

Planning and Assessment

IRF19/7845

Gateway determination report

LGA	Tweed Shire Council
PPA	Tweed Shire Council
NAME	Tweed Heads Bowls Club
NUMBER	PP_2019_TWEED_007_00
LEP TO BE AMENDED	Tweed City Centre Local Environmental Plan 2012
ADDRESS	22-38 Florence Street, Tweed Heads
DESCRIPTION	Lot 12 DP 803451
RECEIVED	5 December 2019
FILE NO.	IRF19/7845
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to identify a medical centre as an additional permitted use within the existing Tweed Heads Bowls Club to help deliver medical services to the local community and visitors.

It is intended that the use of the land for the purposes of a registered club will continue. However, the planning proposal will help to facilitate the occupation of under-utilised and vacant floor area within the existing club footprint.

1.2 Site description

Tweed Heads Bowls Club is located on Lot 12 DP 803451, 22-38 Florence Street, Tweed Heads (Figures 1 and 2). It functions as a registered club and includes a range of uses including bowling greens, food and beverage uses, functions, entertainment as well as administrative uses relating to the club.

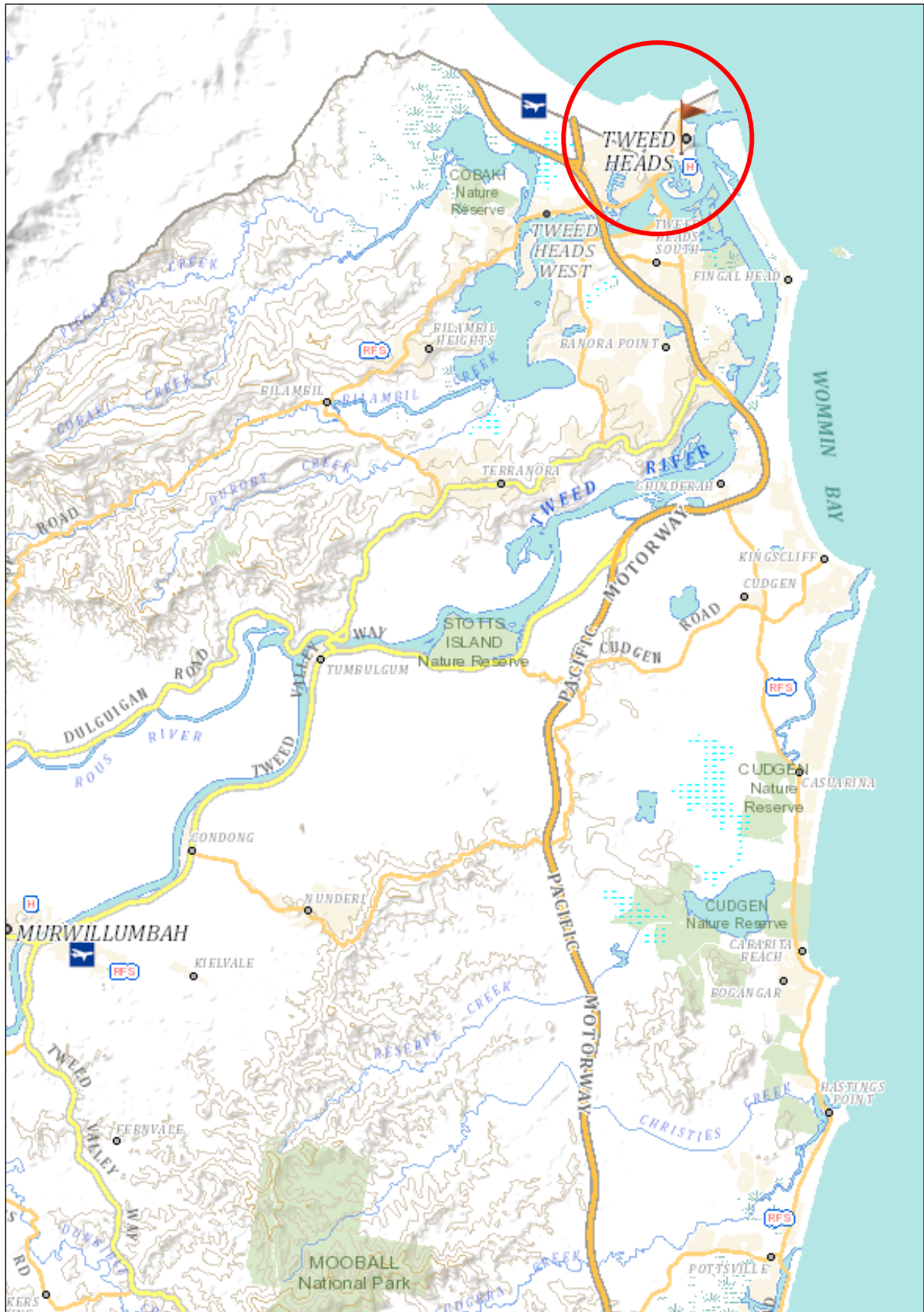


Figure 1: Locality Map (Source: SixMaps)

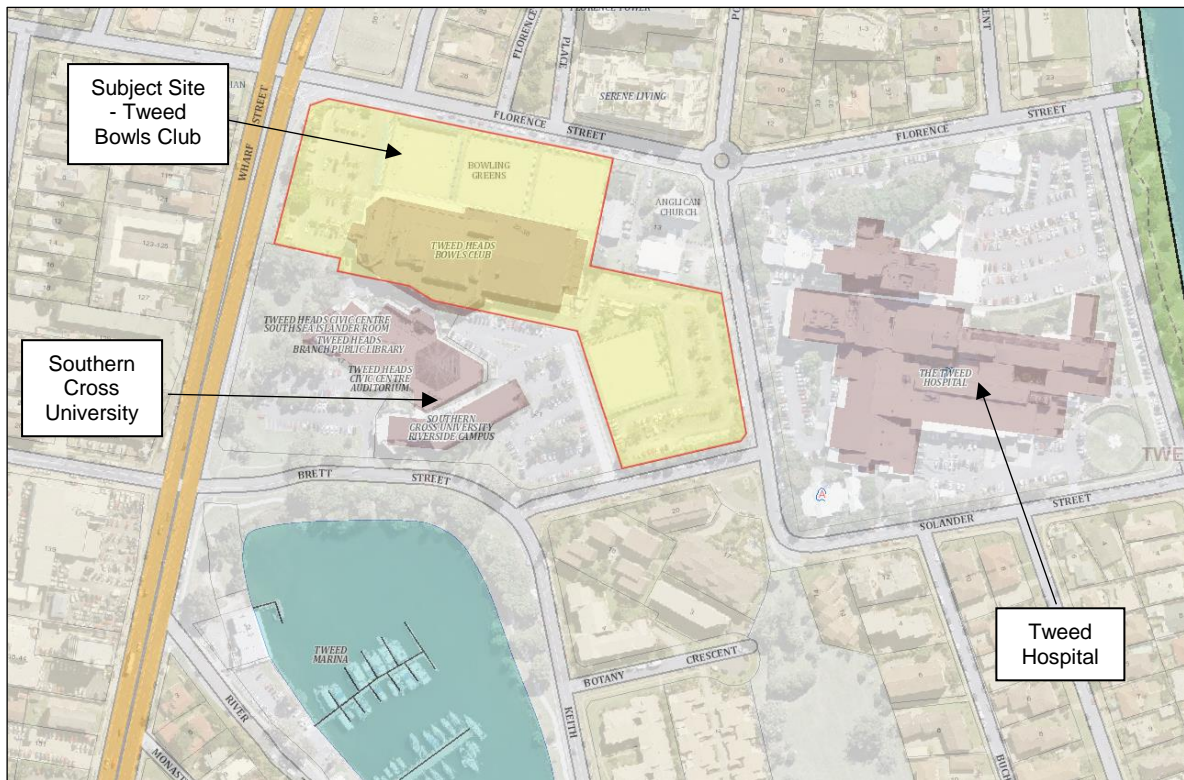


Figure 2: Site Map (Source: SixMaps)

1.3 Existing planning controls

Pursuant to the Tweed City Centre Local Environmental Plan (LEP) 2012 the land:

- is zoned RE2 Private Recreation (Figure 3);
- has a maximum building height of 13.6m (Figure 4); and
- contains class 2 acid sulfate soils (Figure 5).

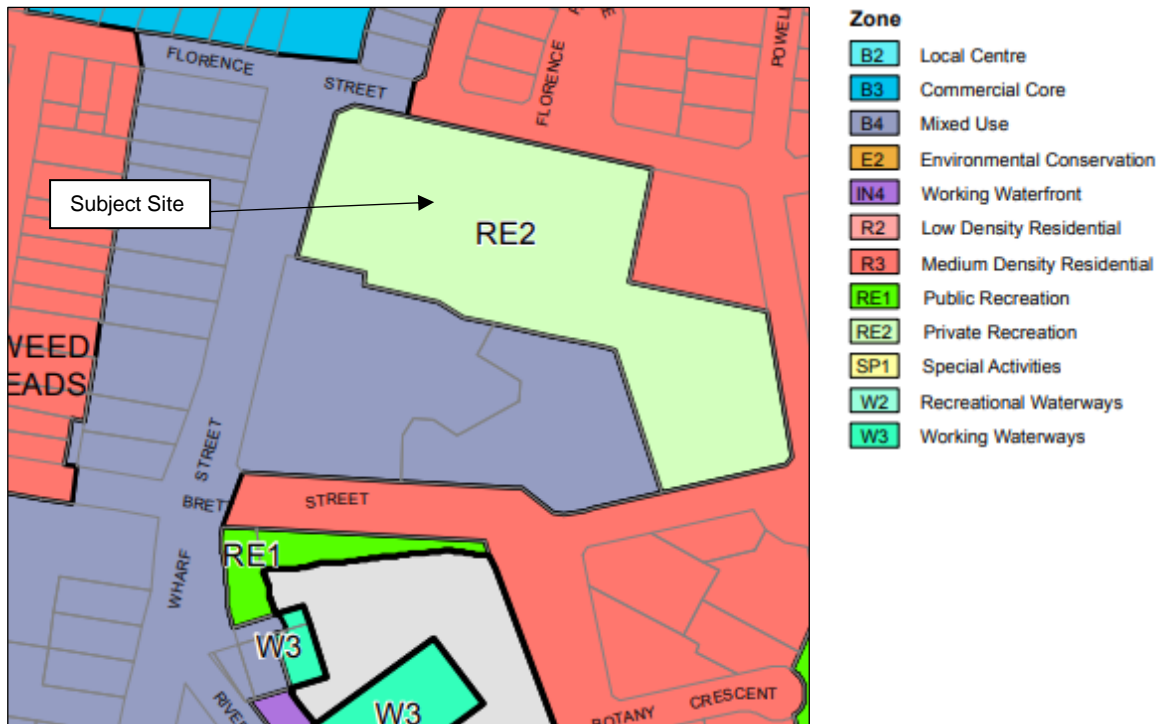


Figure 3: Extract of Land Zoning Map (Source: NSW Legislation)

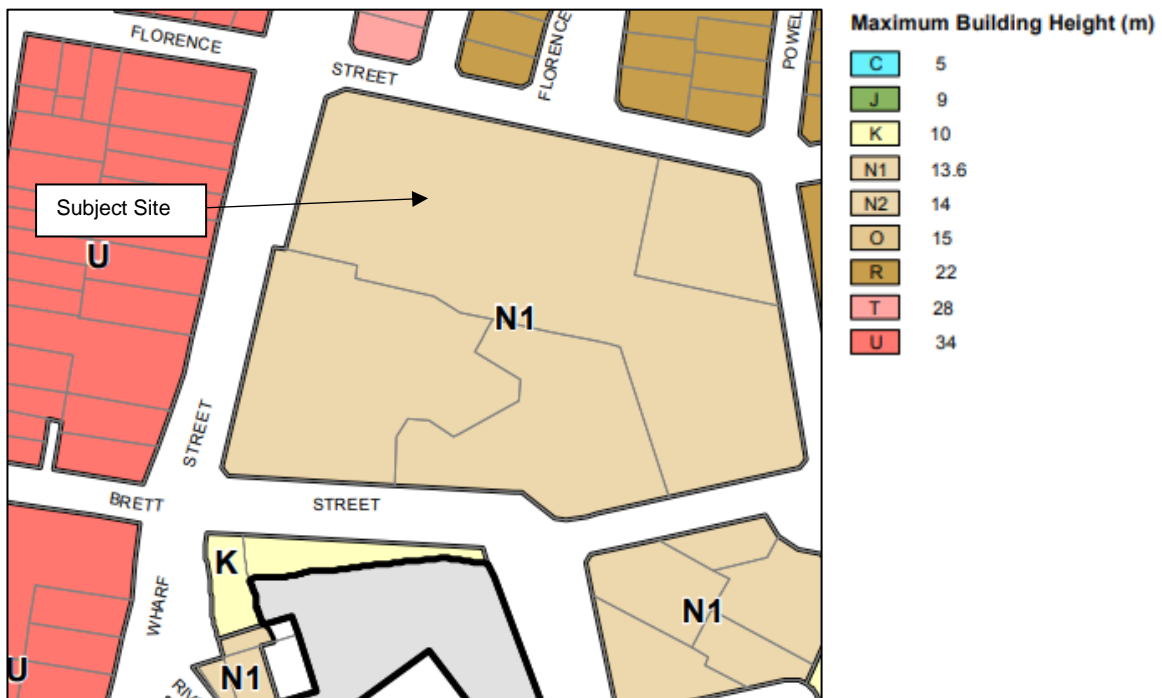


Figure 4: Extract of Height of Buildings Map (Source: NSW Legislation)

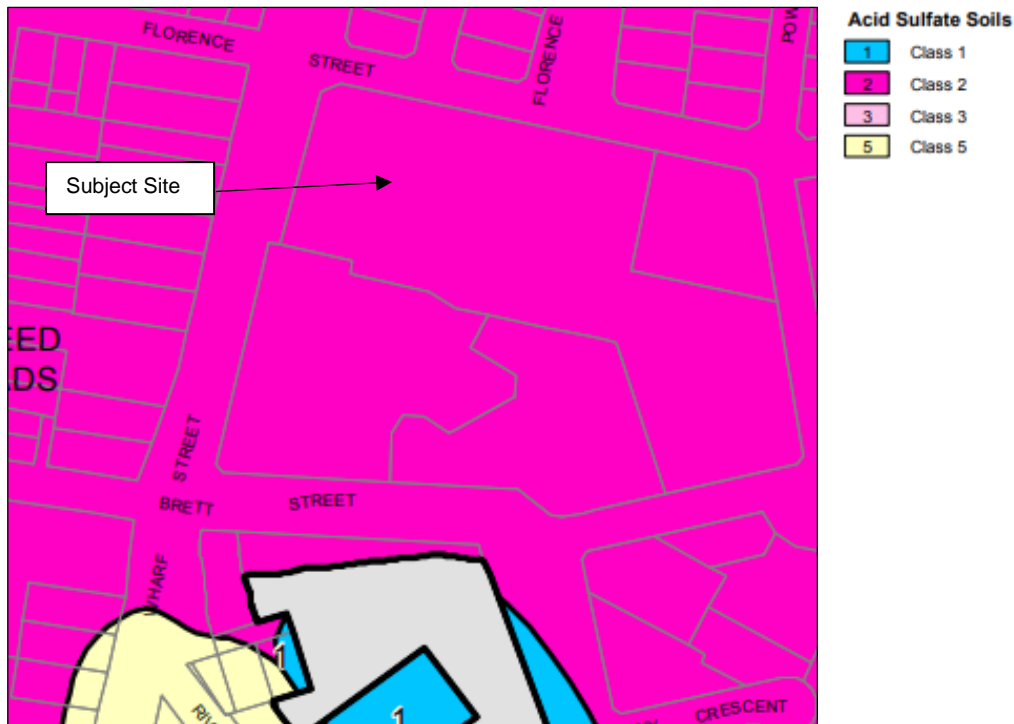


Figure 5: Extract of Acid Sulfate Soils Map (Source: NSW Legislation)

1.4 Surrounding area

The land is located within close proximity to the New South Wales and Queensland border on the southern end of the Gold Coast, adjacent to the Tweed waterways, Southern Cross University campus, Tweed Heads Library and the Tweed Hospital.

1.5 Summary of recommendation

It is considered that the planning proposal has merit to proceed to Gateway for the following reasons:

- the planning proposal will provide flexibility to help deliver medical services to the local community and tourists in a central location;
- the planning proposal is consistent with the North Coast Regional Plan 2036; and
- the planning proposal responds to the actions and objectives of the Tweed Community Strategic Plan 2017-2027.

It is recommended that this planning proposal be supported with conditions

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the planning proposal is to facilitate the delivery of medical services to the local community and visitors from existing vacant floor space within the Tweed Heads Bowls Club on Lot 12 DP 803451, 22-38 Florence Street, Tweed Heads.

Council has indicated that they intend to rely on the Standard Instrument Local Environmental Plan dictionary for the definition of a medical centre.

The objectives and intended outcomes of the planning proposal are adequately described and do not require amendment prior to community consultation.

2.2 Explanation of provisions

The amendments proposed to the Tweed City Centre LEP 2012 to achieve the intended outcomes are to:

- amend Schedule 1 Additional Permitted Uses to permit a medical centre with consent on Lot 12 DP 803451, 22-38 Florence Street, Tweed Heads; and
- amend the Additional Permitted Uses Map to align with the proposed changes to Schedule 1.

The explanation of provisions is adequately described and does not require amendment prior to community consultation.

2.3 Mapping

The proposal seeks to amend the existing Tweed City Centre LEP 2012 Additional Permitted Uses map to identify the subject land. The planning proposal does not include the proposed Additional Permitted Uses map. Prior to consultation it is recommended that the proposal be amended to include the proposed LEP map. This map will also need to be prepared to the Department's Standard Technical Requirements prior to the plan being finalised.

3. NEED FOR THE PLANNING PROPOSAL

The proposal is not the result of any strategic study or report. The planning proposal was initiated by the Tweed Heads Bowls Club.

The report considered by the Tweed Shire Council Planning Committee Meeting on 4 July 2019 identifies that the Tweed Bowls Club initially sought to permit a wider range of commercial and retail uses for the land.

However, Council considered the introduction of uses either by rezoning or as additional permitted uses to be pre-emptive of the broader strategic process for a Master Plan of the Civic/Campus and Boat Harbour precincts, as well as the draft Tweed Regional City Action Plan being prepared by the Department in collaboration of Council. The exception being a medical centre, which was considered to be acceptable on the basis that:

- the principal RE2 Private Recreation use of the site as a registered club would be retained;
- there is a shortfall of suitably sized floor space currently zoned to permit medical centre services within the immediate area;
- the land use would be wholly contained within the existing building envelope of the Tweed Heads Bowls Club and would utilise underused and vacant floor area within the existing club footprint;
- high walkable catchment to both the existing hospital and surrounding medium density residential, including seniors housing, areas;
- compatible site and surrounding land uses would minimise any amenity based impacts and contribute to co-location of a number of community and health related services within an area that has an aging demographic profile; and
- opportunity to cross-utilise existing car parking (subject to traffic assessment).

In regard to the Tweed Regional City Action Plan, this document is still under preparation and has not yet been publicly exhibited for comment. It is therefore considered pre-emptive to reference the Tweed Regional City Action Plan and it is recommended that any references be removed from the proposal prior to consultation.

4. STRATEGIC ASSESSMENT

4.1 State

The planning proposal does not contain any matters of State or regional significance.

4.2 Regional / District

The North Coast Regional Plan 2036 has relevance to the planning proposal as follows:

Direction 1: Deliver environmentally sustainable growth

This Direction aims to focus urban development to the mapped urban growth areas to avoid pressure and safeguard sensitive coastal environments. The planning proposal is consistent with Action 1.1 as it will focus new development (a medical centre) within the urban growth area. By utilising existing floor space within an existing building there will be negligible impact on the sensitive coastal strip.

Direction 7: Coordinate the growth of regional cities

This Direction seeks to coordinate the investment and infrastructure needed to accommodate the forecast growth of regional cities, including provision of greater job opportunities to complement existing employment nodes around education, health and airport precincts. The proposed amendment to Schedule 1 of Tweed City Centre LEP 2012 would contribute to current operations by improving access to essential medical facilities for local community and visitors to the locality, providing greater job opportunities and economic benefits.

Direction 21: Coordinate local infrastructure delivery

This Direction seeks to ensure the cost-effective and efficient use of infrastructure by directing development towards existing infrastructure. The site is in an existing urban area and serviced by all required infrastructure.

Local Government Narratives – Tweed

The planning proposal is consistent with the Tweed LGA Local Government Narrative which recognises that Tweed needs to support ongoing growth in the tourism industry to showcase its significant natural features and take advantage of its proximity to the nationally significant Gold Coast tourist area.

4.3 Local

The planning proposal is consistent with the Tweed Community Strategic Plan 2017-2027 which contains a goal to plan for sustainable development which balances economic, environmental and social considerations. It also achieves the goal to provide social, cultural and economic opportunities enabling healthy, safer and more inclusive communities.

4.4 Section 9.1 Ministerial Directions

The planning proposal is consistent with all relevant 9.1 Directions except:

2.2 Coastal Management

The proposal is inconsistent with this Direction as it includes land mapped in State Environmental Planning Policy (Coastal Management) 2018 and does not include

provisions which give effect to the objectives of the Coastal Management Act 2016, the NSW Coastal Management Manual, the NSW Coastal Design Guidelines 2003 or any coastal management program or coastal zone management plan that applies to the land. The inconsistency is considered to be of minor significance as the planning proposal relates only to an additional permitted use within an existing commercial building.

Direction 4.1 Acid Sulfate Soils

The proposal is inconsistent with this Direction as it intensifies the potential land use of the site by permitting a medical centre and is not supported by an acid sulfate soils study. This inconsistency is considered to be of minor significance as the proposal applies only to permitted uses within an existing commercial building and Tweed City Centre LEP 2012 contains appropriate provisions that allow this issue to be adequately addressed at the development application stage if necessary.

4.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

Tweed is experiencing the highest growth rates across the NSW North Coast with increasing demand for services. The provision of medical services will have positive social impacts for the community by helping to enable more convenient medical services.

5.2 Environmental

The planning proposal will not have any detrimental impacts to the environment, specifically the sensitive coastal strip, because it only relates to existing floor space within an existing building.

5.3 Economic

The planning proposal will have positive economic impacts for the community by facilitating flexible land uses within the Tweed Bowls Club by occupying existing under-utilised and vacant floor area.

5.4 Infrastructure

There will be no impact on State or regional infrastructure or the requirement for additional funding. With respect to local infrastructure, the site is located in an existing urban area and serviced by all required infrastructure. As the additional permitted use has the potential to intensify land use on the site, it is considered appropriate that Transport for NSW (Roads and Maritime Services) be consulted in relation to traffic issues.

6. CONSULTATION

6.1 Community

Council has advised that it intends to exhibit the planning proposal for not less than 28 days. Council has also advised that community consultation will involve an advertisement in a local newspaper and on Council's website. In addition, adjoining landowners will be notified in writing.

As the planning proposal is low impact as described in *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment 2018) a 14 day consultation period is considered adequate.

6.2 Agencies

Council has not identified any agencies that should be consulted. It is considered appropriate that Transport for NSW (Roads and Maritime Services) be consulted in relation to traffic issues.

7. TIME FRAME

Council has nominated a timeframe of 7 months to complete the planning proposal. It is recommended that a 9 month timeframe be provided to Council to ensure an adequate period to finalise the planning proposal.

8. LOCAL PLAN-MAKING AUTHORITY

The planning proposal is consistent or justifiably inconsistent with the State, regional and local planning framework and deals only with matters of local significance. It is considered appropriate that Council be provided authorisation to act as the local plan-making authority.

9. CONCLUSION

It is considered that the planning proposal has merit to proceed to Gateway for the following reasons:

- the planning proposal will provide flexibility to help deliver medical services to the local community and tourists in a central location;
- the planning proposal is consistent with the North Coast Regional Plan 2036; and
- the planning proposal responds to the actions and objectives of the Tweed Community Strategic Plan 2017-2027.

It is recommended that this planning proposal be supported with conditions

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 2.2 Coastal Management and 4.1 Acid Sulfate Soils are minor or justified.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 14 days.
2. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
3. Given the nature of the planning proposal, Council should be the local plan-making authority.
4. That consultation be undertaken with Transport for NSW (Roads and Maritime Services).

5. Prior to agency and community consultation the proposal is to be amended to:
- (a) include the proposed Additional Permitted Use map; and
 - (b) remove references to the draft Tweed Regional City Action Plan.



18/12/19

Craig Diss
Team Leader, Northern Region



15-1-2020

Jeremy Gray
Director, Northern Region
Local and Regional Planning

Assessment officer: Lucy Walker
Planning Officer, Northern Region
Phone: 5778 1402