



IRF25/635

Gateway determination report – PP-2023-2669

Cudgen Connection

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A1 - Concept Masterplan & Strategic Imperative
Attachment A2 - Cudgen Connection Health Precinct Analysis
Attachment A3 - Economic Impact Assessment
Attachment A4 - Cudgen Connection Market Assessment
Attachment A5 - Agricultural Land Assessment
Attachment A6 - Agricultural Capacity Assessment
Attachment A7 - Bushfire Risk Assessment Report
Attachment A8 - Baseline Ecological Assessment
Attachment A9 - Updated Traffic Impact Assessment
Attachment A10 - Engineering Assessment
Attachment A11 - Stormwater Management Plan
Attachment A12 - Acid Sulfate Soils
Attachment A13 - Detailed Site Investigations
Attachment A14 - Social and Community Needs Assessment
Attachment A15 - Community and Stakeholder Engagement Report
Attachment A16 - Site Visit and Cultural Heritage Advice Report
Attachment A17 - Letters of Support
Attachment A18 - TVH Site Selection Summary Report
Attachment B – Northern Planning Panel's decision on Rezoning Review

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Tweed Shire
PPA	Northern Regional Planning Panel
NAME	Cudgen Connection (286 dwellings / 1040 jobs)
NUMBER	PP-2023-2669
LEP TO BE AMENDED	Tweed Local Environmental Plan 2014
ADDRESS	741 Cudgen Road, Cudgen
DESCRIPTION	Part of Lot 6 DP 727425
RECEIVED	13/03/2025
FILE NO.	IRF25/635
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The objectives of the planning proposal are to facilitate the delivery of private health services, tertiary education, essential worker housing and other land uses at 741 Cudgen Road, Cudgen.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Tweed LEP 2014 per the changes below:

Table 3 Current and proposed controls for that part of the land to which the proposal applies

Control	Current	Proposed
Zone	RU1 Primary Production	SP2 Infrastructure (Health Services Facility and Educational Establishment)
Height of the buildings	10m	10m, 22m, 25m and 38m

Control	Current	Proposed
Floor space ratio	Nil	Nil
Lot size	10ha	Nil
Key Sites Map		Identify site on 'Key Sites Map' so that clause 7.13 applies.
Clause 7.13		Amend clause to include matters to be addressed in a development control plan (DCP) specific to the site.
Additional local clause		Introduce new local clause to ensure delivery of the primary integrated health and education-led centre prior to, or concurrently with the ancillary uses, and encourage housing affordability through Build-to-Rent housing.
Schedule 1 Additional permitted uses		Schedule the following uses as permitted with consent on site: <ul style="list-style-type: none"> • commercial premises • community facilities • early education and care facility • hotel or motel accommodation • residential flat building • recreation areas
Number of dwellings	1	286 (estimated)
Number of jobs		1040 operational 350 construction

Typically the SP2 Infrastructure zone is reserved for public infrastructure. LEP Practice note PN 10-001 Zoning for Infrastructure in LEPs provides guidance on zoning public infrastructure land and contains a number of zoning principles to take into account when zoning land for public infrastructure and services. Although it is intended that the proposal will facilitate private health and education infrastructure, having regard to the zoning principles outlined in the LEP practice note, the context of the site and objectives of the proposal, it is considered the SP2 zone is the best and most appropriate zone to achieve the intended outcomes noting the corresponding zoning on the adjoining Tweed Valley Hospital and the broader health and education hub that will be created.

The proposal includes a concept masterplan that represents the scale and type of development proposed for the site. The proposal indicates that the concept masterplan is for illustration purposes and does not reflect the final design for the site. It is proposed that as the masterplan is refined it will be reflected in a DCP. The proposed inclusion of the land on the Key Sites Map ensures that the DCP will be in place before consent may be granted to development on the land in accordance with clause 7.13 of the Tweed LEP 2014.

In recognition that the final layout and its suitability will be determined as part of any future development application (and noting that transport and pedestrian integration with the Tweed

Valley Hospital still need to be negotiated), it is recommended that the concept masterplan is revised prior to agency and community consultation to remove detailed information i.e. gross floor area, carparking and residential unit numbers and illustrate only high level land use outcomes.

The proposal includes examples of the proposed clause amendments, recognising that drafting of the clauses is a matter for Parliamentary Counsel's Office and will be determined by the final content and context of the planning proposal following consideration of public submissions and Government agency submissions resulting from the exhibition process. It is recommended that the draft wording of the Tweed LEP 2014 clauses is removed and the planning proposal updated to outline only the intent of the proposed provisions in plain English prior to consultation.

1.4 Site description and surrounding area

The site comprises 5.7 hectares of currently unused agricultural land adjacent to the Tweed Coast Road to the west, Cudgen Road to the south, the Tweed Valley Hospital to the east and Lot 3 DP 828298 to the north. A portion of Lot 3 (approximately 2000m²) adjoins to the southwest of the site at the intersection of the Tweed Coast Road and Cudgen Road (Figure 1).

Around 60m² of the site is located south of Cudgen Road. This portion of land does not form part of the planning proposal and it is anticipated that it will be amalgamated into the Cudgen Road reserve if this is supported by Council as the local road authority. As a consequence, there is a minor discrepancy in how the planning proposal document refers to the lot and a condition has been included on the consent requiring the proposal refer consistently to "part of Lot 6 DP 727425" to avoid any confusion at consultation stage.

The site is gently sloping, primarily falling from south to north with an average slope of 6%. There is also fall from the eastern and western boundaries which creates a relatively flat area in a centre along the northern boundary.

A dwelling house is located in the southeastern corner of the site. There are also sheds and concrete slabs from previous uses as a garden centre and hydroponic operation. The land has previously been used for broader agricultural pursuits, but the planning proposal indicates that crop production ceased in around 1989.

The site is predominately cleared but there are clusters of vegetation located along the boundaries.



Figure 1 Subject site (source: Planning Proposal)

The site is located approximately 2km west of Kingscliff and 7km south of Tweed Heads. It is adjacent to the newly opened, Tweed Valley Hospital, a major referral and teaching hospital for the Far North Coast region, the TAFE NSW Kingscliff campus and Kingscliff High School (Figure 2).

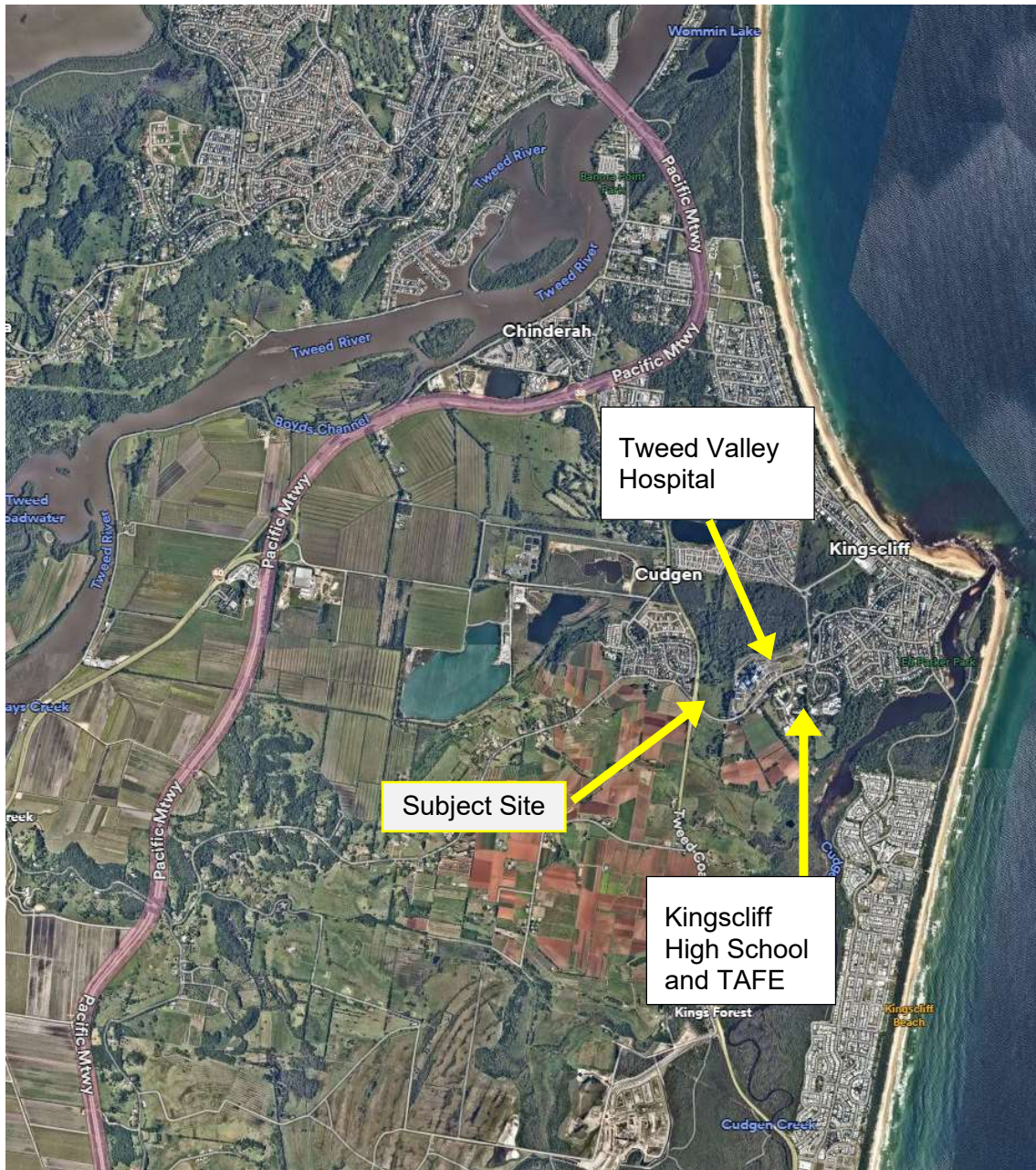


Figure 2 Site context (source: Nearmap, image dated December 2024)

1.5 Mapping

The planning proposal includes basic mapping showing the proposed changes to the Tweed LEP 2014 maps (Figures 3-8). These are suitable for community consultation. Mapping consistent with the Department's Standard Technical Requirements for Spatial Datasets and Maps will be required prior to the finalisation of the planning proposal, if supported.

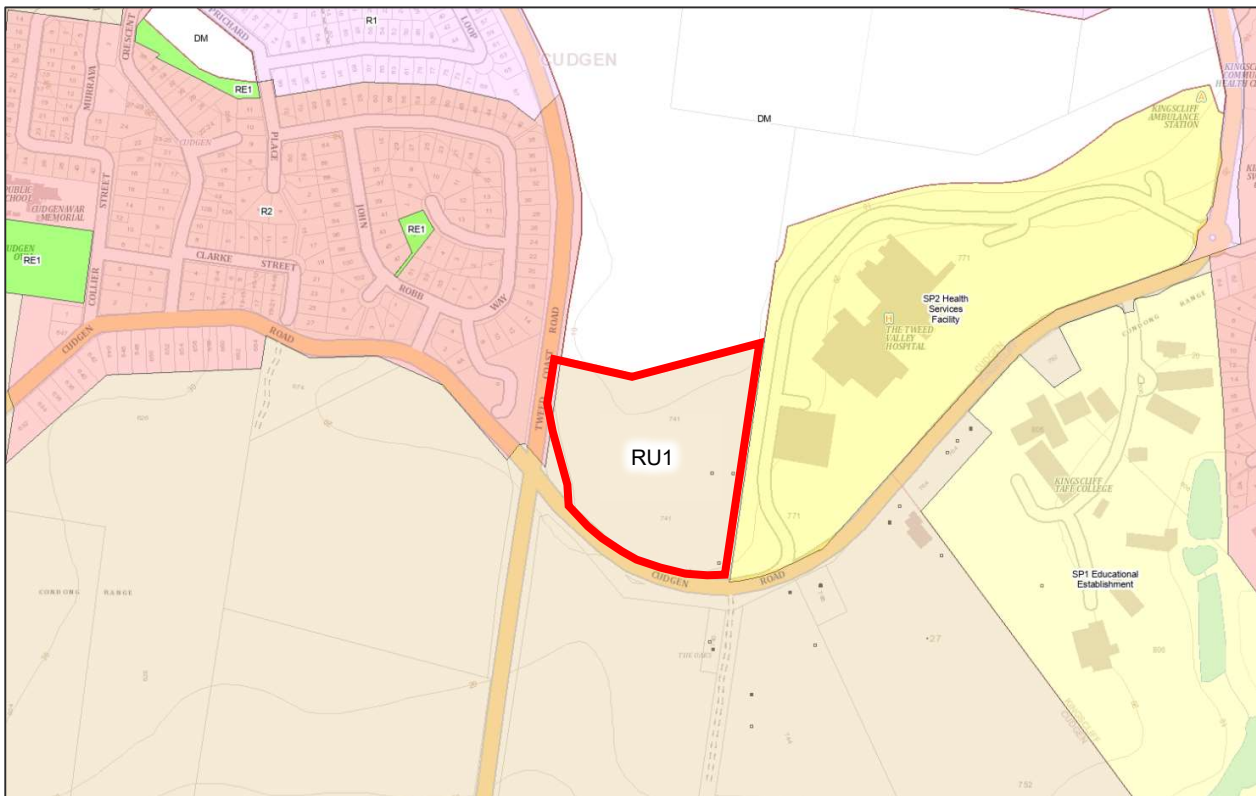


Figure 3 Current zoning map (Source: NSW Planning Portal Spatial Viewer)

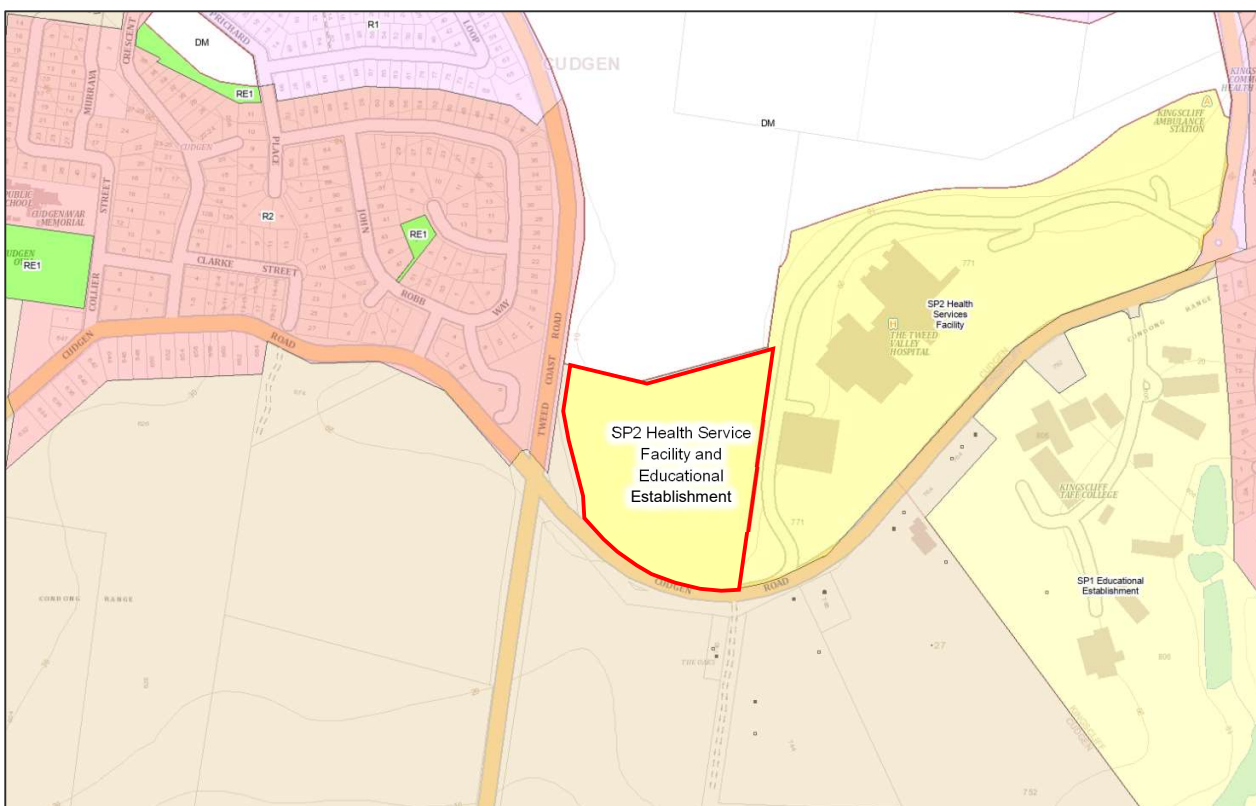


Figure 4 Proposed zoning map (Source: NSW Planning Portal Spatial Viewer, edited)

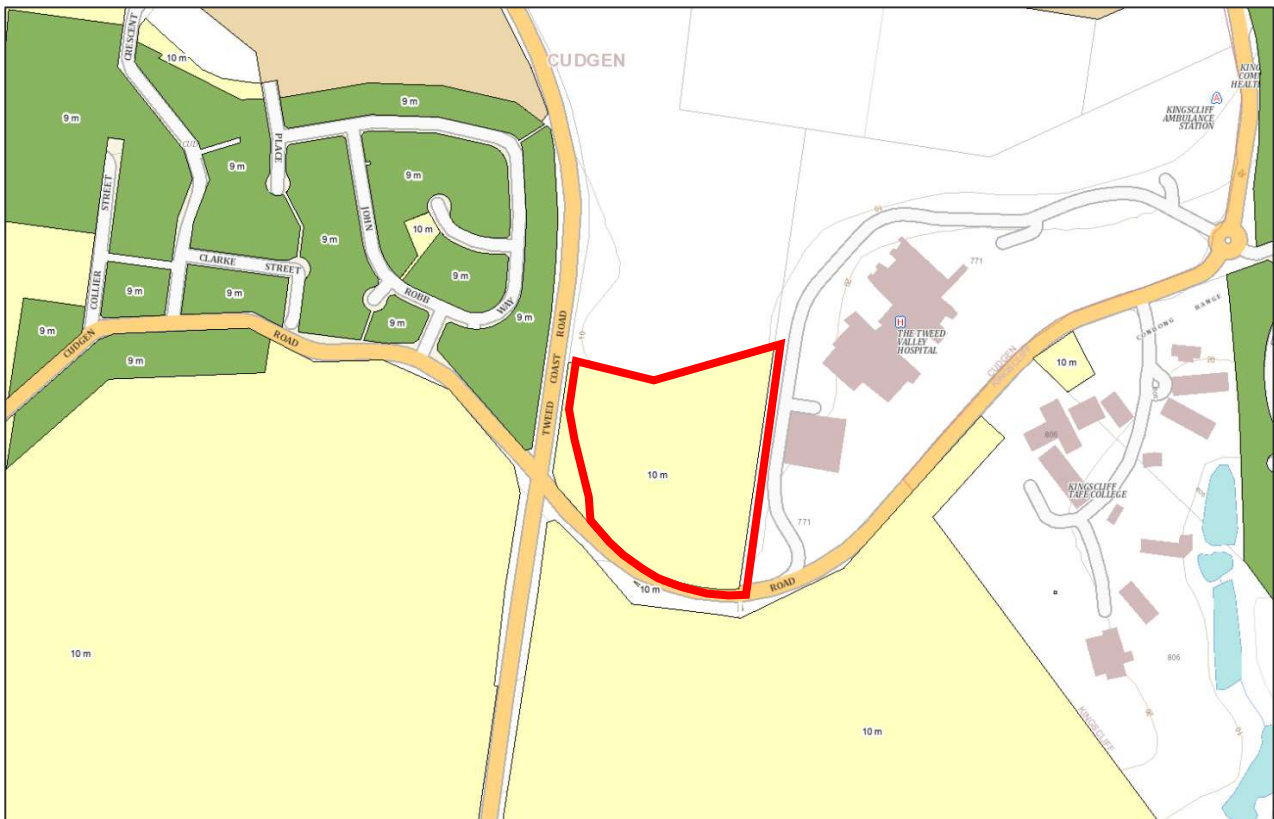


Figure 5 Current height of building map (Source: NSW Planning Portal Spatial Viewer)

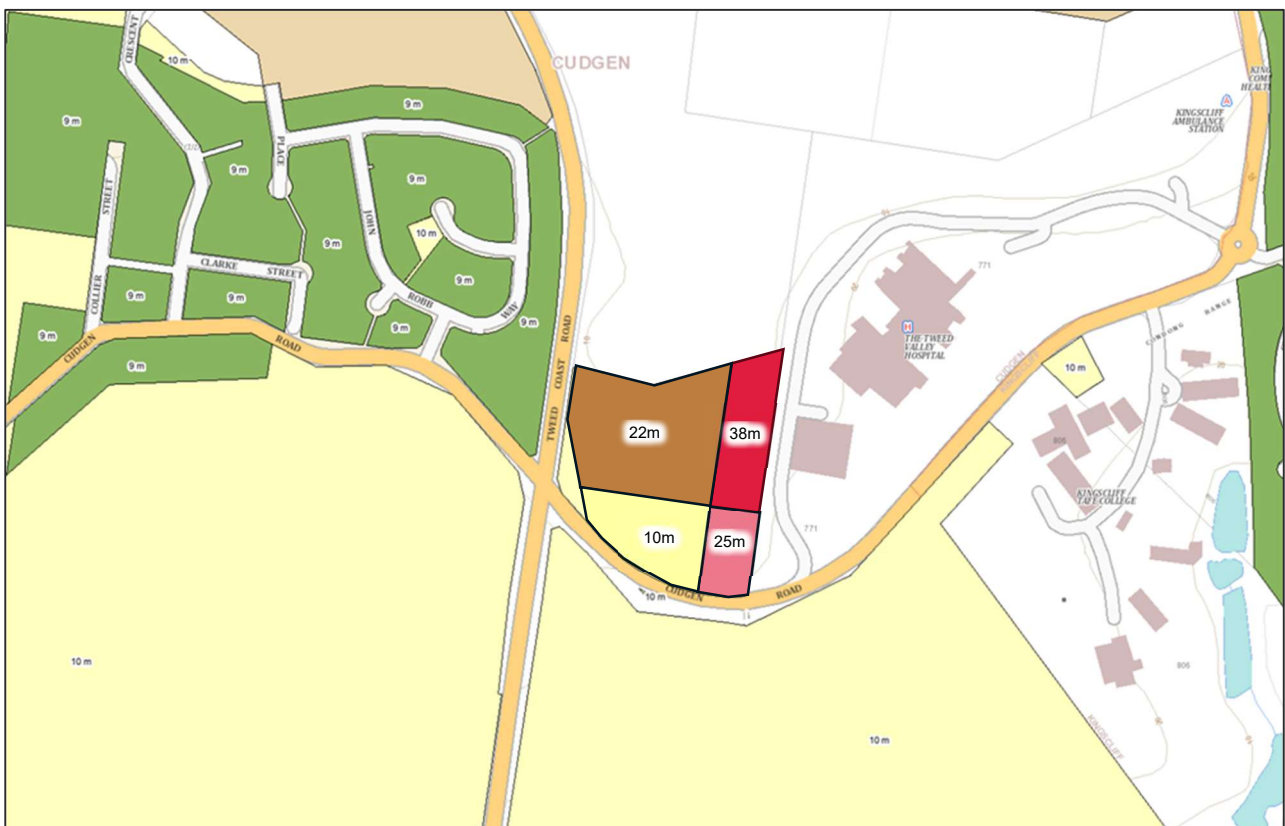


Figure 6 Proposed height of building map (Source: NSW Planning Portal Spatial Viewer, edited)

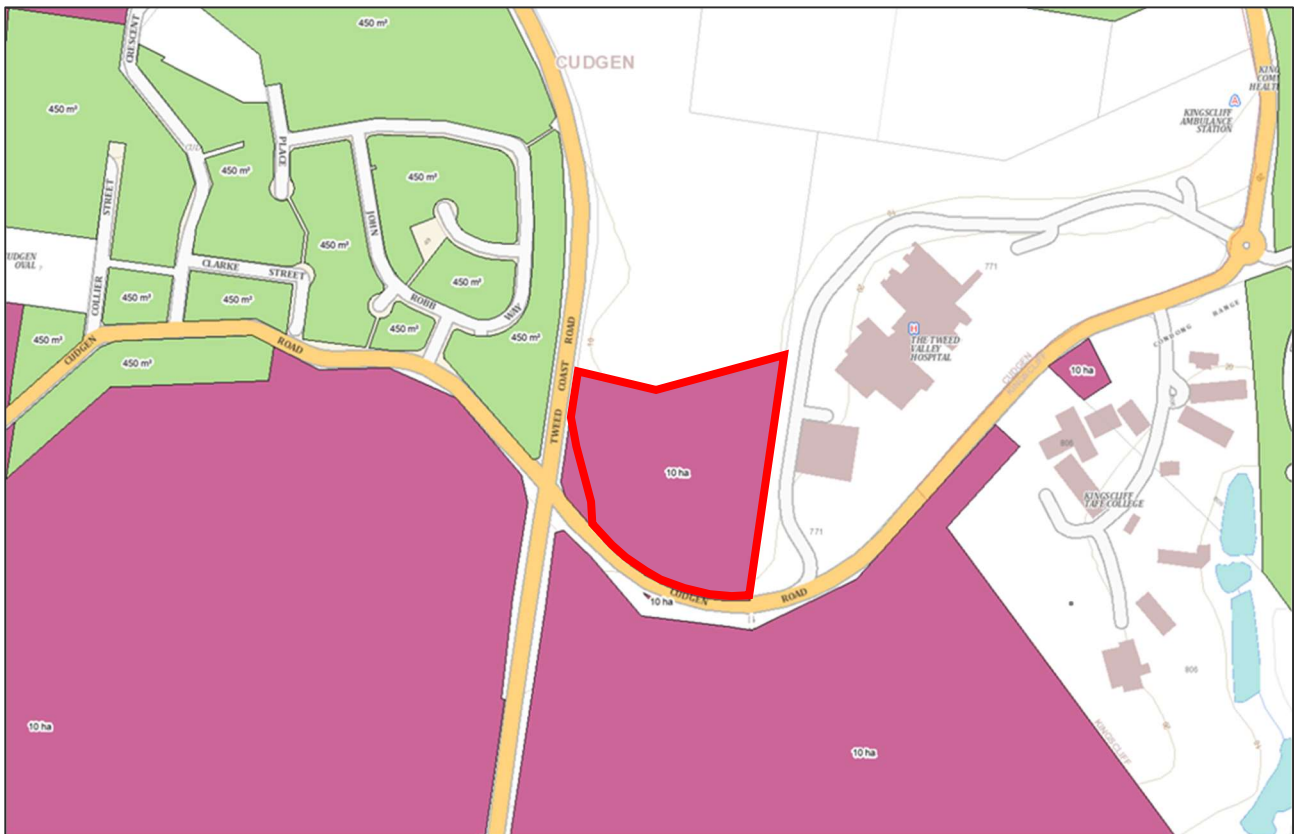


Figure 7 Current minimum lot size map (Source: NSW Planning Portal Spatial Viewer)

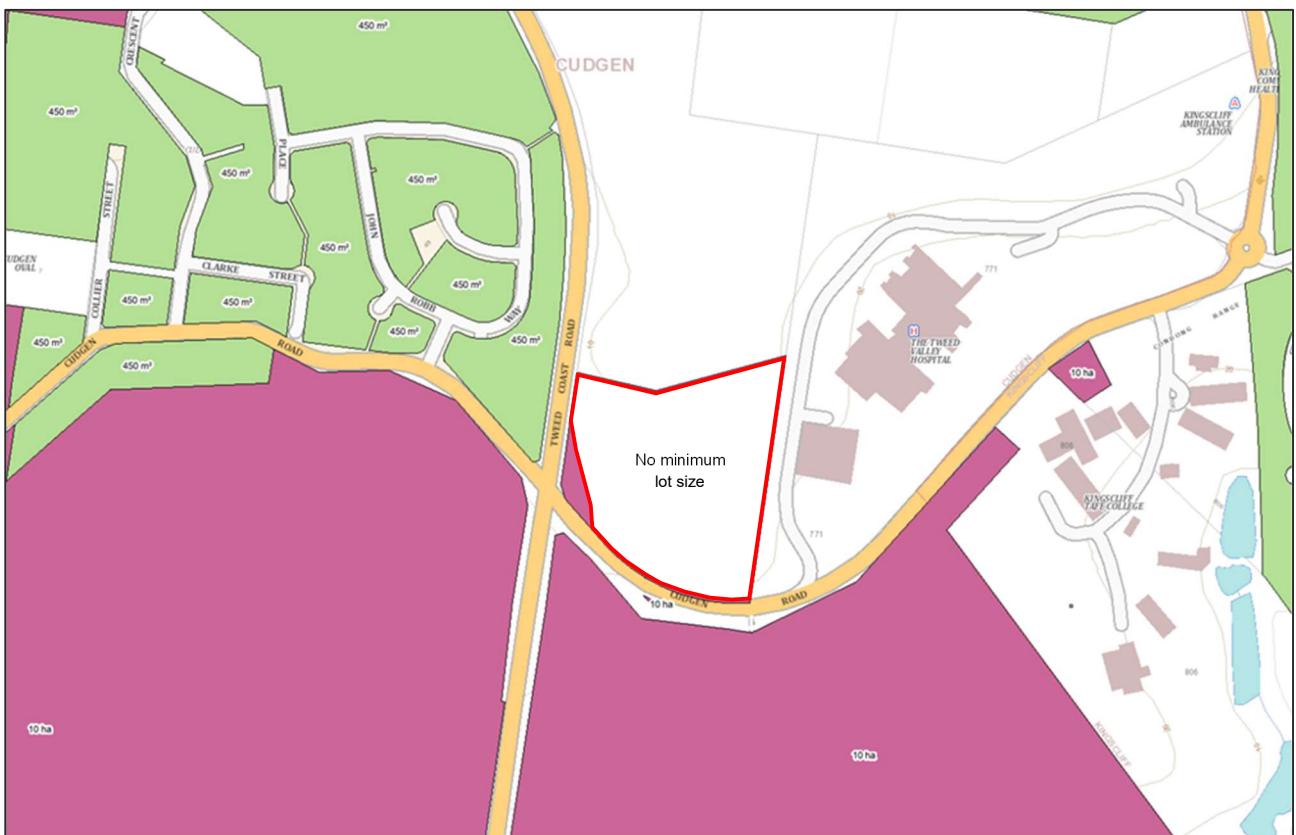


Figure 8 Proposed minimum lot size map (Source: NSW Planning Portal Spatial Viewer, edited)

1.6 Background

Council resolved on 2 May 2024, contrary to staff recommendations, to not support the planning proposal as it did not demonstrate sufficient strategic or site merit. The proponent subsequently requested an independent planning panel evaluate and recommend to the Minister whether the proposal should progress to Gateway determination.

Following review of the proposal, the Northern Regional Planning Panel supported the proposal being forwarded to the Minister's delegate for a Gateway determination on the basis that the proposal did demonstrate strategic and site-specific merit.

2 Need for the planning proposal

The planning proposal is neither the outcome of a Council led strategic planning process or an action within an existing approved Local Strategic Planning Statement or local strategy. The planning proposal indicates that it has been prepared in response to the changing demands and needs in health service facilities and essential worker accommodation to address the needs of the Tweed community. The proposal also confirms the unavailability of other suitable sites for the development in the area particularly from a flooding perspective.

The proposal is supported by a number of studies as listed in Table 1 of this report. These studies include a Needs Assessment which considers 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

The proposal identifies that it will support and have key linkages to the Tweed Valley Hospital and responds to the growing need for specialist health and education facilities in the region that is undergoing significant demographic changes. Specifically, the Needs Assessment has identified a significant shortfall in health services, particularly the provision of private infrastructure. The proposal identifies that without intervention, the projected gap will increase further as the demographic trends for Tweed Shire LGA include significant growth in the population 65+ years who utilise health services 4 x more frequently than those under 65. The 65+ age group is predicted to comprise approximately 35% of Tweed's population in 2040. This proposal aims to facilitate a development that will help service this population's needs and contribute to alleviating some of the pressure on the public system.

Further, the Department's 2024 Population and Implied Dwelling Projections identify the need for 7,955 additional dwellings for the LGA between 2021-2041 to cater for the additional 9,909 new residents projected to reside in the LGA. The proposal will provide essential worker accommodation that will help meet in part the projected affordable housing demand.

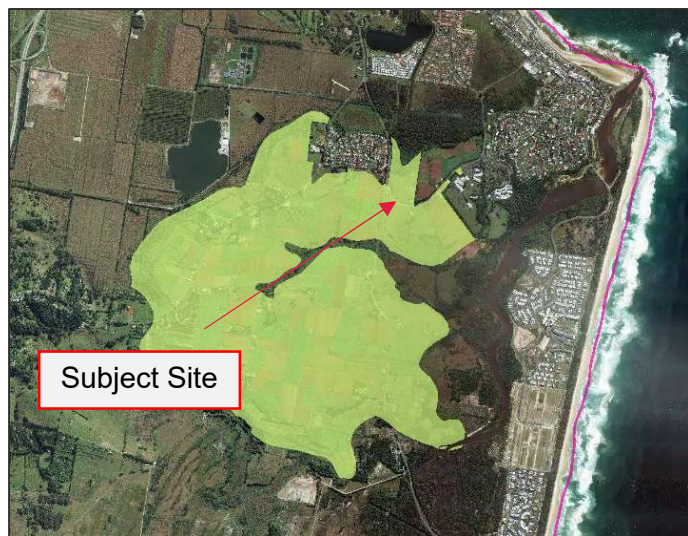
3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the North Coast Regional Plan 2041.

Map of the subject site location in Tualuma, CA. The map shows the subject site (green area) bounded by Shermal Drive, Clarke Street, and Arroyo Verde Drive. The site is adjacent to the Tualuma Valley Hospital and the Tualuma Valley Hospital parking lot. A red arrow points to the subject site from a box labeled "Subject Site".

The land is identified as important farmland (Figure 10). The North Coast Regional Plan 2041 recognises 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 variation principles contained in Appendix B of the North Coast Regional Plan are used to assess the suitability of these pockets of land for non-agricultural land use (refer Table 5).



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Regional Plan Objectives	Justification
Objective 2: Provide for more affordable and low-cost housing	<p>This objective aims to deliver, maintain and promote housing affordability. The planning proposal is consistent with this objective in the North Coast Regional Plan 2041 as it includes a component of residential units which are catered towards essential workers, primarily associated with activities on the site and the adjoining Tweed Valley Hospital. The developer has also committed that a minimum of 75% of housing on the site will be managed by a community housing provider, not for profit, or State agency for a 25-year period. This commitment is intended to be realised through the inclusion of an additional local provision within the LEP.</p>
Objective 3 Protect regional biodiversity and areas of high environmental value	<p>This objective seeks to protect and enhancing the biological diversity of the North Coast. An Environmental Baseline Assessment was prepared to accompany the proposal to consider the site's flora and fauna, Koala Habitat, geology, soils and landform and the potential for impact associated with the concept masterplan with the intent of informing future development of the land.</p> <p>The assessment methodology adopts the 'avoid' and 'minimise' approach to environmental assessment and management with the intent of minimising the impacts upon biodiversity values on the site and proposes mitigation measures when required.</p> <p>The report concludes that no threatened flora and fauna species were detected within the site during survey but noted the presence of sheds and a dwelling that are likely to provide marginal roosting habitat for threatened microbat species. Notwithstanding, it is recommended that consultation with DCCEEW – Biodiversity is undertaken to confirm the suitability of the proposal.</p>
Objective 5 Manage and improve resilience to shocks and stresses, natural hazards and climate change	<p>The land contains class 5 acid sulfate soils and is part flood and bushfire prone. The proposal has considered and satisfactorily addressed these hazards.</p> <p>It is noted that consultation with the NSW RFS will be required in accordance with section 9.1 Ministerial Direction 4.3 Planning for Bushfire Protection to ensure there is no ongoing risk to life, property and the environment due to bushfire hazard.</p>
Objective 8: Support the productivity of agricultural land	<p>This objective highlights the importance of agriculture to the regional economy and requires that local planning ensure that agriculture is supported, managed, and facilitated in appropriate locations. The objective recognises 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.</p> <p>The planning proposal is supported by an Agricultural Land Assessment that evaluates the suitability of the site for future agricultural use through soil analysis and comparison to other agricultural enterprises in the area. It concluded that the site's capability to support agriculture varies depending on the specific type of agricultural pursued. The soil depth and suitability for agricultural production also varies, with much of the land requiring rehabilitation to be commercially productive.</p>

Regional Plan Objectives	Justification
	<p>The Agricultural Land Assessment determined only 2.06 hectares of the site could realistically be used for intensive agriculture without further rehabilitation. The report concludes that the land meets the Urban Growth Area Variation Principles due to the site's isolation and separation from other surrounding important farmland along with over half the site's unsuitability due to shallow soils and waterlogging.</p> <p>In addition to the Agricultural Land Assessment an Agricultural Capacity Report has also been prepared to determine the capacity of the site to be a viable agricultural production unit. The report determines that although the site may be capable of limited agricultural production there are significant challenges that would make it unlikely to achieve the economies of scale required for profitability, including the size of the site, accessibility for farm machinery, buffering for pesticide application and conflicting neighbouring land uses.</p> <p>Given the findings of the supporting reports, it is considered that although the land is mapped as important farmland, viable agricultural production on this site is not achievable and therefore the proposal satisfies the Urban Growth Area Variation Principles contained in Appendix B to the North Coast Regional Plan 2041. Notwithstanding, it is recommended that this objective remain unresolved until consultation has been undertaken with the DPRID – Agriculture.</p>
Objective 11: Support cities and centres and coordinate the supply of well-located employment land	This objective supports existing and new economic activities. The planning proposal is consistent with this objective as it will create significant employment land adjacent to the neighbouring hospital and addresses the needs of the wider community. It will provide direct employment in one of the regions fastest growing industries.
Objective 14: Deliver new industries of the future	This objective identifies that new and innovative industries will play an increasing vital role in delivering growth and prosperity in the region in the future. The planning proposal is consistent with this objective as the land uses proposed for the site will support the health and education industries in the region which are both fast growing sectors of the economy.
Objective 16: Increase active and public transport usage.	This objective aims to ensure that centres experiencing high growth have well planned and sustainable transport options. The planning proposal is consistent with this objective as the clustering of health and education services will benefit the local community. Future public transport will provide access to the proposed facilities and augmenting the existing bus services to the adjacent hospital site.
Objective 18: Plan for sustainable communities	The planning proposal is consistent with this objective as the proposed facilities will benefit the wider community through the provision of additional housing, health and education facilities.

An assessment of the variation principles contained in Appendix B of the North Coast Regional Plan is included in the table to follow.

Table 5 Urban Growth Area Variation Principles

Principle	Comment
Policy	The variation is considered to be consistent with the objectives and outcomes in the North Coast Regional Plan 2041, the intent of applicable Section 9.1 Directions and State Environmental Planning Policies and any inconsistencies with local strategies are of minor significance.
Infrastructure	The planning proposal includes a supporting Engineering Assessment which identifies that upgrades to water and sewer supply are required to facilitate future development of the land. The Traffic Impact Assessment prepared to accompany the planning proposal identifies the need to undertake intersection upgrades along the Tweed Coast Road and Cudgen Road. It is understood that the cost of these upgrades will be the responsibility of the developer. Consultation with Tweed Shire Council and Transport for NSW (TfNSW) is recommended in relation to infrastructure requirements.
Environmental and heritage	An Environmental Baseline Assessment has been prepared to support the planning proposal. The report concludes that no critical habitat, threatened flora or fauna species or endangered ecological communities are expected to be adversely impacted by the proposal. Consultation with the Department of Climate Change, Energy, the Environment and Water (DCCEEW) – Biodiversity is recommended. A heritage assessment has also been prepared which has identified no adverse impact to Aboriginal cultural heritage or European heritage.
Avoiding risk	The site does not have any significant physical constraints. It is intended that future development of the site will be above the 1% AEP flood event. A small area of the site to be developed is below the PMF and the proposal notes that flood free egress to an evacuation centre is available if ever needed. Consultation must occur with the NSW Rural Fire Service (RFS) in accordance with Ministerial Direction 4.3 Planning for Bushfire Protection in relation to bushfire hazard.
Coastal strip	The land is located in the coastal strip. Consistent with the variation principles, it is considered that the proposal represents a minor and contiguous variation to the existing urban growth area boundary.
Land use conflict	A Land Use Conflict Risk Assessment (LUCRA) has been prepared to accompany the proposal and demonstrates that the site can be utilised for alternate purposes and accommodate buffers necessary to ensure no conflicts arise with farmland operations to the south and southwest. Consultation with the Department of Primary Industries and Regional Development (DPIRD) – Agriculture is recommended.
Important Farmland	An Agricultural Capacity Assessment and Agricultural Land Assessment have been undertaken to support the planning proposal. These assessments confirm the subject site has minimal agricultural capability, is separated from other farmland by urban development or major roadways, represents only 1% of the important farmland on the Cudgen plateau, does not make a tangible contribution to, or dilute the wider value-add supply chain for agriculture in the locality or LGA and can be utilised for infrastructure purposes without conflicting nearby farmland. Further, it is considered that the proposal represents a minor round off of the urban boundary. Consultation with DPIRD – Agriculture is recommended.

3.2 Local

The following table provides an assessment of the planning proposal against relevant aspects of the local strategic planning framework.

Table 6 Local strategic planning assessment

Local Strategies	Justification
Tweed Local Strategic Planning Statement (LSPS)	<p>The planning proposal is generally consistent with the intent of the Tweed LSPS except for Action 6.6 which specifically states:</p> <p><i>6.6 Review land-use planning to support community access to educational and hospital or related health care services and to leverage economic benefits from new education or health sector business opportunities outside of the significant farmland areas.</i></p> <p>Despite this, the North Coast Regional Plan 2041 recognises 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. Given it has been demonstrated that the agricultural potential of the site is minimal, the land is physically separated from other farmland by urban development and major roadways and is contiguous to the urban growth area boundary, it is considered that the proposal's inconsistency with the LSPS is of minor significance.</p>
Tweed Rural Land Strategy 2036	<p>The Tweed Rural Land Strategy 2036 includes 9 policy directions, one of which is to encourage sustainable agricultural production and protect agricultural land. The rezoning of this site is not consistent with this strategy direction. However, as the North Coast Regional Plan 2041 recognises that agricultural production may not be suitable on some areas mapped important farmland and the planning proposal has demonstrated that the land is more suitable for other urban uses and the proposal is a minor round off of the urban boundary, it is considered the inconsistency with this strategy is of minor significance.</p>
Tweed Regional City Action Plan	<p>The Tweed Regional City Action Plan was developed to support the vision of the North Coast Regional Plan 2036. The Action Plan focusses on Tweed Heads and Tweed Heads south, rather than the subject site. The Plan, prepared before the new Tweed Valley Hospital was built, acknowledges the need for master planning of the site and surrounding lands. The planning proposal is considered consistent with the Action Plan as it delivers additional housing choice, close to employment land with suitable access to public transport. The proposal also supports one of Tweed's primary employment industries through the provision of additional health services.</p>

3.3 Regional planning panel recommendation

The planning proposal has been considered by the Northern Regional Planning Panel through a Rezoning Review process. Following review of the proposal and consideration of requested additional information, the panel supported the proposal being forwarded for a Gateway determination as the proposal demonstrated strategic and site-specific merit. The panel also appointed itself as the Planning Proposal Authority for this matter. The panel's Rezoning Review Record of Decision can be found at **Attachment B**.

3.4 Section 9.1 Ministerial Directions

The planning proposal is consistent with all applicable directions except for those discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistency	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Unresolved	As discussed above, it is considered that this Direction should remain unresolved until consultation with the Department of Primary Industries – Agriculture has been undertaken.
1.4 Site Specific Provisions	Justifiably inconsistent	<p>The planning proposal is inconsistent with this direction as it will impose development requirements on the development in addition to those already contained in the zone or LEP.</p> <p>The inconsistency with this direction is considered to be of minor significance as the proposed planning controls are not unnecessarily restrictive, have been agreed to by the proponent and aim at managing the timely delivery of the primary and secondary uses on the land including affordable essential worker housing.</p>
3.1 Conservation Zones	Justifiably inconsistent	<p>The proposal is potentially inconsistent with this direction as it does not facilitate the protection and conservation of the environmentally sensitive areas located on the site.</p> <p>This inconsistency is considered to be of minor significance given this Baseline Ecological Assessment prepared to accompany the proposal concludes that no critical habitat, threatened flora or fauna species or endangered ecological communities are expected to be adversely impacted and as the most sensitive vegetation (Figure 11) is proposed to be retained in a green buffer along the northern boundary. Notwithstanding, it is recommended that consultation be undertaken with the DCCEW – Biodiversity to confirm the suitability of the proposal.</p>
4.1 Flooding	Justifiably inconsistent	<p>The planning proposal is inconsistent with this direction as it applies to land that is mapped as flood prone and does not include provisions that give effect to and that are consistent with the policies identified within the Direction.</p> <p>The inconsistency with this direction is considered to be of minor significance as the development footprint is above the 1%AEP event and Probable Maximum Flood (PMF) level is limited to the northern portion of the site (Figure 14). Further, there are immediate evacuation opportunities 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 Tweed LEP 2014 contains provisions in relation to flooding which will ensure this matter can be appropriately addressed at the development application stage.</p>

Directions	Consistency	Reasons for Consistency or Inconsistency
4.2 Coastal Management	Justifiably inconsistent	<p>The planning proposal is inconsistent with this direction as it proposes to rezone land which would enable increased development or more intensive land-use on land within proximity of a coastal wetland area as identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.</p> <p>The inconsistency with this direction is considered of minor significance due to the small area of land affected, the potential for minor inaccuracies with the Coastal Wetland mapping, and the intent to avoid future development in the vicinity of wetland.</p>
4.3 Planning for Bushfire Protection	Unresolved	<p>The planning proposal is potentially inconsistent with this direction because it applies to land that is bush fire prone. The direction provides that consultation must be undertaken with the Commissioner of the NSW RFS following the issue of a Gateway determination. Until this consultation has occurred the inconsistency with the direction is unresolved.</p>
4.5 Acid Sulfate Soils	Justifiably inconsistent	<p>The proposal is inconsistent with this direction as the planning area is identified as Class 5 Acid Sulfate Soils and is not supported by an acid sulfate soils study. The inconsistency is however considered to be of minor significance as a preliminary acid sulfate soils investigation has been undertaken confirming the proposal is satisfactory and as the Tweed LEP 2014 contains provisions in relation to acid sulfate soils which will ensure this matter can be appropriately addressed at the development application stage.</p>
5.1 Integrating Land Use and Transport	Justifiably inconsistent	<p>The proposal is inconsistent with this direction as it does not specifically consider Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and The Right Place for Business and Services – Planning Policy (DUAP 2001).</p> <p>A Traffic Impact Assessment has been prepared in support of the application and which indicates suitable arrangements are able to be made to facilitate development on the land. Inconsistencies with this direction are therefore considered to be of minor significance, however it is recommended that consultation be undertaken with TfNSW.</p>
8.1 Mining, Petroleum Production and Extractive Industries	Unresolved	<p>The proposal is inconsistent with this direction as the rezoning of land will prohibit mining and extractive industries due to the change in zoning. The inconsistency is considered likely to be of minor significance due to the proximity of the site to urban land uses making it inappropriate for extractive industries. Consistency with this direction will however remain unresolved until the required consultation with DPIRD – NSW Resources is undertaken.</p>

Directions	Consistency	Reasons for Consistency or Inconsistency
9.2 Rural Lands	Unresolved	<p>The planning proposal is inconsistent with this direction because it affects land within an existing rural zone and does not necessarily satisfy all the direction requirements such as supporting the right to farm.</p> <p>The inconsistency is considered likely to be of minor significance as it is consistent with the North Coast Regional Plan 2041 urban growth area variation principles. It is however, recommended that the direction remain unresolved until consultation has been undertaken with the DPRID – Agriculture to confirm the suitability of the proposal.</p>
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Unresolved	<p>The planning proposal is inconsistent with this Direction because it proposes to rezone land identified as “State Significant Farmland” for urban purposes.</p> <p>The inconsistency is considered likely to be of minor significance as it is consistent with the North Coast Regional Plan 2041 urban growth area variation principles. It is however, recommended that the direction remain unresolved until consultation has been undertaken with the DPRID – Agriculture to confirm the suitability of the proposal.</p>

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

The subject site has been identified as being bushfire prone, part flood prone, containing Class 5 acid sulfate soils and partly located within the proximity area of a coastal wetland. The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 8 Environmental impact assessment

Biodiversity	<p>A Baseline Ecological Assessment Report was prepared to support the planning proposal. The report identifies small tracts of PCT 3004: Far North Bangalow Palm Swamp Forest regrowth, primarily along the northern boundary (Figure 11). In addition, there is a small patch (0.05 ha) of PCT 3987: Far North Floodplain Swamp Oak Paperbark Forest which is dominated by <i>Casuarina glauca</i>, a supplementary Koala food species. It is considered unlikely, however, that PCT 3987 on the site supports Koala due to a combination of its size and isolation, and no evidence of Koala use being identified.</p>

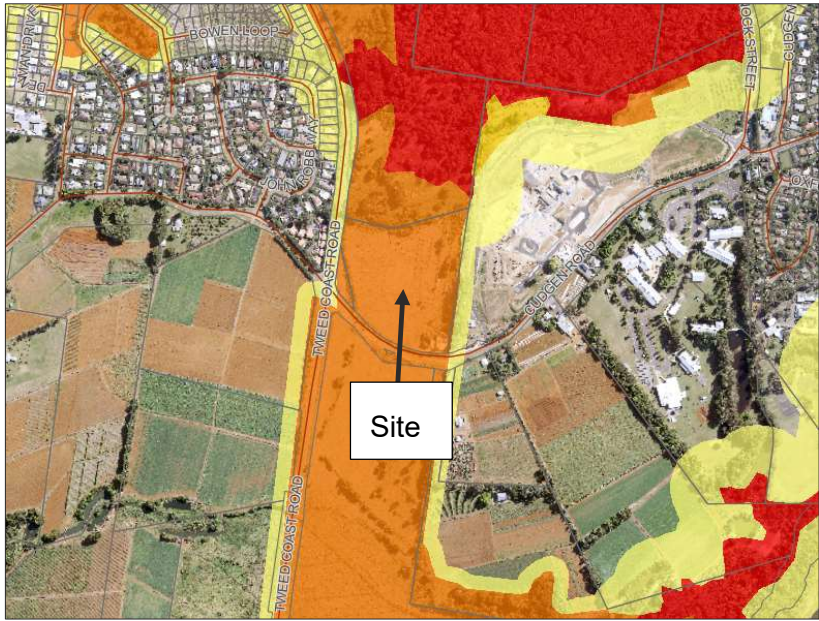
The report indicates a likelihood of foraging habitat for several threatened species; however breeding habitat was determined to be limited. Existing sheds and buildings on the subject site may provide marginal roosting habitat for several microbat species. No threatened fauna species were observed during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



Figure 11 – NSW Statewide Plant Community Type mapping (source: Baseline Ecological Assessment)

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 a possible occurrence of:

- Mitchells Rainforest Snail
- Pale-vented Bush-hen.
- Common Blossom-bat.
- Yellow-bellied Shearwater-bat.

	<p>Unlikely occurrence of:</p> <ul style="list-style-type: none"> • Three-toed Snake-Tooth Skink • Powerful Owl • Bush Stone-curlew • Eastern Osprey • Wallum Froglet <p>The report concludes that no critical habitat, threatened flora or fauna species or endangered ecological communities are expected to be adversely impacted when the site is developed in accordance with the concept masterplan.</p> <p>The report does not recommend zoning any land within the site C2 Environmental Conservation or C3 Environmental Management. This includes the proximity area to Coastal Wetlands or the known North Bangalow Palm Swamp Forest regrowth communities. The proposal also indicates that applying a C2 or C3 zone to these land areas would not be consistent with the Northern Councils E Zone Review Final Recommendations based on the primary use test.</p>
Bushfire	<p>The site is mapped as bushfire prone (Figure 12). The planning proposal is supported by a Bushfire Assessment Report which indicates the site contains “Category 3 Vegetation and Vegetation Buffer. The subject site is therefore considered ‘bushfire prone.’”</p> <p>The Bushfire Assessment concludes the site when developed in accordance with the concept masterplan has the capacity to comply with the relevant specifications and requirements of Planning for Bush Fire Protection 2019 and that in combination with proposed bushfire protection measures 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.</p> <p>Consultation with the NSW Rural Fire Service will be required in accordance with the Ministerial Direction to confirm the suitability of the proposal.</p>  <p>Figure 12 – Bushfire prone land (source: Planning Spatial Viewer)</p>

Flooding

A small part of the site is identified on Council's flood mapping as flood prone in the 1% AEP event (Figure 13).

The proposal indicates that a flood impact and risk assessment has not been prepared because a site survey has confirmed that the subject site is located above the Design Flood Level, including climate change projections. In the Tweed Shire, the Design Flood Level is equivalent to the 1% AEP flood event. A site survey also confirms the site is above the flood planning level.

The Tweed Valley Flood Study Update and Expansion 2024 confirms the land does not contain floodway areas or high hazards in the 1% AEP flood event (Figure 14). The concept masterplan does not propose development on land within the 1% AEP.



Figure 13 – 1% AEP flood event (source: Tweed Shire Council Flood Mapping)

The planning proposal indicates that there are evacuation routes from the land through contiguous flood free land that includes the Tweed Valley Hospital. In addition, it is noted that any future development application will be required to satisfy the provisions of Clause 5.21 Flood planning and 5.22 Special flood considerations of the Tweed LEP 2014 and Tweed DCP 2008 which guides development on the floodplain. These provisions direct critical infrastructure, such as hospitals, above the PMF.

The PMF event is also limited to a northern portion of the site (Figure 14). Immediate evacuation opportunities are available within the site, and if necessary, the site is within flood-free walking distance to the TAFE Kingscliff Campus, which is a local emergency evacuation centre. Based on a balanced consideration of the merits, risks and impacts of the proposal, it is considered that appropriate measures are in place to limit impacts to an acceptable level and achieve a tolerable flood risk level the proposal.

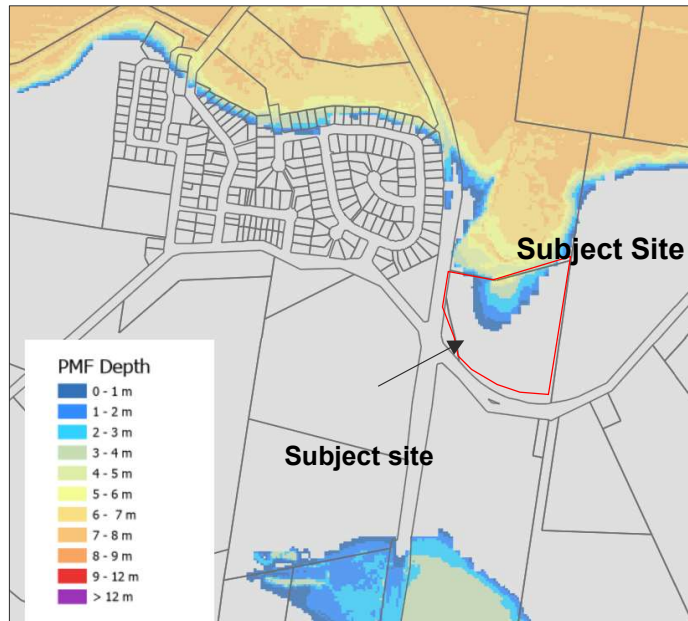


Figure 14 – PMF Event (source: Tweed Shire Council Flood Mapping)

Acid Sulfate Soils

The land is mapped as containing Class 5 acid sulfate soils. (Figure 15). A preliminary acid sulfate soils investigation has been undertaken confirming the proposal is satisfactory and it is noted that the Tweed LEP 2014 includes provisions that can ensure this issue can be adequately and appropriately addressed at the development application stage.

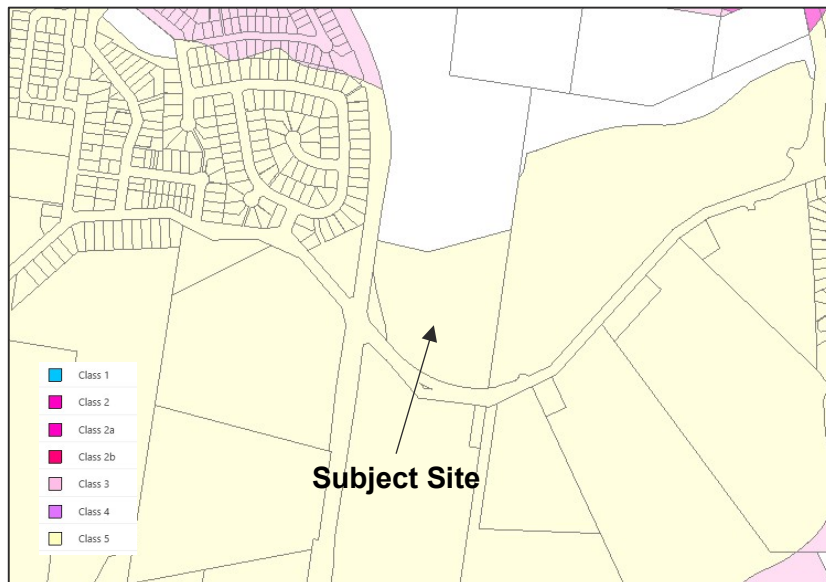


Figure 15 – Acid Sulphate Soils Map

Coastal Wetlands

An extremely small part of the site is technically mapped as being a Coastal wetland and a larger part of the site identified as being in proximity to coastal wetlands (Figure 16).

It is considered that any potential impacts on the coastal wetland can be managed through appropriate landscape buffer treatments and stormwater management.

In addition, the supporting Baseline Ecological Assessment and ground truthing concluded that the Coastal Wetland mapping was not accurate and that there are no Coast Wetlands located on the subject site. Consultation with DCCEEW – Biodiversity is however recommended.

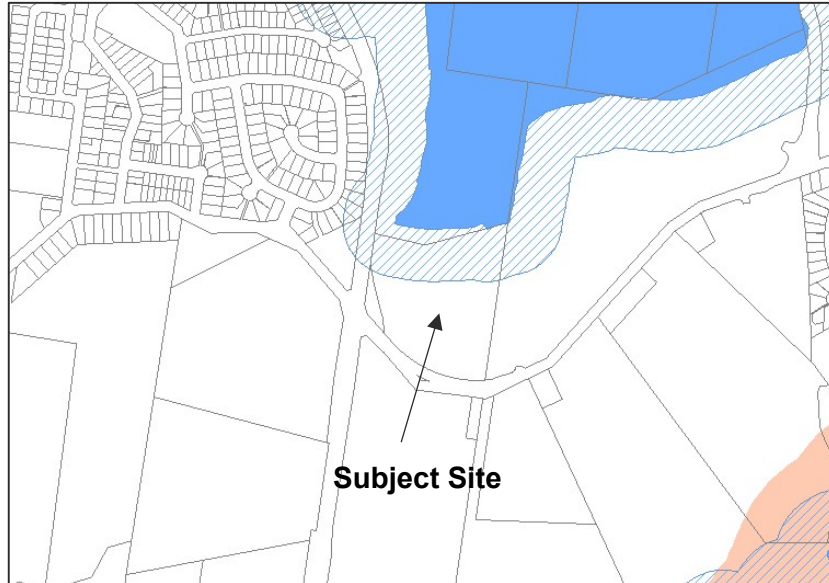


Figure 16 – Coastal wetland Map

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 9 Social and economic impact assessment

Social and Economic Impact	Assessment
Agricultural lands	<p>The land is mapped as important farmland by the North Coast Regional Plan 2041. This mapping is a consolidation of the State and regionally significant farmland mapping from the Northern Rivers Farmland Protection Project 2005. The site forms part of the 570ha Cudgen Plateau area determined to be State Significant Farmland in the 2005 mapping project.</p> <p>The planning proposal includes an Agricultural Capacity Assessment and an Agricultural Land Assessment. These documents consider the agricultural potential of the land. The Agricultural Capacity Report concluded the subject site has significant limitations which restrict its ability to facilitate sustainable agricultural production. This includes the size of the holding, the lack of potential to amalgamate with larger contiguous farmland areas, the surrounding land uses and environmental attributes which limit the area available for agricultural production and its management through the application of pesticides, accessibility and mobility of agricultural machinery and the like.</p> <p>The LUCRA prepared to accompany the planning proposal also demonstrates that the site can be utilised for urban purposes and accommodate buffers necessary to ensure no conflicts arise with farmland operations to the south and southwest.</p> <p>The North Coast Regional Plan 2041 recognises 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 variation principles contained in Appendix B allow the urban growth area to be varied if the site 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 for a minor adjustment to round off an urban boundary.</p> <p>It is considered that the proposal is consistent with the North Coast Regional Plan 2041 and is a minor rounding of the urban growth boundary. In addition, it is anticipated that it will have a positive impact on the community by providing additional health and education facilities as well as important housing opportunities for essential workers, without compromising agricultural production on the Cudgen Plateau. Notwithstanding, consultation with DPIRD – Agriculture is recommended.</p>
Aboriginal Cultural Heritage	<p>An Aboriginal Cultural Heritage Advice Report has been prepared to accompany the planning proposal. Preparation of the report included a site visit by representatives of the Tweed Byron Local Aboriginal Land Council (LALC). The report concluded that the Tweed Byron LALC considers the scope of works to present only a low risk of harm to Aboriginal cultural heritage and does not consider it necessary to engage an archaeologist for further assessment of the site. It is recommended, however, that further formal consultation is undertaken with the Tweed Byron LALC after the Gateway determination.</p>

Social and Economic Impact	Assessment
Visual Impact	<p>The proposal seeks an increase to the height of buildings permitted on the site. The proposal notes that these proposed heights are less than the constructed height of the adjoining Tweed Valley Hospital. The building heights are proposed to reduce as the distance from the boundary with the Tweed Valley Hospital increases and to integrate with the scale of the adjoining development.</p> <p>The proposal indicates that due to the size of the site and the scale of the Tweed Valley Hospital development, the visual alteration, in isolation, is minor / negligible and that the overarching scenic value will not be compromised. It is intended that additional visual analysis will be pursued through future stages, including views obtained from private land. It is considered that this can be undertaken as part of the detailed design process at the development application stage.</p>
Economic	<p>An Economic Impact Assessment has been prepared to accompany the planning proposal. This report concludes that the proposal will have positive economic benefits. The planning proposal estimates that during the construction phase of the project there will be 358 equivalent full-time (EFT) positions created locally with an estimated total output (wages, salaries and value added including direct and indirect effects) in the order of \$142.5million</p> <p>During the operation phase of the development, the planning proposal predicts there would be 1040 EFT with total annual wages estimated at \$103.5million.</p> <p>There is also potential for wider economic benefits with the clustering of health and education services. The housing component of the proposal is intended to ease the demand for essential worker housing and the proposed hotel facility increasing capacity for short term accommodation for people travelling for work or supporting people receiving care in the health services on and around the site.</p>
Social	<p>The Tweed LGA population was estimated at 97,150 as of June 2021 and is projected to increase to 112,244 by 2041.</p> <p>The proposal aims to address a shortage of health facilities with 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 community ages over the next 20+ years.</p> <p>Health care and social assistance is the largest employer, generating 5,410 FTE jobs in the LGA in 2021/22, closely followed by construction at 5,212 jobs. The proposal will provide additional housing capacity and support the top two industry employers in the LGA during both during construction and operation of the proposal.</p> <p>The proposal indicates that the clustering of health services adjacent to the Tweed Valley Hospital will also provide significant investment opportunities that could aid in the retention of the LGA youth through education, training and employment and existing talent already in the region.</p>

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 10 Infrastructure assessment

Infrastructure	Assessment
Water and Sewer	<p>The planning proposal includes a supporting Engineering Assessment that has undertaken water and sewer demand modelling. The modelling has confirmed there is adequate water and sewer infrastructure subject to the provision of water main upgrades and delivery of sewer pump station and rising main infrastructure by the proponent.</p> <p>This includes:</p> <ul style="list-style-type: none"> the construction of a new private sewer pump station within the subject site. This shall be accompanied with construction of a rising main which connects to an existing sewer rising main in Tweed Coast Road adjacent to north west corner of development site; and the extension of the existing water main adjacent to Cudgen Road frontage at a minimum to Turnock Street <p>Consultation with Tweed Shire Council as local sewer and water supply authority is recommended to ensure the modelling is adequate.</p>
Stormwater	<p>Stormwater management investigations have been undertaken and the proposal is accompanied by a Stormwater Management Plan. These investigations have confirmed that the quality of water can be managed to a neutral or beneficial standard. To achieve desirable outcomes, the 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.</p> <p>It is considered that stormwater can be appropriately addressed at the development application stage. Tweed Shire Council may, however, choose to provide advice in relation to stormwater during the consultation phase.</p>
Electricity and telecommunications	<p>The proposal indicates these services are available on the site. Arrangements will need to be made with electricity and telecommunication providers at the development application stage.</p>

Infrastructure	Assessment
Traffic and transport	<p>The site has frontages to Tweed Coast Road and Cudgen Road. Tweed Coast Road is the primary north-south ‘spine’ road, connecting the majority of settlements along the Tweed Coast as well as providing access to and from the Pacific Highway at Chinderah. Cudgen Road runs in an east-west direction to the south of the site. There is a signalised intersection with the Tweed Coast Road.</p> <p>There are a number of bus stops in the vicinity of the site, with the closest stop being approximately 300m to the east of the site at the Tweed Valley Hospital.</p> <p>A Traffic Impact Assessment has been prepared to accompany the proposal that confirms suitable arrangements to serve the development can be put in place. This assessment analyses the impact of the proposal on the local road network, specifically the anticipated traffic and transport implications on existing conditions and future planned upgrades, as well as the broad suitability of site access arrangements, public transport and trip containment.</p> <p>The investigations have identified that whilst capacity within the Tweed Coast Road and Cudgen Road intersection is constrained, the proposal can be accommodated within the network. Notwithstanding the capacity issues identified, the wider planned road network involves numerous upgrades, which have been identified in various policy documents, such as the Tweed Road Development Strategy. 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 and there is potential to significantly reduce the number and length of trips stemming from the clustering of complimentary land uses.</p> <p>The Traffic Impact Assessment includes a recommended access arrangement that incorporates a roundabout on the Tweed Coast Road with no access to Cudgen Road. This configuration is in response in the Northern Regional Planning Panel’s request for further analysis of potential integration of the site with the neighbouring Tweed Valley Hospital.</p> <p>This recommended option reflects traffic accessing the site via the Tweed Coast Road and utilising the access to Cudgen Road via the Tweed Valley Hospital. There has been no formal arrangement with the Hospital or the Department of Health’s Local Health District to this approach. It is recommended that consultation is undertaken with TfNSW, Tweed Shire Council and NSW Health in relation to the traffic network and connection with the Tweed Valley Hospital.</p>

5 Consultation

5.1 Community

The planning proposal is categorised as a complex under the LEP Making Guidelines (August 2024). Accordingly, a community Gateway consultation period of 30 working days is recommended and this forms part of the conditions to the Gateway determination

It is noted that the proponent has indicated that a wide range of consultation has been undertaken prior to lodging the proposal with Council, agencies and the community.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 40 working days to comment:

- NSW Rural Fire Service
- Transport for NSW
- NSW Department of Health – Local Health District
- Department of Primary Industries and Regional Development – Agriculture
- Department of Primary Industries and Regional Development – NSW Resources
- Department of Climate Change, Energy, the Environment and Water
- Tweed Shire Council
- Tweed Byron Local Aboriginal Land Council

6 Timeframe

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a complex.

A LEP completion date of 12 months is recommended in line with the Department's commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

As the Northern Regional Planning Panel is the Planning Proposal Authority for this matter, it is considered appropriate that the Department retain the role of the local plan-making authority.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it will deliver positive social and economic outcomes for the residents of the Tweed Shire and surrounding regions;
- it will help facilitate opportunities for additional and / or increased health services required to respond to demographic changes;
- it will help contribute to housing availability and affordability by enabling new homes for essential workers;
- it will facilitate additional uses to support functioning of the site and wider health and education precinct; and
- it will have minimal environmental impact on surrounding land and agricultural productivity.

Based on the assessment outlined in this report, the proposal must be updated before consultation to

- a) reference the address and legal description of the planning area throughout the proposal as "part of Lot 6 DP 727425";
- b) remove draft wording on LEP clauses and outline the intent of the proposed provisions in plain English; and
- c) revise the concept masterplan to remove detailed information and illustrate only high-level land use outcomes for the site.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.4 Site Specific Provisions, 3.2 Conservation Zones, 4.1 Flooding, 4.5 Acid Sulfate Soils, 5.1 Integrating Land Use and Transport, 4.2 Coastal Management are minor or justified; and
- Note that the consistency with section 9.1 Directions 1.1 Implementation of Regional Plans, 8.1 Mining, Petroleum Production and Extractive Industries, 9.2 Rural Lands and 9.4 Farmland of State and Regional Significance on the NSW Far North Coast are unresolved and will require justification.

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

The following conditions are recommended to be included on the Gateway determination:

1. Prior to community consultation, the planning proposal shall be updated to:
 - a) reference the address and legal description of the planning area throughout the proposal as “part of Lot 6 DP 727425”;
 - b) remove draft wording on LEP clauses and outline the intent of the proposed provisions in plain English;
 - c) revise the concept masterplan to remove detailed information and illustrate only high-level land use outcomes for the site.
2. Consultation is required with the following public authorities:
 - NSW Rural Fire Service
 - Transport for NSW
 - NSW Department of Health
 - Department of Primary Industries and Regional Development – Agriculture
 - Department of Primary Industries and Regional Development – NSW Resources
 - Department of Climate Change, Energy, the Environment and Water
 - Tweed Shire Council
 - Tweed Byron Local Aboriginal Land Council
3. Given the nature of the planning proposal, it is recommended that Council is not authorised to be the local plan-making authority.
4. The LEP should be completed within 12 months of the date of the Gateway determination date.



22/04/2025

(Signature)

(Date)

Lucy Walker
Manager, Hunter and Northern Region
Local Planning and Council Support



24/4/25

(Signature)

(Date)

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