

**Planning Proposal  
for erection of dwelling on land at 51 Rock Road,  
Bungalora (PP21/0002)**

Version 1 for Gateway Determination October 2021

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# Table of Contents

Part 1	Objectives and intended outcomes .....	1
Part 2	Explanation of provisions .....	5
Part 3	Justification .....	5
Section A	Need for the planning proposal.....	5
Section B	Relationship to strategic planning framework .....	6
Section C	Environmental, Social and Economic Impact.....	20
Section D	State and Commonwealth interests .....	21
Part 4	Mapping .....	21
Part 5	Community consultation .....	23
Part 6	Timeframe .....	23
	Summary and conclusions.....	24



## Part 1 Objectives and intended outcomes

### Introduction

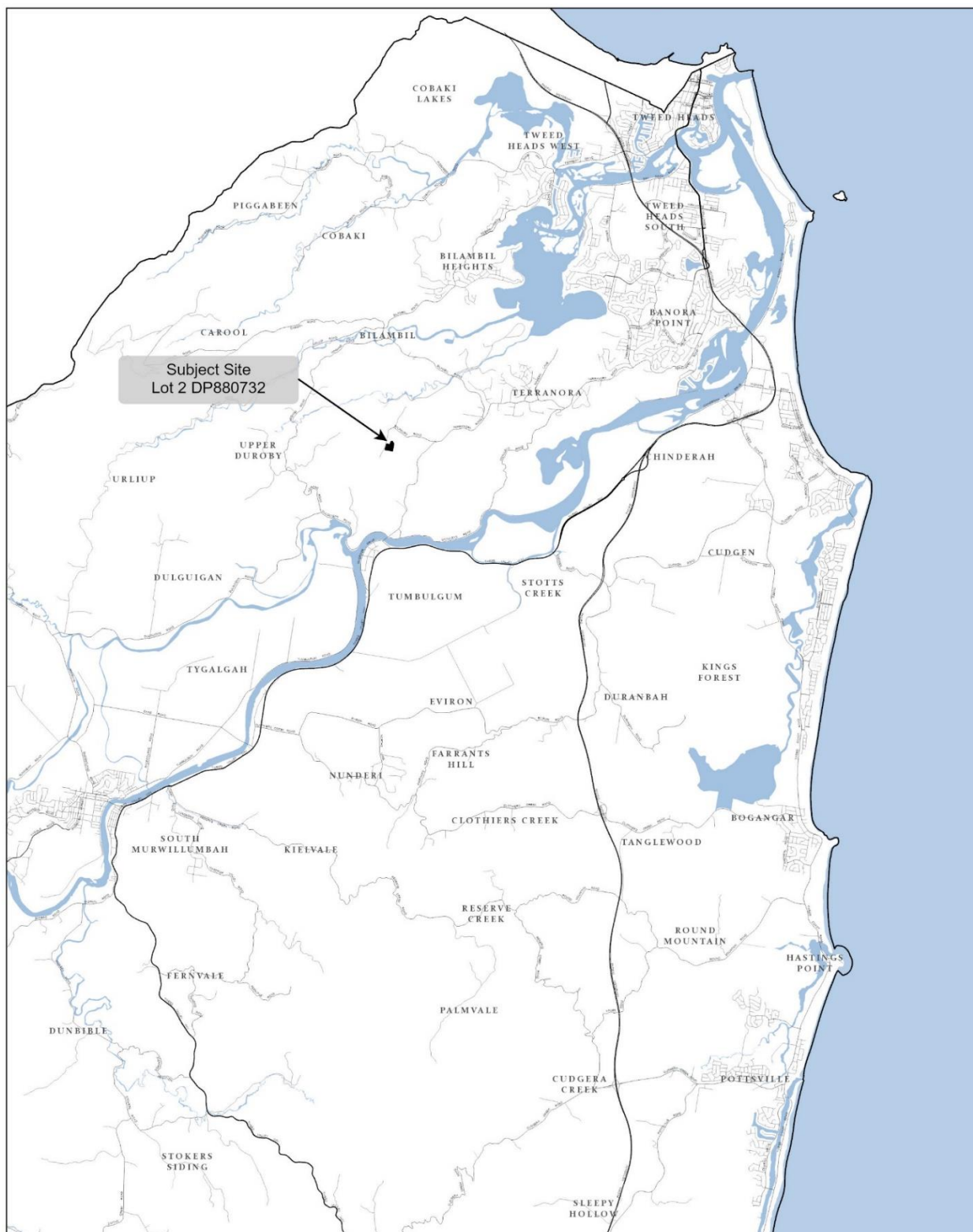
Tweed Rural Land Strategy 2020-2036 (“the RLS”), adopted by Council on 7 May 2020, identifies a range of measures focused on sustainable management of rural land. These measures include a policy direction seeking to provide for a greater diversity of rural housing. A range of ‘key actions’ advancing this policy direction are identified within this strategy, including the preparation of a Dwelling Opportunity Map with the intent to register all known dwelling entitlements, as identified through dwelling entitlement investigations (Action No 88 of the RLS).

Tweed Shire Council intends to implement the Dwelling Opportunity Map as part of a Planning Proposal (the proposal) request received in relation to a dwelling entitlement for a property at No. 51 Rock Road, Bungalora (Lot 2 DP 880732), requested by the owners of this land. The property is the result of a series of historical lawful subdivisions which created multiple lots on the surrounding land that are less than the current minimum lot size (MLS) required for lawful erection of a dwelling under Tweed Local Environmental Plan 2014 (LEP). Due to the particularities with the environmental planning instrument of the time, it has resulted in the subject site having no dwelling entitlement. The objective of this proposal is to enable a dwelling entitlement for the subject property.

Council resolved on 5 August 2021 recommending:



- 1. A planning proposal be prepared with the intent of securing a dwelling entitlement for the property;*
- 2. That the planning proposal be sent to the Department of Planning, Industry and Environment for a Gateway determination;*
- 3. Upon receipt of a Gateway determination to proceed, that any additional studies be completed prior to public exhibition, and*
- 4. Following public exhibition, a further report be brought back to Council with a response to submissions received, and a recommendation.*

The preference and desirability for a Dwelling Opportunity Map (“the DOM”) was identified during the preparation of the RLS and is seen as one of the key initiatives to enable rural housing diversity, supporting agricultural enterprises and providing opportunities to work close to home. Implementation of the DOM into the LEP will require a two-staged planning proposal process, with this one being the first of those, whereby the Map is intended to be incorporated into the LEP with just a single site at 51 Rock Road, Bungalora. Council will then arrange for dwelling entitlement investigations more broadly with the wider community, as part of stage two, which is intended to include a sunset provision allowing upward of two-years, consistent with those implemented previously by other councils, for the identification and registration of sites proven to possess a dwelling entitlement. This second part to the Dwelling Opportunity Map is likely to commence toward the end of 2022.



## Locality Map

Lot 2 DP880732 - 51 Rock Road, BUNGALORA

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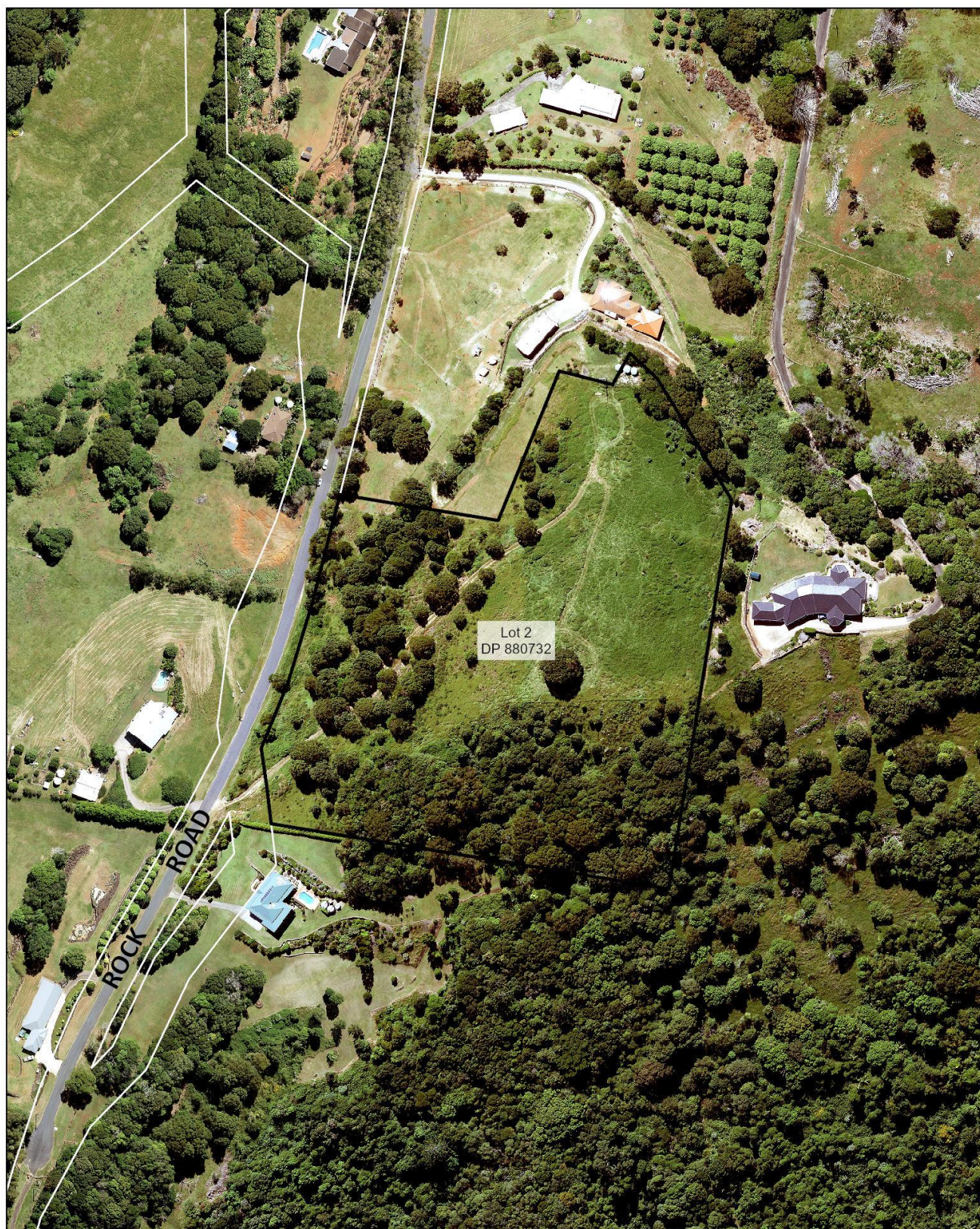
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Author: J.Batchelor - Strategic Planning & Urban Design

Date Printed: 21 July, 2021

Figure 1 –Locality Plan





## Aerial Site Plan

Lot 2 DP880732 - 51 Rock Road, BUNGALORA

Aerial Imagery 2020  
© Aerometric  
Imagery was captured August 2020  
Please note that imagery distortions  
may exist and objects may appear  
displaced from their actual position.

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**GDA** Coordinate System  
MGA Zone 56  
Datum - GDA 94

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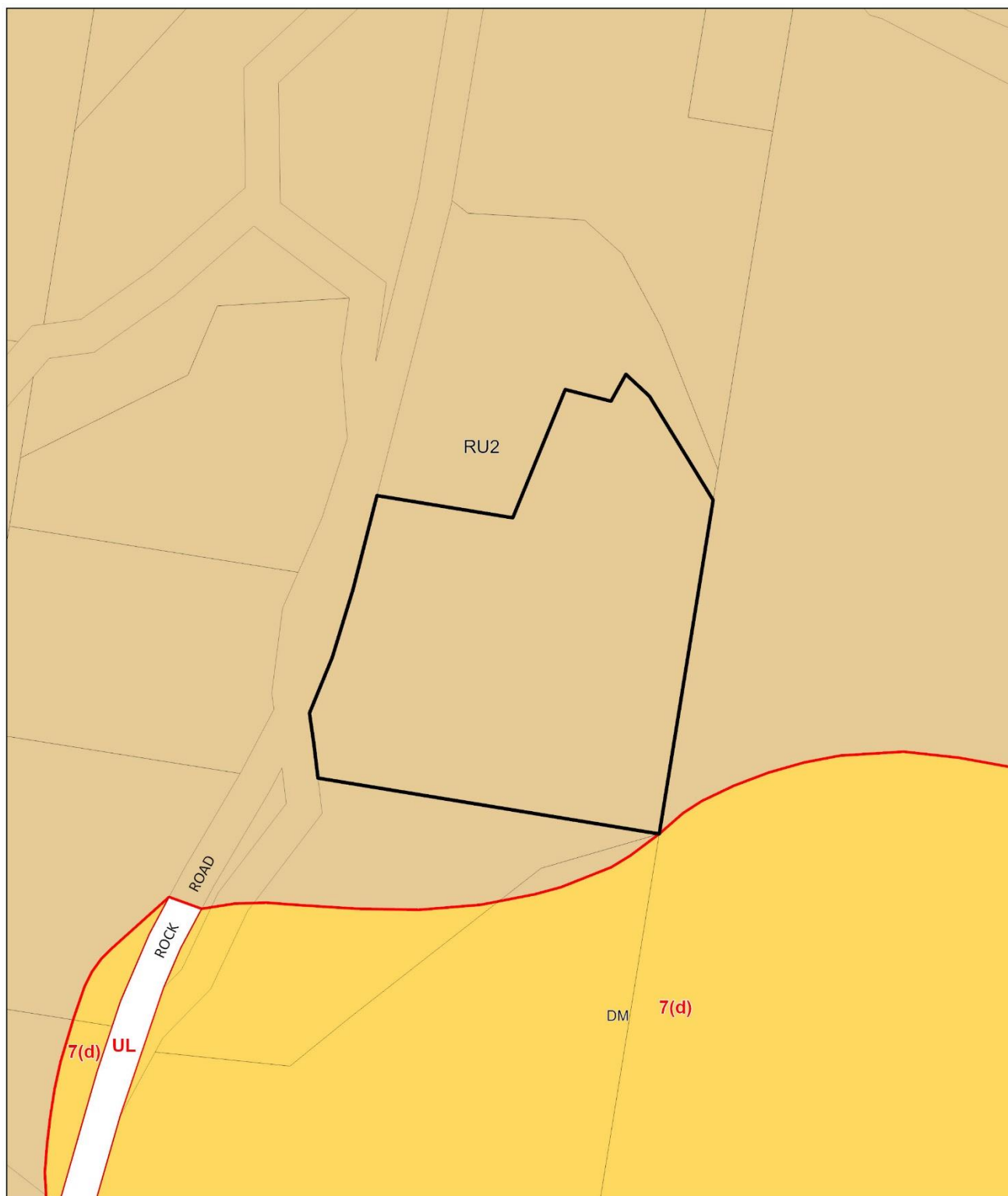
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Author: J Batchelor - Strategic Planning & Urban Design

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Figure 2 – Subject Site





### Lot 2 DP880732 - 51 Rock Road, BUNGALORA- Current Land Zoning

#### Tweed Local Environmental Plan 2014

- DM - Deferred Matters
- RU2 - Rural Landscape

#### Tweed Local Environmental Plan 2000

- 7(d) - Environmental Protection (Scenic/Escarpment)
- UL - Unzoned Land

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**Figure 3 – Land zoning (LEP 2014 and LEP 2000)**



## Objectives and Intended Outcomes

The objective of this planning proposal is two-fold and is to amend the LEP by way of implementing a new policy mechanism for dealing with dwelling entitlement of undersized rural allotments in Tweed Shire, as well as enabling a site specific planning amendment. This policy objective has been identified and adopted as a strategic policy recommendation under the RLS, as outlined below:

*Dwelling opportunities will be identified and recorded for future reference.*

*The need for complex and time consuming dwelling entitlement investigations will be eliminated.*

*A Dwelling Opportunity Map is prepared and maintained up-to-date.*

(Source: Rural Land Strategy 2020-2036, p. 20, Implementation Action No. 88)

As discussed above, implementation of this Shire-wide objective has been triggered by a site-specific request made by the owners of land at 51 Rock Road, Bungalora (Lot 2 DP 880732) seeking to erect a dwelling on a rural allotment which, through legacy of historical subdivisions, does not have a dwelling entitlement.

This planning proposal will seek to amend the LEP by way of including a Dwelling Opportunity Map and amendments to clause 4.2B to include provisions triggering consideration of the Dwelling Opportunity Map. Initially, only land at 51 Rock Road Bungalora will be identified on this map, with a further LEP amendment to take place in due course which will see further sites identified through specific dwelling entitlement investigations. Details of the proposed outcomes are provided in the next section.

## Part 2 Explanation of provisions

The proposed outcome will be achieved by:

- The creation of Dwelling Opportunity Map (DOM) of which No. 51 Rock Road, Bungalora (Lot 2 DP 880732) will be the single lot identified on the map.
- To provide an additional clause as identified under Clause 4.2B(3) applicable to all rural land identified under the DOM generally as follows:
  - (f) *The lots or group of lots identified as having 1 Dwelling opportunity on the Dwelling Opportunity Map*

## Part 3 Justification

### Section A Need for the planning proposal

#### 1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes, in part. Council intends to implement the Dwelling Opportunity Map, aligning with Action 88 of Tweed Rural Land Strategy. The implementation of the map will be incorporated into the LEP with the single site at 51 Rock Road, Bungalora being the private request to allow for a dwelling entitlement over the site. The implementation outcome as identified in the Strategy allows for dwelling opportunities to be identified and recorded for future reference. No. 51 Rock Road will be the single lot identified on the map until such a time further amendments are made to the Tweed LEP to facilitate a Shire wide application of the DOM.

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

Yes. To implement this amendment, it is proposed to amend the Tweed Local Environmental Plan 2014 (LEP) by the creation of the Dwelling Opportunity Map and associated clause as identified in the Rural Land Strategy Action 88. The property at 51 Rock Road would be the first property registered on the Map. The creation of the DOM supports the outcome of the planning proposal by providing an opportunity to initiate the first stage of the Shire-wide provisions by way of implementing a key component of the Rural Land Strategy.

## **Section B Relationship to strategic planning framework**

### **1 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?**

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

Direction 23 of the Plan identifies the need to 'Provide housing diversity and choice will improve affordability, help meet the needs of an ageing population and support the reduction of household size'. It is considered that the amendment sought in the planning proposal will address this matter by way of providing an opportunity for a dwelling-house on the subject site.

Direction 24 of the Plan identifies the need to 'Deliver well-planned rural residential housing areas'. It is considered that the creation of the DOM facilitated through this amendment will allow for future and current landowners certainty of dwelling entitlement on undersized lots in the rural zones.

### **2 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?**

It is considered the proposal is consistent with the Tweed Local Strategic Planning Statement (TLSPS) which key priorities include the protection of the natural environment whilst delivering well-planned residential and rural residential housing.

Planning priority 10 of the TLSPS requires that productive agricultural land is protected and sustainably managed whilst creating innovative and diverse economic opportunities, rural living and recreation. Specifically action 10.2 identified the need for a balanced interface between rural, urban and environmental land that minimises land-use conflicts. It is acknowledged that agriculture is a key industry and contributor to the Tweed economy which faces challenges through population growth, climate change and urban development. The allowance of dwelling opportunity to the subject site will not impede on surrounding agricultural activities nor create any anticipated land-use conflicts. Furthermore the implementation of the DOM follows a recommendation of the Rural Land Use Strategy which is generally supported by the TLSPS.

Similarly planning priority 17 identified the need to deliver well-planned residential and rural residential housing. Although this planning priority discusses the need for a balanced approach to residential development on a broader scale, the concept is applicable in this instance as the proposal for dwelling entitlement has considered the effects of residential use with regard to minimising conflict with rural

areas and limiting impacts on environmental assets. The subject site is forming part of an existing historical subdivision, the allowance of dwelling entitlement is sought to fulfil the desired outcome to construct a dwelling house.

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

Yes. Broadly the planning proposal is consistent with relevant State Environmental Planning Policies applying to the Tweed local government area, being:

#### State Environmental Planning Policy (Koala Habitat Protection) 2021

This policy aims to encourage the conservation and management of areas of natural vegetation that provide the habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of population decline.

The proposal does not result in the removal of koala habitat vegetation to facilitate the development of the dwelling house. It is considered this planning proposal is consistent with the SEPP.

#### State Environmental Planning Policy (Primary Production and Rural Development) 2019

This Policy has a very broad suite of aims, which intent to achieve matters such as orderly economic use of land for primary production, balanced development, reduced land use conflict, reduced sterilisation of rural land, whilst encouraging sustainable agriculture, including sustainable aquaculture.

The applicable aims of this policy is to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources.

The subject site does not adjoin working agricultural land. Any future development will be sufficiently setback from the lot boundaries with appropriate buffers to neighbouring dwellings should future agricultural pursuits commence. Overall this proposal is compliant with the SEPP.

#### State Environmental Planning Policy No. 55 Remediation of Land

This policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Analysis of aerial photography has determined that the subject site was possibly contained a banana plantation along the northern part of the site around 1962. Approximately extended towards the south-western and western portion of the site around 1987.

A Soil and Analysis Quality Plan was developed with samples collected on site to assess for concentrations of contaminants of potential concern (COPC). In relation to potential site contamination associated with the current and former use of the land, it has been determined that the site would be suitable for the proposed residential land use. It is considered this planning proposal is consistent with the SEPP.



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

The planning proposal is consistent with the Ministerial s9.1 Directions, as outlined in Table 1.

*Table 1- Consistency with s9.1 Directions*

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
<b>1. Employment and Resources</b>			
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>	This planning proposal does not apply to land with an industrial or business 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"> <li>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</li> <li>(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).</li> </ul>	<p>This planning proposal seeks to facilitate erection of a dwelling house on land at 51Rock Rd in Bungalora. As the issue of historic dwelling entitlements affects rural land Shire-wide, it is proposed to introduce a Dwelling Opportunity Map into the LEP. This planning proposal will amend the LEP by way of including the map and amendment to clause 4.2B(3) of the LEP.</p> <p>This mapping is not intended to increase densities on rural zoned land, rather allow for investigations to be undertaken to allow for registration of known dwelling entitlements over undersized rural zoned lots.</p> <p>This proposal does not seek to rezone the land from rural to a residential, business, industrial, village or tourist zone. Furthermore this proposal does not include an increase in the permissible density of the zone.</p>	Consistent.

Table 1- Consistency with s9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
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 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>	This planning proposal does not include provisions that would trigger the application of this direction.	Not applicable.
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>	<p>This planning proposal is consistent with the Rural Planning Principles. The proposal is not inconsistent with the North Coast Regional Plan nor does it compromise the operation of significance agricultural and primary production activities.</p> <p>The subject site includes sufficient buffer areas to accommodate setbacks from existing native vegetation. Furthermore this proposal does not impact matters of cultural heritage nor water resources.</p> <p>The subject site features a slope down towards the west south-west lot boundaries abutting Rock Road. It is considered the natural</p>	Consistent.

Table 1- Consistency with s9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
		<p>topography of the site will not adversely affect any future proposal for the development of a dwelling house.</p> <p>The proposal does not seek to further subdivide the land, rather afford opportunity for a dwelling entitlement. Any future land use conflict by way of potential agricultural activities that may eventuate in the future can be adequately mitigated by the ability to accommodate for sufficient buffers on site.</p>	
<b>2. Environment and Heritage</b>			
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 subject land does not contain any environmentally sensitive areas and is not subject to an environment protection zone.	Consistent
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 subject site is not located within the coastal zone.	Not applicable.
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>	The site subject to this planning proposal is identified as an Aboriginal Place of Heritage Significance within the Tweed Aboriginal Cultural Heritage Management Plan 2018. The proponent has provided a Cultural Heritage Advice Report prepared by the Tweed Byron Local Aboriginal Land Council (TBLALC). The report has identified the presence of a Dwelling house presents a low risk of harm to aboriginal cultural heritage.	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>	This planning proposal does not seek to change the regulation of recreation vehicles or land on which a recreation vehicle access or development may occur.	Consistent



Table 1- Consistency with s9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<u>Application</u> When a relevant planning authority prepares a planning proposal.		
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	<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.  <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.  A relevant planning authority must apply the proposed E2, E3 or the overlay and associated clause consistent with the Northern Councils E Zone Review Final Recommendations.	The subject land does not contain any environmentally sensitive areas and is not subject to an environment protection zone.	Not applicable.
2.6 Remediation of Contaminated Land	<u>Summary of objectives</u> The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.  <u>Application</u> When a planning proposal includes a zone that would permit a change of use of the land, Council must: <ul style="list-style-type: none"> <li>Consider any contamination of land</li> </ul> Be satisfied that the land is or will be suitably remediated for the proposed uses of that land	A Soil and Analysis Quality Plan was developed with samples collected from the subject site. The subject site is not identified as contaminated land and can be considered consistent with this direction.	Consistent

### 3. Housing, Infrastructure and Urban Development

Table 1- Consistency with s9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
3.1 Residential Zones	<p><u>Summary of Objectives:</u></p> <ul style="list-style-type: none"> <li>(a) to encourage a variety and choice of housing types,</li> <li>(b) to make efficient use of existing infrastructure and services,</li> <li>(c) to minimise the impact of residential development on the environment and resource lands.</li> </ul> <p><u>Application</u></p> <p>When a planning proposal affects land within:</p> <ul style="list-style-type: none"> <li>(a) an existing or proposed residential zone, or</li> <li>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</li> </ul>	This planning proposal does not apply to land with a residential zone.	Not applicable.
3.2 Caravan Parks and Manufactured Home Estates	<p><u>Objectives:</u></p> <ul style="list-style-type: none"> <li>(a) to provide for a variety of housing types, and</li> <li>(b) provide opportunities for caravan parks and manufactured home estates.</li> </ul> <p><u>Application:</u></p> <p>When a relevant planning authority prepares a planning proposal.</p>	The planning proposal does not aim to alter permissibility of caravan parks on the subject land and can be considered as consistent with the provisions of this direction.	Consistent.
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 carried out in dwelling houses without the need for development consent</p>	This planning proposal will not alter provisions regulating home occupations, which will remain a land use permitted without development consent in the RU2 Rural Landscape zone.	Consistent.
3.4 Integrating Land Use and Transport	<p><u>Summary of Objectives:</u></p>	This planning proposal does not alter any integration of land use and transport or urban land.	Consistent.

Table 1- Consistency with s9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>To ensure that urban structures, building forms, land use, subdivision and street layouts achieve the following objectives:</p> <ul style="list-style-type: none"> <li>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</li> <li>(b) increasing the choice of available transport and reducing dependence on cars, and</li> <li>(c) reducing travel demand including the number of trips generated by development and the distances travelled,</li> <li>(d) supporting the efficient operation of public transport services, and</li> <li>(e) providing for the efficient movement of freight.</li> </ul> <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>		
3.5 Development Near Licensed Aerodrome	<p><u>Summary of Objectives:</u></p> <ul style="list-style-type: none"> <li>(a) ensure the effective and safe operation of aerodromes,</li> <li>(b) ensure that their operation is not compromised by development,</li> <li>(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.</li> </ul> <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 development of land in the vicinity of a licensed aerodrome must be subject to prescribed consultation and take certain prescribed matters into account.</p>	The subject site is not located within the vicinity of a licensed aerodrome.	Not applicable.



Table 1- Consistency with s9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
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.	Not applicable.
3.7 Reduction in non-hosted short term rental accommodation period	Applies to Byron local government area.	Not relevant to this planning proposal.	Not applicable.
<b>4. Hazard and Risk</b>			
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>	The subject site is located within an area of low Acid Sulfate Soils risk (Class 5 of 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 assessed at the activity or works assessment stage and managed through appropriate site and construction management and design.	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>	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 1- Consistency with s9.1 Directions

S9.1 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 subject site is not subject to flooding in the design flood event, climate change event or probable maximum flood event.	Not applicable.
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>	The subject site contains areas mapped as 'Vegetation Category 2' and 'vegetation buffer'. To satisfy provisions of this direction, the planning proposal has included a Bushfire Risk Assessment Report which identifies that the provisions of Planning for Bushfire Protection 2019 has been met. Furthermore the NSW Rural Fire Services will be consulted as part of the State Agencies referral following Gateway Determination.	Generally consistent.
<b>5. Regional Planning</b>			
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>	The response to Question 1 within Section B of this planning proposal confirms consistency of this planning proposal with the North Coast Regional Plan 2036.	Consistent.
5.2 Sydney Drinking Water Catchments	Local government areas not including Tweed.	Not relevant.	Not 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 current and future generations to grow food and fibre,</p>	The subject site is not mapped as state or regionally significant farmland or as non-contiguous farmland.	Not applicable.

Table 1- Consistency with s9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>(b) to provide more certainty on the status of the best agricultural land, and</p> <p>(c) to reduce land use conflict.</p> <p><u>Application:</u></p> <p>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>		
5.4 Commercial and Retail Development along the Pacific Hwy, North Coast	<p><u>Objective</u></p> <p>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></p> <p>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>	Not relevant to this planning proposal.	Not applicable.
5.9 North West Rail Link Corridor Strategy	Applies to other local government areas than Tweed.	Not relevant to this planning proposal.	Not applicable.
5.10 Implementation of Regional Plans	<p><u>Objective</u></p> <p>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>	Compliance of this planning proposal with the general directions of the North Coast Regional Plan, 2036 has been demonstrated in Section B1 of this report.	Consistent.
5.11 Development of Aboriginal Land Council Land	<p><u>Objective</u></p> <p>To provide for the consideration of development delivery plans prepared under State Environmental Planning Policy (Aboriginal Land) 2019.</p>	The subject site is not mapped on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019.	Not applicable.



Table 1- Consistency with s9.1 Directions

S9.1 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<u>Application:</u> When a relevant planning authority prepares a planning proposal for land shown on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019.		
<b>6. Local Plan Making</b>			
6.1 Approval and Referral Requirements	<u>Objective</u> To ensure that LEP provisions encourage the efficient and appropriate assessment of development. <u>Application:</u> When a relevant planning authority prepares a planning proposal. <u>What must be done:</u> Ensure provisions minimise concurrence roles, consultation or referral of DAs to public authority.	This planning proposal will not impact on the efficiency and adequacy of the development assessment process.	Consistent.
6.2 Reserving Land for Public Purposes	<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.	This planning proposal 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	<u>Objective</u> To discourage unnecessarily restrictive site specific planning controls. <u>Application:</u> When a relevant planning authority prepares a planning proposal that will allow a particular development.	This planning proposal is consistent with this Direction as it does not encourage restrictive site specific planning controls and does not contain or refer to drawings showing details of the development proposal. The intent of the Dwelling Opportunity Map is to reduce the amount of site-specific provisions and deal with dwelling opportunity and development of certain undersized rural allotments through a clause, rather than through site-specific provisions.	Consistent.
<b>7. Metropolitan Planning</b>			
7.1 Implementation of A Plan for Growing Sydney	Applies to local government areas other than Tweed.	Not relevant to this planning proposal.	Not applicable.

*Table 1- Consistency with s9.1 Directions*

<b>S9.1 Direction</b>	<b>Application</b>	<b>Relevance to this planning proposal</b>	<b>Consistency with direction</b>
7.2 Implementation of Greater Macarthur Land Release Investigation	Applies to local government areas other than Tweed.	Not relevant to this planning proposal.	Not applicable.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Applies to local government areas other than Tweed.	Not relevant to this planning proposal.	Not applicable.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Applies to local government areas other than Tweed.	Not relevant to this planning proposal.	Not applicable.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Applies to local government areas other than Tweed.	Not relevant to this planning proposal.	Not applicable.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Applies to local government areas other than Tweed.	Not relevant to this planning proposal.	Not applicable.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Applies to local government areas other than Tweed.	Not relevant to this planning proposal.	Not applicable.
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Applies to local government areas other than Tweed.	Not relevant to this planning proposal.	Not applicable.
7.9 Implementation of Bayside West Precincts 2036 Plan	Applies to local government areas other than Tweed.	Not relevant to this planning proposal.	Not applicable.

*Table 1- Consistency with s9.1 Directions*

<b>S9.1 Direction</b>	<b>Application</b>	<b>Relevance to this planning proposal</b>	<b>Consistency with direction</b>
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Applies to local government areas other than Tweed.	Not relevant to this planning proposal.	Not applicable.
7.11 Implementation of St Leonards and Crows Nest 2036 Plan	Applies to local government areas other than Tweed.	Not relevant to this planning proposal.	Not applicable.
7.12 Implementation of Greater Macarthur 2040	Applies to 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?**

No.

By way of background and context the proposed implementation of the Dwelling Opportunity Map will be applicable to rural allotments in the Tweed local government area. At such a time additional properties are included on the map, further investigation will be undertaken to address site specific implications to critical habitat or threatened species

Specifically to 51 Rock Road, no impact on critical habitat, threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal. A portion of the subject site is mapped as containing vegetation with high biodiversity or State significance as mapped under the BOSET Biodiversity vegetation mapping. This area is contained to an existing vegetated area along the southern lot boundary. It should be noted that the majority of the subject site has been cleared, it is likely that any future dwelling house on site would be located within the previously cleared areas on the lot. Furthermore any future development application submitted following this planning proposal will adequately address potential impacts to habitats and ecological communities of threatened species.

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

#### Aboriginal heritage

A search of the Aboriginal cultural heritage mapping and database indicated that there are no Aboriginal objects or places registered with the Office of Environment and Heritage as Registered on the Aboriginal Heritage Information Management System (AHIMS). It is considered that any future development on the site is unlikely to impact on Aboriginal cultural heritage.

#### Bushfire

The subject site is mapped under Council mapping database as being subject to a vegetation buffer for bushfire prone land. Further consideration and referral of this planning proposal will be undertaken with NSW Rural Fire Service to assess consistency with the *Planning for Bushfire Protection 2006* guidelines.

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

This planning proposal is not expected to generate any significant adverse social or economic impacts. This planning proposal will enable the development of a single dwelling on the subject site, the use of which is listed as a permitted use with consent. The effects on the local community as a result of this proposal is considered to be minimal.

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

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

Consistent with the wider locality, the subject site is not serviced by reticulated water or sewer. Any future development application will have to demonstrate capacity to support onsite sewer system and rainwater collection.

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

A Gateway determination has not yet been issued for this planning proposal. Relevant authorities, including the NSW Rural Fire Service, will be consulted in accordance with the requirements of the Gateway Determination. The views of consulted public authorities will be summarised and addressed as appropriate in the final Planning Proposal.

## **Part 4 Mapping**

The Planning Proposal will require the creation of a Dwelling Opportunity Map pursuant to Clause 4.2B. The Dwelling Opportunity Map will identify the site at No. 51 Rock Road, Bungalora as the single lot contained on the map.

All other maps will remain unchanged. Figure 4 below provides for a draft Dwelling Opportunity Map.





## Part 5 Community consultation

This planning proposal will undergo a community consultation process which will involve the access to all relevant documents on Council website and in Council administration offices in Murwillumbah and Tweed Heads. 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.

## Part 6 Timeframe

The following project timeline is intended to be a guide only and may be subject to changes in response to the public consultation process and/or community submissions.

Task	Timeframe	Completed
Referral of the planning proposal for a Gateway determination	October 2021	
<b>Gateway Determination</b>	November 2021	
Undertake requirements of the Gateway Determination and prepare V2 planning proposal	December 2021	
Public exhibition	January 2022	
Agency consultation	January 2022	
Review submissions, respond and prepare V3 planning proposal for Council's consideration	February 2022	
Council report to finalise and refer the plan to the DPE to be made	March 2022	
Referral of the Plan to the DPE for making	April 2022	
Plan to be made within 12 months of Gateway	May 2022	

## Summary and conclusions

The objective of this planning proposal is to secure a dwelling entitlement for the property at 51 Rock Road, Bungalora (Lot 2 DP880732) in order to erect a dwelling on rural allotment which, through a legacy of historical subdivisions, does not have dwelling entitlement.

To implement this amendment it is proposed to amend the LEP by way of implementing a new policy mechanism for dealing with dwelling entitlement of undersized rural allotments in Tweed Shire. This objective has been identified and adopted as a strategic policy recommendation under Rural Land Strategy 2020-2036, as outlined below:

*Dwelling opportunities will be identified and recorded for future reference.*

*The need for complex and time consuming dwelling entitlement investigations will be eliminated.*

*A Dwelling Opportunity Map is prepared and maintained up-to-date.*

**(Source: Rural Land Strategy 2020-2036, p. 20, Implementation Action No. 88)**

Council anticipates that this planning proposal will greatly assist in ongoing issue of determining dwelling entitlement of undersized rural allotments and will ultimately facilitate improved diversity of rural housing options in the Shire.





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