



C O N S U L T I N G

Planning Proposal

Cudgen Connection

Prepared for Centuria Healthcare & Digital Infratech

By Planit Consulting Pty Ltd

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Company Details

Name	Planit Consulting Pty Ltd
ABN	20 099 261 711
Address	Level 2, 11-13 Pearl Street, Kingscliff NSW 2487
Mailing Address	PO Box 1623, Kingscliff NSW 2487
Telephone	(02) 6674 5001
Email	administration@planitconsulting.com.au
Website	www.planitconsulting.com.au

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Approval Details

Approved By	Josh Townsend
Email	josh@planitconsulting.com.au
Signature	

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Executive Summary

Planit Consulting has been engaged by Centuria Healthcare and Digital Infratech Pty Ltd to undertake strategic town planning support and investigations into 741 Cudgen Road, Cudgen (the subject site). This Planning Proposal (PP) has been prepared, as per Section 3.4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and in accordance with Local Environmental Plan Making Guideline, August 2023, to detail the objectives, intended outcomes and both strategic and site-specific merit of a development concept, referred to as Cudgen Connection.

Strategic and site-specific merit investigations have exhausted a review of the 5.7ha subject site and its critical position alongside the \$723 million Tweed Valley Hospital (TVH) to establish the highest and best uses for the land. The PP accordingly outlines an objective to amend the *Tweed Local Environmental Plan 2014* (Tweed LEP 2014) to facilitate the delivery of private health infrastructure, tertiary education, essential worker housing and other core health precinct land uses at the subject site.

The intended provisions of the PP include amending:

- The land use zoning within the Tweed LEP 2014 from RU1 Primary Production to SP2 Infrastructure (Health Services Facility and Educational Establishment).
- The maximum height of building standard from 10m to a composition of 10, 22, 25 & 38m.
- The minimum lot size map to remove the current 10ha lot size requirement.
- Additional permitted use provisions to confirm supporting land uses are permitted with development consent.
- Key sites mapping to identify the site as requiring DCP provisions.
- An additional local provision prescribing:
 - An integrated health and education centre
 - That no less than 75% of all dwellings approved on the subject site are to be managed together with a registered community housing provider, not-for-profit organisation, State agency, or similar for a period of no less than 25x years.

The abovementioned suite of provisions reflects the PPs identification as a critical infrastructure project, reflects modelled building heights for hospital and university land uses, and enables the differing lease and operator areas across the subject site. In addition, the 'localised' legislative provisions support the validity of Cudgen Connection's commitments to high quality, contextual outcomes in health, education and supporting essential worker housing.

In identifying the PPs strategic merit, the assessment is underpinned by a suite of reports, including:

- Needs Assessment - Considering the demand and supply of services within the Tweed-Byron health network, inclusive of public and private analysis and benchmarking against South East Queensland, New South Wales and National standards.
- Health Precinct Analysis – Identifying best practice for health precincts and considering Cudgen Connections role and contribution towards best practice outcomes.
- Economic Impact Assessment – Quantifying the significant 1,040 employment growth from the PP and its \$160.2 million annual contribution to Gross Regional Product.
- Social and Community Needs Assessment – Identifying the integration and positive contribution of the PP towards the wider social and community infrastructure provisions on the Tweed Coast
- Agricultural Capability Assessment – Analysing the attributes of the site, surrounds and wider rural infrastructure to determine the production and economic opportunity for sustainable agricultural production.
- Agricultural Land Assessment – Analysis of the subject site, including the capacity to accommodate land use conflict measures without impeding existing farmland to the south and southwest, as per the 'agent of change' principle.

Collectively, this PP has concluded that the objectives, intended outcomes and intended provisions are consistent with and give effect to the relevant regional plan, being the North Coast Regional Plan 2041 (NCRP 2041). In addition, the PP is also identified as consistent with:

- Relevant State or regional studies and strategies – including but not limited to:
 - Future Transport Strategy 2056,
 - A 20 Year Economic Vision for Regional NSW
 - Tweed Regional Economic Development Strategy 2018 – 2022 and 2023 Update.
- All State Environmental Planning Policies (SEPPs)
- Applicable Ministerial Directions (section 9.1 Directions), with the exception of a justified inconsistency with Directions 9.2 and 9.4.

While the PP is not identified as consistent with the Tweed Local Strategic Planning Statement (Tweed LSPS), Tweed Rural Land Strategy 2036 or Ministerial Directions 9.2 and 9.4, the extent of inconsistency is limited to the subject site's identification as State Significant Farmland. The NCRP 2041 enables consideration of Important Farmland (which includes SSF) for alternate purposes. Through this framework, it is concluded that the SSF identification is no longer appropriate and the subject site is suitable for inclusion within the Urban Growth Area. The extension of the Urban Growth Area, which adjoins the site on 2x sides, comprises a minor rounding off of the broader urban conurbation north of Cudgen Road and east of Tweed Coast Road. Accordingly, achieving consistency with the NCRP 2041 framework in turn creates consistency with the Tweed LSPS, Tweed Rural Land Strategy 2036, and enables consistency with Directions 9.2 and 9.4 to be justified.

The origin of this PP was in response to a change in circumstances that has not been recognised by the existing planning framework. The TVH is a key infrastructure investment and opportunity, which after announcement in 2018, was approved in February 2019. Whilst strategic documents have been released since the approval, each has advocated for further, precinct-based, analysis and have not involved the depth of evidence base that has been produced to inform this PP. Rather, the evidence-base which has been assembled has identified the strategic merit, and ultimately the strategic imperative of the PP and Cudgen Connection proposal. Accordingly, this PP has been identified as the best means of closing these land use gaps and achieving the objectives or intended outcomes. As per the Tweed Regional Economic Development Strategy 2023 Update, the PP maximises the investment in TVH, with a key focus on precinct development.

In addition to strategic merit assessments, the attributes of the site have been explored through a suite of site analysis assessments. Specifically:

- Baseline Ecological Assessment has not identified any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected. This assessment has not identified the imposition of a conservation or environmental management zone as appropriate or necessary.
- Bushfire Risk Assessment has identified the bushfire threats relevant to the site, which are generally identified as minor and confined to the northern boundary. To manage the threat, the extent of asset protection zones have been identified and overlayed onto site plans for both the special fire protection purposes and remaining uses. No conflict is identified on these site plans, nor reliance of adjoining lands. Finally, the requirements of Planning for Bushfire Protection 2019 have been assessed, concluding that suitable arrangements can be made, inclusive of access and egress for fire-fighting operations, emergency evacuation and water supply for fire-fighting operations.
- Stormwater management investigations have demonstrated the quantity and quality of stormwater can be managed to a neutral or beneficial standard. To mitigate environmental impact, the overarching proposed stormwater strategy is to collect stormwater in an internal pit/pipe network and discharge stormwater to a centralised treatment/detention system prior to release via the site's legal point of discharge. Hydrological and hydraulic modelling was completed with MUSIC and DRAINS software to size required infrastructure. External catchments have been identified and their conveyance through the site has been maintained along eastern and western boundaries.

- Detailed Site Investigations (DSI) have been undertaken to establish the likelihood of site contamination, the suitability of the land uses proposed, and the potential need for remediation to avoid and manage environmental impacts. The DSI concludes that no further investigation or remediation is required for the PP.
- To adequately address social effects, Aboriginal Cultural Heritage has been considered by way of desktop assessment, followed by a Site Visit and Cultural Heritage Advice Report prepared by the Tweed Byron Local Aboriginal Land Council (TBLALC). The TBLALC have concluded that it is not necessary to engage an archaeologist for further assessment.
- Non-Indigenous Heritage has not been identified on the subject site.
- To measure the economic effect of the PP the Economic Impact Assessment details the estimated number of jobs associated with the delivery of Cudgen Connection, being 358x full-time equivalent (FTE) positions through the construction process and 1,040 new local FTEs created when operational. In comparison, assessment of the subject site's underlying agricultural potential identifies the employment of <1x FTE.
- The Needs Assessment identifies social effects, namely existing gaps in health services provision are currently present, forcing residents to seek treatment and services outside of the LGA. The underlying gap is projected to dramatically grow as the community's demographic ages over the next 20x years.
- A Social & Community Needs Assessment confirms that existing social infrastructure can accommodate the projected school composition of the PP, being:
 - 29x children aged between 0-4
 - Demand for 29x public primary school places, 11x Catholic primary school places and 6x other non-government primary school places.
 - Demand for 23x high school places, 11x Catholic high school places and 9x other non-government high school places.
- Engineering assessment has identified adequate water and sewer capacity, as well as availability of electricity and telecommunications infrastructure. The engineering assessment identifies the likely demand of the PP for water and sewer, as well as the provision of water main upgrades and delivery of sewer pump station and rising main infrastructure by the proponent.
- Traffic Impact Assessment (TIA) has confirmed that as per the planned upgrades identified within the Tweed Road Development Strategy 2017 (TRDS) there is adequate road and public transport infrastructure for the PP. In addition, the TIA has identified a series of proponent-led traffic improvements as required, namely:
 - A roundabout on and access from Tweed Coast Road.
 - Provision of public transport interchange infrastructure
 - Provision of internal roads, pedestrian pathways, carparking and 'end-of-trip' facilities.

In addition, potential infrastructure improvements, including but not limited to the widening of Cudgen Road to 4+ lanes width along the frontage of the subject site, are available and may be pursued if required.

These assessments have been undertaken consistent with the extent of assessment detailed within the Local Environmental Plan Making Guideline, particularly Attachment C – Supporting Technical Information. The assessments have not identified any matters or barriers of significance to the PP, rather, have confirmed site-specific merit to pursuing a Gateway determination. Additional investigations can be pursued post-Gateway determination where required and/or upon confidence of this PP progressing to facilitate future Development Application/s. A project timeline is detailed inclusive of the potential for additional assessment being prescribed within a Gateway determination.

Consultation undertaken to-date on the Cudgen Connection proposal is detailed, which has comprised a mixture of technical and community engagement. Specifically, general and technical consultation has been undertaken with Tweed Shire Council representatives, led by a scoping report and pre-lodgement meeting as described within the Local Environmental Plan Making Guideline.

Feedback from the pre-lodgement meeting and subsequent workshops has informed the scope of the PP's supporting assessments, as well as its intended provisions.

General and technical consultation has also been undertaken with State agencies, including but not limited to Transport for NSW, Department of Primary Industries and Department of Planning and Environment. Discussions with Department of Planning and Environment staff have included investigations into alternate sites by the Planning Concierge at the request of Tweed Shire Councillors. Those investigations concluded that no alternate sites for the Cudgen Connection concept were identified. Briefings to Regional NSW staff have also been pursued to promote project awareness and cross-government coordination.

Consultation with the 28x 'Cudgen Connectors' was pursued to inform the Cudgen Connection Concept Masterplan. With a future focus on the proposed community hub, the Cudgen Connectors program is ongoing and will progress further should the PP obtain a positive Gateway determination. This program ensures an empowered community and a community hub that directly responds to grassroots needs and use.

Consultation and formal letters of support have been provided from:

- Southern Cross University and Koala Research Foundation Australia as potential education and research providers,
- Anglicare, Momentum Collective and Social Futures as potential housing providers,
- Healthscope and Aurora as a potential private health and private mental health providers.

These letters of support demonstrate the commitment and resolve of the PP, as well as demonstrating the genuine feasibility of the Concept Masterplan.

Finally, Community consultation with the broader community, including formal polling and community 'pop-up' sessions was pursued on the Cudgen Connection Concept Masterplan. The poll of 500x participants, selected randomly, from various locations within the Tweed LGA was conducted as a scientific and impartial means of gauging community sentiment. Salient findings include:

- More affordable housing for essential workers is the highest priority expressed right across the LGA
- Locals overwhelmingly agree essential worker housing is needed when Tweed Valley Hospital opens.
- On initial engagement 51% of participants strongly support or somewhat support the rezoning of the subject site to facilitate additional health, housing and community facilities. 12% were unsure, 37% somewhat oppose or strongly oppose.
- Support grew to 72% of participants for the rezoning of the subject site once hearing the extent of the Cudgen Connection Concept Masterplan. 9% remained unsure, whilst opposition fell to 19%.

The PP identifies that additional community conversations were conducted in October 2023 at 3x advertised 'pop-up' sessions in Kingscliff, Casuarina, and South Tweed Heads. Feedback captured from these sessions generally reflected polling results, with greater than 70% of participants identifying support for the project.

Identifying that the PP possesses strategic merit, site specific merit, and holds underlying public benefit and community support, it is recommended that the PP be referred to NSW Department of Planning and Environment requesting the issue of a Gateway determination. This action will take an initial step towards unlocking Cudgen Connection as a genuine catalyst opportunity, whilst confirming the extent and timing of detailed assessments. No alternative to the PP or Cudgen Connection has been identified or planned for in the 4+ years since the TVH approval was granted and no tangible benefit of further delaying the PP has been identified.

Preliminaries

i.i Introduction

This Planning Proposal (PP) has been prepared by Planit Consulting on behalf of the landowners to identify and assess the strategic and site-specific merit of amending the *Tweed Local Environmental Plan 2014* (Tweed LEP 2014) as it relates to 741 Cudgen Road, Cudgen (the subject site).

Specifically, the strategic and site-specific merit review has identified an objective to facilitate best practice planning by realising the delivery of a variety of core health precinct land uses alongside the Tweed Valley Hospital (TVH) at 771 Cudgen Road, Cudgen. The development concept to deliver these supporting land uses is commonly referred to as 'Cudgen Connection' and has been illustrated through a Concept Masterplan.

The PP is provided as per Section 3.4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This PP has been prepared in accordance with the *Local Environmental Plan Making Guidelines*, dated August 2023.

This PP is structured as follows:

Preliminaries – provides an introduction to the PP

Cudgen Connection Proposal - provides an overview of the site and the Cudgen Connection proposal, including an illustrated Concept Masterplan.

The Planning Proposal

Part 1 - provides a statement of the objective of the proposed instrument;

Part 2 – provides an explanation of the provisions that are to be included in the proposed instrument

Part 3 – provides justification of strategic and potential site-specific merit, outcomes, and the process for implementation

Part 4 – outlines the existing and proposed maps, to identify the effect of the PP and the area to which it applies

Part 5 – details of consultation undertaken with Government agencies, council or other authorities, and community consultation to date, and the consultation to be undertaken post-Gateway and during exhibition.

Part 6 – provides an indicative timeline for the project

Conclusion

The PP should be read in conjunction with the following documentation.

Request for Planning Proposal Package	Prepared by
Concept Masterplan & Strategic Planning Imperative	Cottee Parker & Planit Consulting
Cudgen Connection Health Precinct Analysis	Destravis
Economic Impact Assessment	Macroplan
Cudgen Connection Market Assessment	Health Projects International
Agricultural Land Assessment	Gilbert Sutherland
Agricultural Capacity Assessment	Pinnacle Agriculture
Bushfire Risk Assessment	Bushfire Hazard Solutions

Baseline Ecological Assessment Report	Cumberland Ecology
Traffic Impact Assessment	PSA Consulting
Engineering Assessment	Planit Consulting
Stormwater Management Plan	Planit Consulting
Preliminary Acid Sulfate Soils Assessment	HMC Environmental
Detailed Site Investigation	HMC Environmental
Social & Community Needs Assessment	Umwelt
Community Engagement Report	Callister Media & Communications
Site Visit and Cultural Heritage Advice Report	Tweed Byron Local Aboriginal Land Council
Letters of Support	Anglicare Momentum Collective Social Futures Healthscope Aurora Southern Cross University Koala Research Foundation Australia
Tweed Valley Hospital Development Site Selection Summary Report, July 2018	NSW Government

i.ii Relationship with the Concept Masterplan

This PP seeks to amend the Tweed LEP 2014 by way of land use zone, development standard and additional local provision changes. The PP does not integrate a Development Application, nor is it made simultaneous to the lodgement of a Development Application, as facilitated by Section 3.5 of the EP&A Act.

Whilst this PP does not formally integrate the Cudgen Connection Concept Masterplan by way of seeking development consent, the Concept Masterplan comprises a working 'blueprint' of the subject site's intended outcomes and is utilised to assist the assessment of strategic and site-specific merit. The Concept Masterplan represents strategic investigations into best practice outcomes and assists the visualisation and assessment of the project objective.

The Concept Masterplan is anticipated to further evolve as development specific considerations are further analysed, such as development staging, detailed environmental assessments, community consultation feedback and the like. Notwithstanding an evolution of particulars, legislative commitments, as detailed within Part 2 of this PP, are volunteered to ensure the foundations of the Concept Masterplan are realised. If considered appropriate, further discussion is welcomed with the Planning Proposal Authority (PPA) to investigate arrangements for any further salient matters.

Cudgen Connection Proposal

ii.i The Site

The subject site is legally described as Lot 6, DP727425, being 741 Cudgen Road, Cudgen.

Comprising a land area of 5.7ha, the subject site is predominately defined by Tweed Coast Road to the west, Cudgen Road to the south, the Tweed Valley Hospital (TVH) to the east and Lot 3, DP 828298 to the north. A portion of Lot 3 is also present to the southwest of the site. This separated portion of Lot 3 comprises approximately 2,000m² of vacant land between the subject site and the Tweed Coast Road and Cudgen Road intersection. These features are identified on Figure 1 below



Figure 1. The Subject Site

As displayed within Figure 1, a small portion of the subject site is identified on its deposited plan as being located south of Cudgen Road. This portion of land does not form part of this PP. Should the PP be implemented, it is anticipated that the portion of land will be amalgamated into the Cudgen Road reserve.

The subject site is gently sloping, primarily falling from south to north with an average slope of 6%. A secondary topographic pattern of fall from the east and western boundaries, creates a shallow base

central to the site, particularly along the northern boundary. The subject site benefits from a favourable northern aspect and is located above the adopted Design Flood Level (DFL) of 3.2m AHD.

Existing built improvements are generally confined to a small dwelling house in the southeastern corner, as well as longstanding sheds and concrete slabs from previous garden centre and small-scale hydroponic business ventures. Agricultural pursuits pre-date the land's use as a garden centre and hydroponics, however the production of crops ceased in approximately 1989.

The site is predominately cleared of vegetation, with exotic grasses forming the primary landscape feature. Clusters of vegetation are located along the northern, eastern and southern boundaries. Whilst plantings along the southern boundary possess no genuine biodiversity value, vegetation on the northern and eastern boundaries are of higher value and importance.

The subject site is located at the intersection of 2x of the Tweed Coasts' primary movement corridors, being Tweed Coast Road and Cudgen Road. Upgrades are planned to widen Tweed Coast Road to 4x lanes from the Pacific Highway to Casuarina Town Centre, increasing traffic capacity along the site frontage.

The site forms a component of the Tweed Coasts' diverse character experiences. Council's draft Scenic Landscape Strategy 2019 (draft SLS) and supporting mapping identifies the site as being a composition of urban, coastal forest and coastal agriculture landscape units, as well as being visible from multiple static and dynamic viewsheds.

The subject site is within immediate proximity of reticulated water, wastewater, electricity, NBN and telecommunication infrastructure. The subject site is located within Council's adopted Development Servicing Plan (DSP) for sewerage services. No essential services are identified as constraining the site, such as transmission lines or the like.

A review of various applicable endorsed map sets has identified the following environmental constraints as applicable to the subject site:

- Class 5 Acid Sulfate Soils (ASS) as per the Tweed LEP 2014.
- Bushfire prone land mapping as per the Tweed LEP 2014.
- Probable Maximum Flood (PMF) in the lower, northern portions of the site, as per the Tweed Development Control Plan – Section A3 Development of Flood Liable Land.
- Coastal wetlands proximity mapping in the northern portion of the site, as per *State Environmental Planning Policy (Resilience and Hazards) 2021*.
 - This land comprises the NSW coastal zone for the purpose of the definitions in the *Coastal Management Act 2016*.
- Predictive Aboriginal Cultural Heritage as per the Tweed Aboriginal Cultural Heritage Management Plan 2018.
- Important Farmland as per the North Coast Regional Plan 2041.
 - This land comprises State Significant Farmland as per the Northern Rivers Farmland Protection Project 2005.
- Obstacle limitation surface zone as per the *Commonwealth Airports Act 1996*.

Figure 2 graphically demonstrates the minor inclusion of PMF on the site.



Figure 2. Probable Maximum Flood

Of note, the subject site is not identified as:

- Containing High Environmental Value (HEV) land.
- Being within the Urban Growth Area as per the North Coast Regional Plan (NCRP) 2041

The subject site is immediately adjoined by the TVH to the east, but also possesses connections to existing services and facilities within the locality, as well as the broader Tweed Coast, including but not limited to:

- Approximately 600m walking distance to the NSW TAFE Kingscliff campus
- Approximately 1km to Tweed Regional Aquatic Centre – Kingscliff, Lifebridge Australia (Disability services and support) and Kingscliff Library
- Approximately 1.6km to the Kingscliff Town Centre and beaches to the northeast
- Approximately 2.5km from the Pacific Highway Interchange to the north
- <3km from Kings Forest Urban Release Area to the south (projected population of 11,000 people)

Contextually, the subject site is generally located at the interface of the Kingscliff and Cudgen settlements. Both suburbs continue to experience urban growth, Kingscliff, in particular, has substantial tracts of land zoned and earmarked for urban purposes. Figures 3 & 4 identify the subject site within the broader Kingscliff and Cudgen urban conurbation.

Kingscliff has traditionally functioned as the highest order centre along the Tweed Coast, and this role is intended to continue through Council's policy framework. This identified function was heightened and unequivocally confirmed with the delivery of the TVH, being a major referral hospital at the heart of the network of hospitals and health facilities across the Tweed-Byron region.

The increase in health services investment in Tweed's largest and fastest growth economic sector and relocation of this anchor facility from Tweed Heads to Kingscliff in 2019 comprised a significant policy disruption. Whilst the planning framework has not yet genuinely caught up with the scale of change and investment, it is clear that significant growth and services will be delivered into the future. Magnifying the importance of the growth challenge is the planned growth of more than 15,000 people within a <3km radius of the subject site by the Kings Forest and West Kingscliff residential expansions. Collectively, this population and services growth elevate the role, function and context of the subject site, and its important contribution to the success of both the Tweed LGA and wider North Coast region.

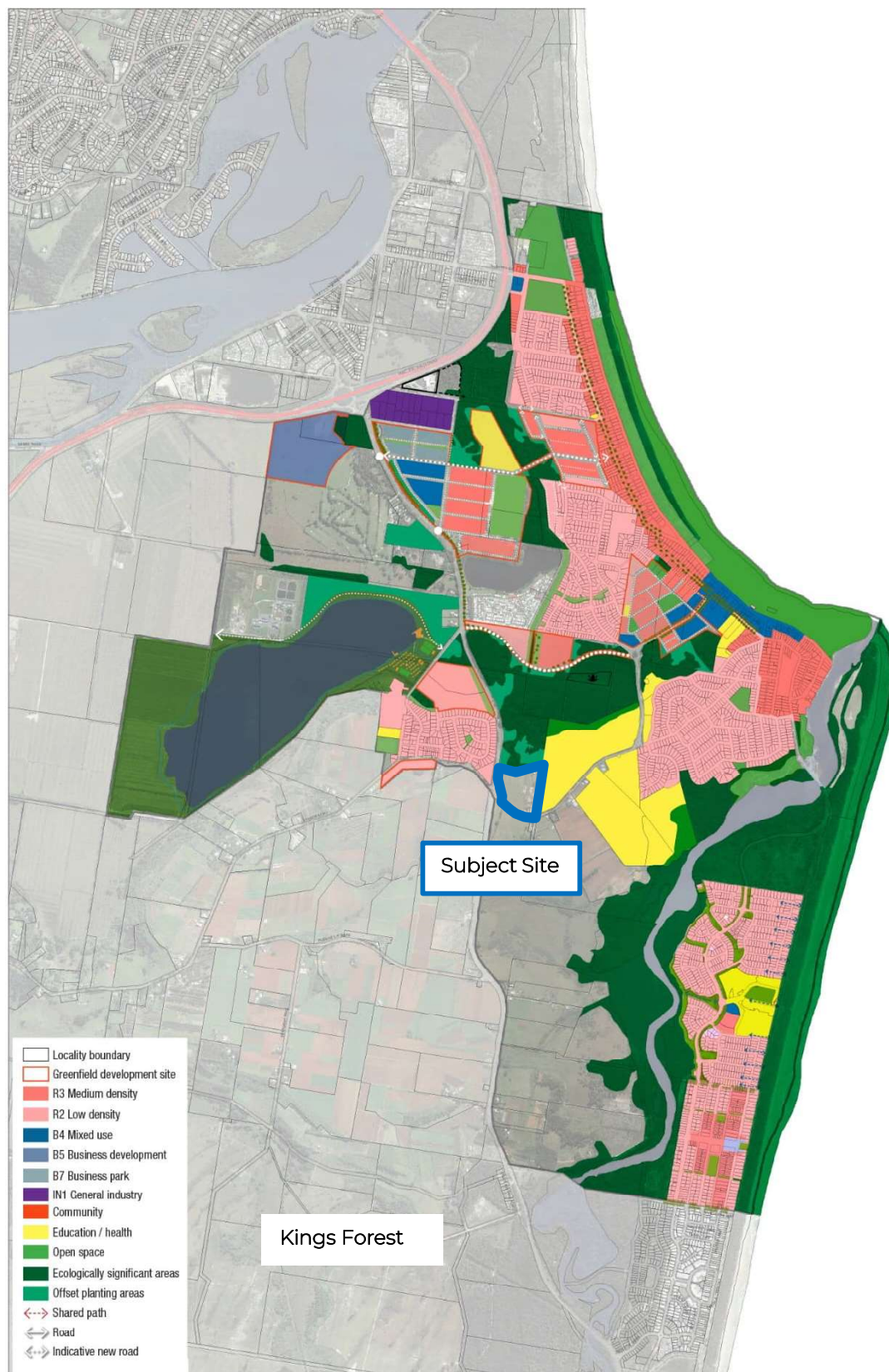


Figure 3 Kingscliff 2036 Source: Kingscliff Locality Plan

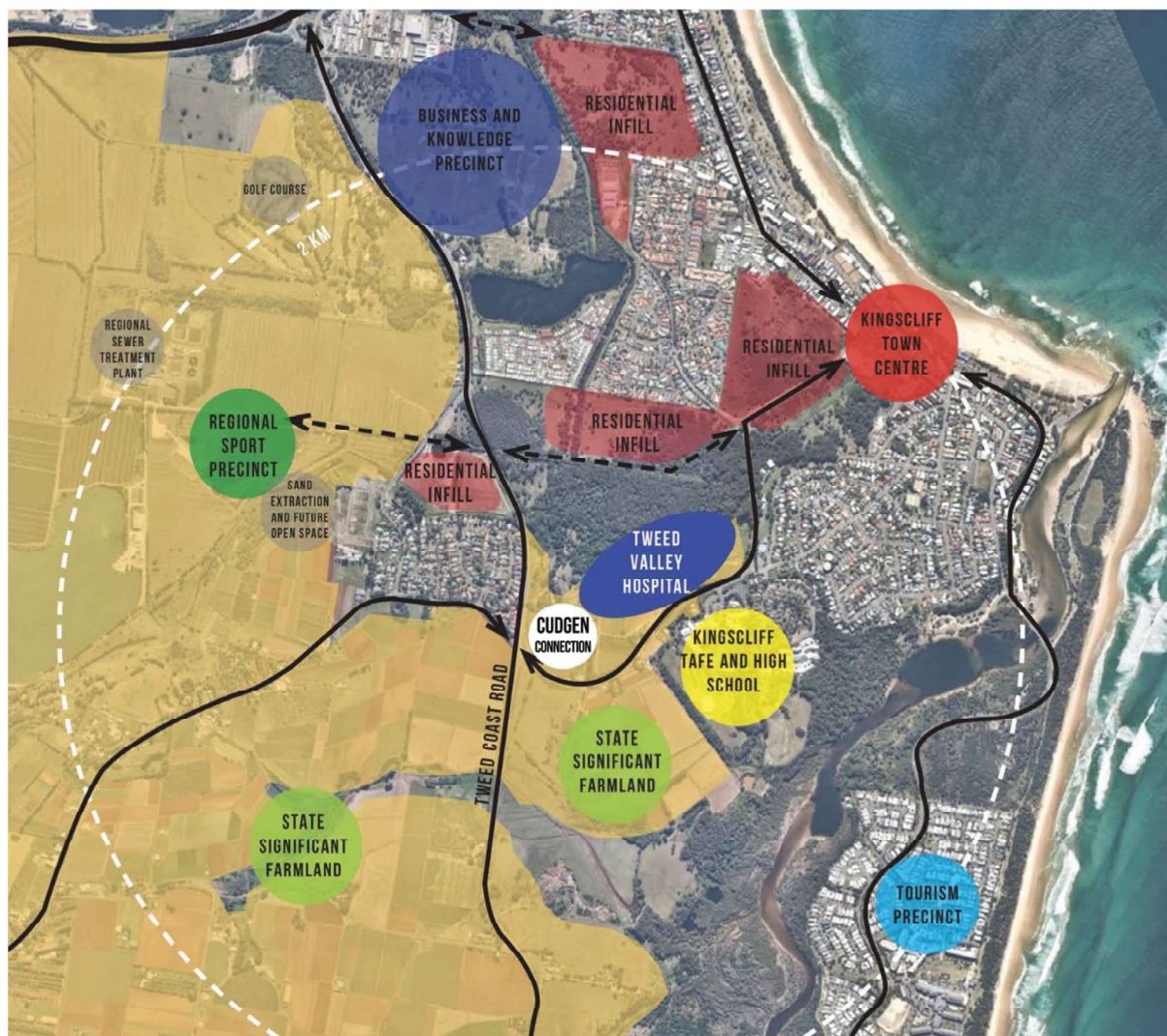


Figure 4 – The Subject Site in Context

ii.ii A Best Practice Health Precinct

Distilling key considerations of the site and locale, the Concept Masterplan includes a variety of land uses that support the creation of a health and education precinct and positively connects and contributes to the broader community and public interest.

As displayed on Figure 5, and in higher resolution within the Concept Masterplan & Strategic Planning Imperative appendix, the masterplan is anchored by the placement of a private hospital that enables integration of urban form with the TVH Hospital and multi-deck carpark. Beyond fulfilling the current void in private medical facilities within the Shire, the private hospital pursues a wider civic purpose by also accommodating a transit orientated development interchange opportunity.

The private hospital is flanked to the north with a university, and to the south by a private mental health hospital. This cluster of health and education uses forms the engine room and anchor uses of the expanded health precinct. The university offering importantly provides on the job training, as well as opportunities for centre of excellence and high-performance training.

South of the mental health hospital, a 100x room medi-hotel is proposed, providing short-term accommodation to general public, supporting patients and their families, and assisting outpatient services.

Supporting the health and education offering, approximately 286x residential apartments are located within various buildings to the west. The majority of these apartments will be managed and operated by either a registered community housing provider, not-for-profit or State agency. Legislative provisions are detailed within Part 2 to enshrine this commitment to essential workers. Whilst dwelling and building designs have not been advanced at this stage, a diverse mix of apartment stock is anticipated to cater for essential worker needs.

Letters of support have been obtained and provided by numerous potential operators of the hospital, university and essential worker accommodation offerings as the landowners continue to advance and formalise arrangements to deliver these critical infrastructure items.

Child care, community hub and retail/food and drink premises collectively frame a community plaza space to the southwest of the site. These land uses form the cultural hub of the Proposal site and support the day-to-day needs of precinct users, alleviate traffic and carparking pressure from the Kingscliff Town Centre. The Community Hub comprises approximately 1,000m² of Gross Floor Area (GFA) and is to accommodate community-based use and not-for-profit businesses. A volunteer engagement group, known as the Cudgen Connectors, have been empowered to shape the form and program of this broader community asset.

The site will be underpinned by the installation a high-speed fibre cable network, offering direct access to world class data connectivity and diversity of networks. This infrastructure will support attraction of high-end industries to the site and Kingscliff locality that create and sustain skilled, well-paid jobs of the future.

Key development metrics for Cudgen Connection include:

- 1,040 of jobs
- ~286x apartments
- Development composition of approximately:
 - 28,829m² GFA for health and education uses
 - 24,061 m² GFA of residential apartments
 - 3,709m² GFA of retail, childcare and community uses
- Undercroft/basement and on-street parking of over 1,000 car spaces
- 13,626m², being approximately 24% of the subject site for greenspace, parkland and conservation.

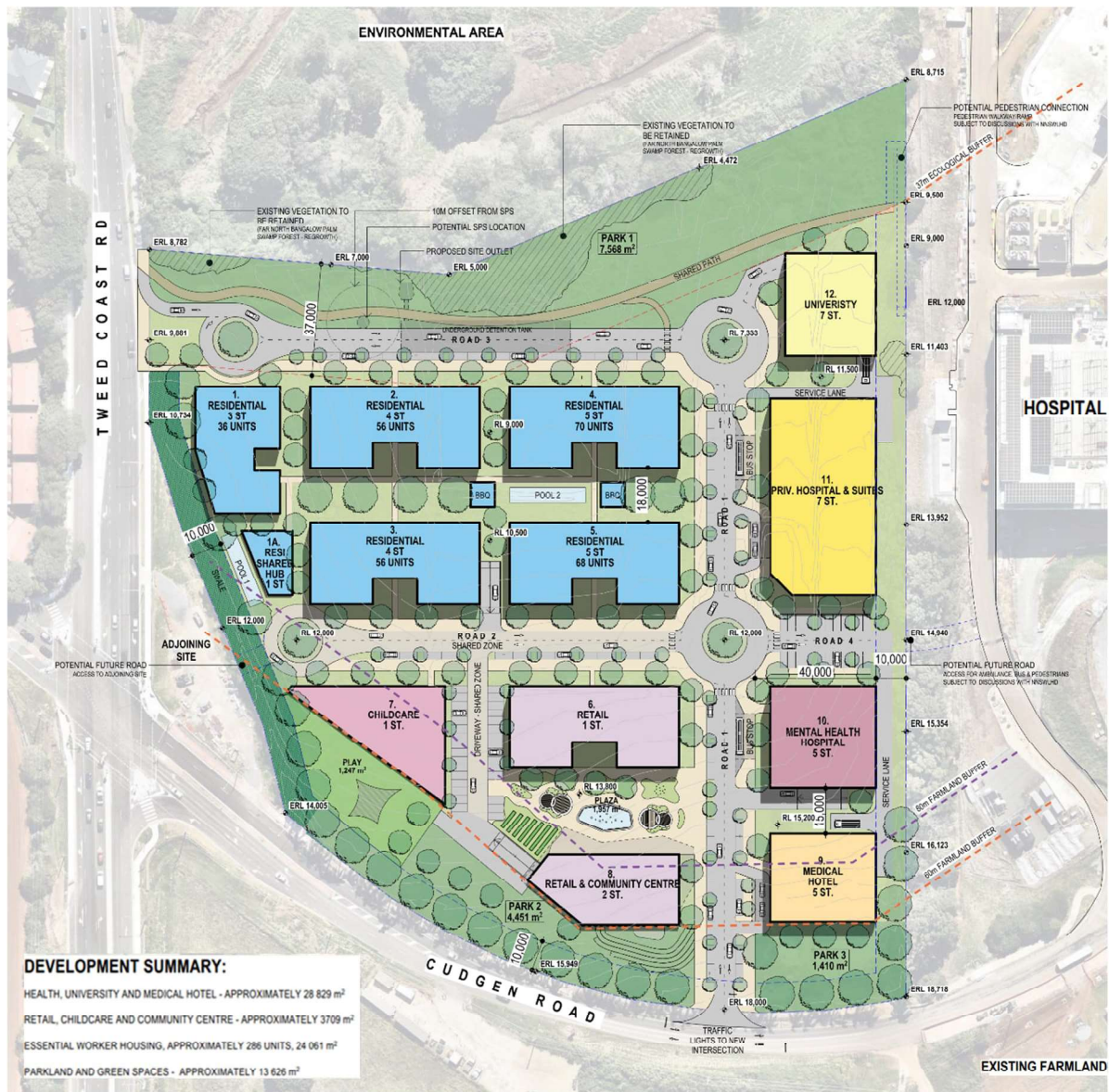


Figure 5 Cudgen Connection Concept Masterplan

Note: See Concept Masterplan & Strategic Planning Imperative Appendix for high resolution Concept Masterplan

ii.iii Settlement Integration, Buffers & Open Space

Reflective of the site's context, the Cudgen Connection Concept Masterplan includes an urban structure that responds to its health, environmental, residential and agricultural surrounds and tapers building heights down towards its public interfaces. The broad structural elements of the Concept Masterplan include:

- Clustering of private hospital, private mental health hospital, university and health land uses within immediate walking distance of the adjoining TVH along the eastern edge of the subject site.
- Staggered building heights to assist the transition of the TVH form into the wider urban and rural fabric. Specifically, taller buildings within the northeastern quadrant (being 7x storeys and lower than the adjoining TVH and multi-deck car park), stepping down to mid-rise development in northwest and southeast quadrants and low-rise forms along the interface of the Tweed Coast Road and Cudgen Road intersection.
- Including sufficient building height to enable the desired hospital and university functions, without causing undue visual impact within Tweed's scenic landscapes.

In acknowledging the coastal, subtropical context of the site, built environment improvements will incorporate passive design features and pursue green technologies such as solar panels on building roofs. Buildings will express a North Coast NSW coastal vernacular through the use of lightweight materials, articulation to achieve human scale, deep eaves and orientation of spaces to access air, light and views.

Securing the design principles is extended by a legislated requirement to prepare a DCP, as discussed within Part 2.

The Cudgen Connection Concept Masterplan demonstrates that approximately 24% of the site can be made available for open space and vegetated areas, after the required built form and infrastructure services are accommodated. The open space and vegetated areas demonstrate the ability to mitigate potential ecological and land use conflict impacts, but also represents a high quality outcome towards the wellbeing of the precincts users. These open space and vegetated areas are broadly detailed as follows:

- The northern boundary involves a linear green infrastructure area to enable retention of important vegetation, embellishment plantings, cycleway and essential infrastructure placement.
- The eastern boundary treatment seeks to retain existing vegetation to the maximum extent, whilst affording integration opportunities through to the TVH.
- The southern and southwestern boundary treatments involve a generous 60m 'green' setback from existing farmland to the south and southwest, which decreases in width along the western boundary. A 10m wide landscape screen is proposed around the south, southwest and western perimeter to mitigate any land use conflicts and provide a 'green edge' to the Proposal as viewed from Tweed Coast Road and Cudgen Road. A small-scale amphitheatre, park spaces and stormwater swales are also envisaged within the green setback.

In addition to these spaces, a plaza area is provided for users of the precinct, as well as private open space, facilities for the residential apartments.

ii.iv Movement, Access & Parking

The Cudgen Connection Concept Masterplan champions a desired integration of bus interchange infrastructure to support a major employment and trip generator. Beyond its logical co-location with a primary employment node in the LGA, the site also forms a logical transition point between traditional, higher frequency, public transport and less frequent services to less densely populated areas of the Tweed LGA.

Site access is to be obtained via a new roundabout on Tweed Coast Road. Indicative connections into the TVH site have been considered, however detailed investigations and discussions are not appropriate through the PP phase. Any future DA will further explore bus, vehicle, pedestrian and cycle links.

Undercroft/basement parking is proposed throughout the subject site, capable of facilitating over 1,000 car parking spaces. On-street parking is provided along all roads proposed within the subject site, to accommodate short-stay users, deliveries, 'kiss-and-ride', and the like. The use and arrangement of basement carparking avoids the creation of expansive hardstand carparking areas. Accordingly, improved primacy, connection and comfort for pedestrians and active uses is afforded within the future open spaces of the health and education precinct and encourages a mode shift towards public and active transport.

The Planning Proposal

Part 1 – Objectives and Intended Outcomes

1.1 Objective

To amend the Tweed LEP 2014 to facilitate the delivery of private health infrastructure, tertiary education, essential worker housing and other core health precinct land uses at 741 Cudgen Road, Cudgen.

1.2 Intended Outcomes

- To augment existing public health and education offerings with private investment and infrastructure to create a genuine best practice health and education precinct for the Tweed-Byron subregion.
- To address a dramatic shortfall in health service provision within the Tweed-Byron subregion.
- To cluster health and education facilities to provide improved user experience, economic competitiveness and reduce traffic movements by promoting multi-purpose trips, active and public transport.
- To deliver critical infrastructure above the floodplain and strengthen community resilience to natural hazards and climate change.
- Contribute to the Tweed's role as a strategic centre within the NSW North Coast, providing housing, jobs and services in a mixed-use precinct.
- To permit a mixed-use development with an appropriate balance of medical office, retail, residential and community uses to support the general and mental health hospitals, and contribute to the growing vibrant and active community.
- To underpin the future health workforce of the subregion by providing residential accommodation for essential workers.

The Planning Proposal objectives and intended outcomes are graphically articulated on the Cudgen Connection Concept Masterplan.

Part 2 – Explanation of provisions

2.1 Intended Provisions

The following sections describe the intended provisions of this PP. Draft mapping illustrating these provisions can be found within Part 4 – Maps.

2.2.1 Proposed Zone

Amend the Tweed LEP 2014 Land Zoning Map (Sheet LZN_023) as it relates to the subject site, from RU1 Primary Production to SP2 Infrastructure (Health Services Facility and Educational Establishment).

2.2.2 Rationale: Proposed Zone

The objective and intended outcomes of this PP are to facilitate firstly health, and secondly, tertiary education infrastructure. Whilst these land uses can be pursued in numerous land use zones, a health market assessment has identified a significant gap in health services provision, particularly for higher-order services, such as hospitals. To provide primacy to these critical infrastructure land uses into the future, the SP2 land use zone is identified as appropriate. Further discussion regarding the suitability for applying the SP2 land use zone, with regard to land use zone objectives and permissibility is provided under Section 3.2 of this PP.

2.2.3 Proposed Height of Buildings

Amend the Tweed LEP 2014 Height of Buildings Map (Sheet HOB_023) as it relates to the subject site, from the current 10m maximum building height, to include a composition of 10, 22, 25 and 38m maximum building heights.

2.2.4 Rationale: Proposed Maximum Building Height

Modelling by the project architects has identified that to accommodate the future private hospital and private mental health hospital requires a maximum building height of 38m. This maximum height facilitates the built form, roof, lift overruns and the like of the proposed private hospitals. This maximum building height is compatible with the building height of the TVH. Consistent with the Cudgen Connection Concept Masterplan, building height is then reduced towards the site's interface with Tweed Coast Road and Cudgen Road. The stepping of building height down from the private hospitals is proposed to be specifically mapped via 3x additional 'sub precincts', creating certainty of built form outcomes.

2.2.5 Proposed Lot Size

Amend the Tweed LEP 2014 Lot Size Map (Sheet LSZ_023) as it relates to the subject site, to remove the 10ha minimum lot size.

2.2.6 Rationale: Proposed Lot Size

The application of a 10ha minimum lot size is not identified as relevant given the 5.7ha land size and the removal of the primary production zoning. Whilst strata subdivision can be pursued on the subject site should the land use zone be changed to SP2 Infrastructure, the removal of the minimum lot size provides necessary flexibility to ensure separate lease agreements with varied site operators.

2.2.7 Proposed Additional Permitted Uses

Amend the Tweed LEP 2014 Additional Permitted Uses Map (Sheet APU_023) to identify the subject site and identify the following land uses as permitted with development consent:

- Commercial premises
- Community facilities
- Early education and care facility
- Hotel or Motel Accommodation
- Residential Flat Building
- Recreation areas

2.2.8 Rationale: Proposed Additional Permitted Uses

The abovementioned land uses have been identified as ancillary and ordinarily incidental land uses within the 'core' of a health precinct. To provide certainty of outcome, the permissibility of these uses is sought to be legislated.

Specifically, commercial premises will facilitate desired uses, such as shop, food and drink premises, office and the like, particularly surrounding the plaza space. Early education and care facility will enable child care on the subject site, as well as home-based child care if appropriate. Residential flat building is required to deliver the desired essential worker housing units. Hotel or Motel Accommodation is required to ensure permissibility of the medi-hotel. Finally, 'Community facilities' and 'recreation area' have been included as sought by Council staff within the Planning Committee report of 2 May 2024.

Whilst an Additional Permitted Use identification is the traditional means of doing so, this PP does not object to the additional uses being prescribed by way of a new 'Additional local provision' and/or adopting non-standard instrument land use terms to specifically reflect the uses identified under the Concept Masterplan, such as essential worker housing and/or medi-hotel.

2.2.9 Proposed Key Site Provisions

Introduce a new Tweed LEP 2014 Key Sites Map (Sheet KYS_023) to identify the subject site as 'DCP Required'. Where appropriate, also update the related clause (being clause 7.13 of the Tweed LEP 2014).

Specific to the potential update to clause 7.13, we note that at the time of writing, all sites currently on the Key Sites Map have DCP provisions in place. Accordingly, no conflict is identified to amending or augmenting the existing clause to directly respond to the desired outcomes of the subject site. The specific drafting of this clause is a matter for Parliamentary Counsel's Office (PCO). Notwithstanding, acknowledging other additional local provisions utilised within Standard Instrument Order LEPs, it is anticipated that the clause would be constructed similar to the below:

7.13 Development requiring the preparation of a development control plan

(1) The objective of this clause is to ensure that development on certain land occurs in accordance with a site-specific development control plan.

(2) This clause applies to development on land identified as "DCP required" on the Key Sites Map.

(3) Development consent must not be granted for development on land to which this clause applies unless a development control plan that provides for the matters specified in subclause (4) has been prepared for the land.

(4) The development control plan must provide for all of the following—

- (a) design principles drawn from an analysis of the site and its context,*
- (b) phasing of development,*
- (c) distribution of land uses, including open space,*
- (d) provision of services,*

- (e) building envelopes and built form controls,*
- (f) impact on, and improvements to, the public domain,*
- (g) identification and conservation of native flora and fauna habitat and habitat corridors on the site, including any threatened species, populations or ecological communities,*
- (h) identification, extent and management of watercourses, wetlands and riparian lands and any buffer areas,*
- (i) environmental constraints, including climate change, acid sulfate soils, flooding, contamination and remediation.*

(5) Specific to land identified as 'Cudgen Connection' on the Key Sites Map, the development control plan must also provide for all of the following:

- a) Site design, delivering permeability and integration for pedestrians and desirably vehicles from the subject site to the Tweed Valley Hospital to the east.*
- b) The fostering of a 'sense of place' and safe public realm with amenity by locating early development close to and designed to support the point of connection to the Tweed Valley Hospital,*
- c) The creation of a civic public space reinforcing the 'community' and further green space, retaining existing trees where possible, within a framework of street-based urban public realm,*
- d) The delivery (and ongoing management) of an appropriate range of residential forms to provide for a range of household types,*
- e) Height limits defined in meters above developed ground level,*
- f) A commitment to appropriate environmental design and Crime Prevention Through Environmental Design practices,*
- g) A staging and delivery schedule.*

2.2.10 Rationale: Proposed Key Site Provisions

To provide stakeholders with further confidence that the principles of the Concept Masterplan are upheld into the future, it is proposed that the site is identified as a Key Site requiring the preparation of a Development Control Plan (DCP). The inclusion of this provision acknowledges the critical need for integration throughout the wider health and education hub to drive highly desirable urban design outcomes and coordinated service provision. These benefits are directly referenced within the Northern Regional Planning Panel (NRPP) Record of Decision, and have been embedded accordingly.

The DCP will bridge the gap between the legislated potential of the PP, the refined conceptual development outcome illustrated within the Concept Masterplan, and future DA/s. This framework binds the delivery of Cudgen Connection's desirable attributes, particularly if a DA was to be pursued that did not qualify as State Significant Development (SSD).

Should a SSD application be pursued (whereby DCPs do not apply by virtue of section 2.10 of *State Environmental Planning Policy (Planning Systems) 2021*), stakeholders will still retain assurance of land use outcomes by alignment with key land use terms (such as hospital and tertiary institutions). Further, the industry-specific SEARs each specify design quality, built form and urban design requirements, amongst other environmental assessments and pre-lodgement consultation requirements, reducing the risk of perverse built outcomes.

2.2.11 Proposed Additional Local Provision

Insert a new 'Additional local provision' into the Tweed LEP 2014 to:

- Ensure the delivery of an integrated health and education-led centre
- Encourage housing affordability through Build-to-Rent housing.

The specific drafting of this clause is a matter for Parliamentary Counsel's Office (PCO). Notwithstanding, acknowledging other additional local provisions utilised within Standard Instrument Order LEPs, it is anticipated that the clause would be constructed similar to the below:

Clause 7.XX Development at 741 Cudgen Road

(1) The objective of this clause is to:

- a) Ensure the delivery of an integrated health and education centre, and*
- b) Encourage housing affordability through Build-to-Rent housing.*

(2) This clause applies to development within Cudgen Connection, being Lot 6 DP727425.

(3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied that the development, whether or not to be carried out in stages, will include:

- a) a hospital in stage 1 of the development,*
- b) an educational establishment,*
- c) residential accommodation managed by a registered community housing provider, not for-profit organisation, State agency, or similar for a period of no less than 25x years,*
- d) the number of units managed as per (c), will at all times within the 25x year period meet or exceed a quantity of 75% of all dwellings approved in the completed development,*
- e) not more than 28,380m² of gross floor area for residential accommodation purposes, and not more than 14,190m² of gross floor area prior to the stage 1 hospital being operational.*

2.2.12 Rationale: Proposed Additional Local Provision

To provide certainty that the desired health and education outcomes are realised, the hospital land use afforded primacy, and the housing opportunities within the PP are sequenced as well as facilitate improved affordability through a predominate build-to-rent format.

Specifically, concern has been raised that:

- The inclusion of additional permitted uses could result in outcomes inconsistent with the Objective and Intended Outcomes of the PP, such as a proposal exclusive to residential accommodation.
- The housing displayed on the Concept Masterplan may be on sold and no longer support affordability in the locality.

Embedding a site-specific clause in the Tweed LEP 2014 legislates land use composition, timing thresholds for delivery. Further, a site-specific clause is welcomed to ensure that the majority of housing is held and managed for as build-to-rent for a prescribed time period. For clarity:

- The inclusion of 'affordable housing', as defined within NSW legislation, including the *Environmental Planning and Assessment Act 1979* (the Act) and *State Environmental Planning Policy (Housing) 2021* is not prescribed in the PP.
- A minimum time commitment is identified, and
- Additional provisions to restrict additional residential accommodation and facilitate concurrent or sequential housing delivery are identified as per the NRPPs Record of Decision

These matters are further discussed as follows:

Affordable Housing – Tweed’s Affordable Housing Policy was adopted at its meeting of 11 December 2024. Notwithstanding, the Policy is not yet coupled with an Affordable Housing Contributions Scheme, and other supporting mechanisms, which identify locations where the (adopted) 10% affordable housing contributions are required. Acknowledging the policy framework is not complete, the PP has not offered a mandated outcome of ‘affordable housing’. Rather, build to rent housing is proposed. This form of housing will be managed by a community housing provider, or the like.

Time Commitment – Whilst a minimum time period of 15x year period of referenced within *State Environmental Planning Policy (Housing) 2021* (see clause 73 of Chapter 3), consultation with housing providers to-date has identified varied management period preferences between 20 – 30 years, generally aligning with capital works timelines. Ongoing engagement with housing provider stakeholders will confirm an appropriate minimum timeline threshold prior to the PP being made, however a 25x year commitment is welcomed to be legislated.

Heads of consideration – This PP, and reflected through a Concept Masterplan, seeks to facilitate the delivery of private health infrastructure, tertiary education, essential worker housing and other core health precinct land uses at 741 Cudgen Road, Cudgen.

To firstly ensure that the primacy of the private health infrastructure, an additional local provision prescribing a hospital be included within stage 1 of any development is proposed. Such an outcome will provide certainty of the PPs Objective being realised and that an exclusive residential (or otherwise) development will not arise.

In addition, the Concept Masterplan details a gross floor area of approximately 28,380m² of residential accommodation on the subject site. Inclusion of an additional local provision limiting residential accommodation to this quantity (or less), provides further certainty that a residential-led outcome does not arise at the expense of health and education outcomes.

Notwithstanding the above, the declared housing crisis being experienced in the Tweed, as well as wider cost of living pressures establishes merit in accelerating a portion of housing on the subject site. These matters were canvassed with the NRPP through the Rezoning Review. As per the NRPPs Record of Decision, the following commentary was identified:

“...the Panel wishes to ensure that the ‘primary’ uses of hospital/medical/education (the basis of the zoning changes to Special Purposes) proceed prior to, or concurrently with, residential and supportive retail and commercial uses. Given the ability of adjacent worker residential uses to support the functioning of the new public hospital, the Panel does not object to some of the residential uses occurring before the ‘primary uses’ however does not support the introduction of more than half of the residential uses without the ‘primary uses’”.

Integration of these views through legislation is proposed to ensure suitable outcomes, namely, capping the gross floor area of residential accommodation to up to 14,190m² (being 50%) prior to the stage 1 hospital being operational.

Part 3 – Justification of Strategic and Site-Specific Merit

Section A – Need for the planning proposal

3.1 Question 1 – Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The PP is not a direct result of an endorsed LSPS, strategic study or report. Notwithstanding, the context and origin of this PP has stemmed from a combination of:

- Actions within the Tweed LSPS,
- Observed policy disruptions and evolution,
- Observed failings to address critical gaps within health services planning and delivery.

From these origins, this PP is considered to form a strategic study in itself, providing a deep analysis of health precinct planning, existing and projected health market needs and establishing a blueprint for 'core' health precinct land uses to be closed in the immediate future. These matters are discussed further below. In considering the need for the PP, no other strategic studies endorsed by the Planning Secretary or delegate of relevance have been identified.

Amongst promoting healthy communities, ecosystems and lifestyles, the Tweed LSPS acknowledges that as Tweed's population continues to grow there will be an increase in demand for commercial and industrial floor space, hospitals and health-care, allied businesses and housing. Amongst other planning priority discussions, the LSPS details the following 2x actions:

6.4 Support prominent sectors of the economy through land-use policy and local government advocacy to cultivate employment opportunities, particularly in the education, medical and health services, airport, tourism, agricultural, sustainability and creative sectors.

6.6 Review land-use planning to support community access to educational and hospital or related health care services and to leverage economic benefits and new education or health sector business opportunities outside of the significant farmland areas.

Whilst the Cudgen Plateau has long been subject to growth pressures, in February 2019, 771 Cudgen Road, Cudgen, which adjoins the subject site was rezoned by the Minister of Planning to facilitate the new TVH. This action represented a significant disruption to existing policy and its spatial application. The rezoning was underpinned by an extensive site review process lead by State Government. The site review process acknowledged that land containing fundamental attributes necessary to appropriately facilitate a hospital is extremely limited within Tweed's context and selected the final location. The TVH Site Selection Summary Report, April 2018 discounted a number of potential sites, particularly within the Tweed City Centre, Kingscliff Business Park and Kings Forest. The findings of the Site Selection Report remain relevant.

The TVH responds to an identified need for greater health services to support the growing and ageing population of the Tweed-Byron subregion. A Market Assessment has been undertaken to consider these health gaps, identifying significant shortfalls across the health spectrum at present, and greater gaps forecast to 2040. Whilst the Market Assessment provides substantial detail, a critical influence includes the subregions strong projected growth of population above 65 years of age. Specifically, the population profile of Tweed and Byron is ageing at a rate faster than Regional NSW and an estimated 40% increase of residents over the age of 65 by 2040 is projected. Those aged over 65 typically utilise healthcare at a rate close to 4x the amount of those under the age of 65, resulting in a compounding effect on healthcare demand, including a shortfall of 313x public and private hospital beds by 2040. This shortfall is approximately 75% of the TVHs approved capacity required again inside 20 years.

Multiple local and State Government strategies have advocated directly for precinct planning to occur for the TVH and to promote supporting land uses to increase depth within the health and education sectors. To-date, lead actions have been assigned to multiple agencies, however actual precinct and master planning remains absent. With the opening of the TVH now imminent, multiple land use gaps remain present, with no clear policy commitment forecast, or committed to resolve.

Simultaneously, this PP has included agricultural and economic assessments to facilitate a site-specific understanding of agricultural capacity, capability and role within Tweed's agricultural composition, in direct comparison to its health, education, community and housing potential. As is detailed throughout this PP, the subject site is now the only land parcel within the Kingscliff locality north of Cudgen Road identified for a non-urban purpose. Adjoined by roads, urban uses and conservation land on all sides, the extension of the Urban Growth Area to be contiguous between Kingscliff and Cudgen settlements is identified as a 'minor rounding off'.

As is discussed throughout this PP, the extent of inconsistency with the LSPS Actions is confined to development upon 'significant farmland areas'. Whilst 'significant farmland areas' is not defined within the LSPS, it is generally understood that this reference is to mapped SSF. The North Coast Regional Plan 2041, which works in concert with the SFF mapping, facilitates the contextual review of Important Farmland (which envelopes SSF) where land may be more suited to other uses. The 'tests' established by the NCRP 2041 have been addressed within this PP, concluding that the subject site is suitable for alternate purposes and for inclusion within the Urban Growth Area. It is within this overarching context, that the identification of the site as SSF is no longer contextually tenable.

When viewing the subject site without a SSF barrier, the PP is identified as a direct result of the LSPS, and delivers on multiple LSPS Actions.

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

The proposal seeks to apply a land use zone and principal development standards within the Tweed LEP 2014 to facilitate and control the delivery of private health infrastructure, tertiary education, essential worker housing and other core health precinct land uses. Further, additional local clauses proposed by this PP provide legislated provisions that ensure the management of essential worker housing and uphold the design principles of the Concept Masterplan.

The land use zoning, development standards and local provisions approach is consistent with the adjoining TVH site and has been proposed to best facilitate the Cudgen Connection Concept Masterplan as well as provide certainty of outcomes.

Other mechanisms such as the sole use of Schedule 1 or DCP provisions are not considered appropriate means for achieving the objectives and intended outcomes of this PP. These are summarised below.

Table 1 – Alternative Pathways to Achieve the Objectives and Intended Outcomes.

Option	Planning Comment
Varying applicable development standards.	This approach is not identified as appropriate as an underlying need for the PP relates to providing land use permissibility.
Applying an additional permitted use clause or limiting clause without land use zoning and development standards.	This approach is not considered appropriate. Analysis of the land has identified that an alternative zone (infrastructure) is suitable and best reflects the attributes of the subject site and desired Cudgen Connection outcome. Pursuing an additional permitted use in isolation is considered to be unwarranted and potentially problematic when considering the Objectives and Intended Outcomes against the current Primary Production zone objectives. For ease of reference, these are provided below: <i>Objectives of zone</i>

	- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. - To encourage diversity in primary industry enterprises and systems appropriate for the area. - To minimise the fragmentation and alienation of resource lands. - To minimise conflict between land uses within this zone and land uses within adjoining zones. - To protect prime agricultural land from the economic pressure of competing land uses. The retention of these zone objectives are likely to restrict the suitable future use of the site and do not directly reflect the land's strategic land use opportunities. Finally, the PP includes amendment to the Maximum Height of Buildings and Minimum Lot Size development standards. Amending the permissibility of the Cudgen Connection land uses without corresponding amendments to building height and lot size would result in many of the projects benefits being negated and unfeasible to deliver any land use other than a single hospital/single operator. For these reasons applying an additional permitted use in isolation to land use zoning and development standard changes is not considered appropriate.
Applying an alternative zone	This approach may still be effective and appropriate, however is not the preferred pathway to ensure alignment with the key Objectives and Intended Outcomes of Cudgen Connection. As has been referred within this PP, the key components of Cudgen Connection relate to the provision of health services, which augment the public hospital anchor, being the TVH. The private hospital and private mental health hospital are considered critical infrastructure, particularly in light of the services gap identified within the Market Assessment. The complementary university, medi-hotel, childcare, retail, community and residential offerings are all subordinate to the core health function. Accordingly, these uses are also considered to best align with the SP2 Infrastructure zone and its zone objectives. As an alternative approach, a composition of land use zones and corresponding development standards could be pursued to formally zone 'sub-precincts' within Cudgen Connection. This approach is not specifically objected to, however would need to be carefully managed to ensure appropriate application. Further, any alternate approach should ensure the Objectives and Intended Outcomes are not diluted through implementation of the legislative framework.
Pursuit of a Development Application within the current planning framework	Does not resolve permissibility beyond a portion of the site and does not appropriately correlate zone objectives with the underlying strategic potential of the land. Clause 5.3 Development near Zone Boundaries of the Tweed LEP 2014 facilities flexibility at zone interfaces. Specifically, land uses that are permissible within the adjoining SP2 Infrastructure (Health Services Facility) can be carried out with consent in the adjoining zone (being the subject site): - Within 50m of the zone boundary (being the eastern property boundary) - Outside of the Coastal Zone (including the Coastal Wetlands proximity area) - Subject to the development not being inconsistent with the objectives for development in both zones

	As discussed above, this approach is identified as problematic when considering the Objectives and Intended Outcomes against the current primary production based zone objectives. Further, the 50m and coastal zone mapping provisions effectively limit the potential footprint to the private hospital, private mental health hospital and medi-hotel and do not facilitate internal roads, carparking, stormwater measures and the like.
DCP Provisions	This approach is not identified as appropriate as an underlying need for the PP relates to providing land use permissibility, which cannot be rectified by way of DCP amendment. .
Await the Tweed Growth Management and Housing Strategy (GMHS)	Waiting for Council to finalise the GMHS is not identified as appropriate as the GMHS is not identified as a better means of achieving the objectives or intended outcomes. As discussed below, the spatial extent, scope and detail of the GMHS does not share the same focus or application of this PP. Likewise, waiting for the GMHS is not identified as improving the efficiency, or streamlining the process of realising the objective and intended outcomes. Council is currently preparing the Tweed GMHS as a response to Tweed Shire Council's priorities to guide housing and employment opportunities throughout the Tweed Shire over the next 20 years. The GMHS is prepared at a Shire wide scale. At the time of preparing this PP, Council has indicated Phase 2 of preparing the Strategy is nearing completion. Phase 2 of the project is labelled as 'Gather Evidence' Specific to employment, the GMHS seeks the provision of sufficient employment land to meet projected growth projections within the Tweed over the next 20-year period as a benchmark of overall prosperity and support a 'work, live and play' economy. The GMHS Issues Paper: • Contains general commentary regarding the need and opportunities of health care and social assistance services • Acknowledges the increased importance of health services to support Tweed's ageing demographic • References community feedback regarding increased health services Notwithstanding the above, the GMHS has not been supported by a health market needs assessment, or like study. Further, no public facing material has identified that precinct and/or master planning for a health precinct anchored by the TVH is within scope or being pursued within the GMHS program. The significance of the TVH is recognised within the GMHS process by the Issues Paper and future phases are anticipated to involve discussion and strategies related to health care at large. Notwithstanding, the GMHS scope and application at a Shire wide level constrains the depth and detail of its investigations. In this regard, higher-order health infrastructure, such as hospitals, are not directly investigated, rather the industry sector is considered within Tweed's broader economic outlook. Accordingly, it is evident that the GMHS will not directly close existing land use gaps surrounding the TVH to form a mature health precinct. Likewise, the GMHS will not close the dramatic supply gaps for private hospital beds, operating theatres, mental health facilities and the like. In light of the above, this PP is identified as complimenting the 'bigger-picture' strategies to promote health care and social assistance within the Tweed LGA. Whilst complementary, the PP must proceed independently to ensure the specific critical health infrastructure gaps are met. Waiting for Council to finalise the GMHS is not identified as appropriate as the GMHS will not remove the need or streamline the process.

As per Table 1, the proposed LEP amendments are identified as the most appropriate method to achieve the Objectives and Intended Outcomes.

Section B – Relationship to the strategic planning framework

3.3 Question 3 - 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)?

The PP will give effect to the objectives and actions of the North Coast Regional Plan 2041, which leads strategic planning as the applicable regional plan. No district plan is identified as applicable to the subject site. An assessment of the PP against the NCRP 2041 is provided in Section 3.3.1 below.

3.3.1 North Coast Regional Plan 2041

The focus goals under the Regional Plan which are directly applicable to this PP are:

- Goal 1: Liveable, sustainable and resilient,
- Goal 2: Productive and connected,
- Goal 3: Growth, changes and opportunity

Goal 1. Liveable, sustainable and resilient

The Regional Plan identifies 10x Objectives to support the delivery of Goal 1, including but not limited to:

- Provide well located homes to meet demand
- Provide for more affordable and low cost housing
- Protect regional biodiversity and areas of high environmental value
- Support the productivity of agricultural land

Whilst this PP includes a proposal to deliver well located homes, improve housing affordability and protect areas of high environmental value the subject site is not identified within the mapped Urban Growth Area.

The subject site's location in relation to High Environmental Value and Urban Growth Area mapping is displayed below. As is displayed, HEV mapping is present to the immediate north of the site and provides a significant constraint to its use for purposes other than open space, conservation or the like. The location of the subject site immediately adjoins the existing Urban Growth Area to both the east and west is also clearly displayed.



Figures 6 & 7. High Environmental Value Mapping (Left) and Urban Growth Area Mapping (Right)

(Source: NSW Department of Planning & Environment)

The NCRP provides variation principles to the Urban Growth Area, which are discussed and assessed in full within Table 2 at the base of this assessment. The findings of Table 2 can be surmised as follows:

- The PP:
 - is considered to be consistent with the objectives and outcomes in the North Coast Regional Plan 2041 and applicable Ministerial Directions
 - does not require any change to committed and planned infrastructure
 - avoids areas of high environmental value
 - avoids risk by being located above design flood levels, on land with limited biophysical constraints and where asset protection from bushfire threat can be comfortably accommodated.
 - does not introduce land use conflict, or sensitive receivers to existing land uses,
 - comprises a minor rounding off of the Urban Growth Area boundary within the Coastal zone and on Important Farmland, connecting the urban development of Cudgen village and the TVH, which both immediate about the subject site.
 - directly responds to an urgent need for the LGA

Specific to Objective 8 – Support the productivity of agricultural land, the subject site is mapped as 'Important Farmland', which consolidates the State and Regionally Significant Farmland mapping from the Northern Rivers Farmland Protection Project 2005. The area mapped as SSF is commonly referred to as the 'Cudgen Plateau' and is the only SSF land identified within the Tweed Local Government Area (LGA). Figure 8 displays the extent of the Cudgen Plateau SSF, and identifies the subject site's location at its northeastern extent. As displayed within Figure 8, the adjoining TVH site is identified as SSF through the 2005 mapping, however has since commenced serving an urban function. As previously displayed within Figure 7, the TVH site is now included within the Urban Growth Area as per the NCRP 2041. Further, whilst land immediately north of the site is also mapped as SSF, significant constraints are present within the mapped area, inhibiting the lands capacity to produce food and fibre.

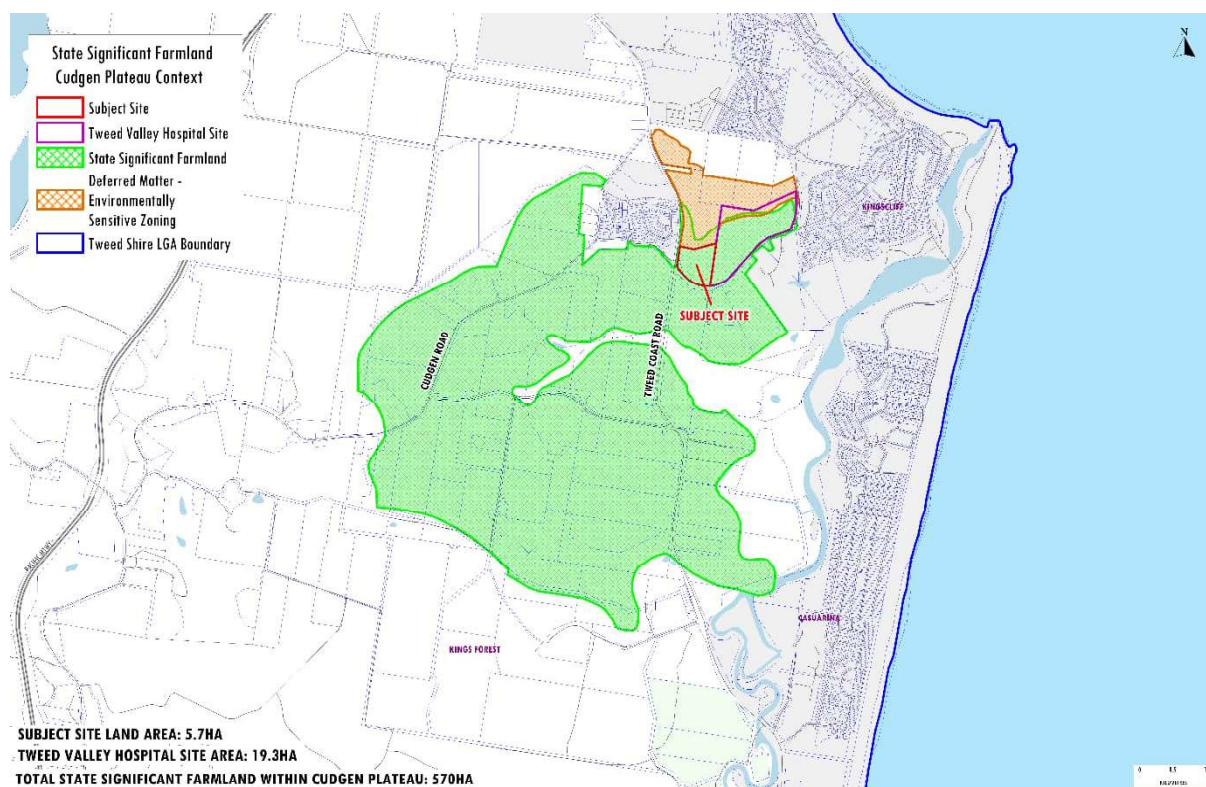


Figure 8. State Significant Farmland Protection Project 2005 – Mapping.

The PP reflects the NRCP 2041 by protecting productive farmland from urban encroachment whilst acknowledging that agricultural production may not be suitable on some small pockets of mapped important farmland due to non-biophysical factors.

The sustainable agricultural production of the subject site has been considered within the preparation of an Agricultural Capability Assessment and Agricultural Land Assessment. These 2x assessments are submitted with this PP and identify the following key findings:

- The subject site has been dormant from agricultural pursuits, specifically food and fibre production, since approximately 1989. The wider locality primarily comprises horticultural (sweet potatoes) and broadacre cropping, along with multiple tourism and value-add based pursuits.
- Soil testing has identified varying quality of conditions across the subject site, concluding that between 2.06 and 4.2ha of the 5.7ha site is considered 'biophysically suitable' for agriculture.
- The Richmond – Tweed SA4 region, often referred to as the Northern Rivers, is a highly productive agricultural area with a total local value of agriculture exceeding \$500 million, of this number beef production accounts for \$109 million, Nuts \$90 million, Potatoes \$1 million and Sugar cane \$56 million. The production on the subject site, if re-introduced into farming, would represent less than 0.005% of the value of beef, 0.007% of nut production, 3.1% of sweet potato and 0.018% of the sugar production in the SA4 region. These projections indicate that removing the site from agricultural production would not have a noticeable impact on the primary production of the region or the ability of the Tweed region to sustain a food bowl.
- No infrastructure, services and resources are established on the subject site to support agriculture. Likewise, the removal of the subject site from the Cudgen Plateau agricultural catchment would not affect any value-adding infrastructure, services or resources. Accordingly, the subject site has no impact on flow on economic and social contributions from agriculture.
- As above, no value adding enterprises are supported on or by the subject site. No existing enterprises of note would tangibly benefit from the reactivation of the site for agricultural purposes given its highly limited production potential.
- The subject site has not been identified as making a contribution of note to future agricultural industry development needs.
- The subject site can be utilised for alternative purposes whilst retaining local food production on the Cudgen Plateau, as well as retaining its SSF status.
- The subject site can be utilised for alternate purposes and improve environmental assets and catchment water quality.

In addition to the above, a Land Use Conflict Risk Assessment (LUCRA) has been prepared and integrated into the Cudgen Connection Concept Masterplan. Site-specific investigations identified that a 30m separation, plus a 10m wide biological buffer to farmland to the south and southwest would mitigate conflict between land uses. Notwithstanding the site-specific findings, a precautionary approach has been employed, including a 60m setback (inclusive of a 10m wide biological buffer) to non-residential land uses and a minimum 80m setback (again, inclusive of a 10m biological buffer) for residential uses. These provisions reflect Council's DCP framework, outside of where aerial application of pesticides are undertaken.

As evidenced within the Concept Masterplan, the PP involves sufficient land area to employ the agent of change principle and accommodate sufficient buffers on the subject site. This ensures the food and fibre potential of the Cudgen Plateau is upheld and focused on its contiguous land parcels.

Accordingly, the PP is identified as consistent with Goal 1.

Goal 2. Productive and connected

The Regional Plan identifies 7x Objectives to support the delivery of Goal 2, including but not limited to:

- Support cities and centres and coordinate the supply of well-located employment land
- Deliver new industries of the future
- Increase active and public transport usage.

As part of realising a productive and connected North Coast region, the NCRP 2041 acknowledges the role and function of centres, the need to evolve and adapt to changes in the regional economy, and the importance of their success to underpinning the success of the region. As a centre, the Kingscliff locality provides an existing NSW TAFE campus and the currently under construction \$723 million TVH. These infrastructure assets align with the Tweed Local Government Areas (LGA) largest and fastest growing economic sector, being Health Care and Social Assistance, whilst Education and Training is the LGAs 4th largest industry by employment number. The on-going development of these top-performing sectors and clusters of economic activity will continue to bring economic diversity and provide more job opportunities. Further, new investment, such as this PP, will strengthen the attractiveness of employment by harnessing their unique local qualities and competitive advantages. As is detailed within the NCRP 2041, making centres more attractive can also grow employment and business opportunities while improving the quality of life for the community.

While the strongest economic growth is anticipated to continue to be in traditional health and education jobs, knowledge intensive and creative industries are also facilitated within the PP, specifically the proposed university. These symbiotic land uses offer great opportunity to grow the local economy and make it more resilient to economic disruptions and shocks.

Though the PP focusses on essential and critical health infrastructure, the PP does facilitate supporting land uses where high levels of synergy and need have been identified. These supporting land uses, such as retail, food and drink outlets and child care provision, are of an appropriate size and scale relative to the health and education precinct they service. The application of the SP2 zone objectives will further ensure retail or other land uses are of appropriate scale and will not undermine the existing Kingscliff Town Centre, or the other activity nodes of the Tweed Coast.

The clustering of land uses within the health precinct value chain supports objectives of the NCRP 2041 by facilitating multi-purpose trips, reducing the number of trips and shortening the length of trips. Delivery of these services in a precinct format is identified as reducing congestion, encouraging healthier lifestyles and wellbeing, as well as supporting accessibility for people who do not drive. In addition, the subject site is located within a <3km radius of West Kingscliff and Kings Forest release areas, which will collectively deliver greater than 15,000 additional population increase. Close, safe and convenient access between these precincts will continue to promote active and public transport opportunity. The PP clearly seeks to 'fill in' employment and services around the TVH, which is anticipated to form the LGAs prevailing employment anchor, and further support Kingscliff as the highest order activity node along the Tweed Coast

Finally, the PP assists transitioning Tweed's economic base towards the future. Agriculture, forestry and fishing, at the time of the Northern Rivers Farmland Protection Project 2005, was the regions' 3rd largest employer. Whilst farming has played an important role in defining the character of Cudgen and within the Tweed LGAs economic composition, as identified within the supporting Economic Impact Assessment, it is now the 11th largest industry by employment number. The PP aligns with Tweed's economic engine room, and does so without reducing the agricultural outputs of surrounding farmland. Accordingly, considerable positive benefits towards the strength, depth and resilience of the Kingscliff centre are generated. The PP assists providing a platform for jobs of the future through the clustering of land uses and introduction of higher-order education and research facilities. Accordingly, the PP is consistent with Goal 2.

Goal 3: Growth, change and opportunity

The Regional Plan identifies 3x Objectives to support the delivery of Goal 3, including but not limited to:

- Plan for sustainable communities

- Public spaces and green infrastructure support connected and healthy communities
- Celebrate local character

In embedding the settlement planning principles established within the NCRP 2041, this PP has undertaken a thorough analysis to identified growth needs and opportunities within the health sector. The Needs Assessment has identified a significant shortfall in health service provisions, particularly the provision of private infrastructure. In addition, a Health Precinct Analysis has identified the best practice configuration of 'core' and 'secondary' land uses related to the public hospital 'anchor'. The combination of these reports, plus the considerations detailed within this PP have assessed supply and demand of suitable land to accommodate growth in health services and delivery of a best practice precinct. To reaffirm:

- It is clear that both State and local Government policy acknowledges the importance of delivering health services and advocate for a precinct-based approach to maximise land use synergies and leverage public investment.
- Local policy confirms the desired location of supporting critical infrastructure being above the probable maximum flood level and away from SSF.
- Whilst both State and local Government policies identify the need for precinct planning around the key public hospital infrastructure, no Government-led strategic planning or economic development assessment has been undertaken to-date.
- Further, the abovementioned strategies and spatial recommendations have been made without an exploration of delivering the core and secondary land uses needed to comprise a health precinct.
- Accordingly, beyond this PP, no clear precinct plan and/or delivery framework is in place to realise the strategy objectives sought.

In this regard, the composition of this PP is identified as the most focused investigation into a health precinct to support the TVH and ultimately completes the NSW Government's longstanding strategy. The PP properly considers the value-chain of a health precinct and closes many of the land use planning gaps identified through a precinct analysis. The PP facilitates the placement of critical infrastructure above the probable maximum flood level, in a contiguous form with existing urban land, and, as discussed earlier in this report, acknowledges within a current and future context, is upon land that no longer functions as SSF. The PP realises the Settlement Planning Principles of:

- Identifying growth needs and opportunities through in depth analysis
- Direct growth to identified urban growth areas through the subject site's immediate connection to existing urban land
- Ensure sustainable development within the coastal strip by clustering uses with a symbiotic relationship which can drive sustainable health services.
- Determining the required structure for future development by undertaking thorough analysis, Concept Masterplan and confining the PP to 'core' health precinct land uses. The PP further integrates with the growth areas identified in the Kingscliff Locality Plan, which are planned to realise the delivery of 'secondary' health precinct uses, as opposed to 'core'.
- Encourages locally responsive sustainable design by integrating into the surrounding character and form, as well as leveraging local economic strengths to support community needs.

Accordingly, the PP is consistent with the applicable strategic framework and provides a strong contribution to both local and subregional planning. The PP is consistent with Goal 3.

In addition to the 3x Goals, the NCRP 2041 provides Local Government Narratives to each LGA, outlining regional priorities, against numerous themes. The PP is not inconsistent with any stated priorities for the Tweed LGA, and facilitates the following identified priorities:

- Support environmentally sustainable development that is responsive to natural hazards.

- Foster the growth of knowledge-based and education industries within the Southern Cross University and where enabling land uses or infrastructure is present.
- Capitalise on opportunities associated with the new Tweed Valley Hospital.
- Identify emerging trends affecting work in the Tweed and develop a robust, contemporary and enabling policy framework to foster employment growth.
- Encourage employment and mixed use clustering.

The PP is consistent with the NCRP 2041, achieving consistency with the majority of the directions and actions, and where inconsistencies have been identified, supporting justification is available.

Table 2. Urban Growth Area Variation Criteria, as per the North Coast Regional Plan 2041.

Theme	Assessment Criteria	Planning Comment
Policy	The variation needs to be consistent with the objectives and outcomes in the North Coast Regional Plan 2041 and should consider the intent of any applicable Section 9.1 Direction, State Environmental Planning Policy and local growth management strategy.	As detailed above, the PP is identified as being consistent with multiple objectives and outcomes of the NCRP 2041. This PP has considered the intent of applicable SEPPs and Section 9.1 Directions, as detailed within Sections 3.6 and 3.7 respectively, and identified consistency, or, justified inconsistency with their provisions. Tweed Shire Council does not presently have an endorsed local growth management strategy (LGMS). Whilst the preparation of a draft LGMS has been underway for approximately 18x months, generally, the PP is identified as playing a valuable contribution towards the matters raised within the Issues Paper. Consultation processes for the LGMS to-date have primarily focused on thematic matters, such as housing diversity, relationship to environment and the like. Acknowledging this, as well as its 'whole of LGA' application, it is not anticipated that the LGMS will specifically unpack the delivery of supporting land uses around the TVH to deliver a best practice health precinct. Accordingly, the PP is identified as satisfying the policy assessment criteria.
Infrastructure	The variation needs to consider the use of committed and planned major transport, water and sewerage infrastructure, and have no cost to government. The variation should only be permitted if adequate and cost effective infrastructure can be provided to match the expected population.	The PP has been identified as being compatible with committed and planned transport, social, water and sewerage infrastructure. As detailed within Section 3.11 of this PP, and in greater detail within the supporting engineering, traffic and social and community needs assessments, a combination of proponent-led and broader planned network improvements have ensured adequate arrangements are in place to facilitate the rezoning. Accordingly, adequate and cost effective infrastructure can be provided to match the expected population. It is noted that more detailed infrastructure proposals and analysis will occur to facilitate future DA/s, including delivery or staging plans.

		Notwithstanding, the analysis undertaken to-date is fit-for-purpose and consistent with Attachment C of the Local Environmental Plan Making Guidelines, August 2023. Accordingly, the PP is identified as satisfying the infrastructure assessment criteria.
Environmental and heritage	The variation should avoid, minimise and appropriately manage and protect any areas of high environmental value and water quality sensitivity, riparian land or of Aboriginal and non-Aboriginal heritage.	The subject site is not mapped as containing HEV mapping, or containing riparian land. The subject site adjoins land which is mapped as possessing Coastal Wetland, the extent of which has been ground-truthed through a Baseline Ecological Assessment and confirmed as not located on the subject site. The subject site includes small and isolated fragments of regrowth lowland rainforest, which is to be avoided and impacts minimised. A Stormwater Management Plan has been prepared to demonstrate that no bar is present to realising appropriate high quality surface water quality and quantity outcomes. Acknowledging the strategic focus of the PP and need for legislation amendments prior to detailed design development, no groundwater modelling has been undertaken to-date. Notwithstanding, there is no evidence to suggest that groundwater cannot be suitably managed through the detailed design and construction process. This is reaffirmed under the Baseline Ecological Assessment and Stormwater Management Plan. No non-Aboriginal heritage has been identified on the subject site. Whilst the subject site is identified within a 'predictive' tract of land for Aboriginal cultural heritage, an AHIMS search and due diligence report by the Tweed Byron Local Aboriginal Land Council have concluded that no further cultural heritage investigations are necessary. Accordingly, the PP is identified as satisfying the environmental and heritage assessment criteria.
Avoiding Risk	Risks associated with physically constrained land are identified and avoided, including flood prone, bushfire-prone, highly erodible, severe slope, and acid sulfate soils.	The subject site does not involve significant physical constraints, such as acid sulfate soils, severe slope, or highly erodible land. Site survey has confirmed that the subject site is entirely above the Design Flood Level, and the Probable Maximum Flood (PMF) level is limited to a minor portion of the site, in the north. The southern, and majority of the land is above PMF. Immediate evacuation opportunities are available within the site, and if necessary, the site is within flood-free walking distance to the NSW TAFE Kingscliff Campus, which is a local emergency evacuation centre. The subject site is mapped as bushfire prone land. Whilst existing vegetation to the north is

		identified as a bushfire threat, the core of the bushfire mapping stems from the existing site condition as grassland. A Bushfire Risk Assessment (BRA) has been completed, identifying that the subject site has a low bushfire risk when considering the characteristics of the vegetation including fragmentation, public exposure and access and previous bushfire history. An assessment of the proposed land zoning against the specific Bushfire Protection Measures of Planning for Bushfire Protection 2019 has concluded that future Development Applications have the capacity to satisfy relevant provisions. Furthermore, the BRA concludes that the Concept Masterplan, in combination with bushfire protection measures, will not result in areas that are difficult to evacuate, create control difficulties during a bushfire, adversely affect other bush fire protection strategies or place existing development at increased risk. Accordingly, the PP is identified as satisfying the avoiding risk assessment criteria.
Coastal Strip	Only minor and contiguous variations to urban growth areas will be considered within the coastal strip due to its environmental sensitivity and the range of land uses competing for this limited area.	The subject site comprises a 5.7ha parcel within the broader Kingscliff and Cudgen settlement context. The subject site is bordered by land within the Urban Growth Area to the immediate east (being the TVH site and towards Kingscliff Hill residential area) and west (being the Cudgen village settlement). In addition, future planning for the Kingscliff locality identifies all land, with the exception of the subject site, north of Cudgen Road and east of Tweed Coast Road for urban purposes, unless environmental conservation values are present. When considering the Urban Growth Area immediately adjoins the site to the east and west, and land uses to the north of the site are also intended to predominately form urban purposes, the variation to the Urban Growth Area boundary is minor and contiguous. Accordingly, the PP is identified as satisfying the coastal strip assessment criteria.
Land Use Conflict	The variation must be appropriately separated from incompatible land uses, including agricultural activities, sewerage treatment plants, waste facilities and productive resource lands.	The subject site is not identified as being within proximity to any potentially incompatible land uses, other than agricultural activities. Whilst a wastewater treatment plant is located within the locality, a separation distance of approximately 1.5km is in place, providing a more than adequate spatial buffer. Agricultural land is located to the south and south west of the site. Whilst land to the south of the site is not actively cultivated at present, to uphold strategic intent expressed through the applicable planning framework (lead by the North Coast Regional Plan 2041 and its important farmland mapping) a Land Use Conflict Risk

		Assessment (LUCRA) has been pursued to ensure the subject site supports active farmland to the south west and does not reduce or limit the agricultural opportunity of dormant farmland to the south. The LUCRA is contained within the submitted Agricultural Land Assessment (ALA). The majority of the Cudgen Plateau, including the active farm to the southwest, is currently used for small crops and other cereal and fodder crops. As such, the LUCRA has presumed this form of enterprise should the southern site be re-activated for farming. The LUCRA has considered existing literature and planning framework, noise, dust and chemical spray drift, as well as pursuing adjoining landowner consultation. Considering applicable guidelines and having regard for the specifics of the subject land, the recommended buffer to farmland (south and southwest) detailed by the LUCRA comprises two components; a 10m wide biological buffer of vegetation; and an open space separation of 30m provided by Cudgen Road and its associated easement. This will give a total minimum buffer width of 40m. Notwithstanding this site-specific finding, the Concept Masterplan takes a precautionary approach and embodies a 60m buffer to non-residential uses and a greater than 80m buffer for residential uses. These larger spatial buffers still retain the 10m biological buffer prescribed in the LUCRA. Acknowledging the above, it is evident that the subject site is capable of providing appropriate separation from incompatible land uses, without burdening external land. Accordingly, the PP is identified as satisfying the land use conflict assessment criteria.
Important Farmland	The planning area is contiguous with existing zoned urban land and the need and justification is supported by a sound evidence base addressing agricultural capability and sustainability and is either for: • a minor adjustment to 'round off an urban boundary', or • if demonstrated through a Department approved local strategy that no other suitable alternate land is available, and if for housing, that substantial movement has been made toward achieving required infill	As detailed above, the subject site is contiguous with existing zoned urban land. Likewise, the subject site comprises a singular land use void from the urban settlement pattern north of Cudgen Road and east of Tweed Coast Road within the locality's future planning. As detailed throughout this PP, the need and justification to utilise the subject site for health services and supporting, complementary uses is evident by virtue of the: • Significant gaps in health services provision, both existing and projected. • Need to cluster 'core' supporting land uses within a walkable catchment to create best practice. • The limitations of alternate sites to deliver best practice outcomes by virtue of constraints such as separation distances, flooding and evacuation, existing land fragmentation and

	targets within existing urban growth area boundaries.	suitable integration into the wider urban context. This evidence base is led by a Health Needs Market Assessment and Health Precinct Analysis, as well as the commentary provided within this PP. Agricultural capability and sustainability has been considered through the preparation of an Agricultural Capacity Assessment and an Agricultural Land Assessment. These assessments have considered the agricultural potential of the land, for various crop types, inclusive of their management. The Agricultural Capacity Report ultimately concludes that the subject site has a number of limitations which restrict its ability to facilitate sustainable agricultural production. Limitation identified include but not limited to: • Minor land size and significant limitations for amalgamation with larger, contiguous farmland areas. • Slopes and surrounding environmental attributes which limit the land area available for agricultural production and their management (such as application of pesticides). • Lack of existing enabling infrastructure on-site and within the value-chain. Production and economic values range, and generally represent values of less than 0.006%, up to 6.6% of economic value per crop type within the Statistical Area 4 (SA4) area. As a result, removing the site from the agriculturally productive area within the Tweed LGA would have negligible impact on its agricultural base, production and the off-farm agricultural infrastructure servicing the area (such as labour, supply chain and processing). Finally, the 'filling-in' of the subject site is identified as comprising a minor adjustment to 'round off the urban boundary' which currently exists to the immediate east and west. Accordingly, the PP is identified as satisfying the Important Farmland assessment criteria.
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3.4 Question 4 - Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

The PP is consistent with the vision and planning priorities outlined within the Tweed LSPS. Whilst the PP is not identified as consistent with Action 6.6 as the subject site is identified as SSF, as is established within this PP, the evolved context of the land means its identification as significant farmland is no longer tenable, and the subject site warrants inclusion within the otherwise contiguous urban growth area.

In a similar manner, the PP is not identified as consistent with the provisions of the Tweed Rural Land Strategy 2036 (Tweed RLS), which seek, amongst others, to encourage sustainable agricultural production and protect agricultural land. Again, the origin of this direction, as it relates to the subject site, is formed from the existing SSF identification within the NRFPP 2005. This PP comprises a strategic analysis, which considers the provisions of the NCRP 2041, and establishes that agriculture is no longer the highest and best use of the site. Accordingly, the PP is determined to be justifiably inconsistent with the Tweed RLS.

Further detailed assessment of both these matters is provided below, noting that no other local strategy of relevance, such as the Kingscliff Locality Plan or draft/in-preparation Local Growth Management and Housing Strategy, have been endorsed by the Planning Secretary, or their delegate.

3.4.1 Tweed Local Strategic Planning Statement

In June 2020, Tweed Shire Council adopted the Tweed Local Strategic Planning Statement 2020 (Tweed LSPS), which details a 20-year vision for land use within the Tweed LGA. The Tweed LSPS acknowledges projected population growth and corresponding need for development in the Tweed over the next 20 years is significant and will be concentrated within Tweed's coastal strip. Further, providing employment opportunities, promoting business investment, and advocating for essential transport links will be essential to maintain the Tweed's positioning as a most desirable and liveable destination, particularly as climate changes further shrinks Tweed's availability of land without significant constraint. Accordingly, the Tweed LSPS establishes the following vision:

In 2040, the Tweed's vibrant urban, coastal and rural communities will be recognised for adapting to the challenges of climate change and population growth in a way that protects and enhances our internationally significant natural environment, maintains a highly desirable lifestyle, and supports a thriving local economy.

The PP responds to the identified challenges and established vision by proposing significant investment, health services, education opportunities and public transport provisions immediately adjoining the primary employment anchor on the Tweed Coast, being the TVH. The PP is also identified as central to the Tweed Coast's population growth, with greater than 15,000 residents planned for within a 3km radius of the subject site, and on land free of significant constraint. The proposal is consistent with the Tweed LSPS and specifically helps achieve the following themes:

- Natural Environment
 - Planning Priority 5: Safeguard the fragile coastal strip by protecting a green belt delineation between coastal settlements to limit urban sprawl and conserve natural landscapes.
- Thriving Economy
 - Planning Priority 6: Promote a strong, sustainable, and diverse economy with a robust economic policy framework to facilitate investment and local employment opportunities.
 - Planning Priority 9: Promote a diverse tourism industry that is in harmony with, and leverages off, the Tweed's natural environment, rich cultural and heritage assets, emerging niche rural industries, and enhances local communities, culture and environment.
- Liveable Communities
 - Planning Priority 11: Cultivate a desirable and healthy lifestyle choice with a strong sense of community, diverse places for people to be happy, build resilience, feel safe and be well connected.
 - Planning Priority 14: Preserve and enhance the distinctive characteristics of our centres, towns and villages that make them special and unique, into the future.
- Diverse Housing and Lifestyles
 - Planning Priority 15: Deliver housing supply and associated infrastructure to meet the needs of a growing population whilst sensitive environmental and agricultural hinterlands are protected.

- Planning Priority 18. Promote innovation and best practices for climate responsive and ecologically sustainable building design and construction.

The extent of inconsistency between the PP and the Tweed LSPS is identified as limited to the subject site's historic identification as SFF. The primary relevant matter, being Action 6.6, reads as follows:

6.6 Review land-use planning to support community access to educational and hospital or related health care services and to leverage economic benefits and new education or health sector business opportunities outside of the significant farmland areas.

As is detailed throughout this PP, the subject site has been thoroughly assessed under the provisions of the NCRP 2041, which provide a more contemporary framework than the NRFPP 2005 and the Tweed LSPS, as well as being a higher-order strategic plan. Against the NCRP 2041 framework, the sustainable agricultural production capabilities of the subject site have been considered, as well as its role, function and relationship within the Cudgen Plateau and Tweed's wider agricultural economy. This assessment process has established that through the change in context to the site, its limited agricultural potential and the ability to mitigate land use conflict to adjoining farmland which is contiguous, the land is better suited to alternate purposes, specifically for health service infrastructure delivery.

In addition to the above, the assessments undertaken within this PP have included a land use planning review to support community access to educational and hospital or related health care services and to leverage economic benefits and new education or health sector business opportunities. These assessments have highlighted significant limitations to realising these outcomes without the inclusion of the subject site. Specifically:

- Land to the north possesses limited emergency evacuation opportunities, which are required for critical infrastructure and sensitive land uses.
- Land to the east and west are both highly fragmented and have established character as low density residential areas. No planning strategy is articulated to transition away from this existing character or land use.
- Land to the south is identified as being a large contiguous land tract of SSF.

As such, this PP identifies that there is limited to no capacity to reflect best practice and deliver the desired education and health services facilities to meet the unsupplied and growing health services need of the community outside of the subject site.

Accordingly, the PP is justifiably inconsistent with Action 6.6 and consistent with the provisions of the Tweed LSPS.

3.4.2 Tweed Rural Land Strategy 2036

Tweed Shire Council has prepared the Tweed Rural Land Strategy (Tweed RLS) that provides a framework for the planning and management of rural land across the Shire. NSW DPE has provided a conditional endorsement of the Tweed RLS.

The Tweed RLS comprises 9x primary policy directions, including encouraging agricultural production and protecting agricultural land, and is supported by a 141x Action Implementation Plan. It is understood that the Tweed RLS did not review the extent of mapped Important Farmland, nor does it contain an action to review the accuracy or strategic extent mapping. Accordingly, the scope of the Tweed RLS is to promote productive use of agricultural land within the confines of agricultural land as per existing zones, or the like.

As is discussed throughout, this PP has pursued a deeper, site-specific and strategic review of the land, including, but not limited to:

- Analysis of soil types.
- Compatibility of farming with the land and its context.
- Consideration of farming infrastructure and barriers.
- Economic modelling based on number farming types.

These assessments have identified limited agricultural potential, despite the existing land zoning and its identification as SSF. Through strategic assessment, the land is no longer suited for agricultural use and given its context, scale and production limitations. Likewise, development of the site for critical private health and education infrastructure is not identified as having any detrimental impact on wider agricultural practices.

Accordingly, the PP is identified as justifiably inconsistent with the Tweed RLS.

3.5 Question 5 - Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The PP is identified as consistent with numerous State strategies, including but not limited to Future Transport Strategy 2056, Net Zero Plan, and NSW 2040 Economic Blueprint. These statewide, and 'high-order' strategies do not prescribe specific detail of relevance to the PP, however a positive contribution towards their objectives is made by pursuing best practice outcomes which align with the Tweed LGAs largest and fastest growing employment industry.

Whilst also comprising higher-order strategies the 20-year Economic Vision for Regional NSW (the Economic Vision), the Tweed Regional Economic Development Strategy (2018 – 2022 and 2023 Update), are both of increased relevance to the PP. The PP is consistent with these strategies, as detailed below.

Finally, the Tweed Regional City Action Plan (RCAP) also comprises a regional study/strategy. Despite its primary focus on Tweed Heads, including the future repurposing of the Tweed Heads Hospital, the PP is consistent with the provisions of the RCAP.

3.5.1 20-year Economic Vision for Regional NSW

As per the Economic Vision, the subject site is positioned within the Tweed Functional Economic Region (FER). The Tweed LGAs 'metro satellite' role in conjunction with the South East Queensland urban conurbation is well-documented.

The TVH development provides an economic endowment to Tweed's service-based economy, leveraging a strong health and social assistance sector to provide services beyond the Tweed LGA, to Byron, before the Lismore Base Hospital services communities further south and west. Through this PP, the subject site holds capacity to deepen economic specialties and strengthen the economic communities of interest.

The Economic Vision also identifies that the State's metro satellites will transform from satellite areas of bigger cities, to become major hubs in their own right. Accordingly, supply and attraction of population growth, lifestyle and employment opportunities and establishing key transport links that enable a flow of commuters, goods and services are essential. By accelerating the opportunities of the Kingscliff locality and unlocking the land use and investment potential of the subject site, the PP makes meaningful and positive contributions towards the evolution of the settlement into a stronger economic centre.

Finally, the Economic Vision acknowledges the key employing industry of the metro satellites, being health care and social assistance. Projected to have almost 25,000 more jobs between now and 2038, the Economic Vision identifies healthcare and social assistance economies and growth will be particularly apparent in areas such as Tweed, the Hunter and the Central Coast, where growing populations of retirees will generate demand for health and lifestyle services. The Market Assessment and Economic Impact Assessments prepared with the PP align and solidify these findings. Accordingly, the PP forms an exemplary project to capitalise on the strategic opportunities afforded to the site, locality and wider subregion.

3.5.2 Tweed Regional Economic Development Strategy

Bridging the 20-year Economic Vision for Regional NSW and the local, but largely outdated Tweed Economic Development Strategy 2014 is the Tweed Regional Economic Development Strategy 2018-2022 and 2023 Update (REDS). The REDS is prepared by NSW Department of Premier and Cabinet in collaboration with Tweed Shire Council and detail a number of key provisions, including:

- A vision to provide high quality services, products and experiences amidst a remarkable natural environment, vibrant population centres and close integration with South East Queensland
- Acknowledgement that Tweed Shire's key endowments lie in its access to South East Queensland and other adjoining Regions; excellent infrastructure and services, including the TVH; and spectacular natural environment and cultural heritage
- States the cultivation of Tweed Shire's specialised economic precincts and activities as a key strategic imperative
- States the development and implementation of a Precinct Strategy for the TVH as a key strategic imperative to support expanded workforce capability.
- Acknowledgement of a 'risk premium' to development and entrepreneurship, curtailing the industry response to accommodating new residents or putting their skills to work in new ventures and initiatives, or in some cases making development prohibitive.

The PP and Cudgen Connection is consistent with and delivers a majority contribution towards the key focus on precinct development and the overarching policy initiatives.

3.5.3 Tweed Regional City Action Plan

The Tweed Regional City Action Plan (RCAP) was prepared to support Tweed thriving, building on the opportunities created by major public and private investment. The RCAP establishes a vision where:

The Tweed Regional City is a connected, sustainable city with a distinctive sense of place. The people protect and celebrate the beauty and diversity of the natural environment and take pride in their cultural story and community connections. As the northern gateway to New South Wales, Tweed Regional City is economically resilient and diverse and delivers on its potential as a welcoming city to live, move, work, meet and play

The RCAP primarily focusses on the Tweed Heads and Tweed Heads South localities, which comprise primary urban renewal and central business districts. In doing so, the RCAPs discussion regarding the TVH is limited to 2x core matters being:

1. **Establishing a shared vision for the existing hospital site, canvassing opportunities for alternative uses.** The RCAP identifies an action to develop a vision and a coordinated masterplan for the current Tweed Hospital site and surrounding precincts, noting major retail, hospitality or entertainment type uses may be just as, if not more, suitable in this location than a hospital.
2. **Complete the Tweed Place Based Transport Plan to support the shared vision for Tweed and investigate improved local and interstate accessibility and connectivity including connections between Gold Coast Airport, the new Tweed Valley Hospital and wider city.** The RCAP recognises that in providing a connected city the Tweed Place-Based Transport Plan will investigate future transport network upgrades, including new links to areas such as the Gold Coast Airport, Southern Cross University, Kingscliff TAFE and the new Tweed Valley Hospital will support and sustain future growth.

Notwithstanding the limited direct content of the RCAP to the PP, the PP is complimentary and realises several of the goals and objectives of the RCAP, including but not limited to:

- Facilitate housing choice in distinctive, well-connected centres.
- Deliver increased opportunities for affordable housing.
- Strengthen resilience to climate change and its impacts.
- Develop an integrated place-based transport network that delivers a connected Tweed.
- Support more people to walk, cycle and take public transport.
- Support a vibrant city centre and a network of connected precincts.
- Create places that encourage healthy activities throughout the city.

3.6 Question 6 – Is the planning proposal consistent with applicable SEPPs?

The PP is identified as consistent with applicable SEPPs. An assessment of the PP against the relevant SEPPs is provided below. This analysis addresses all of the SEPPs that were identified by Council during the formal pre-lodgement consultation program for this PP.

3.6.1 SEPP (Planning Systems) 2021

SEPP (Planning Systems) 2021 primarily identifies planning pathways and consent authority details. Its application is identified as statewide.

The SEPP (Planning Systems) 2021 does not prescribe any strategic planning matters, nor identify the subject site as Aboriginal Land, or as an identified site for State Significant Development or Infrastructure. Drafted to have effect on applications made under Part 4 of the Act, the SEPP (Planning Systems) 2021 has no direct content or relationship with the PP.

Notwithstanding, should the PP be implemented, to realise the intended outcomes, future Development Application/s are anticipated to be identified through the SEPP (Planning Systems) 2021 as State Significant Development by virtue of the land use types and value. No inconsistencies between the PP and SEPP (Planning Systems) 2021 are identified.

3.6.2 SEPP (Biodiversity and Conservation) 2021

SEPP (Biodiversity and Conservation) 2021 does not prescribe any strategic planning matters specific to the subject site. Drafted to have effect on applications made under Part 4 of the Act, the SEPP (Biodiversity and Conservation) 2021 has no direct content or relationship with the PP.

Notwithstanding, indirect outcomes identified should the PP be implemented include:

- Chapter 2 Vegetation in non-rural areas will be applicable to the subject site (Chapter 2 does not currently apply to the site by virtue of its location and land use zoning)
- Chapter 4 Koala habitat protection 2021 will apply to the subject site, as opposed to the current Chapter 3 Koala habitat protection 2020 provisions.

To realise the intended outcomes, future Development Application/s will involve assessment against Chapter 2 and 4 of the SEPP, which in turn involves assessment against the Tweed Development Control Plan (Tweed DCP) and Tweed Coast Comprehensive Koala Plan of Management.

Preliminary consideration of these matters has been undertaken through the Basic Ecological Assessment (BEA) prepared by Cumberland Ecology. As identified within the BEA, the subject site is identified as accommodating several vegetation tracts that the Tweed DCP prescribes setbacks from, as well as scenarios where variations are appropriate. A number of these potential variations apply to vegetation within the subject site and several setbacks created from vegetation on adjacent properties not in the same ownership. The setbacks prescribed within Section A19 of the Tweed DCP will continue to be reviewed through Concept Masterplan evolution and the avoid, minimise, offset hierarchy upheld. Likewise, a Vegetation Management Plan outlining how retained vegetation and setbacks will be managed to ensure positive environmental outcomes will be prepared for future DA/s, as per the planning framework.

The Basic Ecological Assessment indicates that existing koala sightings and the location of food trees were assessed and no barriers to achieving appropriate outcomes in relation to koalas have been identified. Notwithstanding, a more detailed assessment will be pursued through the future preparation of a Development Application/s, in the form of a Biodiversity Development Assessment Report (BDAR).

No inconsistencies between the PP and SEPP (Biodiversity and Conservation) 2021 are identified.

3.6.3 SEPP (Resilience and Hazards) 2021

SEPP (Resilience and Hazards) 2021 contains 3x chapters, relating to coastal management, hazardous and offensive development and remediation of land respectively to integrate, coordinate and standardise the management of resilience and hazard. The SEPP (Resilience and Hazards) 2021 does not prescribe any strategic planning criteria, however does function in an integrated manner with Ministerial Direction 4.4 Remediation of Contaminated Land. Drafted to have effect on applications

made under Part 4 of the Act, the SEPP (Resilience and Hazards) 2021 has no direct content or relationship with the PP.

Indirectly, the PP increases the density potential for residential uses, as well as other sensitive land uses to potential land contamination, such as child care.

Preliminary and Detail Site Investigations assessments were undertaken to establish the likelihood of site contamination, the suitability of the land uses proposed, and the potential need for remediation. These investigations concluded that no further investigation or remediation is required for the Cudgen Connection proposal.

The subject site is identified within Coastal Wetland and Proximity to Coastal Wetland mapping. Coastal Zone mapping mirrors the extent of the Proximity to Coastal Wetland mapping. A mapping extract is displayed in Figure 9. Of note, the subject site is not identified within Coastal Vulnerability, Coastal Environmental Area or Coastal Use mapping.



Figure 9 Coastal Wetland and Proximity Area Mapping Extract.

A BEA was undertaken, which has confirmed through ground truthing that the extent of coastal wetland is located outside of the site and wholly within land adjoining the subject site to the north.

Further, a Stormwater Management Plan (SMP) has been prepared, detailing the quantity and quality of surface water flows through the site, to the north, being the adjacent coastal wetland. This SMP prescribes maintaining existing overland flows along the eastern and western boundaries of the site from external (southern) catchments, as well as treating the subject site's stormwater to a neutral or beneficial effect standard. This strategy measures are also broadly displayed within the Concept Masterplan.

The BEA and SMP assessments reflect the scope of assessment prescribed within Attachment C of the Local Environmental Plan Making Guideline, and do not identify any bar to upholding:

- the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
- the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

In the unlikely scenario that groundwater limits the delivery of components of the Concept Masterplan, such as the proposed undercroft carparking, an evolved masterplan can be pursued to limiting excavation and reduce potential impacts on groundwater. Notwithstanding, the PP provisions do not generate an inherent impact or inability to manage groundwater.

More detailed coastal management, contamination and hazardous and offensive development assessments are applicable to future preparation of a Development Application/s, including but not limited to groundwater testing. No inconsistencies between the PP and SEPP (Resilience and Hazards) 2021 are identified.

3.6.4 SEPP (Sustainable Buildings) 2022

In seeking to encourage the design and delivery of sustainable buildings in NSW, SEPP (Sustainable Buildings) 2022 does not prescribe any strategic planning criteria or provisions. Drafted to have effect on applications made under Part 4 of the Act, the SEPP (Sustainable Buildings) 2022 has no direct content or relationship with the PP.

Notwithstanding, should the PP be implemented, no barriers have been identified to achieving the sustainability targets established energy and water use, as well as thermal performance within the Cudgen Connection proposal.

3.6.5 SEPP (Exempt and Complying Development Codes) 2008

SEPP (Exempt & Complying Development Codes) 2008 provides a statewide approach to identifying development that is exempt from requiring development consent, or, able to be pursued by way of a Complying Development Certificate. Whilst a range of development is facilitated through SEPP (Exempt and Complying Development Codes) 2008 under both the current and proposed LEP framework for the subject site, none are identified as of specific relevance to the PP. Accordingly, no inconsistencies between the PP and SEPP (Exempt & Complying Development Codes) 2008 are identified.

3.6.6 SEPP (Housing) 2021

In seeking to enable and encourage diverse housing with minimal climate and environmental impact, SEPP (Housing) 2021 provides a planning framework to facilitate and guide various housing and tenure forms. SEPP (Housing) 2021 does not prescribe any specific strategic planning criteria or provisions, beyond providing land use permissibility to specific building types. Drafted to have effect on applications made under Part 4 of the Act, the SEPP (Housing) has no assessment content directly relevant to the PP.

Notwithstanding the above, the SEPP (Housing) 2021 may form a key component of framework legislation for the Cudgen Connection proposal at-large, particularly the essential worker housing outcomes. At present, several of the potential delivery and tenure types detailed are solely defined

within the SEPP (Housing) 2021, as opposed to being defined within the Tweed LEP 2014, or the Standard Instrument Order 2006 at-large, such as build to rent and affordable housing.

In this regard, this PP seeks to ensure the permissibility of residential flat buildings to deliver housing as per the Objective and Intended Outcomes. This amendment to the planning framework then enables greater use of the SEPP (Housing) 2021 to specifically explore and deliver housing and/or alternate tenure models to deliver and retain essential worker housing. Without the amendments sought to the Tweed LEP 2014 by this PP, the density and tenure outcomes for residential accommodation cannot be achieved on the subject site.

Accordingly, no inconsistencies between the PP and SEPP (Housing) 2021 are identified, instead the PP directly facilitates the delivery of much needed additional and diverse housing to underpin the employment sustainability of the \$1+ billion health and education precinct.

3.6.7 SEPP (Industry and Employment) 2021

SEPP (Industry and Employment) 2021, compiles chapters relating to the Western Sydney employment area, as well as Advertising and signage. Drafted to have effect on applications made under Part 4 of the Act, the SEPP (Industry and Employment) 2021 has no direct content or relationship with the PP.

Notwithstanding, should the PP be implemented, to realise the intended outcomes, future Development Application/s will involve assessment against Chapter 3 Advertising and signage, which contain provisions which ensure signage is compatible with the desired amenity and visual character of an area. A more detailed assessment of signage particulars will be pursued through the future preparation of a Development Application/s. Accordingly, no inconsistencies between the PP and SEPP (Industry and Employment) 2021 are identified.

3.6.8 SEPP No 65 – Design Quality of Residential Apartment Development

In seeking better quality, look, feel and sustainability for residential apartment development in NSW, SEPP 65 does not prescribe any strategic planning criteria or provisions. Drafted to have primary effect on DCP preparation and applications made under Part 4 of the Act, the SEPP 65 has no direct content or relationship with the PP.

Supplementary to SEPP 65 is the Apartment Design Guide (ADG). The ADG provides assistance in identifying an area's context, developing LEP and DCP controls, the assessment of Development Applications and the potential use and processes of design review panels.

Of note, the ADG identifies common settings for residential flat buildings as including:

- strategic centres
- local centres
- urban neighbourhoods
- suburban neighbourhoods

Acknowledging the location of the subject site between the TVH to the east and Cudgen village to the west, the subject site sits at the interface of emerging suburban and urban neighbourhood character areas. When considering the wider scale, as is discussed throughout this PP, the subject site comprises the sole land parcel northeast of the Tweed Coast Road and Cudgen Road intersection which is not identified for urban purposes where ecological constraint is not present. In this regard, the site's use for residential flat buildings (amongst other land uses) is compatible with the emerging character and overarching urban structure.

Whilst SEPP 65 and the ADG involve an indirect relationship with the PP, no barriers have been identified to achieving the aims, objectives and design quality principles of SEPP 65 through the Cudgen Connection proposal. Rather, the particulars of the subject site give rise to the delivery of high-quality built form and living options within a connected precinct setting. Accordingly, no inconsistencies between the PP and SEPP 65 are identified.

3.6.9 SEPP (Primary Production) 2021

SEPP (Primary Production) 2021 contains 2x Chapters related to primary production and rural development (Chapter 2) and the Central Coast plateau areas (Chapter 3). As the subject site is not located within the Central Coast plateau area, relevant content is confined to Chapter 2.

Chapter 2 aims to facilitate the orderly economic use and development of lands for primary production, reduce land use conflict and sterilisation of rural land, as well as encourage sustainable agriculture. SEPP (Primary Production) 2021 does so by identifying State significant agricultural land, identifying planning pathways for farm activities and aquaculture. Of note, the subject site, nor the wider Cudgen Plateau area is identified within SEPP (Primary Production) 2021 as State significant agricultural land.

Schedule 4 of the SEPP (Primary Production) 2021 provides additional heads of consideration for subdivision, dwellings, intensive livestock agriculture and aquaculture. Schedule 4 is not identified as applicable to the subject site due to its identification within the Land Application Map for the Tweed LEP 2014. Notwithstanding, this PP has extensively considered and mitigated the opportunity for land use conflict with adjoining farmland by assessing:

- the existing uses and approved uses of land in the vicinity of the subject site,
- whether or not the PP is likely to have a significant impact on land uses beyond the site, specifically the ongoing primary production opportunities of land uses in the vicinity of the development to the south and southwest,
- whether the development is likely to be incompatible with the farming land uses to the south and southwest
- measures proposed to avoid or minimise any incompatibility with those adjoining farming land uses.

The Land Use Conflict Risk Assessment, as detailed within the Agricultural Land Assessment, concluded that suitable spatial and biological buffers are available to mitigate land use conflict and ensure the Cudgen Connection proposal does not reduce the agricultural opportunities of the wider Cudgen Plateau. Accordingly, no inconsistencies between the PP and SEPP (Primary Production) 2021 are identified.

3.6.10 SEPP (Resources and Energy) 2021

SEPP (Resources and Energy) 2021 provides planning pathways and provisions for mining, petroleum production and extractive industries generally, as well as extractive industries in Sydney. The desired amendments to the Tweed LEP 2014 detailed within this PP do not give rise to a change in permissibility for mining, petroleum production or extractive industries, nor does the Cudgen Connection Concept Masterplan seek these or related outcomes. In light of the above, no inconsistencies between the PP and SEPP (Resources and Energy) 2021 are identified.

3.6.11 SEPP (Transport and Infrastructure) 2021

SEPP (Transport and Infrastructure) 2021 provides planning pathways, as well as assessment and referral provisions for infrastructure provision and education establishments across NSW. These provisions form the delivery mechanics to, amongst others, improving regulatory certainty and efficiency for infrastructure and the provision of services. Of note, SEPP (Transport and Infrastructure) 2021 provides permissibility to health services facilities and educational establishments, however neither of these land use types are facilitated within the present RU1 Primary Production zoning. As such, the SEPP currently has no genuine effect on the subject site or PP.

Notwithstanding, should the PP be made, any future DA/s that seeks to deliver the Concept Masterplan are anticipated to trigger referral requirements to both Transport for NSW (as a traffic generating development, outlined in Schedule 3), and Essential Energy (as development likely to affect an electricity transmission or distribution network). As per the Local Environmental Plan Making Guidelines, pre-lodgement consultation was pursued, including referral to agencies. Through this referral process, commentary was received from Transport for NSW, as per the pre-lodgement minutes issued. Comments received do not identify any prohibition to the PP. Reflecting Attachment

C – Supporting Technical Information of the Local Environmental Plan Making Guidelines, assessment to-date has been fit-for-purpose and acknowledges the further referral provisions of the SEPP (Transport and Infrastructure) 2021 which will directly assess a formal development proposal/s.

Drafted to facilitate exempt infrastructure development, along with applications made under Part 4 and 5 of the Act, the SEPP (Transport and Infrastructure) 2021 has no direct content or relationship with the PP. Indirectly, should the PP ultimately be made, the subject site would be identified as a prescribed zone, which, whilst minimal, in-turn increases the opportunity to facilitate health and education land uses as complying development types. Accordingly, no inconsistencies between the PP and SEPP (Transport and Infrastructure) 2021 are identified, instead the PP directly facilitates the delivery of much needed infrastructure and provision of health and education services.

3.6.12 SEPP (Precincts – Regional) 2021

SEPP (Precincts – Regional) 2021 collates specific provisions for State Significant and Activation Precincts, the Kosciuszko Alpine Region and Gosford City Centre. The SEPP (Precincts – Regional) 2021 does not prescribe any strategic planning matters relevant to the PP, likewise, the subject site is not identified within any of the geographic focus areas. In light of the above, no inconsistencies between the PP and SEPP (Precincts - Regional) 2021 are identified.

3.7 Question 7 – Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The PP is identified as consistent with applicable Ministerial Directions. Of note, the PP is identified as inconsistent with Direction 9.4 – Farmland of State and Regional Significance on the NSW Far North Coast, however, satisfies the terms by which a Planning Proposal may be inconsistent with the direction, specific by being consistent with the North Coast Regional Plan 2041.

An assessment of section 9.1 Ministerial Directions is provided below.

Table 3: Assessment of section 9.1 Ministerial Directions

Ministerial Direction	Planning Commentary
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans Objective The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. Application This direction applies to a relevant planning authority when preparing a planning proposal for land to which a Regional Plan has been released by the Minister for Planning. Direction 1.1	Consistent. Direction 1.1 applies to the PP as the North Coast Regional Plan 2041 was released by the Minister for Planning in December 2022. The PP is consistent with the NCRP 2041. Specifically, the PP: • Supports cities and centres by coordinating the supply of well-located employment land. • Increases the opportunity for active and public transport usage by clustering key employment anchors and providing supporting infrastructure. • Assists planning for sustainable communities by identifying and responding to growth needs and opportunities. • Protects regional biodiversity by avoiding areas of high environmental value. • Improves housing affordability. • Demonstrates consistency with the Urban Growth Area Variation Principles.

(1) Planning proposals must be consistent with a Regional Plan released by the Minister for Planning. Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary), that: (a) the extent of inconsistency with the Regional Plan is of minor significance, and (b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of the Regional Plan's vision, land use strategy, goals, directions or actions.	Whilst the site is located outside of the mapped Urban Growth Area, the Urban Growth Area Variation Principles have been assessed and identified as met through this PP. Salient points include: • The PP is identified as consistent with the objectives and outcomes in the NCRP 2041 and intent of applicable section 9.1 Directions and SEPPs. • Adequate and cost effective infrastructure can be provided to match the expected population, at no cost to Government. • The PP avoids high environmental value areas, Aboriginal and non-Aboriginal heritage. • The site is not significantly encumbered by land constraints, rather, benefits from being above the design flood level and possessing a gentle northern aspect. • The site is contiguous with the urban growth area to the immediate east and west. • Demonstrates suitable separation from adjoining agricultural activities. • Comprises a minor adjustment to 'round off an urban boundary' and highlights that no other suitable alternate land is presently available.
1.2 Development of Aboriginal Land Council land	Not Applicable. The provisions of Direction 1.2 do not apply to the PP as the subject site is not identified on the Land Application Map of Chapter 3 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i>.
1.3 Approval and Referral Requirements Objective The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. Application This direction applies to all relevant planning authorities when preparing a planning proposal. Direction 1.3 (1) A planning proposal to which this direction applies must: (a) minimise the inclusion of provisions that require the concurrence, consultation or	Consistent. Direction 1.3 applies to all planning authorities preparing a Planning Proposal. The PP does not: • include any additional referral or concurrence provisions. • contain provisions requiring concurrence, consultation or referral. • identify any development as 'designated development'.

referral of development applications to a Minister or public authority, and

(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:

i. the appropriate Minister or public authority, and

ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and

(c) not identify development as designated development unless the relevant planning authority:

i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and

ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.

1.4 Site Specific Provisions

Objective

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

Application

This direction applies to all relevant planning authorities when preparing a planning proposal that will allow a particular development to be carried out.

Direction 1.4

(1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:

(a) allow that land use to be carried out in the zone the land is situated on, or

(b) rezone the site to an existing zone already in the environmental planning

Consistent. Direction 1.4 is identified as applicable as the PP allows a particular development, being Cudgen Connection, to be carried out.

The PP is consistent with the directive as it is proposed to rezone the site to an existing zone already in the Tweed LEP 2014. Whilst development standards are proposed within the PP, the standards are not in addition to those already contained in that zone.

Specifically:

- A height of buildings development standards may be implemented, however the standard referenced is not identified as incongruent with the SP2 zone.
- Minimum lot size development standards are sought to be removed. This outcome is directly aligned and compatible with the SP2 zone.
- An additional local provision is proposed to firstly impose a minimum quantity of housing tenure and management, and secondly a requirement for a DCP. Housing is not assumed, or automatically permitted within the SP2 zone. Accordingly, it is considered that these 2x matters guide land use that

instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. (2) A planning proposal must not contain or refer to drawings that show details of the proposed development.	otherwise may not be contained in the SP2 zone, as opposed to imposing additional requirements. In addition, the PP will not legislate any references to drawings or the Concept Masterplan.
Focus area 1: Planning Systems – Place-based	Not Applicable. Focus area 1 directions are not identified as applicable to the PP as the subject site is not located within any of the localities listed and identified.
Focus area 2: Design and Place	Not Applicable. Focus area 2 was blank when the PP was prepared.
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones Objective The objective of this direction is to protect and conserve environmentally sensitive areas. Application This direction applies to all relevant planning authorities when preparing a planning proposal. Direction 3.1 (1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. (2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling	Consistent. Direction 3.1 applies to all relevant planning authorities preparing a Planning Proposal. The PP includes land identified as an environmentally sensitive areas. Portions of the subject site are within 100m of land identified as coastal wetlands. The PP contains provisions to facilitate the protection and conservation of the environmentally sensitive area, being inclusion of the subject site within an Additional Local Provision (section 7.13) identifying the subject site as a key site and requiring the preparation a DCP. Section 7.13 includes 3x standard heads of consideration of relevance to upholding protection and conservation, namely: <i>(g) identification and conservation of native flora and fauna habitat and habitat corridors on the site, including any threatened species, populations or ecological communities,</i> <i>(h) identification, extent and management of watercourses, wetlands and riparian lands and any buffer areas,</i> <i>(i) environmental constraints, including climate change, acid sulfate soils, flooding, contamination and remediation..</i> This local provision functions in conjunction with existing planning framework provisions, such as <i>State Environmental Planning Policy (Resilience & Hazards) 2021</i>, clauses 7.2 Earthworks and 7.6 Stormwater management of the Tweed LEP 2014

in accordance with Direction 9.2 (2) of “Rural Lands”.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary that the provisions of the planning proposal that are inconsistent are:

(a) justified by a strategy approved by the Planning Secretary which:

i. gives consideration to the objectives of this direction, and

ii. identifies the land which is the subject of the planning proposal (if the planning proposal

relates to a particular site or sites), or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or

(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or

(d) is of minor significance

and other DCP-based requirements to ensure sensitive areas are protected.

The subject site is not identified within a conservation zone or otherwise identified for environmental conservation/ protection purposes in a LEP. The subject site is not earmarked for either environmental conservation or environmental management zone within Council's Tweed Conservation Zone Review as exhibited.

A Baseline Ecological Assessment has been undertaken to consider the site's biodiversity values and likely impacts. This assessment has concluded that the application of a conservation zone is not necessary, nor consistent with the Northern Councils Environmental Zone Review.

3.2 Heritage Conservation

Objective

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

Application

This direction applies to all relevant planning authorities when preparing a planning proposal.

Direction 3.2

(1) A planning proposal must contain provisions that facilitate the conservation of:

(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific,

Consistent. Direction 3.2 applies to all planning authorities preparing a Planning Proposal.

The PP is consistent with Direction 3.2 as no non-Aboriginal or Aboriginal heritage items, places, objects, significance or the like have been identified on the subject site.

The subject site is identified within the Tweed Aboriginal Cultural Heritage Management Plan (ACHMP) as a 'predictive' area of Aboriginal Cultural Heritage. An assessment as per the ACHMP has been undertaken, likewise a Site Visit and Cultural Heritage Advice Report has been prepared by the Tweed Byron Local Aboriginal Land Council (TBLALC) Cultural Heritage Unit. These investigations have concluded that:

- the likelihood that any Aboriginal Cultural Heritage sites could remain on the land is low.
- the land is not recorded to contain known Aboriginal cultural heritage.
- TBLALC does not consider it necessary to engage an archaeologist for further assessment.

cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	In addition, the subject site is not listed as being within a Conservation Area or containing non-Aboriginal heritage items. Acknowledging the above, it is not considered warranted to specifically contain site-specific heritage conservation provisions. The PP maintains the existing framework provisions as they relate to heritage, specifically clause 5.10 of the Tweed LEP 2014, the <i>Heritage Act 1977</i> and the <i>National Parks and Wildlife Act 1974</i>. Further heritage assessment and/or measures to protect any cultural significance identified, such as 'stop work' provisions, can be determined under any future DA that seeks to undertake works onsite.
3.3 Sydney Drinking Water Catchments	Not applicable. The subject site is not identified as located within the Sydney drinking water catchment
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs Objective The objective of this direction is to ensure that a balanced and consistent approach is taken when applying conservation zones and overlays to land on the NSW Far North Coast. Application This direction applies when a relevant planning authority prepares a planning proposal within the Ballina, Byron, Kyogle, Lismore and Tweed local government areas that introduces or alters an C2 Environmental Conservation or C3 Environmental Management zone or introduces or alters an overlay and associated clause. Direction 3.4 (1) A planning proposal that introduces or alters an C2 Environmental Conservation or C3 Environmental Management zone or an overlay and associated clause must apply that proposed C2 Environmental Conservation or C3 Environmental	Not applicable. Whilst the PP is located within the Tweed LGA Direction 3.4 is not applicable as the PP does not introduce or alter a C2 or C3 zone, nor introduce an overlay and associated clause. The Baseline Ecological Assessment prepared with this PP undertook an assessment of C2 and C3 zone criteria, as detailed in the Northern Councils E Zone Review Final Recommendations Report. To be eligible for zoning more than one of the criteria for applying a C2 or C3 zone must apply where the primary land use is also conservation or environmental management. Firstly, the underlying primary use of the site and land comprising vegetation is not conservation or environmental management. In this regard, no environmental improvements or management regime specific to upholding biodiversity qualities has been pursued. Specifically, the main use of the land for the past 2x years has been rural living/residential as the existing dwelling has been tenanted and a land management regime implemented to maintain the remainder of the site to a residential standard. This immediately negates the application of a C2 or C3 zone, unless agreed to by the landowner. Irrespective of the above, of the remaining C2 zone criteria only small areas of Plant Community Type 3004 and 3987 meet more than one criteria, being:

Management zone, or the overlay and associated clause, in line with the Northern Councils E Zone Review Final Recommendations.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are of minor significance

- regrowth of Lowland Rainforest Threatened Ecological Community, and
- Over cleared communities and landscapes.

The Baseline Ecological Assessment confirms that as these areas are of small extent within the subject site and are generally degraded through weed infestation, there is limited value rezoning such small areas as C2. Further, the E Zone Review Final Recommendations report states that as a general principle, the use of multiple zones on a property should be minimised as far as possible.

The abovementioned findings are reinforced through Council's draft Conservation Zone Mapping, as exhibited in February – August 2022, which did not identify any application of C2 or C3 zones to the subject site.

3.5 Recreation Vehicle Areas

Objective

The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.

Application

This direction applies to all relevant planning authorities when preparing a planning proposal.

Direction 3.5

(1) A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983):

(a) where the land is within a conservation zone,

(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,

(c) where the land is not within an area or zone referred to in paragraphs (a) or (b) unless the relevant planning authority has taken into consideration:

i. the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and

ii. the provisions of the guidelines entitled Recreation Vehicles Act 1983, Guidelines for

Consistent. Direction 3.5 applies to all planning authorities when preparing a Planning Proposal.

The PP is consistent with Direction 3.5 as it does not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the *Recreation Vehicles Act 1983*), nor does the subject site include:

- a conservation zone.
- a beach or dune adjacent or adjoining a beach.

Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.	
3.6 Strategic Conservation Planning	Not Applicable. The subject site is not located within 'avoided land' or a 'strategic conservation area', as identified by <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>.
3.7 Public Bushland	Not Applicable. Tweed Shire Council is not identified as an applicable local government area.
3.8 Willandra Lakes Region	Not Applicable. The subject site is not located within the Willandra Lakes World Heritage Property.
3.9 Sydney Harbour Foreshores and Waterways Area	Not Applicable. The subject site is not located within the Foreshores and Waterways Area as defined in the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>.
3.10 Water Catchment Protection	Not Applicable. The PP will not affect land within a regulated catchment.
Focus area 4: Resilience and Hazards	
4.1 Flooding Objectives The objectives of this direction are to: (a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land. Application This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land. Direction 4.1	Consistent. Direction 4.1 applies to the PP given that a portion of the site is identified as flood prone land. Specifically, the PP seeks to amend zone and development standards that apply to land identified as flood prone, being land below the PMF. These changes will increase the population and use of land below the PMF. For clarity, site survey has confirmed that the subject site is above the Design Flood Level (DFL) of 3.2m AHD. The DFL comprises the Flood Planning Area (FPA). In addition, only a minor portion of the site is mapped as affected by PMF. The PP is consistent with Direction 4.1. Firstly, the PP contains provisions that give effect to and are consistent with the flood planning policy framework described in Direction 4.1(1). Specifically, the PP integrates with Tweed's existing applicable framework for flooding, which includes clauses 5.21 and 7.4. Further, Section A3 of the Tweed Development Control Plan 2008 further guides development applications within the floodplain. Secondly, the PP does not include land at or below the FPA. Thirdly, the PP: Does not contain floodway areas or high hazards areas.

(1) A planning proposal must include provisions that give effect to and are consistent with:

- (a) the NSW Flood Prone Land Policy,**
- (b) the principles of the Floodplain Development Manual 2005,**
- (c) the Considering flooding in land use planning guideline 2021, and**
- (d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.**

(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.

(3) A planning proposal must not contain provisions that apply to the flood planning area which:

- (a) permit development in floodway areas,**
- (b) permit development that will result in significant flood impacts to other properties,**
- (c) permit development for the purposes of residential accommodation in high hazard areas,**
- (d) permit a significant increase in the development and/or dwelling density of that land,**
- (e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,**
- (f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,**
- (g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or**
- (h) permit hazardous industries or hazardous storage establishments where**

- Does not permit development that will result in significant flood impacts to other properties.
- Provides direct and effective evacuation opportunities.
- Promotes the safe occupation of and efficient evacuation of the subject site.
- Does not alter development without consent provisions or result in an increase in government spending on emergency management services, flood mitigation or response measures.
- Does not permit hazardous industries or storage establishments.
- Whilst the PP promotes a more intensive use of the land area between the FPA and the PMF, Special Flood Considerations are not identified as applicable, nor appropriate, to the site. At the time of writing this PP, Tweed Shire Council has not adopted the Special Flood Considerations clause through the Tweed LEP 2014.

Fourthly, the subject site is not identified as land to which Special Flood Considerations apply as this clause was not adopted within the Tweed LEP 2014 at the time of writing.

Finally, the PP is consistent with the NSW Floodplain Development Manual 2005 and Tweed Floodplain Risk Management Study and Plan 2005.

In addition to consistency with Direction 4.1, the Concept Masterplan has acknowledged the flood conditions of the site, specifically by:

- positioning the critical hospital infrastructure and community building outside of the PMF affected land.
- providing immediate access from PMF affected land to flood-free land.

Contiguous flood free land also exists between the subject site and the adjoining TVH. Accordingly, the Cudgen Connection proposal is not identified as generating an increased risk to life from a flood emergency. Whilst the majority of the subject site is above the PMF level, flood free access along Cudgen Road to the Kingscliff TAFE evacuation centre is also available and within walking distance (approximately 650m).

hazardous materials cannot be effectively contained during the occurrence of a flood event.

(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:

- (a) permit development in floodway areas,
- (b) permit development that will result in significant flood impacts to other properties,
- (c) permit a significant increase in the dwelling density of that land,
- (d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,
- (e) are likely to affect the safe occupation of and efficient evacuation of the lot, or
- (f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.

(5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.

4.2 Coastal Management

Objective

The objective of this direction is to protect and manage coastal areas of NSW.

Application

This direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016 – comprising

Consistent. Direction 4.2 applies as the subject site is partially mapped as land that is within the coastal zone, as per the *Coastal Management Act 2016*.

The PP is in keeping with the *Coastal Management Act 2016*, NSW Coastal Management Manual and the newly released NSW Coastal Design Guidelines 2023.

Specifically, the PP includes provisions which are compatible with its settlement context within the Tweed Coast and enables the Objects of the *Coastal Management Act 2016* to be realised. This includes matters such as facilitating ecologically sustainable development in the

the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Direction 4.2

(1) A planning proposal must include provisions that give effect to and are consistent with:

(a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;

(b) the NSW Coastal Management Manual and associated Toolkit;

(c) NSW Coastal Design Guidelines 2003; and

(d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.

(2) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:

(a) within a coastal vulnerability area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021; or

(b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:

i. by or on behalf of the relevant planning authority and the planning proposal authority, or

ii. by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.

(3) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

(4) A planning proposal for a local environmental plan may propose to amend the following maps, including increasing or decreasing the land within these maps,

coastal zone and promoting sustainable land use planning decision-making.

The Coastal Design Guidelines 2023 includes 6x outcomes for planning proposals to consider. The PP is not inconsistent with any of the outcomes established, many of which focus directly on coastal foreshore areas.

Of relevance, the PP provides a built environment that is appropriate for the coastal and local context and a development density and height that responds to the land's topography. Located on elevated land, setback from the coastal foreshore strip, the PP also accounts for climate change and natural hazard risks, offering improved resilience for the Kingscliff and broader Tweed Coast community.

The PP is not affected by a Minister certified Coastal Management Program.

Further to the above, the PP does not rezone land which would enable increased development or more intensive land-use of land within a coastal vulnerability area or on land identified as a current or future coastal hazard in a local environmental plan, development control plan, study or assessment.

A Baseline Ecological Assessment has been undertaken to confirm the location of Coastal Wetlands within vicinity of the subject site. These investigations concluded that the Coastal Wetland mapping as per chapter 2 of the SEPP (Resilience and Hazards) 2021 involved minor inaccuracies and ground truthing confirmed that no Coastal Wetland areas are located on the subject site.

Whilst it is not considered appropriate to exclude land incorrectly mapped as Coastal Wetlands from the requested zone amendments, should this approach be pursued by the PPA, it is not identified as a barrier to the overarching realisation of Cudgen Connection.

Accordingly, the PP is consistent with Provisions 1 – 4 of Direction 4.2.

under chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021:

- (a) Coastal wetlands and littoral rainforests area map;
- (b) Coastal vulnerability area map;
- (c) Coastal environment area map; and
- (d) Coastal use area map.

Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.

Note: Under section 10(2) of the Coastal Management Act 2016, any provision of an LEP that identifies a coastal management area (or part of such an area) must not be made without the recommendation of the Minister administering the Coastal Management Act 2016.

4.3 Planning for Bushfire Protection

Objectives

The objectives of this direction are to:

- (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) encourage sound management of bush fire prone areas.

Application

This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land.

This applies where the relevant planning authority is required to prepare a bush fire prone land map under section 10.3 of the EP&A Act, or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.

Consistent. Direction 4.3 is applicable to the PP as the subject site is identified as bushfire prone.

To facilitate consultation with the Commissioner of the NSW Rural Fire Service, a Bushfire Risk Assessment (BRA) has been prepared. To complete the required consistency with Direction 4.3(1), the PP will involve consultation with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination under section 3.34 of the Act.

Consultation will occur prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.

The PP, led by the BRA, has:

- Had regard to Planning for Bushfire Protection 2019.
- Not identified any inappropriate development
- Not prohibited bushfire hazard reduction (clause 5.11 continues to provide authorised reduction work without development consent).

Further, the BRA details asset protection zone requirements, perimeter and two-way road provisions which minimise the area of land interfacing the bushfire hazard. Finally, water supply and special fire protection purpose

Direction 4.3

(1) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.

(2) A planning proposal must:

(a) have regard to Planning for Bushfire Protection 2019,

(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and

(c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).

(3) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:

(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:

i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and

ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,

(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,

(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,

(d) contain provisions for adequate water supply for firefighting purposes,

(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,

assessment has also occurred and no placement of combustible materials in the Inner Protection Area is proposed. Accordingly, the PP is identified as consistent with Direction 4.3

As detailed within the BRA, the subject site has a low bushfire risk when considering the characteristics of the vegetation including fragmentation, public exposure and access and previous bushfire history. Furthermore, in combination with the bushfire protection measures discussed within the BRA, will not result in areas that are difficult to evacuate, create control difficulties during a bushfire or adversely affect other bush fire protection strategies or place existing development at increased risk. The PP is identified as appropriate in the bushfire hazard context.

The BRA confirms that appropriate Asset Protection Zones (APZ) can be established between future development onsite and the surrounding bushfire threat. This conclusion is based on the Cudgen Connection Concept Masterplan.

(f) introduce controls on the placement of combustible materials in the Inner Protection Area.

4.4 Remediation of Contaminated Land

Objective

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.

Application

This direction applies when a planning proposal authority prepares a planning proposal that applies to:

(a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:

i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Direction 4.4

(1) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:

(a) the planning proposal authority has considered whether the land is contaminated, and

(b) if the land is contaminated, the planning proposal authority is satisfied that the land

Consistent. Direction 4.4 is identified as relevant as the subject site has previously accommodated agricultural activities, which is a purpose identified in Table 1 of the Contamination Land Planning Guidelines.

Through historical review, it has been confirmed that the subject site was used for agriculture until approximately 1989, when it then reverted to a garden centre and hydroponic activities.

The PP is accompanied by a Detailed Site Investigation (DSI). The DSI allows the PPA to consider whether the land is contaminated and whether the land is suitable in its state for all the purposes permitted within the SP2 zone.

Soil samples taken from the subject site did not indicate contamination levels above threshold levels and confirmed that the potential for harmful contamination is low. No further testing or remediation was recommended by the DSI. This confirms that the land is suitable for the proposed uses.

Accordingly, this PP has considered whether the land is contaminated. Preliminary investigations and DSI have concluded that the land is not contaminated, and no remediation is required. Both the PSI and DSIs were carried out in accordance with the contaminated land planning guidelines.

is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and

(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.

In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.

(2) Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

Note: In this direction, contaminated land planning guidelines means guidelines under clause 3 of Schedule 6 to the EP&A Act.

4.5 Acid Sulfate Soils

Objective

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

Application

This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils when preparing a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment.

Direction 4.5

(1) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as

Consistent. Direction 4.5 is identified as applicable to the PP as the subject site has a probability of containing Acid Sulfate Soils (ASS).

Within the Tweed LEP 2014, the subject site is mapped as Class 5 ASS. By definition, ASS are not typically found in Class 5 areas. Areas classified as Class 5 are located within 500 metres on adjacent class 1,2,3 or 4 land. Accordingly, Class 5 is generally applied as a buffer to land which adjoins land likely to contain ASS.

The PP includes a Preliminary ASS Investigation, which has been prepared in accordance with the Acid Sulfate Soils Planning Guidelines, August 1998. This investigation concludes that no ASS is anticipated to be disturbed and that no further investigation or management is required. Accordingly, the PP is consistent with provisions (1) and (3) of Direction 4.5.

The PP does not introduce provisions to regulate works within ASS, rather, maintains the existing assessment framework within the Tweed LEP 2014, namely clause 7.1 – Acid Sulfate Soils. Accordingly, the PP is consistent with provisions (2) and (4) of Direction 4.5.

Notwithstanding the above consistency, ASS considerations will be further assessed within the future DA process/es and inform future earthworks details. The assessment undertaken to-date is consistent with Attachment C of the Local Environmental Plan Making Guideline, has

having a probability of acid sulfate soils being present. (2) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with: (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or (b) other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines. (3) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act. (4) Where provisions referred to under 2(a) and 2(b) above of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with 2(a) and 2(b).	identified the site as suitable, and has not identified a likelihood of disturbing or altering ASS, nor a likely impact.
4.6 Mine Subsidence and Unstable Land	Not Applicable. The subject site is not identified as: • a declared mine subsidence district in the <i>Coal Mine Subsidence Compensation Regulation 2017</i> pursuant to section 20 of the <i>Coal Mine Subsidence Compensation Act 2017</i>, or • unstable in a study, strategy or other assessment undertaken by or on behalf of the relevant planning authority or by or on behalf of a public authority and provided to the relevant planning authority.
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Consistent. Direction 5.1 is identified as relevant to the PP as an urban zoning (SP2 Infrastructure) is sought.

Objectives

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

(a) improving access to housing, jobs and services by walking, cycling and public transport, and

(b) increasing the choice of available transport and reducing dependence on cars, and

(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and

(d) supporting the efficient and viable operation of public transport services, and

(e) providing for the efficient movement of freight.

Application

This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.

Direction 5.1

(1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and

(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

The PP is consistent with Direction 5.1 as the PP includes zoning, development standards and additional local provisions which give effect to and are consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and, The Right Place for Business and Services – Planning Policy (DUAP 2001). The alignment with these policies is discussed further below.

Improving Transport Choice identifies 10x accessible development principles, as well as strategic policy and planning content and location and design guidelines for health and education uses.

The PP gives effect to the 10x principles by:

- Concentrating employment and uses in centres, including aligning with and reinforcing transport corridors.
- Providing mixed use and implementing good urban design
- Facilitating a platform to link public transport with land use, connect street and improve both pedestrian and cycle access.

The PP is also not inconsistent with road management and parking supply principles.

Specifically, the subject site is in an urban area, immediately adjoining the TVH and less than 2km from the Kingscliff Town Centre. The subject site benefits from walking distance proximity to existing bus stops, which service multiple routes, in addition to school services. Pedestrian and cycling links also exist along Cudgen Road. Recent cycle and pedestrian pathway upgrades have been provided along the site's Tweed Coast Road frontage.

From this base, the PP seeks to cluster mixed uses with significant employment anchors, being the TVH and NSW TAFE Kingscliff Campus. Each of these facilities are within walking distance. The PP is identified as generating 1,040 FTEs when operational, likewise, the TVH is identified as facilitating 1,300+ employees.

The co-location of services provides an enhanced platform to improve access to housing, jobs and services by active and public transport modes. This outcome is directly consistent with the location and design provisions specified for health and education within the Improving Transport Choice Guideline.

(a) justified by a strategy approved by the Planning Secretary which:

i. gives consideration to the objective of this direction, and

ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or

(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or

(d) of minor significance.

The Right Place for Business and Services Policy similarly aims to encourage a network of vibrant, accessible mixed-use centres, which are closely aligned with and accessible by public transport, walking and cycling. The PP gives effect to this aim by being in the right location and the right centre.

The right location is achieved by augmenting the existing public investment with private investment into additional health, university, accommodation, and community land uses. The diversification of core health precinct ecosystem land uses within a highly accessible location provides a positive community benefit and reflects the policy prescribed. The PP does promote opportunity for efficient and viable operation of public transport services to be achieved through wider network planning and land use integration.

Accordingly, the PP co-locates 'connected' trip-generating activities with the TVH to optimise accessibility, limit the demand for travel, encourage and facilitate public transport use, and reduce car travel and reliance on cars.

The PP is consistent with the 'right centre' policy provisions by directly responding to the TVH health precinct anchor.

The PP directly seeks to close existing land use gaps identified and deliver a best practice health precinct. More broadly, Kingscliff functions as the primary activity centre along the Tweed Coast, and this role has been solidified since the TVH announcement. The PP is considered to improve the relationship between the health precinct and the Kingscliff Town Centre. Specifically, by improving the efficiency of the health precinct, a complimentary relationship can occur, limiting pressure on the Kingscliff Town Centre and allowing it to continue flourishing as a lifestyle and retail-orientated activity node. The provisions of the PP do not facilitate direct competition between the health precinct and the Kingscliff Town Centre, nor the wider network of smaller centres along the Tweed Coast.

Accordingly, the PP supports a viable network of mixed-use centres, reinforcing the role of the health precinct, and facilitating the variety and function of the Kingscliff Town Centre and wider Tweed Coast. The consolidated function of health precinct and delivery of additional land uses within the health precinct ecosystem supports fostering the greater use of public transport, walking and cycling, and encourages multi-purpose trips.

5.2 Reserving Land for Public Purposes	Consistent. Direction 5.2 is relevant to all Planning Proposals. The PP is consistent with Direction 5.2 as it does not create, alter or reduce existing zonings or reservations of land for public purposes
5.3 Development Near Regulated Airports and Defence Airfields Objectives The objectives of this direction are to: (a) ensure the effective and safe operation of regulated airports and defence airfields; (b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and (c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. Application This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield. Direction 5.3 (1) In the preparation of a planning proposal that sets controls for development of land near a regulated airport, the relevant planning authority must: (a) consult with the lessee/operator of that airport; (b) take into consideration the operational airspace and any advice from the lessee/operator of that airport; (c) for land affected by the operational airspace, prepare appropriate development standards, such as height controls. (d) not allow development types that are incompatible with the current and future operation of that airport. (2) In the preparation of a planning proposal that sets controls for development of land	Consistent. Direction 5.3 is relevant as the subject site is near the Gold Coast Airport. The PP is consistent with Direction 5.3, subject to consultation with Gold Coast Airport Limited and the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts. This consultation is proposed to be pursued post receiving a positive Gateway determination, however no conflict or issues are anticipated as the subject site is: • Approximately 11km south of the Gold Coast Airport. • Not mapped as being affected by Australian Noise Exposure Forecast (ANEF) contours. • Affected by an Obstacle Limitation Surface (OLS) of 153.9m AHD, approximately 100m higher than the building heights facilitated by the PP. • Not within proximity to a defence airfield. Any final Planning Proposal will include consideration of any return advices received. The PP does not include amendments which enable a breach of the OLS, nor allow inappropriate development types that are incompatible with the current and future operations of the Gold Coast Airport. Likewise, the PP is not identified as facilitating development that would constitute a controlled activity as defined in section 182 of the <i>Airports Act 1996</i>. Whilst outside of any ANEF mapping, the Tweed LEP 2014 includes clause 7.9, which relates to aircraft noise, likewise, clause 7.8 which relates to airspace operations. These clauses will continue to apply to future development where applicable. Finally, whilst outside of Direction 5.3, the height, shape and position of buildings on the Cudgen Connection Concept Masterplan (or temporary cranes for their construction) are not identified as affecting emergency helicopter flight paths for the Tweed Valley Hospital, which are from the immediate north and south. Accordingly, the PP displays preliminary consistency with Direction 5.3. Subject to pursuing consultation post Gateway determination, comprehensive consistency can

near a core regulated airport, the relevant planning authority must:

(a) consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport;

(b) for land affected by the prescribed airspace (as defined in clause 6(1) of the Airports (Protection of Airspace) Regulation 1996, prepare appropriate development standards, such as height controls.

(c) not allow development types that are incompatible with the current and future operation of that airport.

(d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal seeks to allow, as permissible with consent, development that would constitute a controlled activity as defined in section 182 of the Airports Act 1996. This permission must be obtained prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.

(3) In the preparation of a planning proposal that sets controls for the development of land near a defence airfield, the relevant planning authority must:

(a) consult with the Department of Defence if:

i. the planning proposal seeks to exceed the height provisions contained in the Defence

Regulations 2016 – Defence Aviation Areas for that airfield; or

ii. no height provisions exist in the Defence Regulations 2016 – Defence Aviation Areas for the airfield and the proposal is within 15km of the airfield.

(b) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.

(c) not allow development types that are incompatible with the current and future operation of that airfield.

(4) A planning proposal must include a provision to ensure that development meets Australian Standard 2021 – 2015, Acoustic-Aircraft Noise Intrusion – Building siting and construction with respect to interior noise levels, if the proposal seeks to rezone land:

(a) for residential purposes or to increase residential densities in areas where the Australian Noise Exposure Forecast (ANEF) is between 20 and 25; or

be achieved and no likelihood for land use and airport operation conflict has been identified.

(b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or (c) for commercial or industrial purposes where the ANEF is above 30. (5) A planning proposal must not contain provisions for residential development or to increase residential densities within the 20 Australian Noise Exposure Concept (ANEC)/ANEF contour for Western Sydney Airport.	
5.4 Shooting Ranges	Not Applicable. The subject site is not adjacent to and / or adjoining an existing shooting range.
Focus area 6: Housing	
6.1 Residential Zones Objectives The objectives of this direction are to: (a) encourage a variety and choice of housing types to provide for existing and future housing needs, (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on the environment and resource lands. Application This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted. Direction 6.1 (1) A planning proposal must include provisions that encourage the provision of housing that will:	Consistent. Direction 6.1 is relevant to the PP as the additional permitted use clause for residential flat building confirms the intended outcome to deliver housing. In the context of the site and locality, the yield facilitated by the PP may be considered 'significant'. The PP is consistent with Direction 6.1 as the PP: • Broadens the choice of building types and locations available in the housing market. Specifically, the Issues Paper prepared within Council's draft Growth Management and Housing Strategy identified a shortfall in housing variety, particularly smaller, multi-dwelling products, such as apartments. The PP provides primacy to residential flat building development by specifically nominating this land use as an additional permitted use. The inclusion of this land use type also enables opportunity for other housing tenures which are not identified within the Tweed LEP 2014, such as build-to-rent, further broadening housing choice. The PP provides opportunity for apartment living within the precinct, which is otherwise not facilitated in this location by the Tweed LEP 2014. • Maintains the existing framework ensuring development is of good design. (such as SEPP 65) and includes an additional local provision prescribing a DCP be prepared, inclusive of design principles drawn from an analysis of the site and context. • Makes more efficiency use of existing infrastructure and services and reduces the consumption of land on the urban fringe. The subject site benefits from immediate essential services, including but not limited to road, water, sewer and social infrastructure.

(a) broaden the choice of building types and locations available in the housing market, and

(b) make more efficient use of existing infrastructure and services, and

(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and

(d) be of good design.

(2) A planning proposal must, in relation to land to which this direction applies:

(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and

(b) not contain provisions which will reduce the permissible residential density of land.

Supporting assessments prepared with this PP have identified capacity within these infrastructure networks, planned improvements, or via proponent-led augmentation. The PP provisions ensure overarching density outcomes are compatible with medium density development experienced elsewhere within the Kingscliff locality, such as along Marine Parade. The delivery of this density as a supplementary land use to health and education service and employment uses is identified as making a positive contribution towards consolidating Kingscliff's urban footprint and reducing the consumption of land for further housing on the urban fringe.

- Maintains existing framework provisions, specifically clause 7.10 Essential services of the Tweed LEP 2014, which requires adequate arrangements to have been made for the following infrastructure prior to the granting of development consent:
 - (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage,
 - (d) stormwater drainage or on-site conservation,
 - (e) suitable vehicular access.
- Does not propose provisions which will reduce the permissible residential density of land.

6.2 Caravan Parks and Manufactured Home Estates

Objectives

The objectives of this direction are to:

(a) provide for a variety of housing types, and

(b) provide opportunities for caravan parks and manufactured home estates.

Application

This direction applies to all relevant planning authorities when preparing a planning proposal.

This direction does not apply to Crown land reserved or dedicated for any purposes under the Crown Land Management Act 2016, except Crown land reserved for accommodation purposes, or land dedicated or reserved under the National Parks and Wildlife Act 1974.

Consistent. Direction 6.2 is identified as relevant to the PP as it applies to all Planning Proposals.

The PP is consistent with Direction 6.2 as it does not modify the capability of the subject site to accommodate caravan park or manufactured home estate development, nor does the subject site contain an existing caravan park or manufactured home estate development.

Direction 6.2

(1) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:

(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and

(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.

(2) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:

(a) take into account the categories of land set out in Schedule 6 of State Environmental Planning Policy (Housing) 2021 as to where MHEs should not be located,

(b) take into account the principles listed in clause 125 of State Environmental Planning Policy (Housing) 2021 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and

(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent.

Focus area 7: Industry and Employment

7.1 Employment Zones

Not Applicable. The proposed SP2 Infrastructure zone is not identified as an employment zone within Direction 7.1.

7.2 Reduction in non-hosted short-term rental accommodation period

Not Applicable. This direction applies to Byron Shire Council

7.3 Commercial and Retail Development along the Pacific Highway, North Coast

Not Applicable. The direction applies to land in the vicinity of the existing and/ or proposed alignment of the Pacific Highway.

Focus area 8: Resources and Energy

8.1 Mining, Petroleum Production and Extractive Industries

Not Applicable. The PP is not identified as altering the subject site's planning framework for the:

- Mining of coal or other minerals.

	• Production of petroleum, or winning or obtaining of extractive materials,. The PP is also not identified as restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance.
Focus area 9: Primary Production	
9.1 Rural Zones Objective The objective of this direction is to protect the agricultural production value of rural land. Application This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). Direction (1)(a) applies to all relevant planning authorities. Direction 9.1 (1) A planning proposal must: (a) not rezone land from a rural zone to a residential, employment, mixed use, SP4 Enterprise, SP5 Metropolitan Centre, W4 Working Waterfront, village or tourist zone. Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary that the provisions of the planning proposal that are inconsistent are: (a) justified by a strategy approved by the Planning Secretary which: i. gives consideration to the objectives of this direction, and ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or	Consistent. Direction 9.1 is identified as relevant as the PP affects land within an existing rural zone. Application of Direction 9.1 is confined to (1)(a) as the Tweed LGA is not listed within Direction(1)(b). The PP is consistent with Direction 9.1(1)(a) as it does not seek to rezone the subject site to the identified zones, being: • Residential • Employment • Mixed use • SP4 Enterprise • SP5 Metropolitan Centre. • W4 Working Waterfront. • Village. • Tourist Notwithstanding the above, the PP is underpinned by an Agricultural Land Assessment and Agricultural Capability Assessment which give consideration to the agricultural production value of the subject site, and nearby rural land. These assessments confirm the subject site holds minimal agricultural capability, both in food and fibre production, and economic output. Likewise, the subject site does not make a tangible contribution to, or dilute the wider value-add supply chain for agriculture. These assessments have confirmed the ability to mitigate land use conflicts between the use of the subject site and surrounding agriculture, ensuring that external impacts to farming capacity and capability does not occur. Acknowledging the limited agricultural potential of the site and the PPs alignment with the provisions of the North Coast Regional Plan 2041, the subject site is identified as being of minor significance.

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or

(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or

(d) is of minor significance.

9.2 Rural Lands

Objective

The objectives of this direction are to:

(a) protect the agricultural production value of rural land,

(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,

(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,

(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,

(e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,

(f) support the delivery of the actions outlined in the NSW Right to Farm Policy.

Application

This direction applies when a relevant planning authority prepares a planning proposal for land outside the local government areas of Lake Macquarie, Newcastle, Wollongong and LGAs in the Greater Sydney Region (as defined in the Greater Sydney Commission Act 2015) other than Wollondilly and Hawkesbury, that:

(a) will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary) or

(b) changes the existing minimum lot size on land within a rural or conservation zone.

Justifiably inconsistent. Direction 9.2 is identified as relevant to the PP as the subject site is outside the identified LGAs and affects land within an existing rural zone.

The PP is inconsistent with Direction 9.2 as it is not consistent with the Tweed LSPS, by virtue of existing and static SSF mapping.

To achieve the objectives of protecting and supporting rural land and farming, Direction 9.2 identifies 12x heads of consideration for PPs. These matters are discussed as follows.

To Direction 9.2(1)(a), the PP details consistency with the prevailing NCRP 2041, including the Urban Growth Area Variation Principles. Agricultural Land Assessment and Agricultural Capability Assessment have assessed the site's ability for sustainable agricultural production, and its relationship to the wider Cudgen Plateau. These assessments confirm the subject site:

- Holds minimal agricultural capability, both in food and fibre production, and economic output by virtue of location, land size, soil conditions, topography and rural infrastructure limitations..
- Does not make a tangible contribution to, or dilute the wider value-add supply chain for agriculture in the locality or LGA.
- Can be utilised for SP2 Infrastructure purposes without conflicting nearby farmland, promoting the ongoing viability of agriculture within the Cudgen Plateau and supporting the NSW Right to Farm Policy.

By demonstrating compliance with the Urban Growth Area Variation Principles, the PP effectively dissolves the SSF status, as has been the case for the adjoining TVH. This outcome results in compliance with the Tweed LSPS provisions, however compliance cannot be practically achieved prior to the tests and assessment of this PP.

To Direction 9.2(1)(b), as identified within this PP, Agriculture, Forestry and Fishing is identified as

Direction 9.2

(1) A planning proposal must:

(a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement

(b) consider the significance of agriculture and primary production to the State and rural communities

(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources

(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions

(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities

(f) support farmers in exercising their right to farm

(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use

(h) consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land

(i) consider the social, economic and environmental interests of the community.

(2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:

(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses

(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains

(c) where it is for rural residential purposes:

the 11th largest industry in the Tweed LGA by employment number. Whilst agriculture continues to form an important component of the Tweed economic and social composition, the subject site does not make a tangible contribution to the locality or LGAs primary production output. Specifically, the theoretical production of the subject site represents less than 0.015% of the value of agriculture within the Northern Rivers Statistical Area. Further, subject site does not influence the wider value-add supply chain for agriculture, or support the rural community. Accordingly, the loss of approximately 1% of SSF, has not been identified as limiting primary production and economic potential for the locale.

To Direction 9.2(1)(c), the PP has identified the subject site is not affected by Aboriginal or non-Aboriginal cultural heritage. The PP identifies that portions of the subject site possess environmental values, being regrowth vegetation along the northern boundary of the site, and vegetation positioned along the eastern boundary. The biodiversity attributes of the subject site do not form a barrier to the PP, nor satisfy the criteria for protection by way of Conservation zoning.

To Direction 9.2(1)(d), beyond the site analysis completed within this PP, the Agricultural Capability Assessment undertakes a detailed review of the subject sites natural and physical constraints. Salient points include:

- The site is logistically compromised by the difficulty of access due to the major roadways to the west and south.
- The size of the site also limits the practicalities of farming as fixed costs such as machinery cannot be supported by the total income off such a small area.
- The small area also restricts the ability to use important pesticides due to regulation relating to minimal buffer zones to external land uses. These buffer zones are especially difficult to manage given the prevailing breezes and wetland to the north.
- Physically the site is constrained by the soil chemical properties, which are severely limiting and require significant work and investment to rectify. The local relief of the site is also problematic as the steep contours are impassable to the majority of machinery limiting the arable area of an already small site.
- The site also lacks any existing source of water for stock to drink, critical for welfare. To

i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres

ii. is necessary taking account of existing and future demand and supply of rural residential land.

Note: where a planning authority seeks to vary an existing minimum lot size within a rural or conservation zone, it must also do so in accordance with the Rural Subdivision Principles in clause 5.16 of the relevant Local Environmental Plan.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a strategy approved by the Planning Secretary and is in force which:

i. gives consideration to the objectives of this direction, and

ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or

(b) is of minor significance.

pursue agriculture, rainwater harvesting would be anticipated.

The natural and physical constraints of the subject site notably limit its capacity and capabilities for agricultural production.

To Direction 9.2(1)(e), the PP includes assessment of the subject site's ability to facilitate sustainable agricultural production, and its relationship to the wider Cudgen Plateau. These assessments confirm the subject site:

- Holds minimal agricultural capability, both in food and fibre production, and economic output by virtue of location, land size, soil conditions, topography and rural infrastructure limitations..
- Does not make a tangible contribution to, or dilute the wider value-add supply chain for agriculture in the locality or LGA.

Whilst the subject site possesses limited opportunities, the PP does not undermine productive and sustainable rural economic activities elsewhere. In this regard, the PP includes a site-specific LUCRA, which recommends spatial and biological buffers. These buffers can readily be accommodated, as displayed on the Concept Masterplan. By avoiding land use conflict, the larger, contiguous parcels to the south and southwest can continue to provide opportunities for investment in productive, diversified, innovative and sustainable rural economic activities.

To Direction 9.2(1)(f), the PP includes a LUCRA, demonstrating that the subject site can be utilised for alternate purposes without reducing adjoining farmers exercising their right to farm. Specifically, the inclusion of spatial and biological buffers, which have been demonstrated and upheld within the Concept Masterplan, ensure no conflicts arise with farmland operations to the south and southwest.

To Direction 9.2(1)(g), the PP does not give rise to further rural land fragmentation, or generate land use conflicts. The subject site is now fragmented from farmland on 3x sides and separated by a key connector road on the 4th. Acknowledging the agent of change principle, should agriculture be pursued on the subject site, that activity would hold opportunity to generate land use conflicts with adjoining residential, infrastructure and environmental land.

A LUCRA has been completed demonstrating that the subject site can be utilised for alternate purposes and accommodate buffers necessary to ensure no conflicts arise with farmland operations to the south and southwest.

To Direction 9.2(1)(h), the subject site is not mapped as State significant agricultural for the purposes of chapter 2 of the SEPP (Primary Production) 2021.

To Direction 9.2(1)(i), the PP involves the 'loss' of 5.7ha of rural land, comprising approximately 1% of SSF from the agricultural 'pool'. The subject site has been identified as possessing highly limited agricultural production. In comparison, the PP seeks to facilitate the delivery of more than 1,000 jobs, health and education services to the community. Further, the economic potential of the subject site would rise from approximately \$34,998 per annum to a \$160.2 million annual contribution to GRP. Accordingly, the PP is identified as possessing net community benefit.

To Direction 9.2(2)(a), the PP does not give rise to further rural land fragmentation, or generate land use conflicts. The subject site is now fragmented from farmland on 3x sides and separated by a key connector road on the 4th. Acknowledging the agent of change principle, should agriculture be pursued on the subject site, that activity would hold opportunity to generate land use conflicts with adjoining residential, infrastructure and environmental land.

A LUCRA has been completed demonstrating that the subject site can be utilised for alternate purposes and accommodate buffers necessary to ensure no conflicts arise with farmland operations to the south and southwest.

To Direction 9.2(2)(b), the subject site comprises a small holding and has no existing farm operation, nor has the site been farmed for approximately 30+ years. Agricultural Capacity and Agricultural Land Assessments have determined that the subject site has highly limited production and economic potential for farming. Accordingly, no future rural uses of the subject site are envisaged.

A LUCRA has been completed demonstrating that the subject site can be utilised for alternate purposes and accommodate buffers necessary to ensure no conflicts arise with farmland operations to the south and southwest.

No existing rural infrastructure or enterprises have been identified as dependant on the subject

	site being farmed. As such, the PP is not identified as having any impact on local rural industries, agriculture or food and fibre supply chains. To Direction 9.2(2)(c), the PP is not for rural residential purposes, nor does the subject site adjoin rural residential land. In considering the above, the PP is justifiably inconsistent with Direction 9.2 as the inconsistency is of minor significance.
9.3 Oyster Aquaculture	Not Applicable. The subject site is not identified as located within a 'Priority Oyster Aquaculture Area' or involve oyster aquaculture outside such an area as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy (2006).
9.4 Farmland of State and Regional Significance on the NSW Far North Coast Objectives The objectives of this direction are to: (a) ensure that the best agricultural land will be available for current and future generations to grow food and fibre, (b) provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and (c) reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas. Application This direction applies when a relevant planning authority prepares a planning proposal for land within Ballina Shire, Byron Shire, Kyogle Shire, Lismore City, Richmond Valley and Tweed Shire local government areas, except land identified as "urban growth areas" mapped in the North Coast Regional Plan 2041 when preparing a planning proposal, that applies to land: (a) mapped as i. State significant farmland, or ii. regionally significant farmland, or iii. significant non-contiguous farmland,	Justifiably Inconsistent. Direction 9.4 is of relevance to the PP as the subject site is within the Tweed Shire LGA and the land is not identified within the 'urban growth area' mapped in the NCRP 2041. The PP does not satisfy the provisions of Direction 9.4 the Intended Provisions include rezoning land, outside of the Urban Growth Area, identified as 'State Significant Farmland' (SSF) for 'urban' purposes, by way of the SP2 Infrastructure zone. Direction 9.4 establishes that a Planning Proposal may be inconsistent where the PP is consistent with the NCRP 2041, or the Northern Rivers Farmland Protection Project – Final Recommendations, February 2005 (NRFPP). An assessment of the PP against the objectives of Direction 9.4 and the NCRP 2041 is detailed as follows. As detailed throughout this PP, the primary ongoing concern of the Cudgen Connection proposal has been the subject sites' identification as SSF. To realise the objectives of Direction 9.4, the NRFPP was prepared as a map-based resource to protect important farmland. Protection was primary afforded by guiding land use planning and avoiding land use conflicts with farmland. Specific to the subject site, the NRFPP identified contiguous areas, greater than 500ha+ in size, with high soil quality as SSF. Direction 9.4 and the NRFPP protect areas of SSF from urban development to facilitate future food and fibre production. The Cudgen Plateau is the only SSF area in the Tweed LGA and covers a 570ha extent

(b) on the set of four maps held in the Department of Planning and Environment marked “Northern Rivers Farmland Protection Project, Final Map 2005 (Section 117(2) Direction)”; and Direction 9.4

(1) A planning proposal must not:

(a) rezone land identified as “State Significant Farmland” for urban or rural residential purposes.

(b) rezone land identified as “Regionally Significant Farmland” for urban or rural residential purposes.

(c) rezone land identified as “significant non-contiguous farmland” for urban or rural residential purposes.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if council can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the planning proposal is consistent with:

(a) the North Coast Regional Plan 2041, or

(b) Section 4 of the report titled Northern Rivers Farmland Protection Project – Final Recommendations, February 2005, held by the Department of Planning and Environment.

As detailed within the Section 3.3 of this PP, and discussed against Direction 1.1 of this Section, the PP is identified as consistent with the NCRP 2041. Specifically:

- Agricultural production is not considered suitable on the subject site, being a small pocket of mapped SSF, due to non-biophysical factors that make the land more suited to other uses.
- The PP has assessed the subject site's ability to facilitate sustainable agricultural production, the wider importance of agriculture to the area and its resource needs. These investigations identified limited theoretical agricultural value and contribution to the wider agricultural industry. Further, the subject site is not identified as contributing to the resource needs of agriculture in the locality.
- The PP can be accommodated within committed and planned infrastructure at no cost to government.
- The PP implements the avoid and minimise hierarchy and is not identified as HEV land, or possessing cultural values.
- The subject site is free of any significant site constraints and provides a rare opportunity for critical infrastructure to be positioned above the PMF level, and suitably integrated with the locality's settlement pattern and form.
- Comprises a minor and contiguous variation to the Urban Growth Area.
- Is appropriately separated from sensitive receivers and mitigates land use conflict through spatial and biological buffers.
- The need and justification for utilising SSF land is supported by a sound evidence base addressing agricultural capability and sustainability.
- The PP comprises a minor adjustment to ‘round off the urban boundary’ which presently adjoins the site and encompasses both the TVH and Cudgen village.

Beyond consistency with the NCRP 2041, no other land parcel has been identified within the Cudgen Plateau that shares the attributes and opportunities of the subject site. Further, as per Council's future planning for the locality, the subject site is the only land parcel north of Cudgen Road and east of Tweed Coast Road identified for primary production. All other parcels are identified for urban purposes, or conservation values where high biodiversity values are located.

	As per the assessment of Ministerial Direction 9.2, Agricultural Land Assessment and Agricultural Capability Assessment have assessed the site's ability for sustainable agricultural production, and its relationship to the wider Cudgen Plateau. These assessments confirm the subject site: • Holds minimal agricultural capability, both in food and fibre production, and economic output by virtue of location, land size, soil conditions, topography and rural infrastructure limitations.. • Comprises a theoretical production less than 0.015% of the value of agriculture within the Northern Rivers Statistical Area. • Does not make a tangible contribution to, or dilute the wider value-add supply chain for agriculture in the locality or LGA. • Can be utilised for SP2 Infrastructure purposes without conflicting nearby farmland, promoting the ongoing viability of agriculture within the Cudgen Plateau and supporting the NSW Right to Farm Policy. Acknowledging all of the above, within the current and foreseeable context, the subject site cannot be logically considered as the best agricultural land for current and future generations to grow food and fibre. Accordingly, the PP is justifiably inconsistent with Direction 9.4 by consistency with the NCRP 2041.
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Section C – Environmental, Social and Economic Impact

3.8 Question 8 – Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

A Baseline Ecological Assessment Report (BEA) has been prepared by Cumberland Ecology, who are accredited assessors, as part of this PP. This assessment identifies that no critical habitat, threatened flora or fauna species or endangered ecological communities are expected to be adversely impacted as a result of the PP. Further, the Cudgen Connection proposal is not expected to contribute to threatening processes more than current conditions and as such impacts of the proposed development are not predicted to be significant.

The subject site borders land identified as Coastal Wetland within SEPP (Resilience and Hazards) 2021. Ground truthing undertaken in preparation of the BEA confirmed a smaller extent of wetland present than what is mapped and that no Coastal Wetland conditions are located on-site. The BEA confirms that negative impact of water quality to wetlands is not anticipated, and any groundwater impacts are identified as manageable. Accordingly, the PP is not identified as detrimental to the integrity of the Coastal Wetland.

The subject site was identified as possessing small tracts of PCT 3004: Far North Bangalow Palm Swamp Forest regrowth, primarily along its northern boundary. In addition, a small patch (0.05 ha) of PCT 3987: Far North Floodplain Swamp Oak Paperbark Forest, is located on the subject site. Dominated by *Casuarina glauca*, which is a supplementary Koala food species, this is a small, isolated fragment it is considered unlikely to support Koalas and no evidence of Koala use has been identified. The area of PCT 3987 does not align with Threatened Ecological Communities listed under the

Biodiversity Conservation Act 2016. These 2x PCT areas are mapped within the BEA and the extent of PCT 3004 is also displayed on the Concept Masterplan. The site is otherwise void of significant ecological values.

The BEA indicates a likelihood of foraging habitat for several threatened species, however breeding habitat was determined to be limited. Existing sheds and buildings on the subject site may provide marginal roosting habitat for several microbat species. No threatened fauna species were observed during surveys.

Acknowledging a number of threatened species have been previously identified in adjacent areas including the Tweed Valley Hospital site, an assessment of these species was undertaken, concluding:

- Possible occurrence of the Mitchells Rainforest Snail. Regrowth rainforest on the northern edge of the subject site provides marginal degraded habitat for this species. There is little litter cover due to slashing in adjacent areas.
- Possible occurrence of the Pale-vented Bush-hen. Rainforest regrowth to the north of the subject site and other vegetation adjacent to artificial drainage lines represents suitable habitat for this species
- Possible occurrence of Common Blossom-bat. Roosting habitat is limited, however, the species is likely to use rainforest regrowth within the subject site for foraging.
- Possible occurrence of Yellow-bellied Sheath-tail-bat. Old sheds or buildings could provide marginal roosting habitat. Species is likely to forage across the subject site.

Unlikely occurrence of the following fauna species was also concluded:

- Three-toed Snake-Tooth Skink
- Powerful Owl
- Bush Stone-curlew
- Eastern Osprey
- Wallum Froglet

Consistent with the biodiversity scope detailed within Attachment C of the Local Environmental Plan Making Guideline and the ground-truthed findings of the BEA, further assessment, such as targeted survey, is not identified as appropriate to inform the PP. A Biodiversity Development Assessment Report (BDAR), as per the *Biodiversity Conservation Act 2016*, will inform and accompany future DA/s and further test the initial theoretical occurrence findings for threatened fauna species.

The BEA does not describe the site as necessarily contributing to habitat or fauna movement in the region or locality. Notwithstanding, the retention of the existing North Bangalow Palm Swamp Forest regrowth communities as well as the delivery of broad vegetated open space areas across the site, as displayed under the Concept Master Plan, will help maintain opportunities for fauna movement across the site.

An assessment of significance in accordance with Part 7A of the *Fisheries Management Act 1994* and the 'Threatened Species Assessment Guidelines' has not been identified as required as the subject site does not contain a waterway. Likewise, no approvals have been identified as necessary under the *Environment Protection and Biodiversity Conservation Act 1999*.

The BEA concludes that the PP is not considered likely to have any adverse biodiversity impact. Further, the Concept Masterplan has demonstrated that potential impacts to any known sensitive environmental land is able to be avoided. This meets the avoid measures under the *Biodiversity Conservation Act 2016*. The BEA therefore has not recommended undertaking further assessment at this stage in accordance with the Biodiversity Assessment Method to quantify offsets, due to the low requirement for offsetting.

The BEA also does not recommend pursuing biodiversity certification or zoning any land within the site with a C2 or C3 zone. This includes the proximity area to Coastal Wetlands or the known North Bangalow Palm Swamp Forest regrowth communities. As noted previously under this PP, applying a C2 or C3 zone to these land areas would be inconsistent to Ministerial Direction 3.4.

3.9 Question 9 – Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

3.9.1 Bushfire

The subject site is mapped as bushfire prone land and accordingly a Bushfire Risk Assessment (BRA) has been prepared, as per the scope of Attachment C within the Local Environmental Plan Making Guideline.

The BRA identifies the bushfire threats relevant to the site, which are generally confined to the northern boundary. Whilst the remainder of the subject site is bushfire prone by virtue of its 'grassland' identification, this outcome will cease should the PP proceed and facilitate the Cudgen Connection outcome.

The requirements of Planning for Bushfire Protection 2019 (PBP) have been assessed, considering both special fire protection purpose land uses, which include hospital, child care and hotel accommodation, and the remaining uses being proposed under the Cudgen Connection Concept Masterplan.

The extent of Asset Protection Zones (APZ) has been identified and overlayed on-site plans for both special fire protection purposes and the remaining uses. These plans demonstrate that asset protection zones can be accommodated within the subject site.

The BRA confirms that suitable arrangements can be made to ensure compliance with PBP, inclusive of access and egress for fire-fighting operations, emergency evacuation and water supply for fire-fighting operations. As per Planning for Bushfire Protection 2019, the Cudgen Connection Concept Masterplan provides:

- An Inner Protection Area bounded by a perimeter road along the northern frontage which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property.
- Contains provisions for two-way access roads which link to perimeter roads.
- Contains provisions for adequate water supply for firefighting purposes.
- Minimises the perimeter of the area of land interfacing the hazard which may be developed.

Accordingly, bushfire has not been identified as a barrier to establishing site-specific merit. In addition, future consultation within the Commissioner of the NSW Rural Fire Service will occur should this PP proceed.

3.9.2 Surface and ground water

Stormwater management investigations have been pursued, demonstrating the quantity and quality of water can be managed to a neutral or beneficial standard. To achieve desirable outcomes, the overarching proposed stormwater strategy is to collect stormwater in an internal pit/pipe network and discharge stormwater to a centralised treatment/detention system prior to release. The centralised treatment/detention system is anticipated to include an underground detention tank, Gross Pollutant Trap and Stormwater Filter. Hydrological and hydraulic modelling was completed with MUSIC and DRAINS software to size these structures and provide an appropriate outlet configuration. The Legal Point Of Discharge (LPOD) for the site is identified as the boundary adjacent to the coastal wetland to the north of the site. In addition, external catchments have been identified and their conveyance through the site maintained along eastern and western boundaries. Whilst any formal development proposal will be subject to future DA/s, the Stormwater Management Plan has not identified any barrier to achieving suitable stormwater management outcomes.

Detailed investigations into groundwater, and associated impact considerations are yet to be pursued given the strategic nature of the PP, and reflective of the provisions contained within the Local Environmental Plan Making Guideline, specifically Attachment C, Supporting Technical Information.

Accordingly, surface and groundwater have not been identified as a barrier to establishing site-specific merit.

3.9.3 Contamination

Pre 1989, the subject site had been disturbed and utilised for agricultural purposes, which comprise a potentially contaminating activity.

Preliminary and Detail Site Investigations assessments have been undertaken to establish the likelihood of site contamination, the suitability of the land uses proposed, and the potential need for remediation. The DSI investigation concluded that no further investigation or remediation is required for the Cudgen Connection proposal.

Accordingly, no matters have been identified through the preparation of the site suitability assessments. Rather, these assessments have indicated the site is suitable for the proposed uses, and that site remediation is not required.

3.9.4 Visual Impact

The PP represents an extension of the existing Urban Growth Area boundary to form a contiguous tract between the Kingscliff and Cudgen settlements. As per the draft Tweed Scenic Landscape Strategy 2019 mapping, the subject site is identified as located within 5x Priority 1 Viewsheds and 9x Priority 2 Viewsheds. Whilst the PP seeks a significant increase in maximum building heights for the land, the height sought is less than the constructed height of the TVH. Further, as expressed in the Concept Masterplan, building heights are proposed to 'step-down' as transitioning away from the common boundary with the TVH and to the lower building forms of Cudgen village.

Whilst the site is identified within multiple viewsheds, all but 1x are long distance views observed from several kilometres away, up to 15+km away to 1x viewing location. Acknowledging the lower topography and building heights in comparison to the TVH, the primary opportunity for visual impact from public domain areas is along Tweed Coast and Cudgen Roads.

The existing visual character and values of Tweed Coast Road comprise a series of 'open' and 'closed' visual experiences as the road traverses through urban, environmental and farmland areas. The subject site itself is identified as possessing low scenic and visual quality in its current form. For both Tweed Coast and Cudgen Road, the signalised intersection comprises a visual gateway and part of an arrival or departure sequence, consolidated by urban development to the northeast, farmland to the south and southwest and village residential character to the northwest. The structure and building heights within the Concept Masterplan reflects this pattern and comprises setbacks to facilitate landscape screening between buildings and public domain spaces.

Acknowledging the size of the subject site and the scale of the TVH development, the visual alteration, in isolation, is identified as minor/negligible and the overarching scenic value of the site is not considered to be compromised. Additional visual analysis will be pursued through future stages, including views obtained from private land.

3.9.5 Flood Impact

Flood impact and risk assessment has not been pursued as site survey has confirmed that the subject site is located above the Design Flood Level, including climate change projections. The subject site does not contain floodway areas or high hazards areas and the PP does not permit development that will result in significant flood impacts to other properties. The lower portions of the site are identified as affected by the Probable Maximum Flood (PMF).

The PP importantly aligns with Tweed's existing applicable framework for flooding, which includes clauses 5.21 and 7.4 and Section A3 of the Tweed Development Control Plan 2008. The collective of these provisions directs critical infrastructure, such as hospitals, above the PMF. The colocation of private hospital infrastructure (both general and mental health), coupled with the scarcity of suitable land above the PMF has comprised key drivers for the PP.

Whilst the PP promotes a more intensive use and habitation of the land area between the DFL and the PMF, building heights allow shelter in place and the rising elevation of the land towards Cudgen Road enables immediate evacuation to land above PMF if required. Accordingly, the PP is not identified as altering development without consent provisions or resulting in an increase in government spending on emergency management services, flood mitigation or response measures. As detailed previously, 'special flood considerations' are not applicable within the Tweed LEP 2014.

In addition, the subject site is approximately 600m walking distance along Cudgen Road to the NSW TAFE Kingscliff campus, which functions as an evacuation centre during natural events. The

connecting length of Cudgen Road between the subject site and the evacuation centre is flood free. Additional flood considerations and emergency management plans will be made through future DA/s, however no bar to suitable outcomes has been identified.

3.9.6 Other Environmental Considerations

Environmental studies prepared in support of this PP conclude that no adverse effects on environmental resources are likely. Further, it is evident that suitable opportunity to respond and mitigate impact should the detailed, DA-based investigations require such to accommodate future development.

Other potential environmental effects, including noise, light, groundwater, overshadowing, wind, vibration, erosion and sediment control and waste management are not identified as required within Attachment C of the Local Environmental Plan Making Guideline. Assessment of these matters can be pursued post Gateway determination if determined as necessary, however are typically, and able to be, managed through DA processes.

3.10 Question 10 - Has the planning proposal adequately addressed any social and economic effects?

3.10.1 Effects on European or Aboriginal Cultural Heritage

The Tweed Aboriginal Cultural Heritage Management Plan 2018 (ACHMP) categorises Aboriginal Cultural Heritage (ACH) within the Tweed Shire as either 'Known', 'Predicted' or unmapped, and sets out relevant levels of cultural heritage assessment for all proposed development. The subject site is mapped as 'Predictive' under the ACHMP. Accordingly, the following details a due diligence assessment against the ACHMPs heads of consideration.

Step 1: Will the activity disturb the ground surface?

Yes. While no works are proposed under this PP, it is acknowledged that the planning framework sought enables future development and earthworks to be undertaken on the land in association with pursuing the Cudgen Connection concept.

The subject site has been previously disturbed, given its historic farming and more recent garden centre and hydroponics uses. These former disturbance activities reduce the likelihood that the site would contain Aboriginal cultural heritage.

Step 2a: Search of AHIMS Database

A search of the Aboriginal Heritage Information Management System ('AHIMS') was pursued for the site with a 50m buffer. The search identified no registered Aboriginal sites or declared Aboriginal Places within the search area. This is reflective of the ACHMP mapping which indicates no known ACH immediate to the site. The nearest mapped Aboriginal Place of Heritage Significance as per the ACHMP is located approximately 270m north of the subject site.

Step 2b: Is the activity in an area where landscape features indicate the presence of Aboriginal cultural heritage?

The land proposed to be rezoned is mapped as being within a Predictive area for ACH. This is due to portions of the site being positioned in proximity of a local ridgeline, which are criteria under the ACHMP for mapping 'Predictive' ACH. These land characteristics are considered to have been former travelling and observational routes and therefore have a greater potential for containing ACH.

Accordingly, a Site Visit and Cultural Heritage Advice Report was sought from the Tweed Byron Local Aboriginal Land Council Heritage Unit. In considering the Cudgen Connection proposal, the Site Visit and Cultural Heritage Advice Report includes the following recommendations:

- *TBLALC has reviewed the proposal against its Aboriginal cultural heritage mapping database and cultural knowledge, undertaken a site visit and, based on this, considers the scope of works to present only a low risk of harm to Aboriginal cultural heritage.*

- *TBLALC does not consider it necessary to engage an archaeologist for further assessment.*
- *TBLALC recommends that any approval include a condition advising the applicant of their stop work responsibilities should any cultural material be revealed as part of the development works.*

The final recommendation will form part of any future development consent issued to deliver the Cudgen Connection proposal and does not raise any direct matters or concern to this PP.

Land adjoining the subject site to the southwest is identified as possessing historic heritage, namely, Cudgen Sugar Mill Remains. This archaeological site is identified as of local significance through the Tweed LEP 2014, however is outside of the subject site. In addition, drystone walls were identified on the TVH site, though are not heritage listed. Again, these attributes are not identified on the subject site and are confined to the adjoining land.

A European heritage assessment and impact study is not identified as necessary as the PP does not impact on a local or State heritage item, or impact a heritage conservation area. In light of the above, the effects on European and Aboriginal Cultural Heritage have been considered and whilst ongoing due diligence investigations are relevant, no negative impacts or risks of note have been identified.

3.10.2 Estimate the number of jobs or housing growth (e.g. construction/post-construction and housing diversity)

The Economic Impact Assessment details the estimated number of jobs associated with the delivery of Cudgen Connection. It is estimated under this report, that 358x full-time equivalent (FTE) positions will be created through the construction process. When fully operational, it is estimated that there will be 1,040 new local employment opportunities created. In comparison, assessment of the subject sites underlying agricultural potential identifies the employment of <1x FTE.

Whilst primarily a job-creation project, Cudgen Connection, as expressed within its Concept Masterplan, includes 286x units, which is projected to accommodate 465x residents. In addition, the Medi-Hotel would facilitate 121x overnight visitors.

Cudgen Connection is anticipated to make a positive contribution towards the LGAs largest and fastest growing economic sector (Health Care and Social Assistance), promote employment depth and diversity within the sector and improve the LGAs economic resilience. Whilst making a minor contribution to housing supply, the provision of essential worker housing is anticipated to notably assist the ongoing workforce of the precinct and promote its competitive advantages within the wider region.

3.10.3 Identify the impact on existing social infrastructure, such as schools and hospitals.

Cudgen Connection seeks to address a significant shortage of health facilities within the Tweed Byron subregion. As identified within the Needs Assessment, existing gaps in health services provision are currently present, forcing residents to seek treatment and services outside of the LGA. The underlying gap is projected to dramatically grow as the communities demographic ages notably over the next 20x years. Additional salient findings include:

- Existing gap in public and private inpatient beds and same day places of 76 beds, growing to 313 beds in 2040. This gap is approximately 75% of the TVH size needing to be delivered again by 2040.
- Public to private bed ratios for the Tweed & Byron LGAs are 24.56:1, in comparison to 2.46:1 for NSW and 1.85 for Australia.
- No tangible 'oversupply' of beds within the South East Queensland growth corridor (which is experiencing rapid population growth) to assist the Tweed-Byron community with services.

Opportunities to close the gaps in hospital services are limited within the Tweed LGA by virtue of its underlying flood regime. Likewise, as has been frequently referenced within this PP, best practice

planning for health precincts seeks to co-locate 'core' land uses to the hospital anchor, particularly public and private hospitals. In this regard, the subject site is unrivalled in its opportunity to deliver on these best practice outcomes.

Through the provision of essential worker housing, a total of 465x residents are anticipated. As identified within the Social & Community Needs Assessment, this is projected to result in:

- 29x children aged between 0-4
- Demand for 29x public primary school places, 11x Catholic primary school place and 6x other non-government primary school places.
- Demand for 23x high school places, 11x Catholic high school places and 9x other non-government high school places.

Acknowledging the low demands generated, capacity within the existing primary and secondary school networks is present. Childcare is proposed to be delivered on-site and is anticipated to provide a minor increase to the existing childcare network capacity.

Finally, Cudgen Connection seeks to deliver a university, which is embedded in the desired land use zoning (and description). The delivery of this infrastructure will re-introduce a formal university presence and facility within the LGA, beyond the collaborative learning spaces within the public hospital.

Accordingly, Cudgen Connection is identified as resulting in a significant positive impact of social infrastructure through the provision of a private hospital, private mental health hospital and a university.

3.10.4 Identify the need for public open space or impacts on green infrastructure.

The Cudgen Connection Concept Masterplan identifies approximately 24% of the site for green spaces, being a combination of ecological area, biological buffers and open space. In addition, a central plaza is illustrated to serve an additional public meeting place. Areas of open space are to be provided to support the amenity, general health and wellbeing of precinct users, as well as private open space areas for residing essential workers. These open space areas primarily perform a 'week-to-week' function, and integrate with Council's network of structured and passive open space for formal active sport and play activities.

The collective 465x residents and 121x overnight visitors generate a demand for 6,498m² of passive open space. In addition, the 465x residents generate a demand for 7,905m² of structured open space. Both of these projections are made utilising Council's adopted open space rates, being 1.13ha per 1,000 people and 1.7ha per 1,000 people respectively.

Noting Council's Open Space Strategy 2019-2029 identifies the Kingscliff locality is well supplied with passive open space, likewise, the subject site is within 400m of an existing park in Cudgen village, a developer contribution is able to be pursued to meet local passive open space needs.

The quantity of structured open space generated by Cudgen Connection equates to a single full-size playing field. Acknowledging the strategic designation of structured open space areas within the Open Space Strategy 2019-2029, as well as the Kingscliff Locality Plan, both of which cluster active open space fields at locations in Kingscliff and Kings Forest, a developer contribution will be pursued towards the planned network as an alternative to providing a structured sports field.

Accordingly, the PP is compatible with the open space network planning described within the Open Space Strategy 2019-2029 and supporting developer contributions framework. Specifically, the PP is not identified as generating an extent of passive or structured open space beyond which is planned for within the Tweed Coast's network planning or result in any reduction in accessibility beyond Council's established travel key performance indicators. In addition, Cudgen Connection is identified as providing high-quality green infrastructure for precinct users, affording high levels of amenity, and creating great meeting spaces and places.

3.10.5 Identify the impact on existing retail centres

Existing retail within walking distance of the health precinct anchor is limited to a roadside stall, as well as a café/retail space of approximately 60m² within the TVH. This shortfall in supporting infrastructure is anticipated to in turn increase vehicle trips, length of trips and place additional carparking pressure on the Kingscliff Town Centre to support the vehicles of 1330+ TVH workers accessing basic services.

Accordingly, supporting and ancillary retail premises are proposed within the PP as additional permitted uses. This is illustrated on the Cudgen Connection Concept Masterplan. The illustrated 1,000m² and 1,500m² floorplate sizes are compatible with day-to-day retailing, as opposed to higher-order retailing, such as a coastal or full-line supermarket. This outcome can be confirmed through the PP via an additional local clause. Whilst the suite of potential tenants and tenancy sizes is not yet known, retailing is generally anticipated to include cafes, take-away food and drink premises, florist, news agency, general store, delicatessen, ATMs and the like.

As above, the primary function of the retail spaces is to support workers and users of the precinct. Notwithstanding, it is noted that utilising the general guideline provisions of DPEs Draft Centres Policy 2009, that the projected essential worker population would generate a demand for approximately 930m² of retail gross floor area. Further, the Kingscliff Locality Plan identifies a local and neighbourhood centre services 'gap' in proximity to the TVH, advocating within Retail and Commercial Centres Strategy 8 to encourage the provision of convenience retail uses to serve *'the needs of the hospital staff, patients, visitors, TAFE students and potentially Kingscliff Hill Precinct residents'*

The Tweed Coast includes a strategic framework across multiple policy provisions which, amongst others, implement an objective for highly walkable communities through its urban structure. These objectives are delivered through identification of commercial opportunities through land use zonings at broadly 800m intervals along the Tweed Coast, and higher order uses being encouraged within primary activity nodes, such as Kingscliff and Casuarina Town Centres. The Kingscliff Town Centre functions as the highest order retail centre on the Tweed Coast. As identified within the Kingscliff Locality Plan the Town Centre contains 5.76ha of land zoned MUI - Mixed Use, as well as additional opportunities for expansion adjoining the Town Centre on Lot 13 DP 871753. Current services include typical town centre businesses, such as a Shopping Village containing Woolworths supermarket, pubs, clubs and various food and drink offerings, specialty retail stores, cinema, offices, banks, and medical facilities.

In light of the role, function and scale of the Kingscliff Town Centre and the day-to-day supporting retailing proposed within Cudgen Connection, no significant impact is anticipated to any existing retail centre by virtue of the Cudgen Connection proposal.

3.10.6 Identify measures to mitigate any adverse social or economic impacts, where necessary, and whether additional studies are required

As detailed throughout this PP, the Cudgen Connection proposal is identified as having positive social and economic effects. Potential negative impacts have been identified and considered, and can be surmised as follows:

- The loss of State Significant Farmland – The subject site comprises approximately 1% of the mapped SSF area in the Tweed LGA. The loss of potential food production has been identified and assessed as negligible to the LGAs agricultural output and value. Supporting assessments have confirmed the ability to mitigate land use conflicts between the use of the subject site and surrounding agriculture, ensuring that external impacts to farming capacity and capability does not occur.
- Potential for an increase in noise and light pollution – The ongoing activities and operation of the hospital and other site functions may cause an increase in onsite noise and light, as well as traffic-related noise in the local area. Through this strategic review, no barriers have been identified that preclude suitable noise and light mitigation measures being implemented on the site. As per the Local Environmental Plan Making Guideline, these potential impacts will be formally addressed through

the future DA process/s, including the Planning Secretary's Environmental Assessment Requirements for hospitals, tertiary institutions and the like.

- Increase in local traffic – It is highly likely that the proposal will increase traffic in the local area with increased employment, education, patients, and residents onsite. Notwithstanding the potential impact, the Tweed Road Development Strategy has identified a number of network upgrades to be pursued, which will provide for increased traffic capacity irrespective of the PP. Whilst an increase in traffic volume is anticipated, the clustering of land uses best promotes multi-purpose trips and opportunities to access the precinct through alternate travel modes, such as walking, cycling and public transport. Accordingly, a negative social impact is identified by not delivering Cudgen Connection, being, the need for additional and longer trips outside the immediate precinct for specialist referrals, journey to and from home, convenience retail and the like.

Through this strategic review, no barriers have been identified that preclude suitable traffic impact mitigation measures being implemented. As per the traffic and transport strategy scope within the Local Environmental Plan Making Guideline, fit-for-purpose assessment has occurred at this time. Further, potential impacts can be formally addressed post Gateway determination where required, or within future DA process/s.

Remaining adverse social or economic impacts identified are limited in their duration to the construction phase of Cudgen Connection, which will be managed through conditions of development consent and/or Construction Environmental Management Plans.

3.10.7 Identify any proposed public benefits

The PP, and Cudgen Connection Concept at-large, proposes significant public benefits for the Tweed and wider communities. As discussed throughout this PP, the provision of private hospitals (general and mental health), tertiary education and a community centre each:

- Increase and improve access to critical infrastructure for the community.
- Make a positive contribution towards the health and wellbeing of the community.
- Create local jobs and foster not-for-profit operations to connect with the community.
- Support the projected community demographic and encourages retention of the LGAs youth through education, training, and employment.
- Promote Tweed's competitive advantages and ability to attract and retain talent.

A Needs Assessment has identified significant current and projected shortfalls across the health services spectrum within the Tweed-Byron subregion. Primary shortfalls within the subregion are surmised in the following table, which account for the services delivered within the TVH.

Table 4. Summary of Health Service Shortfalls

Service Type	2020	2040 Projection
Public and private inpatient beds and same day places	76	313
Private acute beds	67	173
Public and private rehabilitation beds	60	112
Elective operating theatres	4	16

The shortfalls in health services display a failure in current planning policy and private investment. An outstanding gap in precinct planning for the TVH, reflective of best practice, can be closed with this PP and \$300+ million of private investment unlocked to service a healthier and sustainable Tweed community. As detailed throughout this PP, the delivery of these services outside of the subject site

is highly constrained, reduces the public benefit and reduces the effectiveness of the precinct. As such, the subject site is unrivalled in its potential.

Community consultation, as well as raw housing delivery, rental, and sales data, has identified a clear community priority for essential worker accommodation provision. Specifically, the community holds strong concern regarding the cost of housing and the associated displacement of youth, key workers and others from their existing communities. Whilst resolving this issue is well beyond the scope of this PP, a significant and direct contribution towards the issue is embedded. The PP contains direct commitments, expressed through additional local provisions, to the delivery and retention of essential worker housing. Immediately connected to services, public and active transport, the essential worker housing will facilitate high quality lifestyles and improved work/life balance. Accordingly, this commitment realises strong public benefit, which has been prioritised by the community.

In addition to the above, a multitude of other public benefits are anticipated to be realised by the PP, including but not limited to improving active and public transport usage, reduced traffic and carparking impact on the Kingscliff Town Centre, improved access to day-to-day services for Cudgen village residents and the like. In promoting best practice, the PP is of public interest and provides public benefit.

Section D – Infrastructure (Local, State and Commonwealth)

3.11 Question 11 - Is there adequate public infrastructure for the planning proposal?

Acknowledging an amendment from Primary Production to Infrastructure (or similar urban zone) is likely to notably increase the subject site's demand for public facilities and services, the PP is supported by the following infrastructure assessments:

- Engineering Assessment, prepared by Planit Consulting, considering reticulated water, sewer, telecommunications and electricity infrastructure
- Stormwater Management Plan, prepared by Planit Consulting, considering stormwater management.
- Traffic Impact Assessment, prepared by PSA Consulting, considering the traffic network, including public and active transport.
- Social & Community Needs Assessment, prepared by Umwelt, considering social and community infrastructure.

Each of the above assessments is provided with this PP, and relevant matters to establishing site-specific merit detailed below.

3.11.1 Social and Community Infrastructure

Yes, acknowledging the content of the Community Facilities Plan 2019 – 2036, and other existing services, there is adequate social and community infrastructure for the PP.

The subject site benefits from close proximity to numerous social, and community infrastructure provisions, including but not limited to:

- Tweed Valley Hospital - immediately east
- NSW TAFE – Kingscliff Campus – approximately 600m east
- Kingscliff Pool and Library – approximately 850m east
- Kingscliff High School – approximately 850m east
- Kingscliff and Saint Anthony's Primary Schools – approximately 1.6km east respectively

- Kingscliff Town Centre, including shops, offices, GPs, supermarkets and the like – approximately 1.5km east
- Kingscliff Community Hall – approximately 1.7km east
- Marine Parade and Cudgen Creek Reserves – approximately 1.8km east
- Kingscliff Tennis Courts – approximately 1.4km east
- Merv Edwards and Walter Peate Sports Fields – approximately 2.7km north respectively.

Broadly, the PP, and delivery of Cudgen Connection is identified as providing a positive contribution to social and community infrastructure fabric of the wider Kingscliff, Cudgen and Tweed Coast localities.

As discussed within the Social & Community Needs Assessment, the Concept Masterplan is expected to generate approximately 465x residents and 121x overnight visitors (associated with the Medi-hotel). The Concept Masterplan provides a diversity of uses, with many aspects likely to meet the needs of future residents on site, such as childcare services, day-to-day retailing, passive open space and community facilities. Beyond the social and community provisions proposed on the subject site, future Cudgen Connection DA proposal/s will include the payment of development contributions, as per section 7.11 of the Act, towards open space, library, community facilities and the like. The Social & Community Needs Assessment has identified that the social and community infrastructure demand generated by Cudgen Connection is within Council's wider infrastructure framework, likewise, does not result in a gap or oversupply for primary and secondary school facilities.

3.11.2 Water & Sewer

Yes, analysis of water and sewer capacity and likely demands has confirmed there is adequate water and sewer infrastructure for the PP, subject to the provision of water main upgrades and delivery of sewer pump station and rising main infrastructure by the proponent.

As per Council's Development Servicing Plan for Water Supply and Sewerage 2019, the subject site is identified as within the Sewerage Service Area, but outside the identified Water Supply Service Area. Accordingly, both water and sewer demand modelling has been undertaken and documented within the submitted Engineering Assessment.

To realise Cudgen Connection a series of water main upgrades are needed to augment distribution supply from the Kingscliff reservoir(s) to the development site. For sewer, construction of a new private sewer pump station within the subject site and accompanying rising main to connect to the existing network within Tweed Coast Road (adjacent to northwest corner of development site) to facilitate reticulated services. Water and sewer demand modelling has been detailed within the submitted Engineering Assessment, confirming suitable water and sewer supply to facilitate the rezoning of the subject site, as well as its future intended outcomes. These findings have been confirmed with Tweed Shire Council as the water and sewer provider.

3.11.3 Electrical & Telecommunications

These services are currently available to the site. Preliminary investigations have indicated that there will be no detrimental impacts or public cost to support the PP. Additional investigations can be pursued if determined to be necessary post Gateway determination, or through future DA process/s.

3.11.4 Traffic

Yes, acknowledging the planned upgrades identified within the Tweed Road Development Strategy 2017 (TRDS) there is adequate road and public transport infrastructure for the PP.

The subject site benefits from frontages to Tweed Coast Road and Cudgen Road, both of which comprises higher-order roads within the Kingscliff and Tweed Coast context.

Tweed Coast Road facilitates the primary north-south 'spine' road, connecting the majority of existing and emerging settlements along the Tweed Coast to Wooyung, as well as providing access to and from the Pacific Highway at Chinderah.

As per the TRDS, the widening of Tweed Coast Road is planned from the Pacific Highway interchange (2.4km north of the subject site) to the signalised intersection with Grand Parade, Casuarina, 3.75kms south of the subject site. A section of road widening in immediate proximity to the signalised intersection with Cudgen Road, has recently occurred to facilitate the TVH development, adjoining the subject site. The remainder of the widening has been advanced by Council and its funding actively pursued over a number of years.

Cudgen Road comprises 1x of 2x primary 'east-west' connector roads, linking the Kingscliff and Cudgen localities to the Pacific Highway. Cudgen Road provides direct access to both the TVH and the NSW TAFE Kingscliff Campus, as well as functions as a distributor road to and from both the Kingscliff High School and the Kingscliff Central Business District. Cudgen Road comprises variable width, predominately comprising 2 and 3x lanes, however widens to 5x lanes at its intersection with Tweed Coast Road.

Specific to the northern-end of the Tweed Coast (from Kings Forest to the Pacific Highway interchange in Chinderah) the TRDS considered urban growth in Kings Forest and Kingscliff and identified network improvements, specifically:

- An 'east-west' connection between Tweed Coast Road and Turnock Street roundabout
- An 'east-west' connection between Tweed Coast Road and Ozone Street
- Widening of Tweed Coast Road to 4x lanes from the Pacific Highway interchange to the intersection at Grand Parade, Casuarina.
- Other intersection improvements and road extensions within the Kingscliff and Kings Forest localities.

The abovementioned improvements comprise the trunk infrastructure delivery identified to accommodate planned growth.

Beyond trunk infrastructure delivery, to realise the objective and intended outcomes of this PP, a series of traffic improvements are detailed, namely:

- A roundabout on and access from Tweed Coast Road.
- Provision of public transport interchange infrastructure
- Provision of internal roads, pedestrian pathways, carparking and 'end-of-trip' facilities.

In addition, potential infrastructure improvements, including but not limited to the widening of Cudgen Road to 4+ lanes width along the frontage of the subject site, are available and may be pursued if required.

Consistent with the identified Traffic and Transport Strategy scope detailed within Attachment C of the Local Environmental Plan Making Guideline, the design specifications of the abovementioned infrastructure and services will be formalised post Gateway determination. In addition, consultation with key stakeholders, including Transport for NSW, Tweed Shire Council and appointed bus transport providers (Kinetic) is appropriate to be pursued post Gateway. Notwithstanding, it is noted that the infrastructure improvements identified above as specific to the PP are the responsibility of the proponent, however the key stakeholders will become asset owners or users.

At the time of writing this PP, no specific local contributions plan is identified as required.

Section E – State and Commonwealth Interests

3.12 Question 12 – What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

This PP was prefaced by the submission of a Scoping Report and a formal pre-lodgement meeting facilitated by Council staff. It is understood that referrals to government agencies was pursued by Council through this process, particularly as written correspondence was provided by NSW Department of Primary Industries staff and pre-lodgement meeting attendance by Transport for NSW staff.

In addition to these Council processes, invitations to meet and project briefings have been extended to multiple agencies since, including but not limited to:

- NSW Transport for NSW
- NSW Health Infrastructure
- School Infrastructure NSW
- NSW State Emergency Service
- Regional NSW
- NSW Department of Planning and Environment
- NSW Department of Primary Industries.

No agreements are necessary, nor were sought from the abovementioned State agencies. Advices received from State agencies focussed on technical inputs, peer review feedback and confirmation of political announcements.

As identified earlier in this PP, consultation with the Commissioner of NSW Rural Fire Service and the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts are to be pursued post-Gateway determination. Acknowledging the particulars of the PP and the findings of the Bushfire Risk Assessment, the PP is not identified as likely to raise any concerns or impacts on with State and Federal authorities.

The provisions of the PP do not give rise to unnecessary referrals to government agencies.

Part 4 – Maps

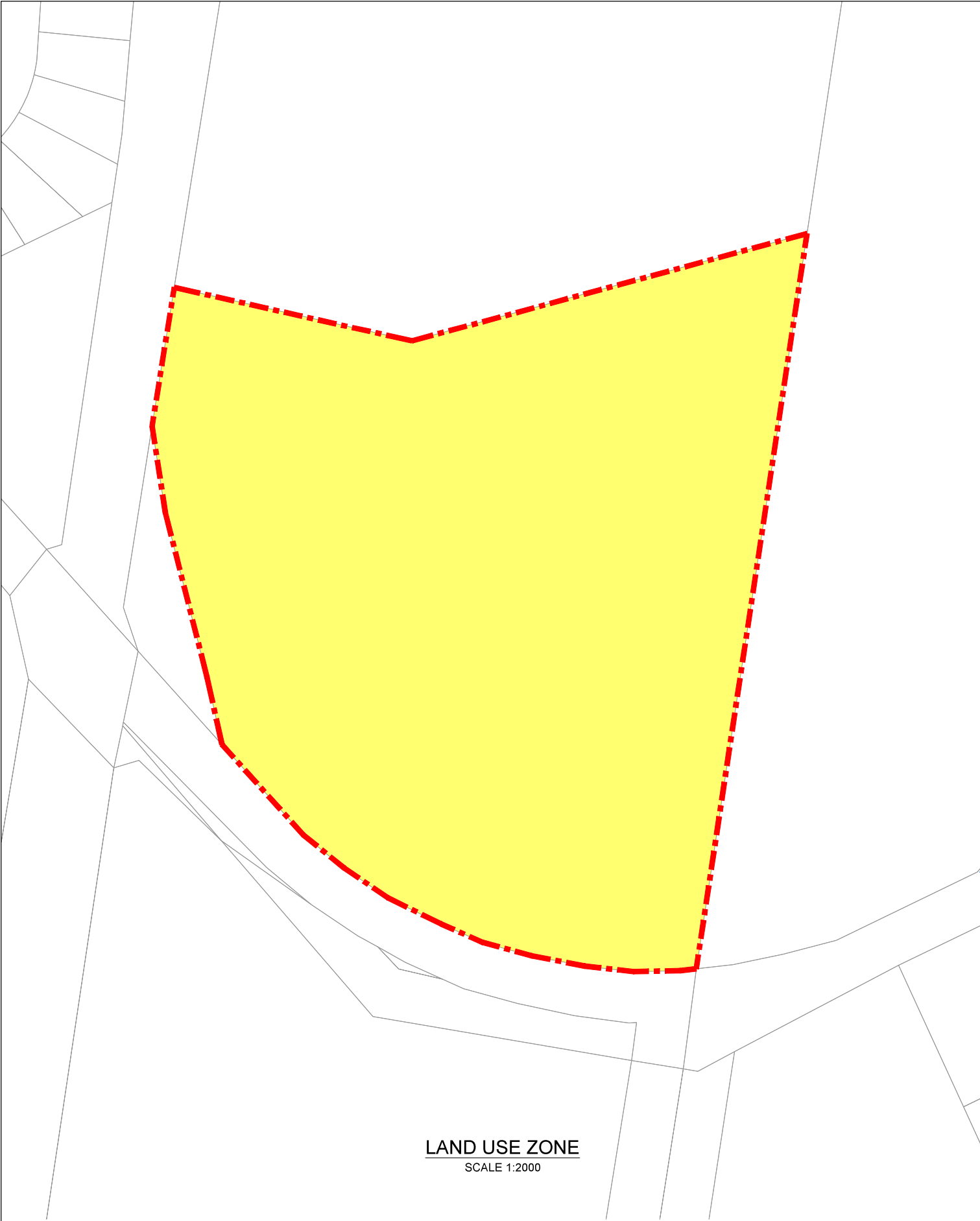
As described within Section 2.1 of this PP, a series of mapping amendments to the Tweed LEP 2014 is required in order to facilitate the intended outcomes. Specific amendments are detailed as follows:

- Amend the Tweed LEP 2014 Land Zoning Map (Sheet LZN_023) as it relates to the subject site, from RU1 Primary Production to SP2 Infrastructure (Health Services Facility and Educational Establishment).
- Amend the Tweed LEP 2014 Height of Buildings Map (Sheet HOB_023) as it relates to the subject site, from 10m maximum building height to a composition of 10, 22, 25 and 38m.
- Amend the Tweed LEP 2014 Lot Size Map (Sheet LSZ_023) as it relates to the subject site, to remove the 10ha minimum lot size.
- Amend the Tweed LEP 2014 Additional Permitted Uses Map (Sheet APU_023) to identify the subject site and identify the following land uses as permitted with development consent:
 - Commercial premises
 - Community facilities
 - Early education and care facility
 - Residential flat building
 - Hotel or Motel Accommodation
 - Recreation areas
- Introduce a new Tweed LEP 2014 Key Sites Map (Sheet KYS_023) to identify the subject site as 'DCP Required'

Of note, an additional local provision to ensure the delivery of an integrated health and education-led centre and encourage housing affordability through Build-to-Rent. The local provision is not identified as necessitating a corresponding map, or map amendment.

As mapping must be consistent with the Department of Planning and Environment's Standard Technical Requirements for Spatial Datasets and Maps, a suite of indicative draft LEPs maps has been prepared and can be found overpage.

To ensure correct format, symbols and labelling, the preparation of draft LEP maps in GIS consistent with the provisions detailed above is welcomed when requesting a Gateway determination. .



LAND USE ZONE
SCALE 1:2000

LEGEND:

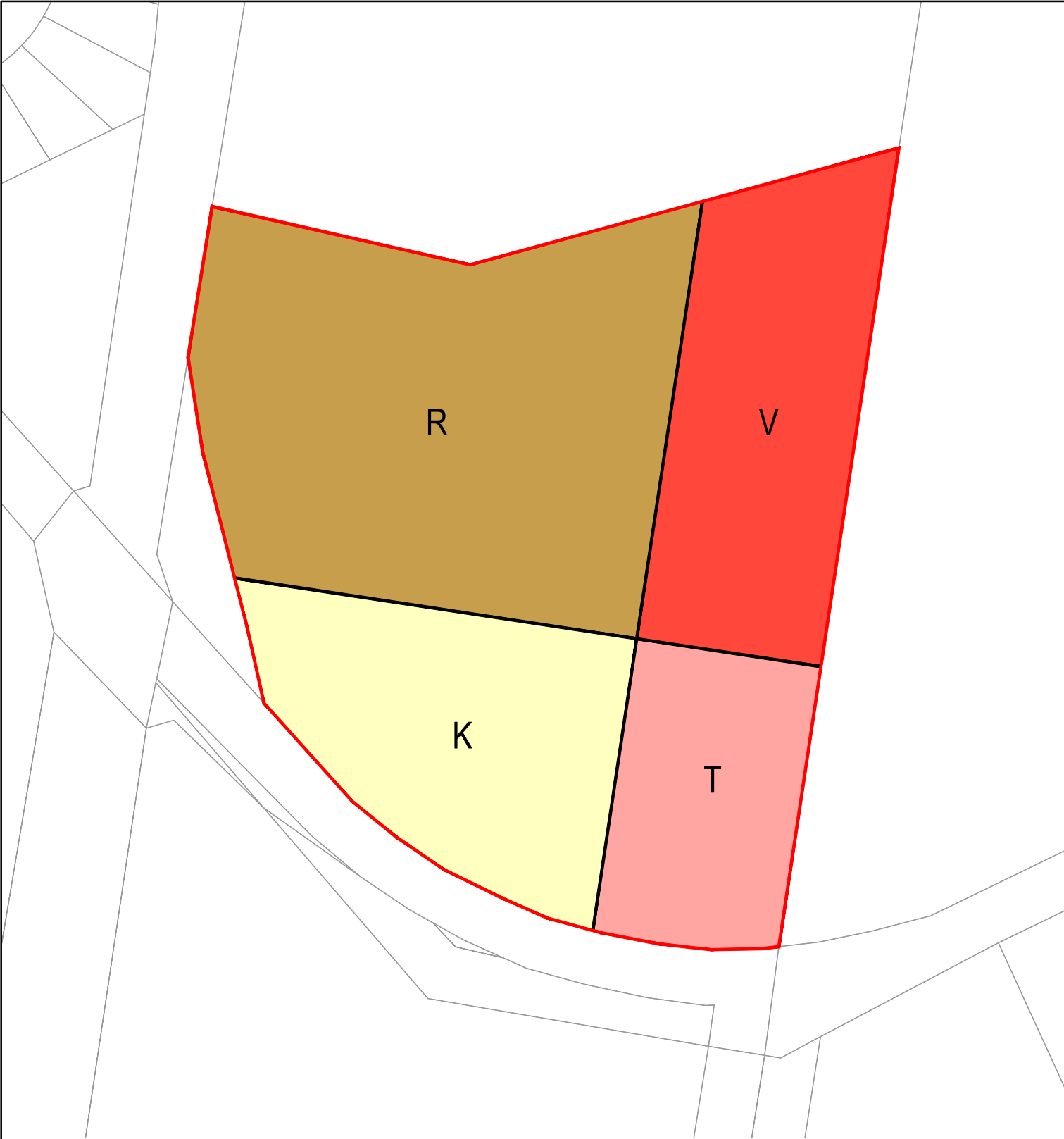
 SP2 INFRASTRUCTURE - Health Services Facility and Educational Establishment

REV		DESCRIPTION	DATE	DRAWN	SCALES: 0 20 40 80 120 Full Size 1:2000 ; Half Size 1:4000 Scale (m)	PLANIT CONSULTING LEVEL 2, 11-13 PEARL STREET PO BOX 1623 KINGSCLIFF NSW 2487 PH: 02 6674 5001 ABN: 20 099 261 711 administration@planitconsulting.com.au		CLIENT: CUDGEN HEALTH PRECINCT	PROJECT: CUDGEN CONNECTION			
01		FOR INFORMATION	22/11/2023	AB					DRAWING TITLE: LAND USE ZONING			
					DO NOT SCALE FROM DRAWING		LOCAL GOVERNMENT AUTHORITY: TWEED SHIRE COUNCIL		ORIGINAL SIZE:	PLANIT JOB No.:	DRAWING No.:	REV:
									A4	J7594	J7594_100	01



☐ SUBJECT SITE

	DESCRIPTION	DATE	DRAWN	SCALES:	PLANIT CONSULTING LEVEL 2, 11-13 PEARL STREET PO BOX 1623 KINGSCLIFF NSW 2487 PH: 02 8674 5001 ABN: 20 099 261 711  C O N S U L T I N G administration@planitconsulting.com.au	CLIENT:	CUDGEN HEALTH PRECINCT			PROJECT:	CUDGEN CONNECTION		
01	FOR INFORMATION	22/11/2023	AB	0204080120 Full Size 1:2000 , Half Size 1:4000 Scale (m)		DRAWING TITLE:	MINIMUM LOT SIZE						
				DO NOT SCALE FROM DRAWING.		LOCAL GOVERNMENT AUTHORITY:	TWEED SHIRE COUNCIL			ORIGINAL SIZE:	PLANIT JOB No.	DRAWING No.	REV:
										A4	J7594	J7594 200	01

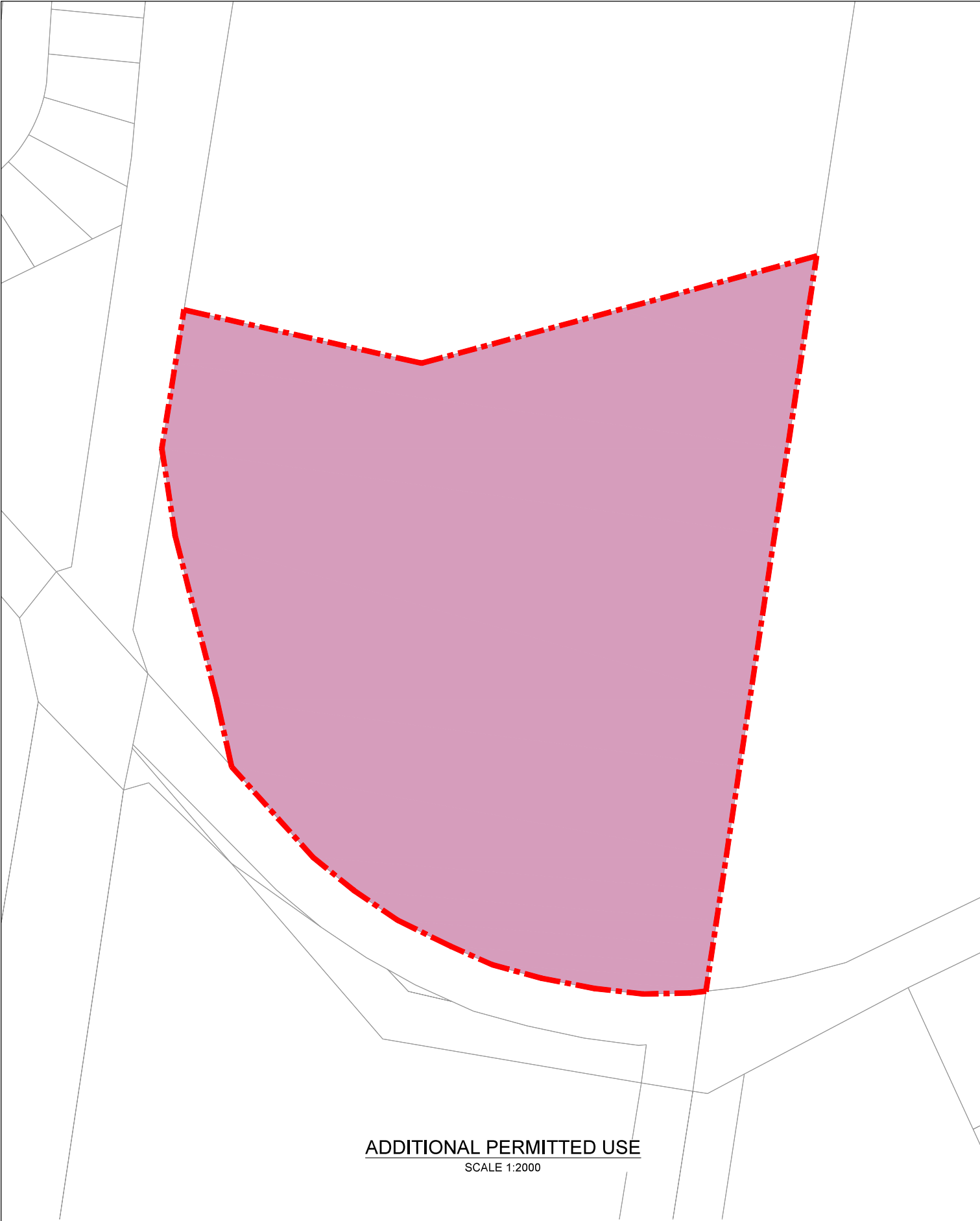


MAXIMUM HEIGHT OF BUILDINGS
SCALE 1:2000

LEGEND:

- K 10m
- R 22m
- T 25m
- V 38m

REV	DESCRIPTION	DATE	DRAWN	SCALES:	PLANIT CONSULTING LEVEL 2, 11-13 PEARL STREET PO BOX 1623 KINGSCLIFF NSW 2487 PH: 02 6674 5001 ABN: 20 099 261 711  CONSULTING administration@planitconsulting.com.au	CLIENT:	PROJECT:
01	FOR INFORMATION	15/10/2024	DM	0 5 10 20 40 Full Size 1:2000 ; Half Size 1:4000 Scale (m) DO NOT SCALE FROM DRAWING		CUDGEN HEALTH PRECINCT	CUDGEN CONNECTION
							DRAWING TITLE:
							MAXIMUM HEIGHT OF BUILDINGS
						LOCAL GOVERNMENT AUTHORITY:	
						TWEED SHIRE COUNCIL	ORIGINAL SIZE:
							A4
						PLANIT JOB No.:	J7594
						DRAWING No.:	J7594_400
						REV:	01



ADDITIONAL PERMITTED USE
SCALE 1:2000

LEGEND:

 **ADDITIONAL PERMITTED USES:** Community facilities, Commercial Premises, Early Education and Care Facility, Residential Flat Building, Hotel or Motel Accommodation, Recreation areas.

REV		DESCRIPTION	DATE	DRAWN	SCALES: 0 20 40 80 120 Full Size 1:2000 ; Half Size 1:4000 Scale (m)	PLANIT CONSULTING LEVEL 2, 11-13 PEARL STREET PO BOX 1623 KINGSCLIFF NSW 2487 PH: 02 6674 5001 ABN: 20 099 261 711 administration@planitconsulting.com.au		CLIENT: CUDGEN HEALTH PRECINCT	PROJECT: CUDGEN CONNECTION			
01		FOR INFORMATION	01/12/2023	AB					DRAWING TITLE: ADDITIONAL PERMITTED USE			
									ORIGINAL SIZE:	PLANIT JOB No.:	DRAWING No.:	REV:
									A4	J7594	J7594_500	01

Part 5 – Community Consultation

Cudgen Connection has undertaken an extensive program of stakeholder and community consultation to-date. To surmise,

- General and technical consultation has been undertaken with Tweed Shire Council representatives, led by a scoping report and pre-lodgement meeting as described within the Local Environmental Plan Making Guideline.
- State agencies, including but not limited to Transport for NSW, Department of Primary Industries and Department of Planning and Environment.
- Community consultation with 'Cudgen Connectors', being a volunteer group who have participated in shaping the Cudgen Connection Concept Masterplan, particularly its community hub.
- Community consultation with the broader community, including formally polling and community 'pop-up' sessions.

The outcomes of these consultation processes have informed the particulars of this PP, including but not limited to:

- The assessment scopes of supporting studies
- Inclusion of additional local provisions within the PP
- Design evolution of the Concept Masterplan including increase provision of essential worker housing and design refinement for the community hub and plaza space.

These processes are anticipated to be augmented post Gateway determination by consulting with the Commissioner of NSW Rural Fire Service, Gold Coast Airport Limited, the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts. Post these processes, a further 28x day (minimum) community consultation process is anticipated.

As described within the Community Engagement Report, diverse consultation strategies have been utilised to consult with key stakeholders, technical staff within Government and the community at-large. Engagement to-date is championed by a program, referred to as the Cudgen Connectors, whereby 28x local residents and business representative volunteered to inform the overall Concept Masterplan and empowered to shape the intended outcomes of the proposed Community Building. Through the 12+ month program, the Connectors explored how the Cudgen Connection Concept Masterplan, particularly through the Community Building, could provide positive influence and outcomes for the themes of:

- Youth
- Seniors and aged care
- Business incubator and mentoring
- Community wellbeing
- Health, wellness and food accessibility.

The Cudgen Connectors program remains ongoing, however requires the simultaneous progression of this PP in order to ensure the delivery of the Community Building and realise emerging community expectations.

Key stakeholder engagement has been pursued with meeting requests and presentations with various community groups. Likewise, health, university and community housing providers have been engaged to underpin the feasibility of the PPs intended outcomes. Additional detail on each of these processes, including formal correspondence received, can be found within the Community Engagement Report, as well as the Letters of Support appendix.

Community engagement has been pursued through 4x primary exercises, being:

1. An initial poll was conducted to understand key local community issues, informing the initial project launch.

2. Informal community conversations, including presentations to key stakeholder groups, Cudgen Connector feedback and monitoring of media and social media feedback post project launch.
3. Additional polling, inclusive of project-specific questions and Concept Masterplan discussions
4. Community Conversations via 3x 'pop-up' sessions at Kingscliff Shopping Centre, Casuarina Town Centre and Tweed City Shopping Centre.

The initial 2x engagement activities, along with technical feedback received through the Scoping Report and Pre-lodgement Meeting resulted in an evolution of the Cudgen Connection Concept Masterplan post project launch. The evolution of the Concept Masterplan included, but is not limited to:

- Increase to the quantity of essential worker housing
- Increased focus on mental health and education provisions
- Reduction in food and drink offering and removal of the farmers market retail space
- Increase in Community Hub size and primacy within the precinct
- Recalibration of childcare scale
- Increase in basement parking provision
- Increased setbacks to the northern boundary.

As the Concept Masterplan evolved, the later 2x engagement processes provide quantitative and qualitative data of community opinion specific to the Cudgen Connection project.

The additional poll, conducted in August 2023, includes a base of 500x participants, selected randomly, from various locations within the Tweed LGA. Acknowledging the independence of data collection, as well as the size and composition of survey participants, this data collection comprises the highest scientific means of gauging community sentiment. Whilst comprehensive discussion of the results is contained within the Community Engagement Report, salient findings include:

- More affordable housing for essential workers is the highest priority expressed right across the LGA
- Locals overwhelmingly agree essential worker housing needed for when Tweed Valley Hospital opens.
- Upon initial engagement, 51% of participants strongly support or somewhat support the rezoning of the subject site to facilitate additional health, housing and community facilities. 12% were unsure, 37% somewhat oppose or strongly oppose.
- Support grew to 72% of participants for the rezoning of the subject site once hearing the extent of the Cudgen Connection Concept Masterplan. 9% remained unsure, whilst opposition fell to 19%.

Shortly after the additional poll was conducted, 3x 'pop-up' consultation sessions were conducted as follows:

- 13 October 2023 – Kingscliff Shopping Village, 10am – 1pm
- 14 October 2023 – Casuarina Town Centre, 10:30am – 1:30am
- 15 October 2023 – Tweed City Shopping Centre, 10:00am – 1:00pm

Each session was conducted involving multiple facilitators, flyers and the Concept Masterplan presented on A2 panels. The sessions focussed on providing information relating to Cudgen Connection and its supporting assessments, as well as facilitating discussion and feedback from participants on the proposal. As discussed in greater detail within the Community Engagement Report:

- Increased community support was observed through the pop-up consultation sessions in comparison to the polling results.

- Where opposition feedback was provided, the opposition was predominately due to the subject sites identification as SSF.
- Merit-based concerns were primarily raised in relation to traffic, parking and flooding impacts
- Broad support was observed regarding the provision of co-located health facilities, essential worker housing and supporting retail facilities.

Whilst any Gateway Determination supporting Cudgen Connection will involve a further, formal public and State agency consultation process of 30x working days, both scientific, impromptu and informal consultation to-date has identified underlying community support for the PP.

Specific to technical local and State Government staff engagement, a Consult strategy, as per the International Association of Public Participation (IAP2) spectrum has been pursued. A variety of meeting requests and technical clarifications have complemented the submission of a formal scoping report and facilitation of a pre-lodgement meeting, as per the recommended process detailed in Local Environmental Plan Making Guideline.

The pre-lodgement meeting was conducted on 24 March 2022 and attended by members of the project team, Transport for NSW staff and Council staff from the following units:

- Strategic Planning & Urban Design
- Sustainability & Environment
- Water & Wastewater
- Infrastructure, Roads and Stormwater
- Development Engineering
- Community Services

Written correspondence from NSW Department of Primary Industries was provided to Council for their consideration and shared with the project team when issuing the pre-lodgement meeting minutes.

The Pre-lodgement meeting minutes detailed a list of policy documents which were considered applicable and relevant to the PP. Planning assessment and commentary of these matters has been provided within this PP. Post the issue of pre-lodgement meeting minutes additional assessments were pursued, including but not limited to

- Basic Ecological Assessment
- Traffic Impact Assessment
- Agricultural Land Capability, including economic analysis of agricultural potential
- Social and Community Needs Assessment

The abovementioned assessments were prepared inclusive of the scope commentary received. Where applicable and available, further technical clarification was sought from technical staff within Government. Acknowledgement of these detailed discussions can be found within their relevant supporting assessments.

Post the pre-lodgement meeting the quoted North Coast Regional Plan 2036 was superseded by the North Coast Regional Plan 2041. This update to the regional strategic planning framework involved minor changes to the consideration of Important Farmland for alternate purposes, including the rationalisation of the Urban Growth Area Variation Principles and Important Farmland Interim Variation Criteria into the Urban Growth Area Variation Principles. To ensure a thorough understanding of the NCRP 2041 and its interface with Cudgen Connection, further consultation was undertaken with NSW Department of Planning and Environment staff. As an extension of this consultation, a peer review process by NSW Department of Planning and Environment and NSW Department of Primary Industries staff was provided for the Agricultural Capability Assessment and Agricultural Land Assessment. Commentary received through these processes further evolved each assessment.

As stated previously, any Gateway Determination supporting Cudgen Connection is anticipated to involve a further, formal public and State agency consultation process of 30x working days. In addition, the Gateway Determination may identify a requirement for additional assessments to be undertaken prior to public exhibition occurring. These provisions will be determined by NSW Department of Planning & Environment, after consideration of the PPAs recommendation.

Part 6 – Project Timeline

Table 5, below identifies and indicative project timeline for the Cudgen Connection project to inform the PPA and Gateway Determination.

Table 5 – Indicative Project Timeline

Stage	Timeframe
Submission of Request for Planning Proposal	December 2023
Adequacy check	December 2023
Stage 1 Planning assessment and consideration by Council	December 2023 – April 2024
Council decision	May 2024
Rezoning Review	May 2024 – January 2025
Gateway determination	Weeks 0 - 6
Pre-exhibition, including State agency consultation	Weeks 6 - 16
Commencement of public exhibition period.	Weeks 16 - 22
Close of public exhibition period	Week 22
Consideration of submissions, and Post-exhibition report	Weeks 22 - 26
Submission to the Department for finalisation (where applicable)	Week 27
Gazettal of LEP amendment	Weeks 27 - 36

Conclusion

Cudgen Connection comprises a critical infrastructure project for the Tweed LGA. Notwithstanding the NSW Government's \$723 million investment into the TVH, a Needs Assessment for the health market has identified a dramatic existing gap in health services. Without intervention, this gap is projected to notably increase further into the future as Tweed's demographic trends include significant growth in the population above 65 years old. This cohort utilise health services 4x more frequently than those under 65 and will comprise approximately 35% of Tweed's population in 2040.

It is evident that the shortfall in health services for Tweed does not lay as the responsibility of NSW Health. The investment in the TVH comprises one of the largest regional capital health investments funded entirely by the NSW Government and is located within a catchment where the ratio of public to private beds is greater than 10x State and National averages and zero psychiatric hospital services are present. As a Regional City within the NSW North Coast the failure of realising health services to meet community needs is further magnified and has flow-on effects within Tweed's communities of interest.

Multiple State and local policies articulate an understanding of the health care and social assistance industry's contribution to employment and GRP and encourage its growth within a precinct-format, including for the TVH. Notwithstanding, no clear precinct plan or masterplan, centred on the TVH, is evident in the public domain, nor its preparation committed to within Council or NSW Government's work program. Despite the lead time since the TVH approval in February 2019, the facility will open its doors in the coming months without a supporting framework enabling a health precinct to form around this key service and employment anchor, missing the opportunity to integrate supporting land uses, improve user experiences and reduce the quantity and length trips for its staff and patrons.

Within this policy void, this PP has undertaken a strategic land use review to determine the highest and best use of 741 Cudgen Road, Cudgen. The PP has analysed health needs, best practice health precinct design, economic opportunity, and undertaken community engagement activities to drive a Concept Masterplan which maximises the opportunities of the subject site. The PP has had consideration to the subject site's role within the health precinct ecosystem, as well as the opportunities and potential roles of other land within the core and secondary areas of a best practice health precinct. These investigations have seen the Concept Masterplan focus on clustering private hospital, private mental health hospital, university and medi-hotel uses along the shared boundary with the TVH. To drive building and site efficiency, these uses incorporate taller building heights which tie-in with the TVH's urban form. Beyond dominating the overall land use and floor area composition, the clustering and taller form provides primacy for pedestrians and car-free movement within the precinct for students, workers, specialists and users.

To support essential workers and in response to an urgent identified community need, the Concept Masterplan includes essential worker housing. To secure this outcome, this PP offers a commitment that a minimum of 75% of housing provided on the site will be managed by a community housing provider, not for profit, or State agency. This commitment can be realised through the inclusion of an additional local provisions within the Tweed LEP 2014. The quantity of housing will continue to reflect suitable urban form, amenity and reflect the core demands generated by the 1,000+ employees of Cudgen Connection.

Finally, the Concept Masterplan identifies retail opportunities, a community centre, central plaza space and childcare. Each of these uses and spaces are identified as having a positive supporting role to the function of the precinct, providing amenity, co-located services, community wellbeing and belonging. In addition to underpinning broader community resilience and assisting containing unnecessary vehicle trips external to the precinct, these services compliment the major retail, tourist and office offerings of the Kingscliff Town Centre.

An economic impact assessment has identified that the Concept Masterplan would generate 1,040 jobs and \$160 million of industry value added per year. Cudgen Connection will augment the TVH investment to a \$1+ billion health precinct within Tweed's largest and fastest growing economic industry, Cudgen Connection and the precinct is a genuine catalyst opportunity for Tweed's prosperous, sustainable and resilient future. Unlocking the subject site by implementing this PP will supercharge job creation, industry depth and generate approximately 4% of the Tweed LGAs GRP.

These services and outcomes are compatible with the applicable strategic planning framework, as expressed through the North Coast Regional Plan 2041, State Environmental Planning Policies and section 9.1 Ministerial Directions. No inconsistencies are identified within the strategic planning framework outside of the local framework, led by the Tweed Local Strategic Planning Statement 2020, which confines delivery of these outcomes to areas outside of significant farmland areas.

The subject site is identified within the Northern Rivers Farmland Protection Project (NRFPP) 2005 as State Significant Farmland (SSF). This desktop, soil-based, project was prepared in acknowledgement that agriculture is an important industry on the North Coast and, at the time of writing, was the region's third largest employer and exporter and fourth highest contributor to GRP. The NRFPP identifies and categorises land capability to ensure that the best agricultural land will be available for current and future generations to grow food and fibre.

Within the wider 570ha footprint of SSF mapping, the 5.7ha subject site is identified within an approximately 25ha tract of land north of Cudgen Road and east of Tweed Coast Road. Since the SSF mapping, the context of the 25ha tract has evolved. Tweed Coast and Cudgen Roads have increased in traffic volumes and with no infrastructure provided to provide contiguity with farmland to the south and southwest, this tract has become increasingly disconnected. In addition:

- Approximately 16ha to the east has now been lost from the agricultural 'pool' to facilitate the TVH.
- Approximately 3.5ha to the north is identified throughout local and State planning policies as containing high biodiversity areas and earmarked as green infrastructure and/or conservation land.

Accordingly, the subject site now comprises the sole SSF parcel north of Cudgen Road and east of Tweed Coast Road and the only parcel within this same locality not identified for urban purposes where conservation qualities are not present.

The NCRP 2041 functions in concert with the NRFPP 2005 and directly acknowledges that agricultural production may not be suitable on some small pockets of mapped important farmland due to non-biophysical factors that make the land more suited to other uses. The NCRP 2041 provides urban growth area variation principles to assess the suitability of these pockets of land for non-agricultural land use. Assessment of the variation principles within this PP has not identified any inconsistency with the criteria. Critically, this PP confirms that the subject site is contiguous with the existing urban growth area, which abuts the site on its eastern and western sides, whilst the 'next' active land use to the north also comprises an urban expansion area.

Further to the above, the sustainable agricultural production of the subject site has been tested, identifying limit production capability, capacity and projects farming pursuits could generate 1x full time equivalent job and between \$5,648 – \$34,998 of gross income per year. This output represents a maximum percentage contribution to the Northern Rivers total agricultural of 0.014%.

It is clear that with the current and future context of the subject site, agriculture of state significance, or critical to local supply networks, is not possible. Further, higher order agricultural production, whether for local or export markets, is better directed away from the subject site to larger, contiguous farmland where stronger value chain enterprises and infrastructure is present. Accordingly, the SSF identification is no longer considered relevant or tenable, and without this identification, the PP is consistent with the Tweed LSPS.

In summary, this PP has been identified as possessing net community benefit and strategic merit, underpinned by the following supporting assessments:

- Health Needs Market Assessment
- Best Precinct Health Precinct Analysis
- Economic Impact Assessment
- Social and Community Needs Assessment
- Agricultural Capability Assessment
- Agricultural Land Assessment

In addition to strategic merit assessments, the attributes of the site have been explored through a suite of site analysis assessments. These assessments have not identified any matters of significance to the Cudgen Connection proposal. Likewise, these assessments confirm that should more detailed future investigations identify constraints, sufficient capacity is available within the site to evolve the Concept Masterplan to avoid and mitigate, whether that be via alternate building details, greater setbacks or the like. These matters are discussed further below.

Aboriginal Cultural Heritage has been considered by way of desktop assessment as per the Tweed Aboriginal Cultural Heritage Management Plan, followed by a Site Visit and Cultural Heritage Advice Report prepared by the Tweed Byron Local Aboriginal Land Council (TBLALC). Through inspection and assessment, TBLALC have concluded that it is not necessary to engage an archaeologist for further assessment.

Non-Indigenous Heritage has not been identified on the subject site.

Site Contamination has been considered within the preparation of a Detailed Site Investigation (DSI). The DSI concludes that in relation to potential site contamination associated with the current and former land use, Cudgen Connection is considered suitable for the proposed land use and no further investigation or remediation is required.

Acid Sulfate Soils (ASS) have been investigated as a precautionary measure as the subject site is within proximity land identified as Class 2 and 3 ASS. The Preliminary ASS Assessment has been prepared in accordance with Attachment C of the Local Environmental Plan Making Guideline. Concluding that it is unlikely that ASS would be disturbed by future DA/s, or that groundwater drawdown would occur, impacting on off-site ASS.

Agricultural Land Assessment has been assessed to identify the soil capabilities of the subject site and to ensure that Cudgen Connection can mitigate any land use conflicts with existing farmland to the south and southwest. A site-specific land use conflict risk assessment has identified that a 40m spatial buffer, inclusive of a 10m biological buffer, from the south and southwest farmland is sufficient to mitigate conflict between the land uses. Notwithstanding, the Concept Masterplan has adopted a 60m buffer (inclusive of a 10m biological buffer) to non-residential uses and greater than 80m buffer to residential uses as a precautionary approach. Any future DA will provide the specific landscape composition of the biological buffer and formally uphold the required spatial separation to existing farmland. Accordingly, it is evident that the 'agent of change' principle can be delivered on the subject site, confirming site-specific merit.

Bushfire has been addressed through the preparation of a Bushfire Risk Assessment (BRA). The BRA identifies the bushfire threats relevant to the site, which are generally confined to the northern boundary. The extent of asset protection zones (APZ) have been identified and overlayed on site plans for both the special fire protection purposes and remaining uses. No conflict is identified on these site plans. Further, the requirements of Planning for Bushfire Protection 2019 have been assessed, concluding that suitable arrangements can be made, inclusive of access and egress for fire-fighting operations, emergency evacuation and water supply for fire-fighting operations. Accordingly, bushfire has not been identified as a barrier to establishing site-specific merit, further, future consultation within the Commissioner of the NSW Rural Fire Service will occur should this PP proceed.

Biodiversity values of the site and immediate surrounds have been assessed through a Baseline Ecological Assessment (BEA). The BEA maps and describes the ecological features and biodiversity value of the site, which have been ground truthed. The subject site is identified as largely containing exotic vegetation, however Far North Bangalow Palm Swamp Forest is located along portions of the northern boundary and pockets of Far North Bangalow Palm Swamp Forest and Swamp Oak Paperbark Forest are present along the eastern boundary. Whilst coastal wetlands are present to the north, ground truthing has confirmed that no land within the subject site comprises coastal wetland. The regrowth vegetation along portions of the northern boundary is substantially avoided within the Cudgen Connection Concept Masterplan, whilst biodiversity impacts along the eastern boundary will be minimised and offset where necessary within future DA/s. The BEA confirms that the vegetation of the subject site does not qualify as a conservation zone as per the Northern Councils E Zone Review Final Recommendations Report, which aligns with Council's draft Conservation Zone Mapping. The BEA concludes that no threatened flora and fauna species were detected within the subject site during surveys, and as the majority of the subject site is dominated by exotic vegetation as the result

of past land use. Accordingly, the ecological constraints present do not prevent rezoning and can be managed through the DA process.

Stormwater management investigations have been pursued, demonstrating the quantity and quality of water can be managed to a neutral or beneficial standard. To achieve desirable outcomes, the overarching proposed stormwater strategy is to collect stormwater in an internal pit/pipe network and discharge stormwater to a centralised treatment/detention system prior to release via the sites' legal point of discharge. In addition, external catchments have been identified and their conveyance through the site maintained.

Traffic impact of the PP on the local road network has been analysed within a Traffic Impact Assessment (TIA). Specifically, anticipated traffic and transport implications of Cudgen Connection on existing conditions and future planned upgrades have been considered, as well as the broad suitability of site access arrangements, public transport and trip containment. These investigations have identified that whilst capacity within the Tweed Coast Road and Cudgen Road intersection is constrained, the PP can be accommodated within the network. Notwithstanding the capacity identified, the wider planned road network involves numerous upgrades, which have been identified in various policy documents, such as the Tweed Road Development Strategy for approximately 20x years. Several of these planned upgrades are currently being advanced, and each will further improve the immediate traffic conditions surrounding the subject site. Where necessary, development staging, or additional localised improvements can be pursued to coordinate with infrastructure delivery.

Further, the Cudgen Connection proposal has potential to significantly reduce the number and length of trips stemming from the clustering of complimentary land uses. In addition to facilitating multi-purpose trips, the clustering of complimentary land uses also promotes increased use of active and public transport modes. These travel modes are further incentivised by the subject sites' immediate proximity to TVH and NSW TAFE Kingscliff and location within a <3km radius of the West Kingscliff and Kings Forest urban release areas, which are projected to accommodate an additional 15,000+ residents in the future.

Whilst it is understood that traffic management and carparking provision will comprise an ongoing matter through DA process/s, site specific merit is achieved by being compatible with the planned road network and sufficient land area available to accommodate suitable access and carparking provisions.

Social and Community Needs of the projected population and demographic of the essential worker unit residents has been assessed against the existing, and planned, social infrastructure. The generated demand for social infrastructure is identified as compatible with Council's network planning for open space and community facilities, as well as being compatible with existing Government and independent school infrastructure. Whilst future DA/s to realise Cudgen Connection will unlock developer contribution funding towards planned infrastructure, site specific merit is identified.

Utilities and Infrastructure is available to the subject site, as outlined in the Engineering Assessment. Preliminary water and sewer demand modelling has been prepared and shared with Council's technical staff, who have confirmed capacity within the network, subject to a series of minor identified upgrades. These upgrades will be pursued at no cost to Government. and no infrastructure impediment has been identified to-date.

Flood impact and risk assessment has not been pursued as site survey has confirmed that the subject site is located above the Design Flood Level, including climate change projections. Whilst the lower portions of the site are identified as affected by the Probable Maximum Flood (PMF), the rising elevation towards Cudgen Road enables immediate evacuation to land above PMF if required. In addition, the subject site is approximately 600m walking distance along Cudgen Road to the NSW TAFE Kingscliff campus, which functions as an evacuation centre during natural events. The connecting length of Cudgen Road between the subject site and the evacuation centre is flood free.

In summary, this PP has identified site-specific merit for the objective and intended outcomes detailed.

Finally, beyond the strategic and site-specific merit of the PP, community engagement processes have demonstrated strong support for Cudgen Connection. A combination of independent and

scientific polling, as well as more traditional community engagement methods have been pursued and formed similar results of majority support. The PP forms a catalyst opportunity to assist the growth of the Tweed LGA and provide critical infrastructure needed by the community. The community consultation results confirm that this outlook is shared by the broader community and accordingly the PP warrants referral to NSW Department of Planning and Environment, to seek a Gateway determination at the earliest opportunity.

