

Draft Planning Proposal

Minor zoning amendments to public land and additional permitted use on Lot 22 DP 821933

V1 – Draft for Gateway

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1 Objectives or intended outcomes

Tweed Shire Council has collated nine (9) sites remaining in public ownership, where minor zoning amendments are recommended to optimise land use and community benefit in a Shire-wide scale. These sites, described in detail within Part 2, have been grouped in a single planning proposal seeking specific amendments to the Tweed Local Environmental Plan (LEP) 2014. Along with the public land, and in order to rationalise the number of amendments to Tweed's principal environmental planning instrument, one private site has been included into this planning proposal, where an additional land use is being sought.

At their Planning Committee meeting of 5 April 2018, Tweed Shire Council resolved to support the proposed amendments and refer them to the NSW Department of Planning & Environment for a Gateway Determination. A detailed explanation of the proposed amendments, including locality mapping and justification against the local, regional and State planning framework, is provided in Parts 2 and 3 on the following pages. Part 4 summarises community and agency consultation and will be updated throughout further stages of the planning proposal process. Part 5 is comprised of proposed 'amending maps' intended to replace the current Tweed LEP 2014 Land Zoning Map and Additional Permitted Uses map in order to implement desired changes. The final part of the planning proposal includes an indicative timeframe of the process. Overall, the scope of this planning proposal is considered to be of a minor, 'housekeeping' nature.

This document has been prepared in accordance with guidelines published by the NSW Department of Planning & Environment '*A Guide to Preparing Planning Proposals (2013)*'.

2 Explanation of provisions

In total, ten sites are subject to this planning proposal, with seven of them comprised of single allotments and three comprised of multiple lots. For ease of interpretation and assessment against the local and State planning frameworks, each site subject to this planning proposal is discussed individually and referred to herein as an 'Item'.

As a general principle, Tweed Shire Council seeks to implement the intended outcomes through site-specific amendments to the Land Zoning Map or, where practical, amendments to Schedule 1 of the Tweed LEP 2014 'Additional Permitted Uses'. Where a change to the Land Zoning Map is proposed, amendments to development standard maps (Height of Buildings, Floor Space Ratio and Lot Size) will also be sought to bring these standards in line with terms of the new zoning regime.

2.1 Zoning amendments to public land

1. 5 Yao Street, Kingscliff

<p>Item 1 Lot 19 Section 16 DP 758571</p> <p>Street address: 5 Yao Street, Kingscliff</p> <p>Proposed amendment: Rezone RE1 to R2, apply relevant development standards, being: HOB 9m FSR 0.8:1 LSZ 450m²</p>	
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The land located at 5 Yao Street in Kingscliff site is a vacant, undeveloped allotment situated within a low density residential area of Kingscliff. The land is owned by Council and has previously been identified as unsuitable for public open space and is surplus to public needs, with its prevailing use best described as a pathway linking Yao Street to the bus stop located on Kingscliff Street.

Within the wider area there are several open space and sport fields, including the newly renovated Kingscliff Foreshore parkland, Sand Street Park, Casperson Park, Reg Dalton Oval and Merve Edwards Field. This prevalence of existing open space supports the Council's divesting of the land for rezoning and sale, consistent with the Council resolution of 11 December 2014, which resolved to rezone the land R2 Low Density Residential.

The Height of buildings (9m), floor space ratio (0.8:1) and lot size (450m²) to be applied are consistent with the surrounding residential land. Whilst the land is already classified as 'Operational' and a public hearing, ordinarily associated with reclassification, is not required the public exhibition of the TLEP 2014 amendment will provide the public with an opportunity to review the proposal and provide feedback.

2. 10 Laura Street, Banora Point

Item 2

Lot 569 DP 755740

Street address:

10 Laura Street, Banora Point

Proposed amendment:

Rezone SP2 to R2, apply relevant development standards, being:

HOB 9m

FSR 0.8:1

LSZ 450m²



In late 2017 Council received a request from NSW Government's 'Transport NSW' Department (formerly "Roads and Maritime Services" ("RMS")) seeking a zoning of their property at 10 Laura Street, Banora Point. The land is presently zoned SP2 Infrastructure with a proposal to rezone to R2 Low Density Residential.

The property was acquired by RMS for the Banora Point section as part of the NSW Government's Pacific Highway upgrade program however; its land use remained unchanged throughout and subsequent to construction being completed. The property is now surplus to Transport NSW's requirements and is earmarked for sale, as part of their cost recovery and minimisation practices and will be sold through a subsequent open public tender process.

The property is currently developed with a detached, single storey residential dwelling and the proposed R2 Low Density Residential is best suited to reflect the current and future use of the land. The Height of buildings (9m), floor space ratio (0.8:1) and lot size (450sqm) to be applied are consistent with the surrounding residential land.

3. Oyster Point Road, Banora Point

Item 3

Lot 7008 DP 1069422
and Lot 2 DP 1140522

Street address:

Oyster Point Road,
Banora Point

Proposed amendment:

Permit recreation related land uses on
land zoned SP2



This proposed amendment is for two allotments, both of which are owned by the Crown (State of NSW) with Tweed Shire Council as the Reserve Trust Manager.

Sites aggregated as Item 3 form part of the M1 corridor and were acquired by Transport NSW as part of the Banora Point section of the Pacific Highway upgrade. Both have a dual zoning of SP2 Infrastructure and RE1 Public Recreation.

Council's Recreation Services Unit has requested a TLEP 2014 amendment to enable the residual land on either side of the highway to be used for public recreation. Transport NSW, through consultation with Council staff, have given their support for that use of the land.

Further and ongoing consultation with Transport NSW, as representative of the State as landowner, will continue during the preparation and finalisation of the TLEP 2014 amendment, particularly regarding the ultimate 'method' of amendment (clause or zoning or combination), as the protection of the highway is paramount.

4. Lundberg Drive, South Murwillumbah

Item 4

Lot 1 DP 232745 and part Lot 2 DP
1139059

Street address:

10 and 92 Lundberg Drive,
South Murwillumbah

Proposed amendment:

Rezone RE1 to IN1, apply relevant lot size
controls: Lot size 2000m², height of
building: 10 m



The Lundberg Drive property comprises two lots, owned by Council, and situated in Industry Central, Wardrop Valley.

The land was formerly used as a Council quarry and possessed an industrial zoning, which was altered to RE1 Public Recreation as part of the implementation of the Standard Instrument LEP in 2014, with a height of buildings of 10m and no applicable FSR or lot size. That change was brought about by Council who at the time where endeavouring to meet the needs of the Shire's wider recreational user groups by earmarking it for outdoor recreation and specifically for motorcycle usage. The proposal was later abandoned however, the amended zoning remains.

Following the major flood event in March 2017, Council and State government have worked on initiatives and strategies to assist those local businesses that not only were affected but stand to be further impacted in future if not relocated. This proposal is part of those initiatives and seeks to enable relocation opportunities for businesses on properties at risk of flood on Tweed Valley Way, South Murwillumbah, to relocate into the Wardrop Valley, which is flood safe.

The proposed rezoning will increase the supply of unconstrained land suitable for industrial development and is within a current industrial precinct. The IN1 General Industrial zoning and appropriate lot size standard are sought with respect of the entire Lot 1 DP 232745 and that part of Lot 2 DP 1139059 that is currently zoned RE1 with the remainder of Lot 2 that is currently 'Deferred Matter' being subject to a separate future planning proposal.

The minimum lot size proposed for the land is 2000m², which is consistent with industrial zoning within the Shire. It is proposed to retain the 10m height of buildings provision. No floor space ratio standard is proposed.

The land is also classified as 'Operational' therefore a reclassification process is not required.


5. 1-7 River Street, South Murwillumbah

<p>Item 5 Lots 1-4 DP 27264</p> <p>Street address: 1-7 River Street, South Murwillumbah</p> <p>Proposed amendment: Rezone B5 to RE1, remove floor space ratio standard</p>	
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The River Street site comprises four contiguous waterfront lots (the "property") owned by Council. The property is zoned B5 Business Development and is classified as 'Community' land. The land is located within flood planning area. The property currently has a floor space ratio of 2:1, which is proposed to be removed as land subject to the RE1 Public Recreation zoning does not contain floor space ratio standard. There is currently no minimum lot size standard and this approach is proposed to be retained. The current 10m building height control is proposed to be retained consistent with other recreation lands.

It is anticipated that Council will prepare a plan of management guiding the future public open space use of the land however, to enable any public open space recreation use the land must first be rezoned from its current commercial zoning to RE1 Public Recreation and the corresponding development standards be simultaneously amended to accord with those adopted for RE1 Public Recreation land.


6. Urliup Road, Urliup

<p>Item 6 Lot 8 DP 630567</p> <p>Street address: Urliup Road, Urliup</p> <p>Proposed amendments: Rezone RU1 to RE1, remove minimum lot size standard</p>	
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The Urliup Road property is owned by Council, has an RU1 Primary Production zoning, and is classified as 'Community' land. This current zoning is unreflective of the intended purpose of the land for public recreation and precludes many associate land uses.

As with the River Street property, it is proposed that a plan of management will be prepared to guide the future public open space use of the land. This also necessitates a rezoning from RU1 Primary Production to RE1 Public Recreation as the current zoning precludes use of land for recreation. While the site is partly vegetated, Council's Natural Resources Management Unit are supportive of a rezoning for public recreation, as the site is currently mown under the trees and furnished with public (picnic) infrastructure facilities. The corresponding development standards adopted for the RE1 Public Recreation zoning will be simultaneously amended to reflect the zoning and ultimate use of the land by Council. The current height of buildings of 10m is proposed to be retained, the current lot size of 40ha is to be removed and no floor space ratio standard is required, consistent with other recreation land.

7. Rous River Way, Murwillumbah

<p>Item 7 Lot 132 DP 1139107</p> <p>Street address: Rous River Way, Murwillumbah</p> <p>Proposed amendments: Rezone RU1 to RE1, remove minimum lot size standard</p>	
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Similarly to those properties discussed above (Items 3, 5 and 6) the Rous River property is also owned by Council and classified as 'Community' land. Similarly to the Urliup Road

property it is also zoned RU1 Primary Production with a corresponding proposal to rezone for a RE1 Public Recreation zoning and associated standards.


The current height of buildings of 10m is proposed to be retained, the current lot size of 40ha is to be removed and the current non applicable floor space ratio is to be retained.

8. 8-10 York Street, Murwillumbah

<p>Item 8 Lot 1 DP 722529, 7-9 DP 8520</p> <p>Street address: 8-10 York Street, Murwillumbah</p> <p>Proposed amendments Change labelling on the Land Zoning Map to “hospital”</p>	
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The York Street site comprises four lots that have been developed as part of the Murwillumbah District Hospital. The site was inadvertently described as “Emergency Services Facility” during the conversion of the TLEP 2000 to TLEP 2014. The labelling should more correctly state “Hospital”. This label appears on the Land Zoning Map and, in accordance with the land use table of the SP2 Infrastructure zone, “hospital” is recognised as the principal land use of the site. Whilst development for the purpose of hospital is still permitted through provisions of the State Environmental Planning Policy (Infrastructure) 2007, Council has been requested by the hospital to correct this labelling anomaly, with this proposed housekeeping TLEP 2014 amendment providing that opportunity.

9. 719 Eviron Road, Eviron

<p>Item 9 Lot 1 DP 34555</p> <p>Street address: 719 Eviron Road, Eviron</p> <p>Proposed amendments Schedule 1 amendment enabling the use of a Council Pound on the site and nomination as Waste Management Facilities, Council Pound and rehoming Centre</p>	
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The Eviron Road site is owned by Council and has been identified as suitable for the relocation of the Council’s existing Animal Pound facilities at Stotts Creek for the purposes of a new Council Pound and Rehoming Centre. The land is currently zoned SP2

Infrastructure (Waste Management Facilities) under Tweed Local Environmental Plan 2014 (TLEP 2014). To enable the permissibility of the relocation and establishment of the Council Pound and Rehoming Centre the proposal is to amend TLEP 2014, Schedule 1, to permit an additional permitted use (Council Pound & Rehoming Facility) as well as to amend the description of the zoning map to reflect the designation of that use. This will not cause amendment to any other development standard applying to this land.

The definition of “council pound” is provided in the *Companion Animals Act 1998* and subject to the instructions and advice of Parliamentary Counsel may be referenced in the proposed Schedule 1 amendment.

Council is currently developing a Masterplan for the Stotts Creek Resource Recovery Centre that is expected to provide guidance on future development at the site. As part of a program of works identified through the Masterplan process, the relocation of the current Animal Pound facilities is required prior to a significant number of the early works being able to commence.

The Eviron Road property is considered to have a number of significant superior site location advantages when compared to the current Pound site, which is a major safety and liability risk in terms of its deteriorating state of buildings and services, susceptibility to being cut off from access during major weather and flood incidents as well as its general incompatibility of safety and welfare for both Council staff and volunteers and the impounded animals, as well as inadequate access and poor amenity for the public visiting the site.

The site is located in a much higher position (flood free) and rural setting, and providing an opportunity to become a more contemporary and functional facility to accommodate both Council’s companion animal regulatory service, as well as an enhanced rehoming centre for Council’s not-for-profit partner, Friends of the Pound (FOP). The FOP has been providing an important volunteer assistance to the day-to-day running of the existing Pound and care for the animals over several decades.

Council intends to establish a co-located Council Pound/FOP Rehoming Centre facility similar to that operated by the Gold Coast City Council and the Australian Welfare League Queensland at Coombabah in northern Gold Coast. Funding is being sought to cover the full range of approvals, construction and project management to the point of hand over to Council of the new facility.

2.2 Schedule 1 amendment (Additional Permitted Uses) affecting a private land

10. 224 Carool Road, Carool

<p>Item 10</p> <p>Lot 22 DP 821933, Lot 14 DP 821933</p> <p>Street address:</p> <p>224 Carool Road, Carool</p> <p>Proposed amendments</p> <p>Schedule 1 amendment enabling development of a dwelling house</p>	
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The Carool Road property is privately owned and the landowner has requested an amendment to the Tweed LEP 2014 to enable development of a dwelling house. This can be achieved utilising Schedule 1 Additional Permitted Uses.

It is not unusual in Tweed for rural properties not to have a dwelling entitlement and this has arisen over many years and for varied reasons. In this instance the allotments were created from Lot 4 DP 8579 in 1916 and subdivided by way of a *natural subdivision* (that is bisected by a road) in 1971. The Interim Development Order No 2 that was in place at the time of that subdivision did not include corresponding provisions regulating residential development.

Through the nuances in the planning rules that then existed and the passage of time this remains as the only property from that original subdivision that has no dwelling entitlement and is undeveloped. This is despite it being wholly consistent with the established surrounding rural character.

Having reviewed the site and its surrounds from a town planning perspective Staff consider the proposal to be justified. The land is relatively unconstrained and erection of a dwelling house is not likely to involve removal of vegetation. The proposal is consistent with aim of and actions identified in the publically exhibited draft Tweed Rural Land Strategy, specifically those relating to development on allotments split by infrastructure (Action 92) and small lot clusters (Action 95).

Amending Schedule 1 to permit an additional use (dwelling-house) will not cause amendment to any other development standard applying to this land.

3 Justification

Section A Need for the planning proposal

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

A need to convey routine amendments and improvements to the Tweed LEP 2014 is identified in the local strategic planning framework. The Tweed Economic Development Strategy recognises LEP amendments such as this one as means of influencing economic development at the local level (part 1.3, page 7 of the Strategy).

Item 1 of this planning proposal gives effect to Council ongoing investigation and review of Council land that may be advertised for sale. The matter was reported to Council on 15 May 2012, 21 March 2013 and 11 December 2014.

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

Division 3.4 (Environmental planning instruments – LEPs) of the Environmental Planning & Assessment Act 1979 provides that amendments to local environmental plans can only occur by way of a planning proposal process undertaken by a *planning proposal authority* which, in this instance, is Tweed Shire Council.

Section B Relationship to strategic planning framework

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

Tweed local government area is located within the North Coast region, subject to the *NSW North Coast Regional Plan 2036* (referred to herein as ‘the Plan’). The overall vision statement for the North Coast region prescribed under the Plan is *the best region in Australia to live, work and play thanks to its spectacular environment and vibrant communities*.

Assessment of the consistency of the planning proposal with objectives and actions of the Regional Plan has been based on recognition that this planning proposal is of a housekeeping nature, without an underlying intent to facilitate a specific, significant development. The Plan identifies a local environmental plan as the main planning tool that shapes the future of communities and ensures local development is appropriate. Council is of the view that in order to perform such an important role in local development, a local environmental plan has to be subject to routine housekeeping amendments such as the one advocated through this planning proposal.

The proposed amendments affecting public land (items 1-9 of this planning proposal) are considered as consistent with the Plan, particularly through giving effect to Direction 15

‘Develop healthy, safe, socially engaged and well-connected communities’. It is anticipated that amendments sought in this planning proposal will improve community access to social infrastructure (items 3,5,6,7 and 9), respond to natural hazards and climate change (item 4), and promote best utilisation of public assets (Items 1 and 2).

Item 10, which seeks a site-specific amendment enabling development of a dwelling house, complies with the Settlement Planning Guidelines for Mid and Far North Coast Regional Strategies (referred to within Direction 24 of the Plan), particularly principles 10 and 11 which state as follows:

10. Future rural residential development should be planned so any new opportunities strengthen the settlement hierarchy identified in the regional strategies. It should be located close to existing centres and away from areas that may in the future have values for urban expansion.

11. Future rural residential development should be clustered to encourage a sense of community and for the efficient provision of services. Fragmented development over the landscape will not be permitted.

Item 10 of this planning proposal complies with above principles as it seeks to develop an allotment located in close proximity to a rural village of Bilambil, away from areas used for agricultural purposes.

Question 4: Is the planning proposal consistent with a local strategy or other local strategic plan?

The principal local strategic plan in the Tweed Shire is the Tweed Community Strategic Plan (TSCP) 2017/2027. The TSCP provides a following vision statement for the region: *The Tweed will be recognised for its desirable lifestyle, strong community, unique character and environment and the opportunities its residents enjoy.* To assist in the delivery of this vision, four key ‘service streams’ have been provided under the TSCP, with one of them – ‘leaving a legacy’ – seeking to manage community growth by way of ‘planning for sustainable development which balances economic environmental and social considerations’.

This planning proposal responds to the overall vision and relevant ‘service stream’ through its attempt to update the Tweed principal environmental planning instrument, particularly with respect of improved utilisation of public land. Through this planning proposal, four (4) open space areas will have their land use table broadened to enable recreation, two (2) superfluous allotments owned by Council and NSW Transport are proposed to be disposed of on the open market. One (1) residential sized allotment currently underutilised and superfluous to Council’s recreational needs is proposed to be rezoned to residential allowing this allotment to be sold for residential purposes.

Adding the additional permitted use for a Council pound and rehoming facility on Council owned land will enable consolidation of Council uses on the one site and much needed upgrading of this facility.

Rezoning of Council land at Lundberg Drive in South Murwillumbah will facilitate ongoing planning investigation into relocation of industries from flood-prone land located along Tweed Valley Way. Lastly, by enabling development of a dwelling house on land in Carool, Council seeks to facilitate residential development consistent with the locality and sensitive to natural hazards and environmental values.

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

While assessing consistency of this planning proposal with State Environmental Planning Policies, consideration was given to the magnitude of proposed changes to the LEP, which predominantly are limited to housekeeping and minor policy amendment matters. Council considers that these changes will not lead to an increase in development (such as subdivision, increased density or erection of additional dwellings) or additional, negative impact on the natural environment. The exceptions are items 1 and 10 where development of dwelling house will be enabled.

State Environmental Planning Policy (Rural Lands) 2008

The Rural Lands SEPP is an important component of the planning framework in regional areas of New South Wales as it provides for Rural Planning Principles and Rural Subdivision Principles to assist in management and development of rural land. It also seeks to facilitate the orderly and economic use of rural land.

This SEPP is relevant as items 6, 7 and 10 of this planning proposal are zoned with a rural zone. As far as items 6 and 7 are concerned (rezoning of rural land to public recreation) the planning proposal is consistent with this SEPP and particularly with the Rural Planning Principles as it responds to social needs of the rural communities and aims to deliver community services and infrastructure in appropriate location. Item 10 which seeks development of a dwelling house on land at Carool Road, is also considered as consistent with the Rural Planning Principles as it seeks to provide opportunity for rural lifestyle contributing to the social and economic welfare of the local, rural community of Bilambil.

State Environmental Planning Policy (Infrastructure) 2007

This planning proposal affects four sites zoned with the SP2 Infrastructure zone: Murwillumbah Hospital, allotment at 10 Laura Street in Banora Point, land at Oyster Creek Point, Banora Point and land at Eviron Rd, Eviron.

Amendment affecting Murwillumbah Hospital site (correction of labelling from “emergency services facility” to “hospital”) responds to the aims of this SEPP which include “to improve regulatory certainty and efficiency through a consistent planning regime for infrastructure”.

The proposed rezoning, and subsequent disposal of, land at 10 Laura Street, Banora Point is consistent with the aims of this SEPP, which include “to allow for the efficient development, redevelopment or disposal of surplus government owned land”.

The proposed amendments to the land use table with respect of land at Oyster Creek Point, Banora Point give effect to SEPP's aim to "provide greater flexibility in the location of infrastructure and service facilities".

The proposed additional permitted use for item 9 will enable the consolidation of Council services and upgrading of the Overall, this planning proposal is consistent with the SEPP (Infrastructure) 2007.

State Environmental Planning Policy (Coastal Management) 2018

This policy commenced on 3 April 2018 with the overall aim to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016. It repeals State Environmental Planning Policies No 14 (Coastal Wetlands), No 26 (Littoral Rainforests) and No 71 (Coastal Protection).

Items 1, 5, 6 and 7 of this planning proposal are located in proximity to waterways and are therefore mapped as part of the 'coastal environment area' and 'coastal use area'. Accordingly, any future development consent granted on land within Items 1, 5, 6 and 7 will have to consider likelihood of increased coastal hazard risks and relevant provisions of any certified coastal management program that applies to the land. In addition, at the development assessment stage provisions of Divisions 3 and 4 of the SEPP will apply. These provisions require consideration of several matters related with impacts of proposed development on biophysical, hydrological and ecological environment, natural coastal processes, overshadowing, beach access and local heritage. Overall, the desired outcomes of this planning proposal are considered consistent with provisions of this SEPP.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

This policy aims to provide streamlined assessment processes for development that complies with specific development standards. It is anticipated that certain types of development resulting from LEP amendments sought by this planning proposal will be delivered through this SEPP. No inconsistencies between this planning proposal and the Codes SEPP have been identified.

Question 6: Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)?

Direction 1.1 Business and Industrial Zone

Consistency: Whilst this planning proposal seeks to backzone land from B5 Business Development to RE1 Public Recreation (item 6), the loss of employment land will be countered by rezoning of land at Lundberg Drive (Item 4), where Council land zoned RE1 Public Recreation will be allocated the IN1 General Industries zoning.

Whilst Direction 1.1 requires business and industrial zones to remain in the same location, this planning proposal will result in variation to the spatial distribution of employment land in South Murwillumbah, but this variation is considered to be of minor significance. Overall, this planning proposal is considered as consistent with Direction 1.1.

Direction 1.2 Rural Zones.

This Direction is relevant to Items 5 and 7 where a change of zoning is sought with respect of land zoned RU1 Primary Production and RU2 Rural Landscape. This rezoning affects Council allotments classified as 'community land' and seeks to facilitate recreation-related land uses relevant to the land's classification. Consistency of this planning proposal with Direction 1.2 is achieved as no increase in density is sought and the planning proposal does not intend to rezone rural land to a residential, business, industrial, tourist or village zone.

Direction 1.5 Rural Lands

This Direction seeks to ensure consistency of planning proposal affecting rural or environmental land with Rural Planning Principles and Rural Subdivision Principles of the State Environmental Planning Policy (Rural Lands). This consistency has been confirmed through analysis provided on pages 12-13 of this planning proposal.

Direction 2.1 Residential Zones

Two items of this planning proposal seek to rezone superfluous land remaining in ownership of Tweed Council (Item 1) and NSW Transport (Item 2) to a R2 Low Density Residential zone. Following the rezoning, the land will ultimately be used for residential purposes, delivering the objectives of Direction 2.1 and demonstrating consistency with this Direction.

Direction 3.4 Integrating Land Use and Transport

Items 3, 5, 6 and 7 of this planning proposal seek to deliver additional open space areas servicing the communities of Murwillumbah and Banora Point. It is anticipated that provision of public open space in these locations will facilitate walkability and contribute to reduction of car trips as all three of these sites are located within convenient, walking distance to residential precincts. This planning proposal is considered consistent with Direction 3.4.

Direction 3.5 Development Near Licensed Aerodromes

This direction provides for additional considerations when preparing a planning proposal affecting land in the vicinity of a licensed aerodrome.

Item 4 of this planning proposal is located approximately 500 metres east of Murwillumbah airfield, therefore this direction is relevant. The airfield is predominantly used for agriculture-related needs (air spraying) and the local hobby club and does not involve commercial transport of goods or people. As far as consistency with this direction is concerned, the planning proposal does not seek to rezone land in the vicinity of the airfield for uses that would be exposed to aircraft noise exceeding those provided in Australian Standard 2021.

In addition, the new zoning will involve a maximum height of building of 10 metres, height considered as appropriate in terms of safety of air operations.

This direction includes a requirement to consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome. Tweed Council is of the view that such consultation is not necessary in this instance due to a relatively minor nature of changes proposed in this planning proposal (re-instatement of zone IN1 on land located in the vicinity of the airfield but away from the runway's flight path). Should the Department of Planning & Environment request for such consultation to occur, this will be done as part of the agency referral.

Direction 4.1 Acid Sulfate Soils

Items 2, 3, 4, 8, 9 and 10, that is the majority of items contained within this planning proposal, are located within areas of low Acid Sulfate Soils risk (Class 5 of the Acid Sulfate Soils Maps). Items 1, 5, 6 and 7 are located on land classified as 3-4 on the Acid Sulfate Soils Maps. Tweed LEP 2014 includes Clause 7.1 which contains provisions to regulate the works undertaken on and in proximity to acid sulphate soils. Management of the acid sulfate soils will be dealt with at the development assessment stage. Overall, the planning proposal is considered consistent with Direction 4.1.

Direction 4.3 Flood Prone Land

This Direction applies as items 5, 6 and 7 are located within areas mapped as flood prone. The planning proposal is consistent with the objectives of this direction as it does not:

- rezone land within flood planning area to residential business, industrial or special use zone,
- permit development or an increase in the development of land in floodway areas. Items 5, 6 and 7 are proposed for rezoning to RE1 Public Recreation to facilitate recreation uses in accordance with relevant, applicable Plans of Management.
- permit development that may result in significant flood impact to other properties,
- result in increased requirement for government spending on flood mitigation measures, infrastructure or services,
- permit development to be carried out without development consent.

The other items identified within this planning proposal are situated outside of the flood prone areas and overall, the planning proposal is considered consistent with Direction 4.3.

Direction 4.4 Planning for Bushfire Protection

This direction must be taken into consideration at strategic planning processes affecting areas located within or in proximity to land mapped as bushfire prone.

Direction 4.4 applies to this planning proposal as item 2 is located within an area mapped as 'vegetation buffer' and items 4, 6 and 8, 9 and 10 are located within areas mapped as 'vegetation buffer' and 'vegetation category 2'. To satisfy provisions of this direction, the planning proposal has been drafted consistently with the *Planning for Bushfire Guidelines 2006* and will be consulted with the NSW Rural Fire Services as part of the State Agencies

referral following Gateway Determination. Direction 4.4 requires planning proposals to introduce controls seeking to avoid placing inappropriate development in hazardous areas and ensure that bushfire hazard reduction is not prohibited within the APZ. This requirement is of particular relevance to items 4 (rezoning of Council land from RE1 Public Recreation to IN1 General Industries), item 10 (erection of a dwelling house on land in RU2 Rural Landscape zone) and item 9 (development of a 'Council pound' facility on Council land in SP2 Infrastructure zone). Due to the minor nature of the proposed amendments, this planning proposal does not provide for such controls as it appears to be more practical to determine appropriate location of potential development through a DA process. It is noted though that each site discussed herein is of a relatively large size, where only a portion of land is vegetated and affected by bushfire risk. In this context, the planning proposal does not introduce site-specific controls and aims to facilitate determination of appropriate location of any further development through DA process that will include referral to NSW Rural Fire Services.

To sum up, this planning proposal is generally consistent with Direction 4.4, with the exception of consistency with the requirement to provide site-specific controls, as discussed above. This inconsistency is considered to be of minor significance.

Direction 5.3 Farmland of State and Regional Significance on the NSW Far North Coast

This Direction applies to Item 6 which is mapped as Regionally Significant Farmland. Land identified as Item 6 is a public land of a small size (approximately 50 metres wide), partially covered with riparian vegetation and pressed between Dungay Creek and Dulguigan Road. The road and the creek disconnect the subject land from sugarcane fields and review of historic aerial imagery (periods 1970-1993) indicates that the site has not been used for farming, despite being mapped as Regionally Significant Farmland. The land is classified as community land and Council intends to pursue recreation uses consistently with demand and needs for this land use in the area. Whilst rezoning from RU1 Primary Production to RE1 Public Recreation is inconsistent with Direction 5.3, this inconsistency is justified through Important Farmland Interim Variation Criteria provided under the North Coast Regional Plan 2036. The site is isolated from other important farmland and is considered as not capable of supporting sustainable agricultural production. In addition, the proposed land use is not likely to increase land use conflict in the locality, including adverse impacts on areas of high environmental value. Lastly, the intended land use is not anticipated to result in demand for infrastructure servicing the site. This planning proposal is considered as consistent with Direction 5.3.

Direction 5.10 Implementation of Regional Plans

Response to Question 3 within Section B (page 11) of this planning proposal confirms consistency of this planning proposal with the North Coast Regional Plan 2036.

Direction 6.1 Approval and Referral Requirements

This planning proposal is considered consistent with Direction 61 as it does not involve provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority and does not identify development as 'designated development' in meaning of the EP&A Act.

Direction 6.2 Reserving Land for Public Purposes

This planning proposal seeks to rezone three sites in Council ownership to RE1 Public Recreation Zone. It also seeks to rezone one site from RE1 to R2 Low Density Residential. It is noted that all sites are in public ownership and are already classified for the proposed purpose: three sites where RE1 zoning is sought are classified as 'community' and land proposed for R2 zoning are classified 'operational'. To satisfy provisions of Direction 6.2, this planning proposal will be referred to relevant State Agencies for consultation.

Direction 6.3 Site Specific Provisions

This planning proposal does not involve specific planning controls, other than those facilitated by Clause 2.5 'Additional permitted uses for particular land', therefore is considered consistent with Direction 6.3.

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?

Council officers consider this planning proposal as a 'housekeeping' review of the Tweed LEP 2014 Land Zoning Map, associated development standards maps and Additional Permitted Uses Map. Proposed changes are unlikely to have noteworthy environmental impacts: items 3, 5, 6 and 7 seek to increase options for use of Council land for recreation, item 2 and 8 seek to improve zoning designation to accurately reflect the current use of land and item 9 seeks to facilitate land for the of a new flood-free Council pound. Whilst items 1 and 10 are likely to result in development of a dwelling house, overall assessment of the implications of this planning proposal is that no adverse impacts to critical habitat or threatened species, populations or ecological communities (or their habitats) are anticipated to occur.

Item 4 seeks to reinstate industrial zoning on Council land which was historically used for a quarry and was zoned industrial from 1988 to 2014. This site is being investigated with respect of potential relocation of industries from flood-affected South Murwillumbah. Should this relocation progresses through from early scoping studies to implementation, environmental impacts of the relocation will be evaluated at a broader scale for both South Murwillumbah and Wardrop Valley localities, through the Development Assessment stage.

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

No environmental effects resulting from this planning proposal, other than those described in response to question 7 above, have been identified.

Question 9: Has the planning proposal adequately addressed any social and economic effects?

Items 3, 5, 6 and 7 are considered to bring social benefits to the local communities as they will result in additional land available for open space recreation, subject to yet-to-be prepared Plans of Management.

Item 1 will be diligently consulted with the local community in the Yao Street area as the outcome of the rezoning includes closure of an open space area and associated footpath leading to a bus stop at Kingscliff St, and subsequent development of the site with a dwelling house. Council anticipates objections to this proposal, particularly from those residents of Yao Street who utilise this area as a short cut to the bus stop. Should this item result in significant objections, further decision to proceed with the site will be considered by Council in due course.

Item 4 seeks to reinstate industrial zoning on Council land which was historically used for a quarry and was zoned industrial from 1988 to 2014. This site is being investigated with respect of potential relocation of industries from flood-affected South Murwillumbah. Should this relocation progresses through from early scoping studies to implementation, it may have social and economic implications which will be addressed at the DA stage. Those implications predominantly relate to improved ongoing viability of businesses which are critical to the local economy but are located in area where flood risk and flood damage continues to be their major impediment.

Item 9 seeks to collocate a new Council pound and rehoming facility with other Council uses and in a flood-free location.

Section D State and Commonwealth interests

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

This planning proposal is not likely to result in any increase in demand for public infrastructure, other than infrastructure related with outdoor recreation on Council-owned land (Items 3, 5, 6 and 7). This planning proposal is of predominantly minor, housekeeping nature and – with the exception of one (1) private property in Carool referred to as Item 10 – affects public land only.

Question 11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Consultation with State and Commonwealth authorities will be undertaken following Gateway Determination. Response to this question will be updated in further stages of the planning proposal process.

4 Mapping

Item 1 – Yao Street, Kingscliff



Item 2 – Laura Street, Banora Point



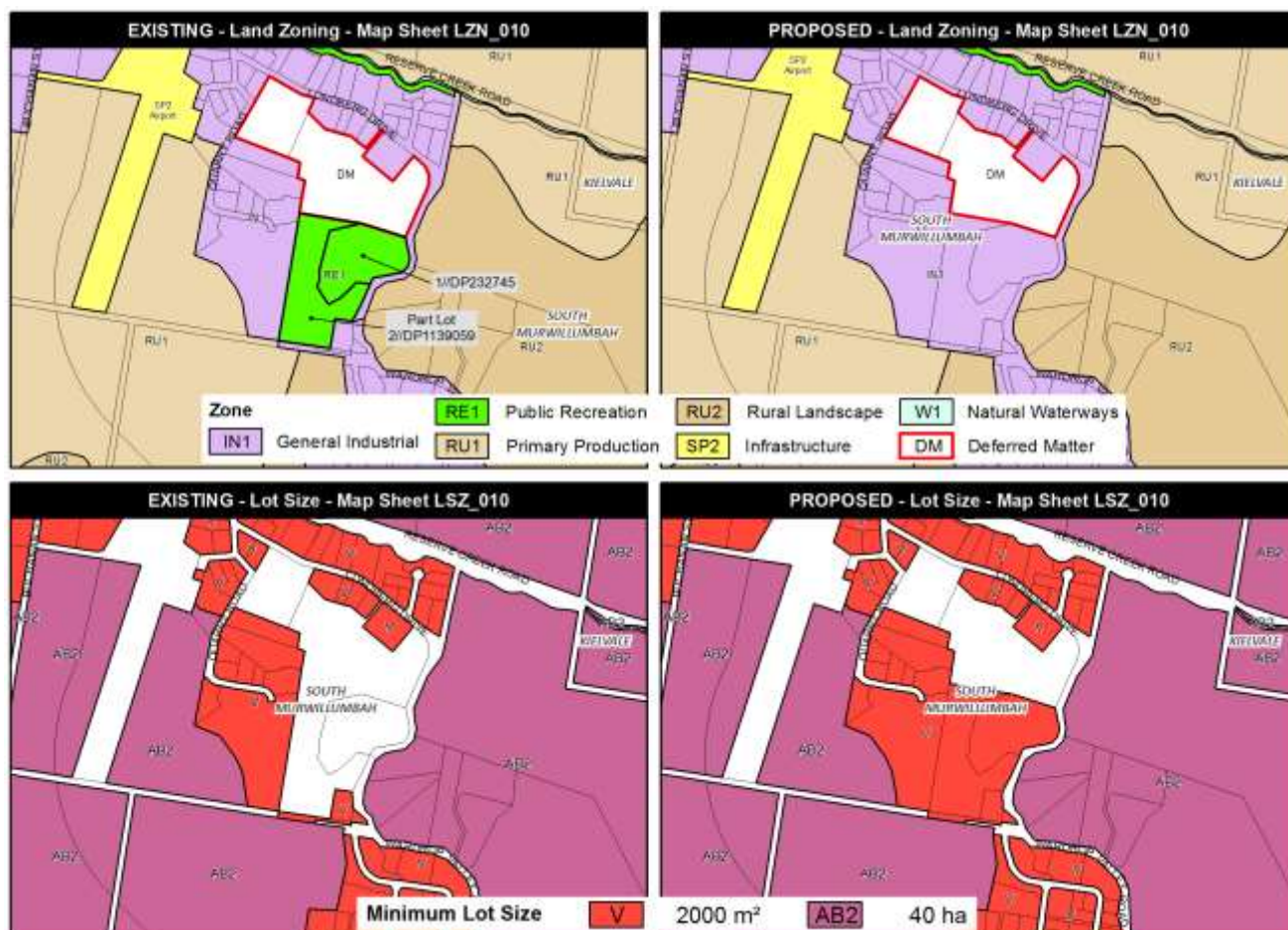
Item 3 – Oyster Point Road, Banora Point current zoning in LEP 2014

Proposed amendment to the APU map

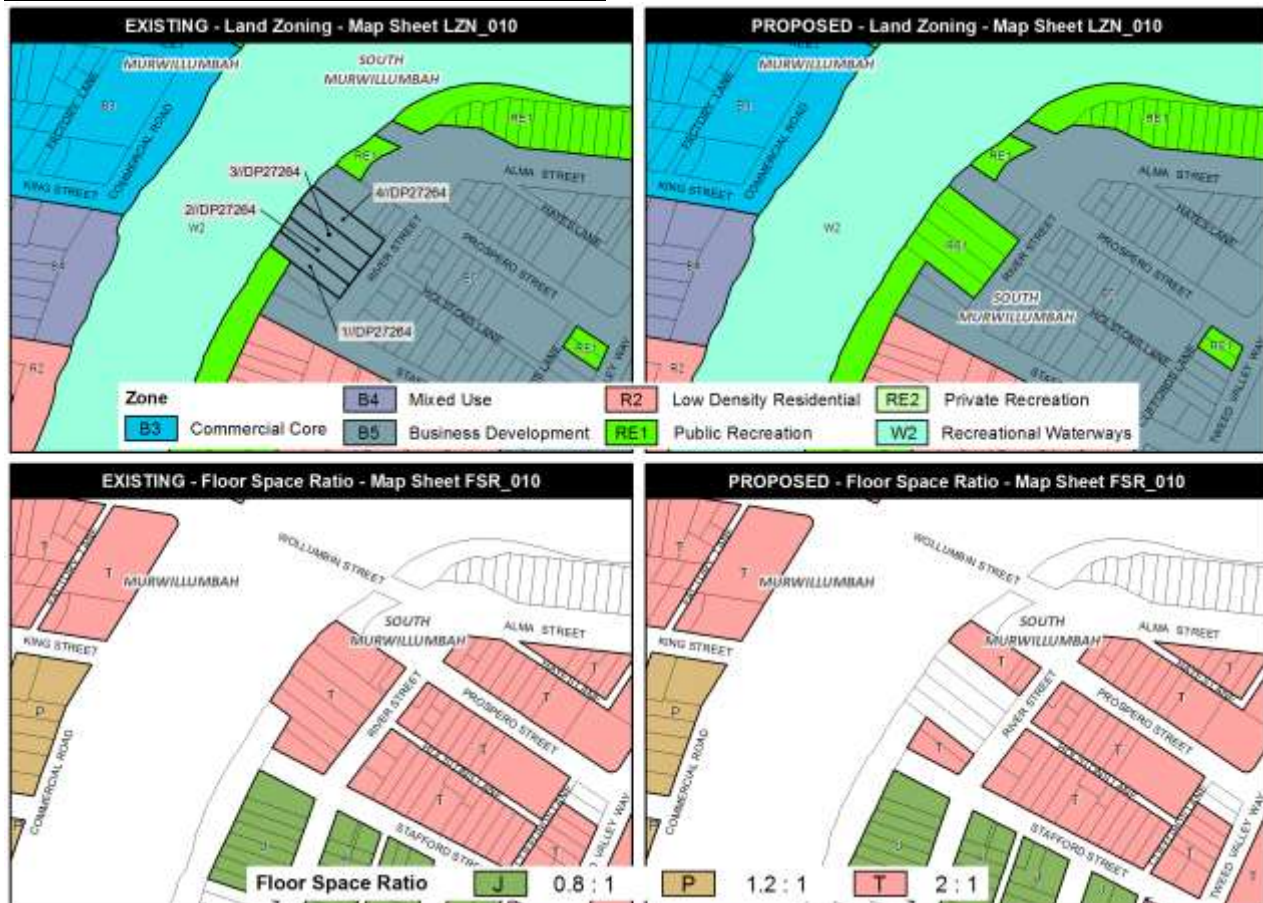


Whilst amending maps have been included in the draft planning proposal, further consultation with the landowner, NSW Transport, will be carried out as part of the State agencies referral to determine appropriate scope of changes. This could either involve a Schedule 1 (Additional Permitted Uses) amendment or an amendment to the Land Zoning Map.

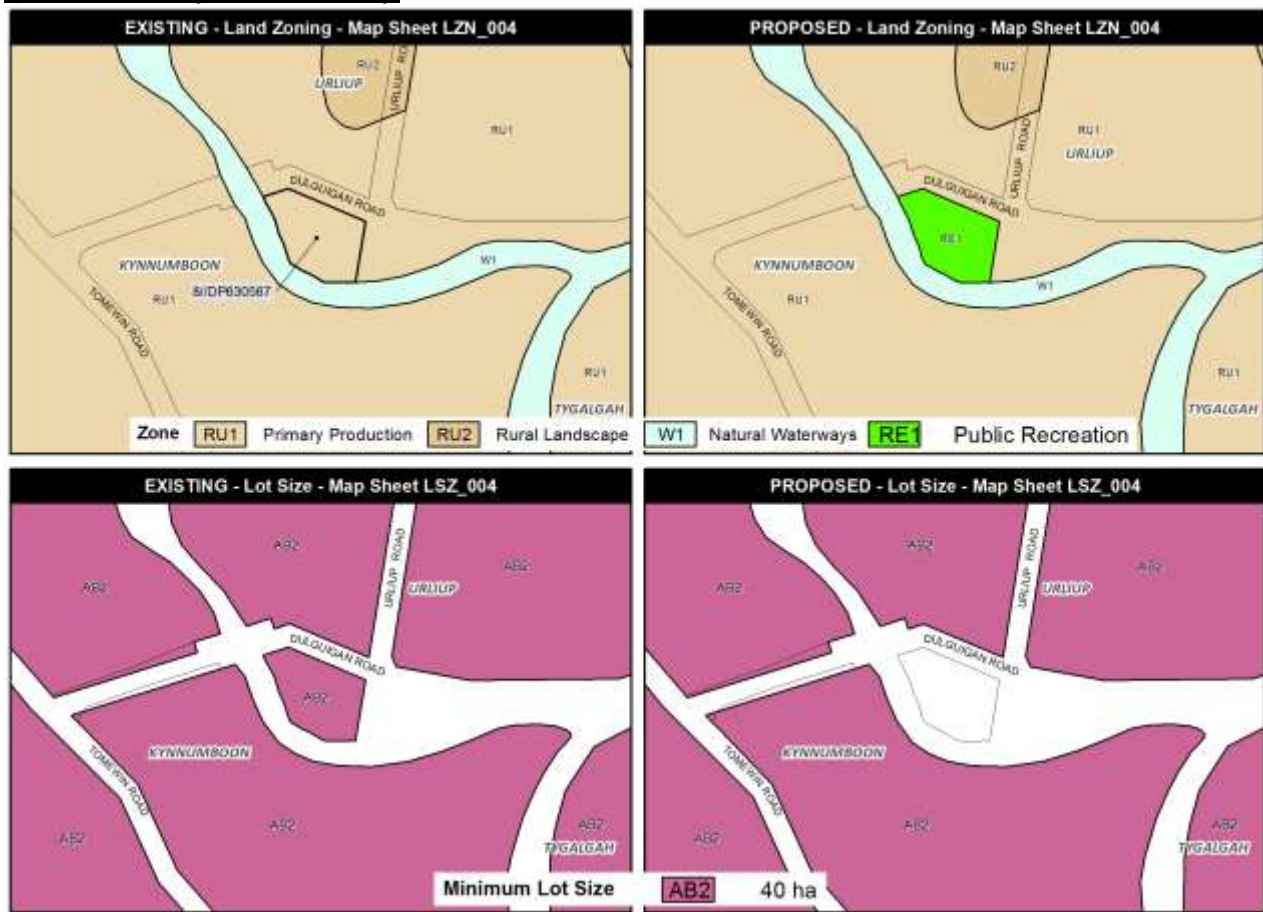
Item 4 – Lundberg Drive, South Murwillumbah



Item 5 – River Street, South Murwillumbah



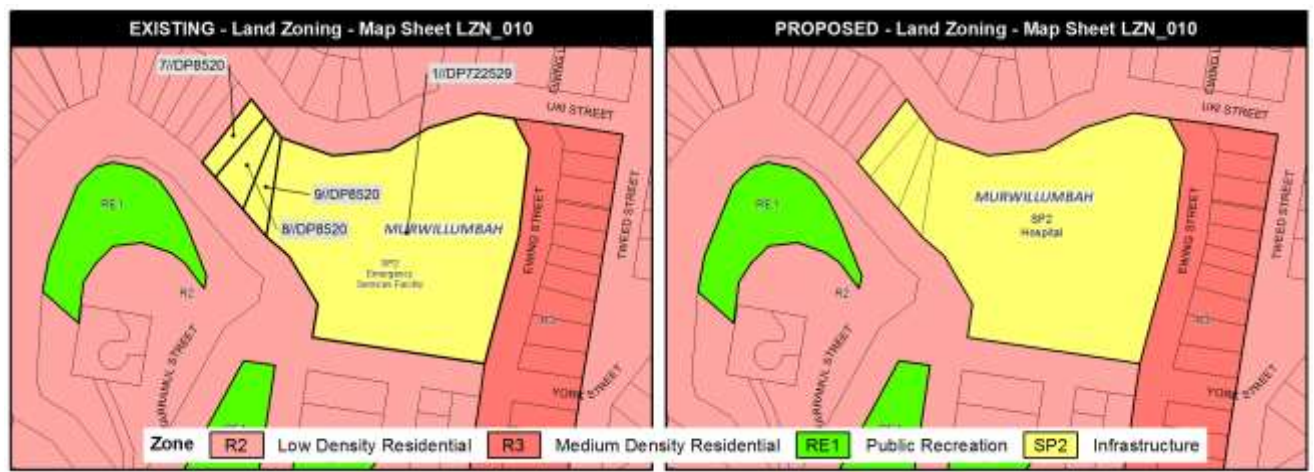
Item 6 – Uriup Road, Uriup



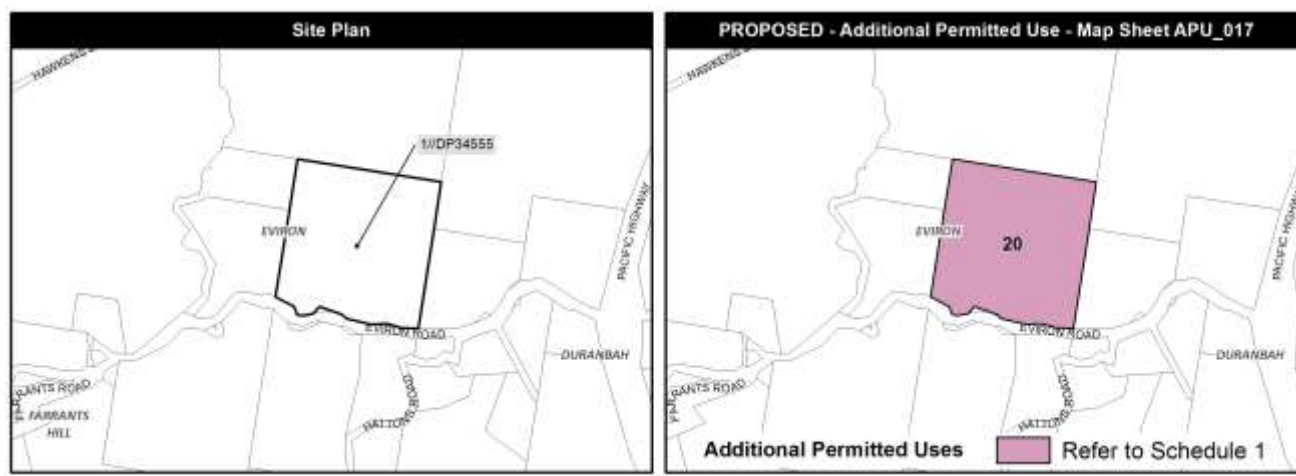
Item 7 – Rous River Way, Murwillumbah



Item 8 – York Street, Murwillumbah



Item 9 – Eviron Road, Eviron



Item 10 – Carool Road, Carool



5 Community consultation

This planning proposal will undergo the usual community consultation process which will involve access to all relevant documents on Council website and in Council administration offices in Murwillumbah and Tweed Heads. The community consultation phase will occur once the planning proposal receives a 'Gateway Determination' from the NSW Department of Planning & Environment. Whilst this planning proposal is considered to be of a minor nature (as it does not seek to facilitate a significant development or Shire-wide changes to provisions of the Tweed LEP 2014), it affects public land therefore is consider of community interest. Unless directed otherwise by the NSW Department of Planning & Environment, this planning proposal will be exhibited for a period of 28 days.

This section of the planning proposal will be updated upon the completion of community consultation to provide a summary of community feedback, key matters raised and Council officers' response.

6 Project timeline

Benchmark	Anticipate deadline
Anticipated commencement date (date of Gateway Determination)	May 2018
Anticipated timeframe for the completion of required technical information	May 2018
Timeframe for government agency consultation (pre and post exhibition as required by Gateway Determination)	June 2018
Commencement date for public exhibition period	June 2018
Completion date for public exhibition period	July 2018
Dates for public hearing (if required)	N/A
Timeframe for the consideration of submissions	August 2018
Timeframe for the consideration of a proposal post exhibition and report to Council	August 2018
Date of submission to the Department of Planning & Environment to finalise the LEP Amendment	September 2018
Anticipated date plan is published and effective	October 2018



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