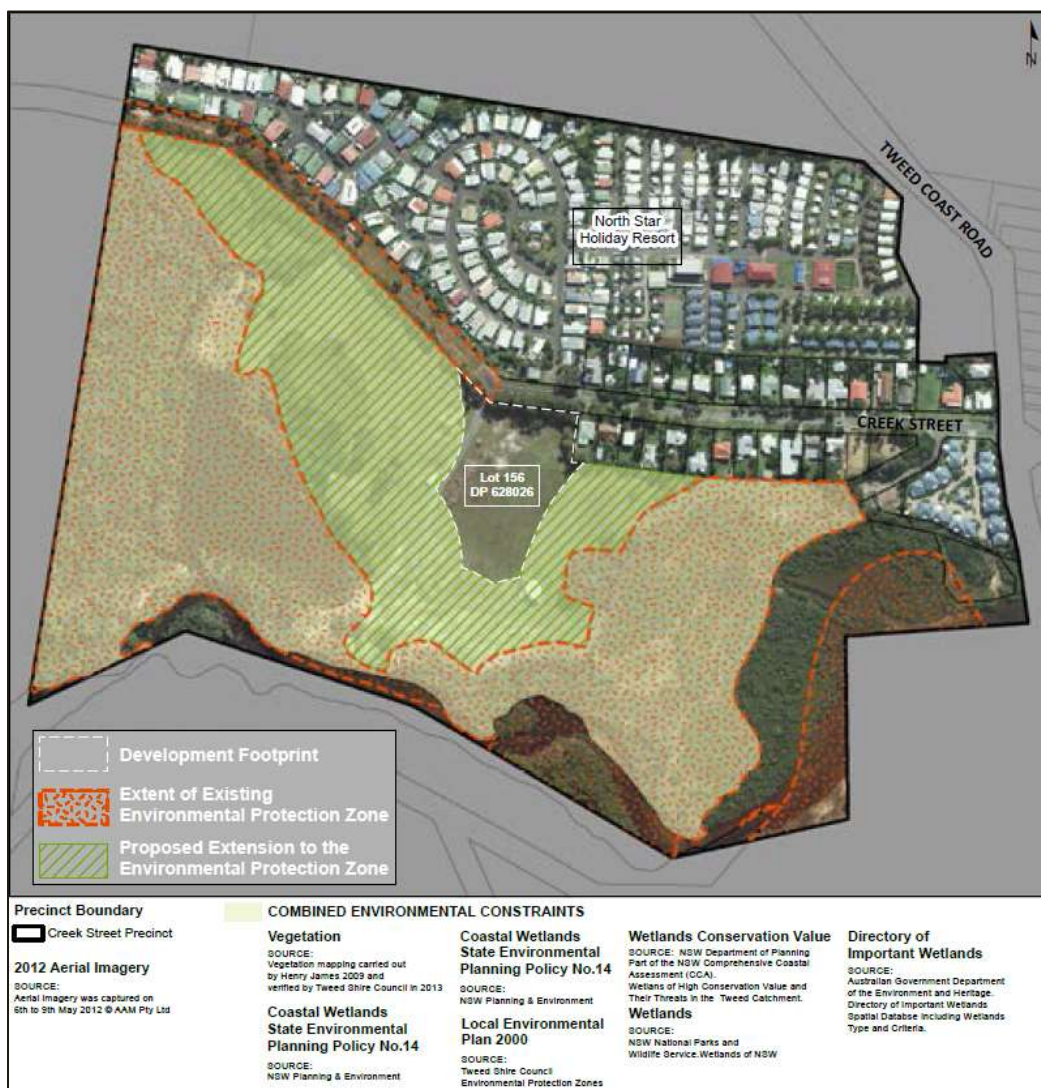


Figure 1: Development footprint on subject site based on constraints analysis. Source: Hastings Point Locality Based Development Code (Tweed DCP 2008 Section B23)

The intended outcome of this planning proposal is expected to be achieved through amendments to the Land Application, Land Zoning, Minimum Lot Size, Maximum Floor Space Ratio, Maximum Height of Buildings and Additional Permitted Use Maps of the Tweed LEP 2014. The focus of these amendments will be on the Land Zoning Map, where the current R1 General Residential zoning will be reduced to the urban footprint identified in the Hastings Point Code and rezoned R2 Low Density Residential, with the remainder of the land proposed to be zoned E2 Environmental Conservation.

This planning proposal seeks to implement the Council resolution of 6 November 2014, including an expansion of the environmental zoning over the 75 metre buffer separating environmentally sensitive land from land nominated for future development. Implementation of this resolution would involve application of an E2 Environmental Conservation which is currently excluded from the Tweed LEP 2014 as a result of the review of environmental zones undertaken by the DPE.

Council intends to re-instate the environmental zones through a separate, shire-wide planning proposal (*E-zone planning proposal*). Having regard for the complexity of the *E-zone planning proposal*, which demands significant allocation of resources and time, Council is of the view that a planning proposal for Lot 156 can be progressed ahead of the broader *E-zone planning proposal* to avoid further delays with implementation of recommendations of the Hastings Point Code and to provide the landowner with the certainty of a settled statutory zoning framework, to assist with any further or future development pursuits.

Use of the E2 Environmental Conservation zone

Consistent with the *Northern Councils E Zone Review Final Recommendations Report* (referred in this planning proposal as *E Zone Review*), the area proposed for E2 zoning (see Fig 1) collectively consists of:

- areas affected by SEPP 14 Coastal Wetlands (Table 1 of *E Zone Review*)
- vegetation communities regarded as “endangered” or “over-cleared” (Table 1 of *E Zone Review*)
- native vegetation in over-cleared Mitchell Landscapes
- Key Threatened Species Habitat (Table 1 of *E Zone Review*)
- Existing 7a zoning under Tweed LEP 2000 (Section 6 of *E Zone Review*)
- Other land covered by a negotiated development outcome (Section 7 of *E Zone Review*)

A detailed discussion of each of these categories is provided below:

SEPP 14 Coastal Wetlands

Figure 2 on the following page shows the proposed E2 zoning in relation to the existing gazetted SEPP 14 Coastal Wetland area (pink hatch) and the draft Coastal Wetland area as proposed by DP&E for the new SEPP Coastal Management. Council’s coastal wetland mapping is consistent with the draft DP&E Coastal Wetland mapping (blue hatch on Figure 2).

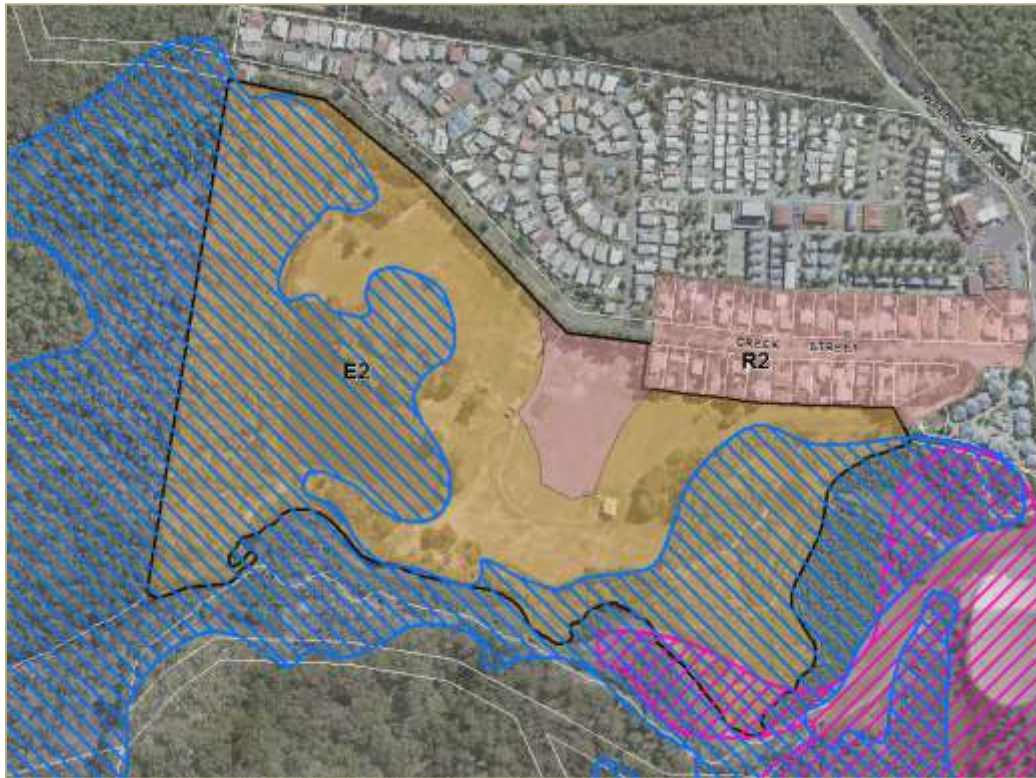


Figure 2: SEPP 14 Coastal vegetation in relation to proposed zoning

Vegetation Communities

Figure 3 on page 6 shows the vegetation communities (and threatened species habitat) present on the subject site. The mapping was prepared by Council based on air photo interpretation utilising ortho-rectified imagery captured April 2015 and May 2013, field validation undertaken on 24 April 2015, and site based vegetation mapping prepared by James, H. 2009 (undertaken on behalf of Council) and Travers Bushfire & Ecology2016 (associated with development application DA15/0201).

The following vegetation communities (shown on Fig. 3) are regarded as Endangered Ecological Communities (EECs). The distribution of EECs on the subject site is shown on Figure 4. All mapped native vegetation communities on the subject site, except Type 3 – Mangroves, are EECs.

Vegetation Community (see Fig 3)	Endangered Ecological Communities (see Figure 4)
Type 1 - Saltmarsh Communities	Coastal Saltmarsh in the NSW North Coast, Sydney Basin and South east corner bioregions (yellow fill on Fig 3)
Type 2 - Swamp Oak Closed Forest to Woodland	Swamp Oak floodplain forest of the NSW North Coast, Sydney Basin and South East Corner bioregions (purple fill on Fig 3)
Type 3a - Coastal Pink Bloodwood Forest to Woodland	Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion (blue fill on Fig 3)
Type 3b - Coastal Swamp Mahogany Open Forest to Woodland	Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregion (green fill on Fig 3)
Type 4 - Mangrove Low Closed Forest to Woodland	
Type 5 - 402 Broad-leaved Paperbark / Swamp She-oak Closed Forest to Woodland	Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregion (green fill on Fig 3)
Type 6 - Substantially Cleared	
Type 7 - Open waterbody/estuary	



Source: Aerial imagery was captured April 2015 © AAM Pty Ltd and NSW LPI.

Vegetation Communities

- | | | | | |
|---|---|--|---------------------------------------|----------------------------|
| Type 1 Saltmarsh Communities | Type 3a Coastal Pink Bloodwood Forest to Woodland | Type 4 Mangrove Low Closed Forest to Woodland | Type 6 Substantially Cleared | Threatened Species Habitat |
| Type 2 Swamp Oak Closed Forest to Woodland | Type 3b Coastal Swamp Mahogany Open Forest to Woodland | Type 5 Broad-leaved Paperbark/Swamp She-oak Closed Forest to Woodland | Type 7 Open Waterbody /Estuary | |

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Vegetation Communities & Threatened Species Habitat
 Source: Vegetation Mapping derived from Henry James 2009 and updated by Tweed Shire Council in 2017.
 Affected Properties:
 Lot 156 DP 628026
 No. 60 Creek Street, Hastings Point

Council File [PP16/0006 revised] 30/01/2017
 Cadastre: 06 February, 2017
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 Boundaries shown should be considered approximate only.

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 Author: J. Matthews - Strategic Planning & L3 Ltd Design Unit
 Date Printed: 09 February, 2017

Figure 3: Vegetation communities and threatened species habitat

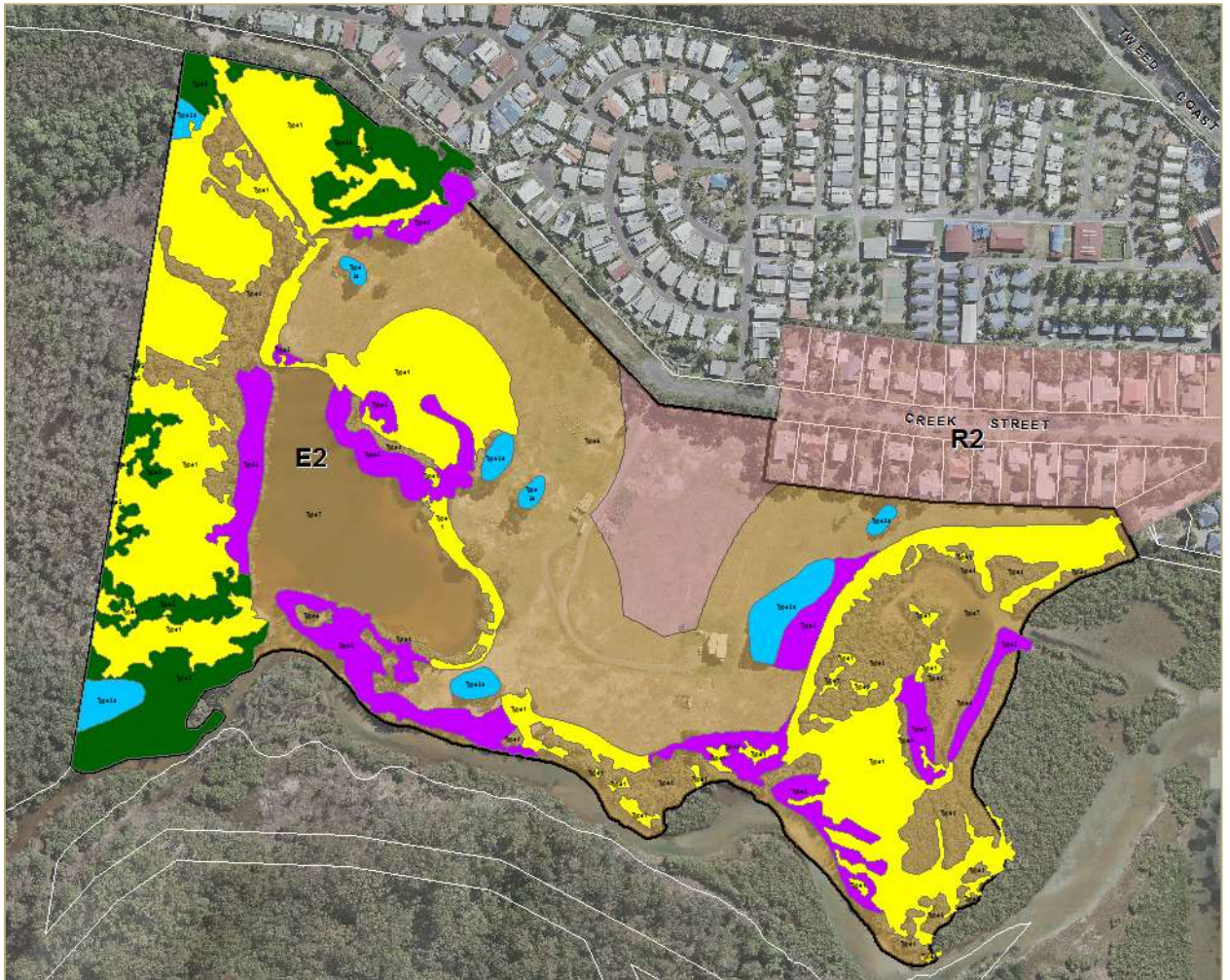


Figure 4: Endangered Ecological Communities in relation to proposed zoning

The following vegetation communities (shown on Fig. 3) are regarded as *over-cleared* vegetation communities. The distribution of over-cleared vegetation communities on the subject site is shown on Figure 5 (green fill). All mapped native vegetation communities on the subject site, except Type 3a – Coastal Pink Bloodwood Forest to Woodland, are over-cleared.

Vegetation Community (see Fig 3)	Over-cleared (see Figure 5)
Type 1 - Saltmarsh Communities	Yes
Type 2 - Swamp Oak Closed Forest to Woodland	Yes
Type 3a - Coastal Pink Bloodwood Forest to Woodland	No
Type 3b - Coastal Swamp Mahogany Open Forest to Woodland	Yes
Type 4 - Mangrove Low Closed Forest to Woodland	Yes
Type 5 - 402 Broad-leaved Paperbark / Swamp She-oak Closed Forest to Woodland	Yes
Type 6 - Substantially Cleared	No
Type 7 - Open waterbody/estuary	No

Mitchell Landscapes

As the subject site is entirely within over-cleared Mitchell Landscapes (i.e. Tweed-Byron Alluvial Plains and Byron-Tweed Coastal Barriers) all native vegetation communities as identified in Figure 3 (Types 1-5) on the subject site are considered over-cleared.



Figure 5 Vegetation communities classified as 'over-cleared' in relation to the proposed zoning

Key Threatened Species Habitat

Two threatened species identified as unable to withstand further loss are associated with the site:

Species	Biometric Habitat Requirements	Notes
Beach Stone Curlew (<i>Esacus magnirostris</i>) - Critically Endangered	Sheltered areas in mangroves, estuaries or sand surrounded by short grass or scattered shrubs	<ul style="list-style-type: none"> Reported vocalisation on site 2016 Anecdotal evidence of breeding attempts on site Confirmed record within 20 m of the subject site
Black-necked Stork (<i>Ephippiorhynchus asiaticus</i>) - Endangered	land within 40 m of freshwater or saline wetlands (e.g. saltmarsh, mangroves, mudflats, swamps, billabongs, floodplains, watercourse pools, wet heathland and/or farm dams)	<ul style="list-style-type: none"> Recorded on site 10 February 2016

Species identified within the table on previous page (p. 8) are closely associated with the following vegetation communities:

- Type 1 - Saltmarsh Communities
- Type 2 - Swamp Oak Closed Forest to Woodland
- Type 4 - Mangrove Low Closed Forest to Woodland
- Type 6 - Substantially Cleared
- Type 7 - Open waterbody/estuary

Figure 6 shows the distribution of the habitat most closely associated with the presence of these two species.

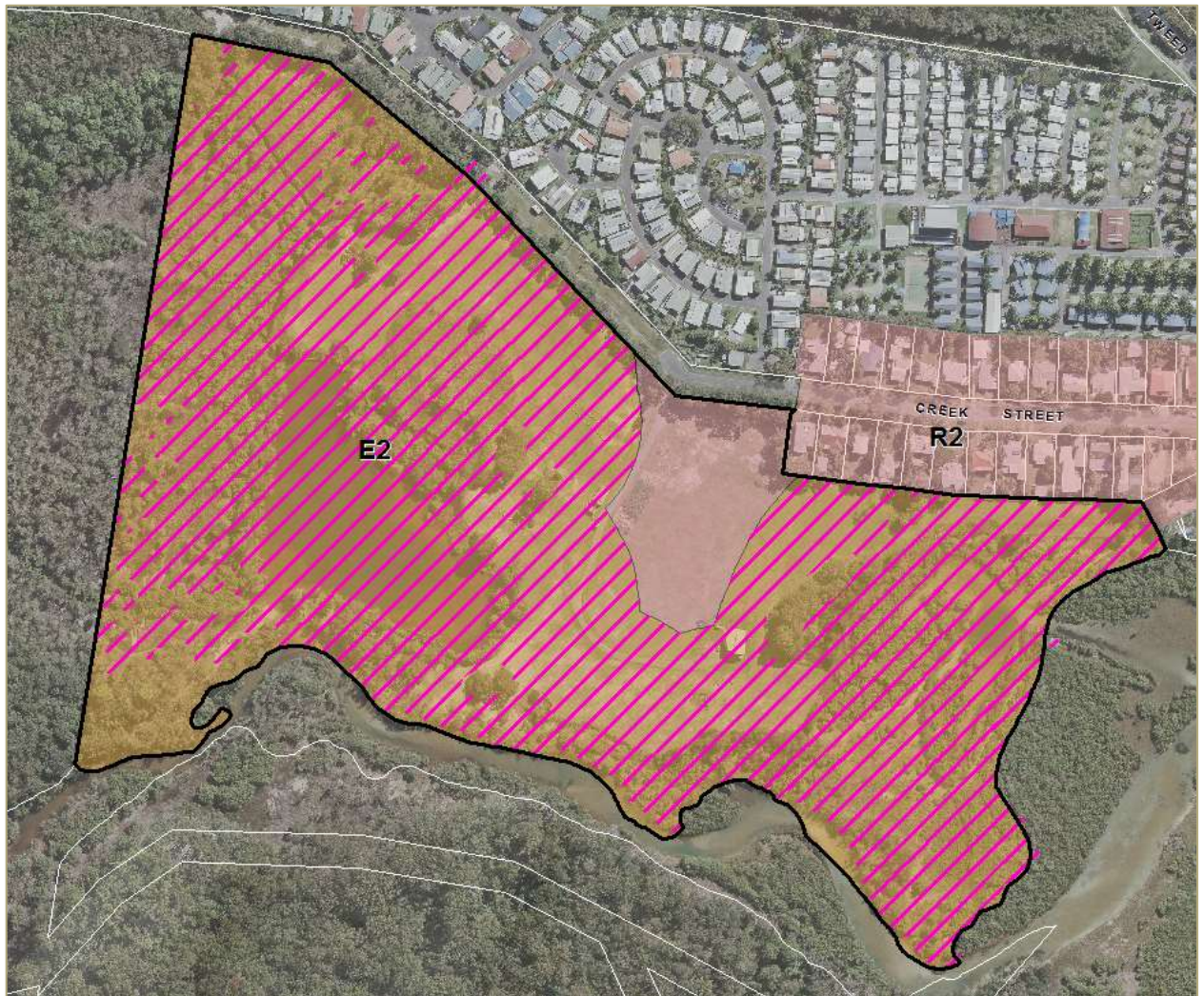


Figure 6 Key threatened species habitat in relation to proposed zoning.

Existing Environmental Zoning

Under Tweed LEP 2000 some of the area proposed for E2 zoning is already zoned for environmental protection (Figure 7). Section 6 of the E zone review suggests that such areas should be retained in an environmental zone subject to field verification.

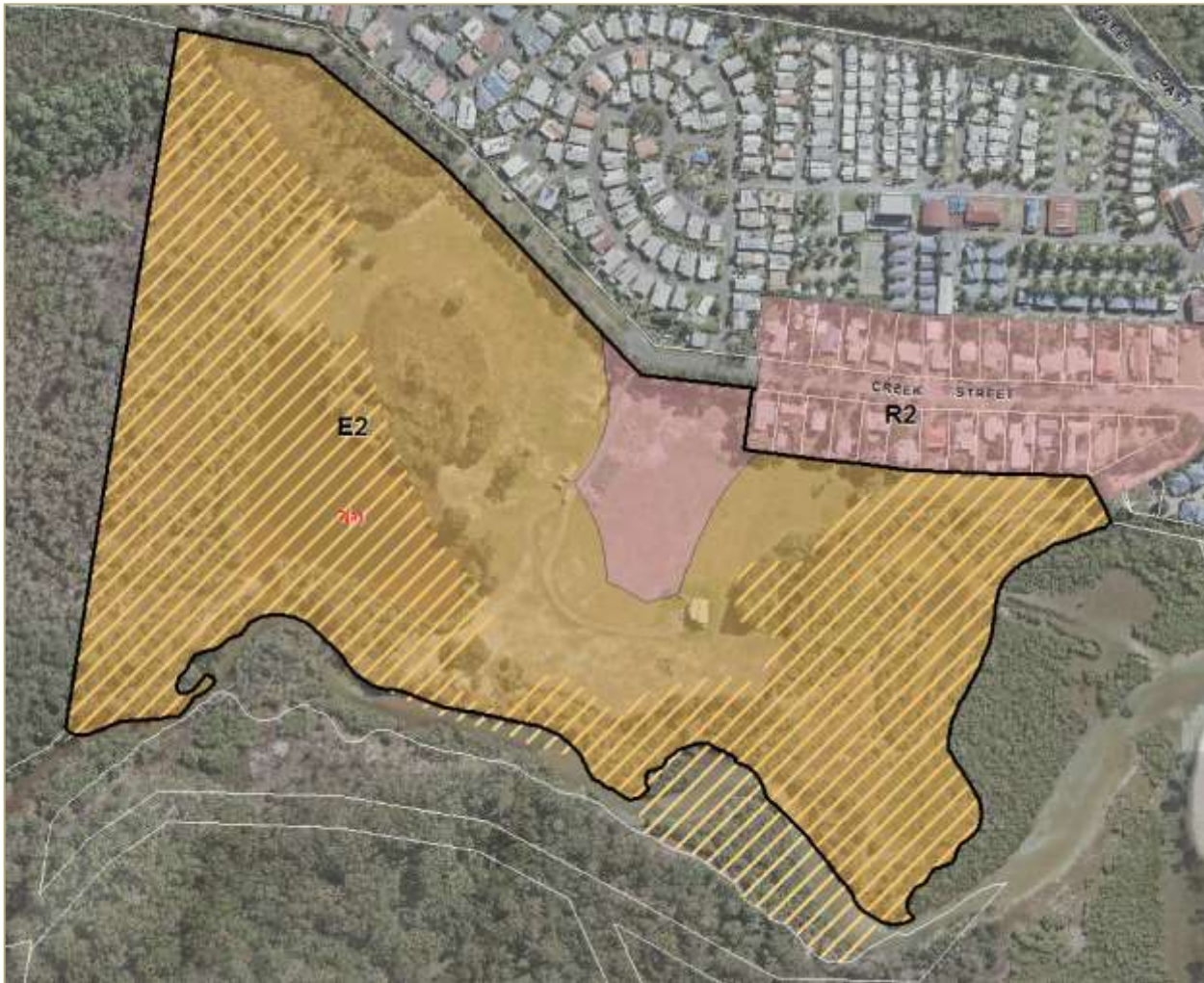


Figure 7 Existing area zoned 7a Environmental Protection (Wetlands and Littoral Rainforests) (hatched in orange) under Tweed LEP 2000 in relation to proposed zoning

Negotiated Development Outcomes

Under Section 7 of the E zone review, private land may be zoned for environmental protection if *'consistent with a negotiated development outcome (master plan, rezoning, development consent, designated offset areas) or at the request of the landowner'*.

The area hatched in Figure 8 below is substantially cleared of native vegetation but, as noted elsewhere, is proposed for environmental zoning consistent the Hastings Point Locality Based Development Code (Tweed DCP 2008 Section B23) which has been the subject of extensive negotiation and consultation.

The area hatched in Figure 8 provides a 75 m buffer to the proposed development footprint identified in the Hastings Point Locality Based Development Code (Tweed DCP 2008 Section B23) which will be rehabilitated with native vegetation and used primarily for nature conservation purposes consistent with Council's E2 zone objectives and permissible land uses.

It should also be noted that although areas of the site within the 75 m buffer are substantially cleared of native vegetation, the areas hatched in Figure 8 are also included in the key threatened species habitat mapping as shown in Figure 6.

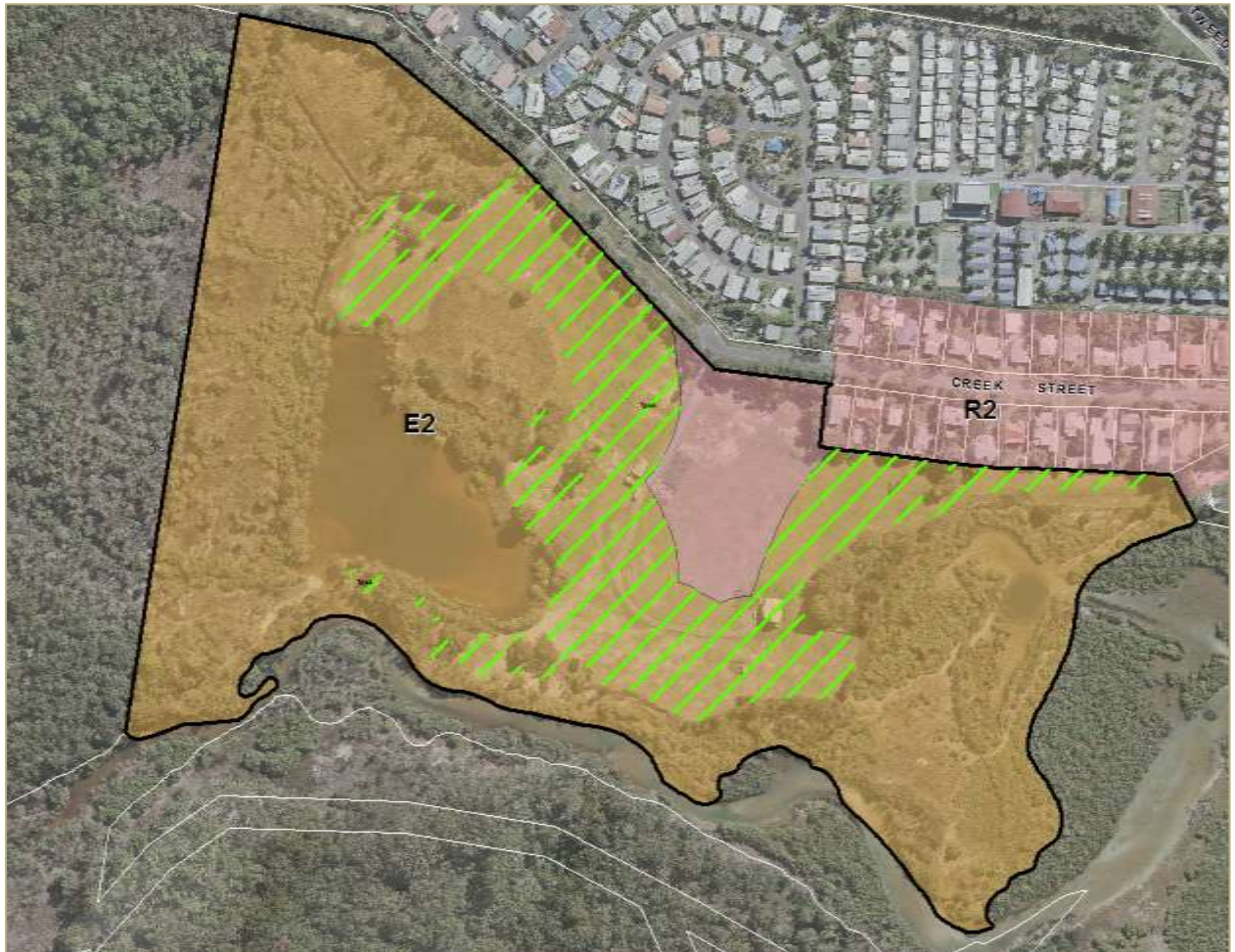


Figure 8 Substantially cleared areas proposed for E2 zoning consistent with Tweed DCP 2008 Section B23

Alternative zonings (such as RE2 Private Recreation) for this portion of the land are not considered appropriate as they would not reflect the long term use of the land, and would potentially encourage inappropriate development proposals inconsistent with Council’s adopted Hastings Point Locality Based Development Code (Tweed DCP 2008 Section B23).

It is noted that Section 4 of the E zone review prohibits buffers to vegetation that meets the E zone criteria from being included in environmental zones themselves. However, it is understood that this recommendation was intended to apply in rural situations to prevent cleared rural land from being “sterilised” by environmental zonings. This is not the situation in this case.

Council is of the view that the provisions of Section 7 of the E zone Review which allow for environmental zonings consistent with negotiated development outcomes should prevail in such cases.

Conclusion

Based on the information provided above it is concluded that the extent of the proposed E2 zoning on the subject site is consistent with the “E2 zone Criteria” provided under the *Northern Councils E Zone Review – Final Recommendations Report*. However, should the Department be of a contrary view and not support the zoning of the buffer with an E2 zone, Council’s alternate preference is to map the buffer area as “unzoned” on the Land Zoning Map and thus enable the application of clause 2.4 of the Tweed LEP 2014. This would permit the use or development of the land having consideration for the adjacent land zoning (in this instance it is the E2 and R2 zones), but without the pretence that it is for urban purposes.

This would afford a higher level of appropriate protection to the more environmentally sensitive areas of the site than is currently being achieved with an existing urban residential zone.

Council is open to considering other options to achieve its objectives however, notes options are limited by the highly constrained and inflexible nature of the 'Standard Instrument' (template) LEP.

Other amendments to the Tweed LEP respond to the built character defined within the Hastings Point Code which prescribes that Lot 156 is to be developed as an extension of the existing Creek Street character. Accordingly, the maximum height of buildings, maximum floor space ratio and minimum lot sizes are proposed to reflect those present throughout Creek Street. This strategic objective ensures building heights reflect the landscape character, function and hierarchy of the settlement and the visual amenity of the area.

The details of the amendments are provided within Part 5 of this planning proposal, and listed in Table 3 below and Table 4 on the following page.

Table 3: Proposed zoning and environmental standards of Lot 156 DP

LEP Component	Current	Proposed
Zoning	R1 General Residential and Deferred Matter under the Tweed LEP 2014. 2(e) Residential Tourist and 7(a) Environmental Protection (Wetlands and Littoral Rainforest) under the Tweed LEP 2000.	Part R2 Low Density Residential and part E2 Environmental Conservation
Height of Buildings Map	13.6m / 3 storeys	8m (R2), N/A (E2)
Maximum Floor Space Ratio	2:1 (R1), N/A	0.8:1 (R2), N/A (E2)
Minimum Lot Size	450m ² , N/A	700m ² (R2) / 40ha (E2)

The above changes will also result in amendment to the Acid Sulfate Soils mapping layer and the Flood Planning mapping layer (dependent on the progress of the Housekeeping LEP Amendment 20 15/0008).

Building height suitability

The basis of the building height limit arises from the Hastings Point Code which seeks to protect views and scenic qualities. Within the Creek Street precinct this translates to limit the height of 8 metres to protect the scenic vista west along Creek Street towards the hills and the vegetated backdrop.

Given all land within the Creek Street precinct is flood prone, development of the site is likely to rely on fill to meet flood level planning requirements. A standard 8m height limit is likely to result in an increase in building height above that envisaged in the Hastings Point Code as above.

As such it is recommended that the future height of building controls be based on the Australian Height Datum altitude measurement. This could be achieved by mapping the subject site on the Key Sites Map and an additional, site-specific clause in Part 7 of the Tweed LEP 2014.

Table 4: Proposed Format of the E2 Environmental Conservation zone

1. Objectives of zone
<ul style="list-style-type: none"> • To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. • To prevent development that could destroy, damage or otherwise have an adverse effect on those values. • To identify lands set aside primarily for conservation or environmental management. • To protect, manage and restore environmentally sensitive areas including public lands subject to coastal erosion.
2. Permitted without consent
Environmental protection works; Home occupation.
3. Permitted with consent
Bed and breakfast accommodation; Business identification sign; Community facilities; Emergency services facility; Environmental facilities; Flood mitigation works; Home business; Home-based child care; Information and education facilities; Recreation areas; Research stations; Roads; Sewerage systems
4. Prohibited
Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

The proposed amendments significantly affect the theoretical development potential of the subject site, both by a reduction in development footprint and a reduction of development scale within the footprint. However, the proposed amendments are considered to reflect the environmental qualities of the site and provide a statutory framework that reflects the desired future character of the area, as established within the Hastings Code.

Part 3 Justification

Section A Need for the planning proposal

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

This planning proposal is the result of extensive consultation and through a strategic planning process which resulted in integrated locality and development control planning for Hastings Point. These strategic exercises concluded 2010 and 2011 however their implementation has been restricted to non-statutory planning provisions in light of the preparation and implementation of Council's Standard Instrument Order LEP (the Tweed Local Environmental Plan 2014).

This planning proposal seeks to facilitate the desired outcome of the Hastings Point Locality Based Development Code described as follows: *Whilst significant in land area, Lot 156 is a highly constrained site with only a small proportion being developable. Any future development over this defined footprint is to integrate with the existing Creek Street built and natural character. Whilst it is recognised that Creek Street has a lineal pattern of development, and that Lot 156 will present a*

departure from this pattern, the remaining underlying streetscape and built form character and design elements should be consistent.

The statutory framework for the site is to firstly reflect the environmental attributes of the site, which will result in a defined development footprint based on established environmental constraints and buffers. Likewise, the developable footprint will reflect the statutory framework of the Creek Street character, being a maximum building height of 8 meters, low density residential development on lots greater than 700m² in size.

In addition to the specific precinct strategy and desired future character described above, specific development assessment (DA13/0189) and Council resolutions have been made in respect of the subject site. In order to reconcile the site specific resolutions and findings, Council has finalised an amendment to the Hastings Point Locality Based Development Code (effective date 15 September 2015) increasing vegetation buffers from 50 to 75 metres (as presented on Fig 1).

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

The desired land use of the subject site, identified in Hastings Point Locality Based Development Code (Tweed DCP Section B23) gives priority to the significant environmental attributes of the site. The best way of achieving this outcome is through an appropriate amendment to the Tweed LEP 2014. Further, it is considered best practice to provide a clear and consistent planning framework where the vision and intent identified through the Hastings Point Locality Based Development Code (Tweed DCP Section B23) is implemented through statutory and non-statutory means. In light of the above, the planning proposal is considered the best means of achieving the objectives and intended outcomes.

Section B Relationship to strategic planning framework

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

The principal regional strategy guiding growth across the Far North Coast Region is the NSW Far North Coast Regional Strategy 2006-2031 (FNCRS). Compliance of this planning proposal with the general directions of the FNCRS has been demonstrated below:

- The FNCRS strategy aims to identify and protect important environmental assets, landscape and cultural values and natural resources. The planning proposal responds to this aim by excluding environmentally sensitive land from urban development through the application of the E2 Environmental Conservation zone.
- The FNCRS caters for the extra 60 400 people expected to be living in the region during the lifespan of the Strategy. One of the aims in this regard is to ensure delivery of 51 000 new homes in a variety of suitable locations. This planning proposal responds by identifying appropriate development footprint for future housing within Hastings Point locality.
- According to the FNCRS, areas for potential future development should be contained within the Town and Village Growth Boundary. This planning proposal is consistent as it identifies development footprint for future housing within the Town and Village Growth Boundary area.
- Finally this planning proposal reinforces the role of the existing urban centres with appropriate housing types, density, mix of use and scope for economic growth.

No inconsistencies between the FNCRS and this planning proposal have been identified.

Similarly, this planning proposal appears to be consistent with the draft North Coast Regional Plan (NCRP), which was publicly exhibited from 2 March to 2 June 2016. The NCRP considers Tweed as a region of the highest share of the regional population and housing. It also aims to protect potentially high environmental value areas and significant farmland by identifying them in planning strategies or local environmental plan.

The planning proposal is consistent with the following actions of the draft NCRP:

- ACTION 1.1.1 Identify and manage areas of high environmental value
- ACTION 1.2.2 Increase the region's biosecurity through the use of buffers and land use conflict risk assessment
- ACTION 1.3.1 Protect marine environments, water catchment areas and groundwater sources
- ACTION 2.4.1 Support council-led precinct planning

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

As discussed in previous sections, this planning proposal seeks to implement the desired future character established for Hastings Point, as detailed within the locality-based development code.

The Hastings Point Code was prepared prior to the Tweed Community Strategic Plan 2013/2023 (CSP) and preceding 2011/2021 Plan. The CSP creates a framework to implement Council's four-year Delivery Program and annual Operational Plan, which align the community's aspirations with the development and implementation of necessary planning and resourcing required to achieve the long term vision and deliver the outcomes. The CSP establishes four thematic sections, being Civic Leadership, Supporting Community Life, Strengthening the Economy and Caring for the Environment. The Hastings Point Code and this planning proposal are considered to be consistent with each section of the CSP by managing the balance between urban development and environmental protection, providing vibrant and accessible town centres and improving urban design.

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

The planning proposal is consistent with relevant State Environmental Planning Policy applying to the Tweed local government area:

SEPP 14 Coastal Wetlands

The aim of SEPP 14 is: "*to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the state.*" The area of mapped SEPP 14 Wetlands is presently a Deferred Matter under the Tweed LEP 2014 and is zoned 7(a) Environmental Protection (Wetlands and Littoral Rainforest) under the Tweed LEP 2000. This planning proposal seeks to expand the footprint of the Land Application Map to include all Lot 156 and zone the mapped wetland and adjoining buffer as E2 Environmental Conservation. This outcome is considered to be consistent with the provisions of SEPP 14.

SEPP 71 Coastal Protection

Land subject to this planning proposal is located within the area to which SEPP 71 Coastal Protection applies and the majority is also mapped as "Sensitive Coastal Location". The provisions of this planning proposal are predominately aimed at reducing the intensity of future development through a reduction in permitted building types (zone change) and building height.

The provisions of this planning proposal will not impact upon public access to, or along, coastal foreshores, or degrade their environments. This planning proposal will ensure the visual amenity of the coast is protected, ensure the type, bulk, scale and size of development is appropriate to the coastal village and hamlet context and implement a strategic approach to coastal management.

4 Is the planning proposal consistent with applicable Ministerial Directions (s117 Directions)?

The planning proposal is consistent with the Ministerial s117 Directions, as outlined in the following table.

Table 2- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
1. Employment and Resources			
1.1 Business and Industrial Zones	<p><u>Summary of Objectives</u> To protect, encourage and support employment / strategic centres</p> <p><u>Application</u> When a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p>	Not relevant because this planning proposal does not affect land within an existing or proposed business or industrial zone.	Not applicable
1.2 Rural Zones	<p><u>Objectives:</u> The objective of this direction is to protect the agricultural production value of rural land.</p> <p><u>Application:</u> A planning proposal must:</p> <ul style="list-style-type: none"> (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village). 	Not relevant. This planning proposal does not apply to land with a rural zone.	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	<p><u>Objectives:</u> The future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials is not compromised by inappropriate development</p> <p><u>Application:</u> When a relevant planning authority prepares a planning</p>	This planning proposal does not include provisions that would trigger the application of this direction.	Consistent

Table 2- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>proposal that would have the effect of:</p> <p>(a)prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</p> <p>(b)restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p>		
1.4 Oyster Aquaculture	<p><u>Objectives:</u> To protect Priority Oyster Aquaculture Areas (POA) and oyster aquaculture outside such an area, from adverse impacts on water quality, the health of the oysters and oyster consumers</p> <p><u>Application:</u> When there is a change in land use that could result with adverse impact or incompatibility of land uses</p>	This planning proposal does not apply to land that would be known or identified as a Priority Oyster Aquaculture Area	Not applicable
1.5 Rural Lands	<p><u>Objectives:</u> To protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes.</p> <p><u>Applies when:</u></p> <p>(a)a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone or</p> <p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p>	Relevant because this planning proposal applies to land currently zoned with an environmental protection zone. This planning proposal is consistent with both the Rural Planning Principles and Rural Subdivision Principles.	Consistent
2. Environment and Heritage			
2.1 Environment Protection Zones	<p><u>Objective</u> To protect and conserve environmentally sensitive areas</p> <p><u>Application</u> When a relevant planning authority prepares a planning proposal</p>	The planning proposal seeks to contract the developable footprint within Lot 156 in order to ensure appropriate levels of environmental protection from urban development. This approach supports the vision, precinct strategic aims and desired future character of the Hastings Point Code. Through this planning proposal Council seeks to	Consistent

Table 2- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
		re-instate the E2 Environmental Conservation zone, consistent with the NSW Department of Planning & Environment 'E-Zone Review'. This approach best facilitates adequate protection and conservation of environmentally sensitive land within the subject site.	
2.2 Coastal Protection	<p><u>Objective</u> To implement the principles in the NSW Coastal Policy</p> <p><u>Application</u> When a relevant planning authority prepares a planning proposal that applies to land in the coastal zone</p>	The proposal seeks to implement various applicable coastal protection documents by recognising land of conservation value and embodying best practice design through a statutory framework that supports building types suitable for a coastal village. Provisions of the Coastal Design Guideline have been considered in the Hastings Point Code.	Consistent
2.3 Heritage Conservation	<p><u>Objective</u> To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance</p> <p><u>Application</u> When a relevant planning authority prepares a planning proposal</p>	<p>Not relevant to this planning proposal because it is not altering any regulation affecting heritage conservation, including zoning, and is not of itself capable of conserving heritage significance.</p> <p>The site is surrounded by multiple areas of known Aboriginal cultural heritage identified in Council's Draft ACH mapping project. A precautionary approach is required.</p>	Consistent
2.4 Recreation Vehicle Areas	<p><u>Objective</u> To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles</p> <p><u>Application</u> When a relevant planning authority prepares a planning proposal</p>	Not relevant to this planning proposal because it does not seek to change the regulation of recreation vehicles or land on which a recreation vehicle access or development may occur.	Not applicable
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	<p><u>Objective:</u> To ensure that a balanced and consistent approach is taken when applying environmental protection zones and overlays to land on the NSW Far North Coast.</p> <p><u>Application:</u> When a relevant planning authority prepares a planning proposal that introduces or alters an E2 or E3 zone, or an overlay with associated clause.</p> <p>A relevant planning authority must apply the proposed E2, E3 or the overlay and associated clause consistent with the</p>	<p>As provided within Part 2 above, this planning proposal attempts to apply an E2 Environmental Conservation zone over environmentally sensitive land and the buffer separating this sensitive area from land proposed for urban development.</p> <p>Justification for the use of E2 zone over the subject site is provided within Part 2 (pages 3-12) of this document.</p>	Consistent

Table 2- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	Northern Councils E Zone Review Final Recommendations.		
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	<p><u>Summary of Objectives:</u></p> <ul style="list-style-type: none"> (a) to encourage a variety and choice of housing types, (b) to make efficient use of existing infrastructure and services (c) to minimise the impact of residential development on the environment and resource lands. <p><u>Application</u></p> <p>When a planning proposal affects land within:</p> <ul style="list-style-type: none"> (a) an existing or proposed residential zone, or (b) any other zone in which significant residential development is permitted or proposed to be permitted. 	<p>This planning proposal seeks to reduce the choice of building types by prohibiting Residential Flat Buildings. Whilst the prohibition of Residential Flat Buildings is contrary to the s117 direction, the inconsistency is considered appropriate as the amendment seeks to implement a Council endorsed development code, which had regard for the objectives of the s117 direction, the Coastal Design Guideline and the site specific attributes of the areas (specifically retention of character and responding to the unique coastal setting and site constraints).</p>	<p>Inconsistent and considered justified under 6(b).</p>
3.2 Caravan Parks and Manufactured Home Estates	<p><u>Objectives:</u></p> <ul style="list-style-type: none"> (a) to provide for a variety of housing types, and (b) provide opportunities for caravan parks and manufactured home estates <p><u>Application:</u></p> <p>When a relevant planning authority prepares a planning proposal</p>	<p>Caravan parks are currently prohibited on subject site. As this planning proposal does not aim to alter permissibility of caravan park on Lot 156, it can be considered as consistent with the provisions of this direction.</p>	<p>Consistent</p>
3.3 Home Occupations	<p><u>Objective:</u></p> <p>To encourage the carrying out of low-impact small businesses in dwelling houses</p> <p><u>Application:</u></p> <p>When a relevant planning authority prepares a planning proposal</p> <p><u>If this direction applies:</u></p> <p>Planning proposals must permit home occupations to be</p>	<p>This planning proposal seeks to amend the development footprint to adequately protect environmental values of the land. As part of this amendment, Council intends to rezone the developable land from R1 General Residential to R2 Low Density Residential. This will not alter provisions regulating home occupations, which will remain a land use permitted without development consent.</p>	<p>Consistent</p>

Table 2- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>carried out in dwelling houses without the need for development consent</p>		
<p>3.4 Integrating Land Use and Transport</p>	<p><u>Summary of Objectives:</u> To ensure that urban structures, building forms, land use, subdivision and street layouts achieve the following objectives:</p> <ul style="list-style-type: none"> (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, (d) supporting the efficient operation of public transport services, and (e) providing for the efficient movement of freight <p><u>Application:</u> This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land.</p>	<p>The amendment sought through this planning proposal is as a result of specific urban design analysis. By achieving these outcomes, the planning proposal is consistent with the aims, objectives and principles of integrating land use and transport.</p> <p>The Hastings Point locality is serviced by a singular public transport route (aside from school bus systems) that utilise Tweed Coast Road as its spine. The subject site is generally within 400m walking distance of the public transport spine.</p>	<p>Consistent</p>
<p>3.5 Development Near Licensed Aerodrome</p>	<p><u>Summary of Objectives:</u></p> <ul style="list-style-type: none"> (a) ensure the effective and safe operation of aerodromes, (b) ensure that their operation is not compromised by development, (c) ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast contours of between 20 and 25, incorporates appropriate mitigation measures. <p><u>Application:</u> When a planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.</p> <p><u>What must be done</u> Summary: a planning proposal that sets controls for the</p>	<p>This planning proposal applies to land outside of the ANEF contour areas. Also, because of significant distance from the nearest aerodrome, it is not likely to affect the safe operation of aerodromes through inappropriate development</p>	<p>Consistent.</p>

Table 2- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	development of land in the vicinity of a licensed aerodrome must be subject to prescribed consultation and take certain prescribed matters into account.		
3.6 Shooting Ranges	<p><u>Objectives:</u> (a) to maintain public safety and amenity, (b) to reduce land use conflicts, (c) to identify issues for consideration when rezoning land adjacent to an existing shooting range</p> <p><u>Application:</u> When a planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to a shooting range</p> <p><u>What must not be done</u> A planning proposal must not seek to rezone land adjacent to and/ or adjoining an existing shooting range that has the effect of permitting more intensive land uses than those which are permitted under the existing zone or permitting land uses that are incompatible with the noise emitted by the shooting range.</p>	The site subject to this planning proposal is not adjacent to an existing shooting range.	Consistent
4. Hazard and Risk			
4.1 Acid Sulfate Soils	<p><u>Objective</u> To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils</p> <p><u>Application:</u> When a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils.</p>	Acid Sulfate Soils will be dealt with at the development assessment stage on the basis of clause 7.1.	Consistent
4.2 Mine Subsidence and Unstable Land	<p>To prevent damage to life, property and the environment on land unstable or potentially subject to mine subsidence</p> <p><u>Application:</u></p>	Not relevant to this planning proposal as the subject site is not within a mine subsidence district and has not been identified as unstable in a study, strategy or other assessment.	Not applicable

Table 2- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	When a relevant planning authority prepares a planning proposal that permits development on land that is within a mine subsidence district, or has been identified as unstable in a study, strategy or other assessment.		
4.3 Flood Prone Land	Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	The planning proposal seeks to reduce the intensity of development within Lot 156 (reduction in development footprint, larger minimum lot size, prohibit residential flat buildings). Accordingly the planning proposal is considered to be consistent the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.	Consistent
4.4 Planning for Bushfire Protection	<p><u>Objective</u></p> <p>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) to encourage management of bush fire prone areas</p> <p><u>Application:</u></p> <p>When a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p>	This planning proposal does not intensify inappropriate developments in hazardous areas as it seeks a reduced development form and does not alter the permissibility of Special Fire Protection Purposes.	Consistent
5. Regional Planning			
5.1 Implementation of Regional Strategies	<p><u>Objective</u></p> <p>To give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies</p> <p><u>Application:</u></p> <p>When a relevant planning authority prepares a planning proposal</p>	Compliance of this planning proposal with the general directions of the FNCRS has been demonstrated below in Section B 1 of this Part (page 6)	Consistent
5.2 Sydney Drinking Water Catchments	Local government areas not including Tweed	Not relevant	Nopt applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<p><u>Objective</u></p> <p>(a) to ensure that the best agricultural land will be available for</p>	This planning proposal does not seek to rezone any land or change the permissibility of a land mapped as state or regionally significant farmland or as non-contiguous farmland.	Not applicable.

Table 2- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>current and future generations to grow food and fibre, (b) to provide more certainty on the status of the best agricultural land, and (c) to reduce land use conflict.</p> <p><u>Application:</u> When a relevant planning authority prepares a planning proposal for land mapped as: State significant farmland, regionally significant farmland, or significant non-contiguous farmland. A planning proposal must not rezone land identified as "State Significant Farmland", "Regionally Significant Farmland" or "significant non-contiguous farmland" for urban or rural residential purposes</p>		
<p>5.4 Commercial and Retail Development along the Pacific Hwy, North Coast</p>	<p><u>Objective</u> To manage commercial and retail development along the Pacific Highway to preserve and protect the safe function of the highway and its users.</p> <p><u>Application:</u> When a relevant planning authority prepares a planning proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.</p>	<p>Not relevant to this planning proposal</p>	<p>Not applicable</p>
<p>5.8 Second Sydney Airport: Badgerys Creek</p>	<p>Applies to other local government areas than Tweed</p>	<p>Not relevant to this planning proposal</p>	<p>Not applicable</p>
<p>5.9 North West Rail Link Corridor Strategy</p>	<p>Applies to other local government areas than Tweed</p>	<p>Not relevant to this planning proposal</p>	<p>Not applicable</p>
<p>5.10 Implementation of Regional Plans</p>	<p><u>Objective</u> To give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>Applies when preparing a planning proposal.</p>	<p>Compliance of this planning proposal with the general directions of the FNCRS and the draft NCRS has been demonstrated below in Section B 1 of this Part (page 6)</p>	<p>Consistent</p>

6. Local Plan Making

Table 2- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
6.1 Approval and Referral Requirements	<p><u>Objective</u> To ensure that LEP provisions encourage the efficient and appropriate assessment of development</p> <p><u>Application:</u> When a relevant planning authority prepares a planning proposal.</p> <p><u>What must be done:</u> Ensure provisions minimise concurrence roles, consultation or referral of DAs to public authority.</p>	This planning proposal does not propose an amendment of the kind referred to in the Direction.	Consistent
6.2 Reserving Land for Public Purposes	<p><u>Objective</u> (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	Not relevant to this planning proposal because it does not create, reduce or alter existing zoned reserves, and is not the subject of a direction of the Minister or public authority for that purpose.	Not applicable
6.3 Site Specific Provisions	<p><u>Objective</u> is to discourage unnecessarily restrictive site specific planning controls. Applies when a relevant planning authority prepares a planning proposal that will allow a particular development.</p>	This planning proposal does not include site-specific provisions.	Consistent
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney	Applies other local government areas other than Tweed	Not relevant to this planning proposal	Not applicable
7.2 Implementation of Greater Macarthur Land Release Investigation	Applies other local government areas other than Tweed	Not relevant to this planning proposal	Not applicable
7.3 Parramatta Road Corridor Urban Transformation Strategy	Applies other local government areas other than Tweed	Not relevant to this planning proposal	Not applicable

Section C Environmental, Social and Economic Impact

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

This planning proposal seeks reduction of the existing urban footprint on Lot 156 in Hastings Point, as a direct response to protecting and managing land identified with high environmental quality. Accordingly, this planning proposal is considered to possess an improved environmental outcome that the existing statutory framework.

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

Appropriate scale and form of development on Lot 156 in Hastings Point have been subject to a fierce disagreement between Council and the landowner, as evidenced by recent appeal to the Land and Environmental Court. Delivering the intended outcome of this planning proposal, that is the application of an appropriate, reduced urban footprint, may advance development of this site. Environmental effects of this development will be assessed during the DA stage.

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

The planning proposal seeks to finalise the implementation of the Hastings Point Code. Preparation of this document included substantial public consultation, reflect current best practice planning and urban design and embody sustainable principles within the core strategy and decision-making. Further community consultation will be carried out in accordance with the Gateway determination.

Section D State and Commonwealth interests

1 Is there adequate public infrastructure for the planning proposal?

The planning proposal does not trigger the provision of any significant additions to infrastructure within the area.

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

Views of the State and Commonwealth public authorities will be sought in accordance with the specific requirements of the Gateway Determination..

Part 4 Mapping

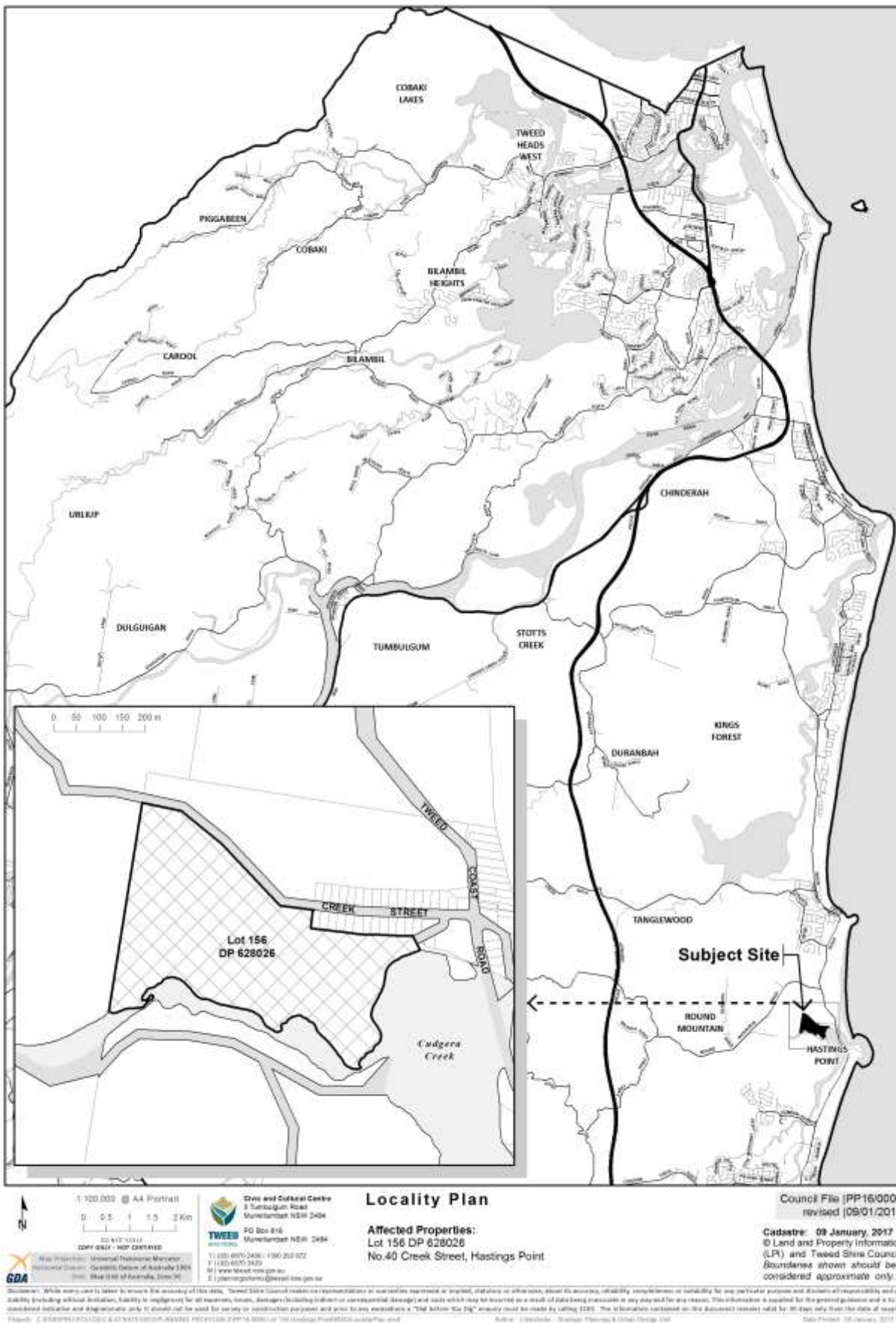
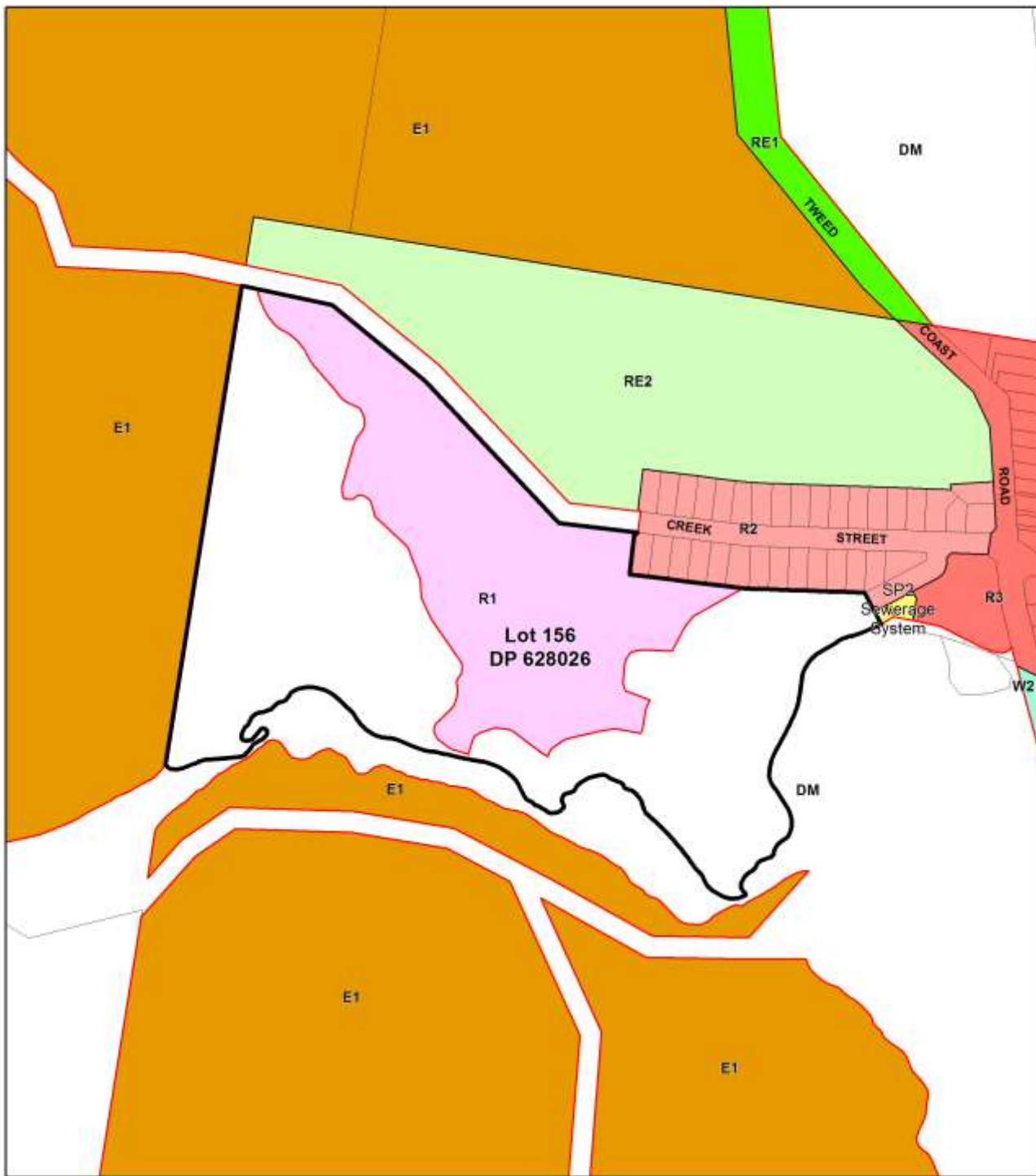


Figure 9 Subject site location plan



Tweed Local Environmental Plan 2014

Zone				
B1 Neighbourhood Centre	E1 National Parks & Nature Reserves	R5 Large Lot Residential	SP1 Special Activities	DM Deferred Matter
B2 Local Centre	IN1 General Industrial	RE1 Public Recreation	SP2 Infrastructure	MD SEPP (Major Development) 2005
B3 Commercial Core	IN4 Working Waterfront	RE2 Private Recreation	SP3 Tourist	TCC Tweed City Centre LEP 2012
B4 Mixed Use	R1 General Residential	RU1 Primary Production	W1 Natural Waterways	
B5 Business Development	R2 Low Density Residential	RU2 Rural Landscape	W2 Recreational Waterways	
B7 Business Park	R3 Medium Density Residential	RU5 Village	W3 Working Waterways	

1:5,000 A4 Portrait
0 20 40 60 80 100 M
GDA 94
GDA 94 only - NOT CERTIFIED

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Tweed Local Environmental Plan 2014

LAND ZONING

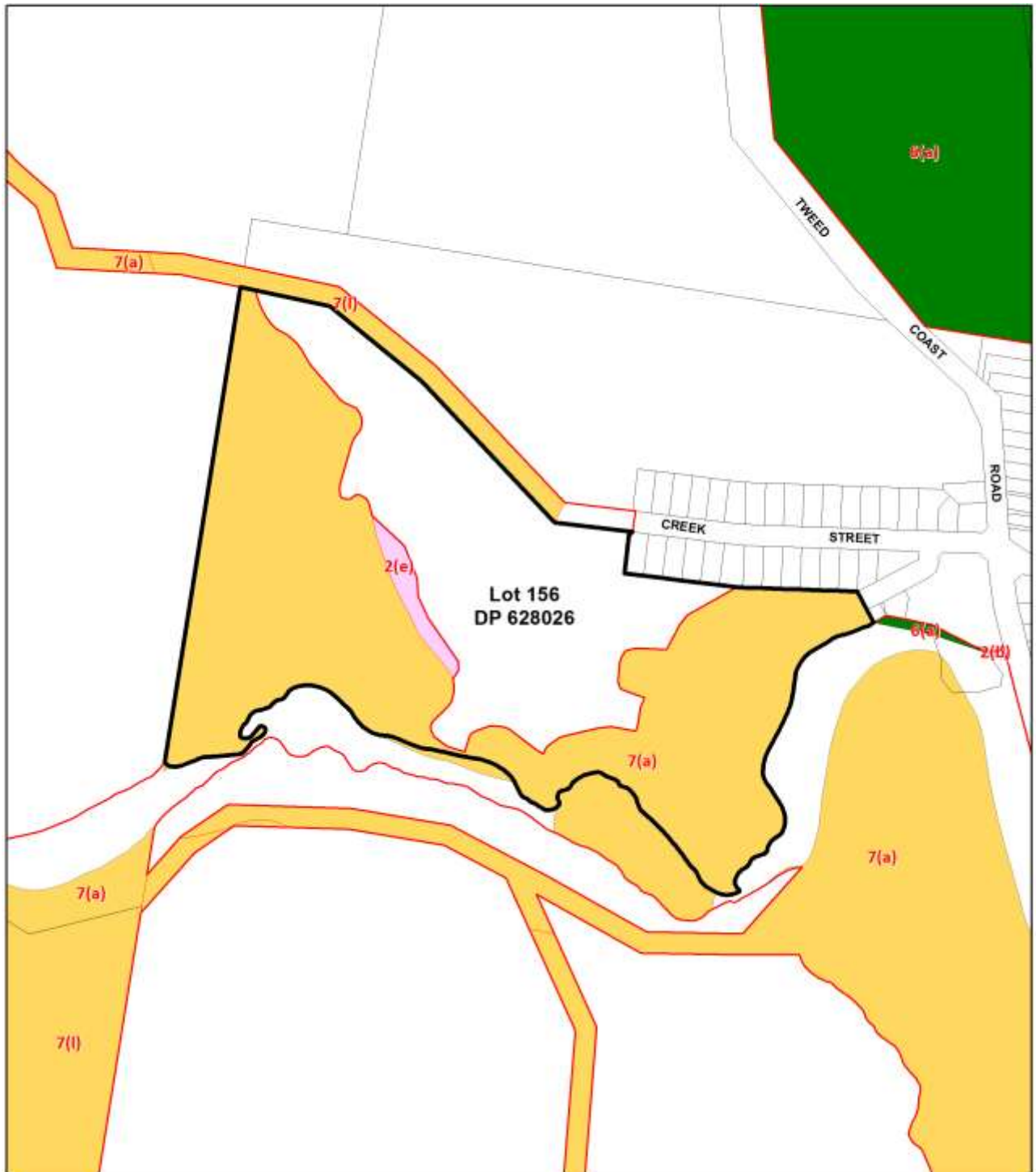
Affected Properties:
Lot 156 DP 628026
No 40 Creek Street, Hastings Point

Council File [PP16/0006
revised 09/01/2017

Gadastre: 09 January 2017
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Figure 11 Subject site shown with black edge and current Tweed LEP 2014 zoning



ZONING	RESIDENTIAL	BUSINESS	INDUSTRIAL	ENVIRONMENTAL PROTECTION	NATIONAL PARKS & NATURE RESERVES
RURAL 7(a) Rural 7(l) Rural Living 7(b1) Agricultural Protection 7(b2) Agricultural Protection	2(a) Low Density Residential 2(b) Medium Density Residential 2(f) Tourism 2(c) Urban Expansion 2(d) Village 2(e) Residential Tourist	3(a) Sub-Regional Business 3(b) General Business 3(c) Commerce & Trade 3(d) Waterfront Enterprise 3(e) Special Tourist (Jack Evans Boat Harbour)	4(a) Industrial SPECIAL USES 5(a) Special Uses OPEN SPACE 6(a) Open Space 6(b) Recreation	7(a) Environmental Protection (Wetlands and Littoral Rainforest) 7(b) Environmental Protection (Science / Ecocapment) 7(c) Environmental Protection (Coastal Landsc) 7(d) Environmental Protection (Habitat)	8(a) National Parks and Nature Reserves DEFER defer

ADDITIONAL CONTROLS	
Clause 37 (Transmission Line Corridor) Clause 38 (Future Roads)	Clause 41 (Heritage Conservation Area) Clause 42 (Existing and Future Dam Areas)

1:5,000 A4 Portrait
0 20 40 60 80 100 M
GDA 2011
GDA 2011 NOT CERTIFIED

Tweed Local Environmental Plan 2000
LAND ZONING

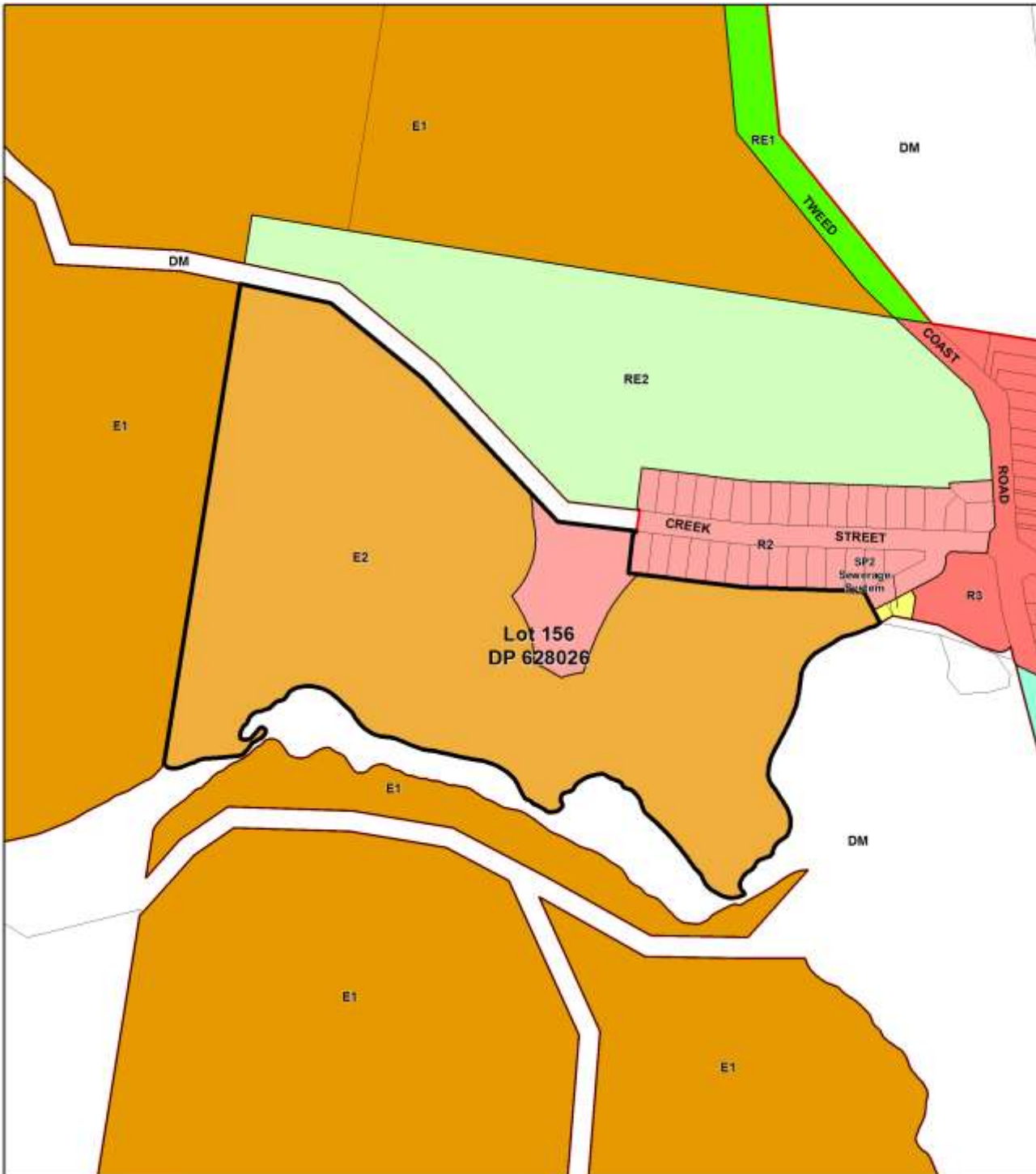
Affected Properties:
Lot 156 DP 628026
No 40 Creek Street, Hastings Point

Council File [PP16/0002 revised] [06/10/2016]

Cadastre: 09 January 2017
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Boundaries shown should be considered approximate only.

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Figure 12 Subject site shown with black edge and current Tweed LEP 2000 zoning



Tweed Local Environmental Plan 2014
Zone

B1 Neighbourhood Centre	E1 National Parks and Nature Reserves	R3 Medium Density Residential	RU5 Village	W3 Working Waterways
B2 Local Centre	E2 Environmental Conservation	R5 Large Lot Residential	SP1 Special Activities	DM Deferral Matter
B3 Commercial Core	IN1 General Industrial	RE1 Public Recreation	SP2 Infrastructure	MD SEPP (Major Development) 2005
B4 Mixed Use	IN4 Working Waterfront	RE2 Private Recreation	SP3 Tourist	TCC Tweed City Centre LEP 2012
B5 Business Development	R1 General Residential	RU1 Primary Production	W1 Natural Waterways	
B7 Business Park	R2 Low Density Residential	RU2 Rural Landscape	W2 Recreational Waterways	

1:5,000 A4 Portrait
0 20 40 60 80 100 M
EDNEY SCALE
COPY ONLY - NOT CERTIFIED
Map Projection: Universal Transverse Mercator
Reference Datum: Geoidetic Datum of Australia 1984
GDA
Map 518 of Australia, Zone 58

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Tweed Local Environmental Plan 2014
PROPOSED LAND ZONING

Affected Properties:
Lot 156 DP 628026
No 40 Creek Street, Hastings Point

Council File | PP16/0006
revised | 09/01/2017

Cadastral: 09 January, 2017
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Boundaries shown should be considered approximate only.

Figure 13 Subject site shown with black edge and proposed zoning

Part 5 Community consultation

Community consultation will be carried out in accordance with conditions of the Gateway determination.

Lot 156 in Hastings Point was subject to Planning Proposal PP14/0001, where a similar outcome, that is the reduction of urban zoning, was sought. This planning proposal was exhibited from 27 May to 1 July 2014. Submissions received from the local community during that period of time generally supported the desired outcome for this site. Whilst this amendment (No11) was made 27 November 2015 the amendments to Lot 156 were not supported by the Department due to the pending court case.

Summary and conclusions

This planning proposal seeks to zone the subject site in accordance with its current development potential, status of environmental values and its role in the wider context of coastal ecosystem. Council is of the view that finalisation of this planning proposal will provide the landowner with the certainty of a settled statutory zoning framework, to assist with any further or future development pursuits.

Whilst the desired outcomes sought by this planning proposal reflect Council adopted position towards the future use of land on the subject site, Council is aware that the proposal to zone the buffer area with an environmental zoning may be inconsistent with Department's advice to re-instate environmental zones in Northern Rivers Councils through specific planning proposal. Notwithstanding, this is considered to be a minor variation and supported by the strategic objectives and desired future character of the Hastings Point Code. In addition this position is supported by a number of actions of the draft North Coast Regional Strategy.

However, should this approach not be supported by the Department, this document suggests an alternative approach which may ensure a less desirable consistency with the policy framework without significantly compromising Council's policy position towards this site.

Part 6 Timeframe

Task	Timeframe	Completed
Council Planning Committee meeting	July 2016	Yes
Referral of the planning proposal for a 2 nd Gateway determination	January 2017	Yes
Gateway Determination	February 2017	
Undertake requirements of the Gateway Determination and prepare V2 planning proposal	February / March 2017	
Public exhibition	March / April 2017	
Agency consultation	March / April 2017	
Review submissions, respond and prepare V3 planning proposal for Council's consideration	May 2017	
Council report to finalise and refer the plan to the DPE to be made	June 2017	
Referral of the Plan to the DPE for making	July 2017	
Plan to be made within 12 months of Gateway	Sept 2017	

Table 5: Indicative timeframe of this planning proposal



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