

**Tweed LEP Amendment**

**PLANNING PROPOSAL**

**Version 1 - Gateway**

Kingscliff Locality Plan  
& Tweed DCP Section B 26  
Implementation

February 2023

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<b>Part 1</b>	<b>Objectives or intended outcomes .....</b>	<b>4</b>
<b>Part 2</b>	<b>Explanation of provisions.....</b>	<b>6</b>
<b>Part 3</b>	<b>Justification .....</b>	<b>12</b>
Section A	Need for the Planning Proposal.....	12
Section B	Relationship to strategic planning framework .....	13
Section C	Environmental, social and economic impact.....	16
Section D	State and Commonwealth interests.....	17
<b>Part 4</b>	<b>Mapping .....</b>	<b>18</b>
<b>Part 5</b>	<b>Community consultation.....</b>	<b>18</b>
<b>Part 6</b>	<b>Project timeline.....</b>	<b>18</b>
<b>Appendix 1. Tweed Local Strategic Planning Statement 2020 .....</b>		<b>20</b>
<b>Appendix 2: North Coast Regional Plan 2041 .....</b>		<b>24</b>
<b>Appendix 3. State Environmental Planning Policies.....</b>		<b>26</b>
<b>Appendix 4. Section 9.1 Directions .....</b>		<b>28</b>

## **Part 1            Objectives or intended outcomes**

This planning proposal seeks to give effect to the Council-endorsed Kingscliff Locality Plan (KLP) and Tweed Development Control Plan Section B 26 – Kingscliff (DCP) by amending certain land use zoning nominations and maximum building height development standards.

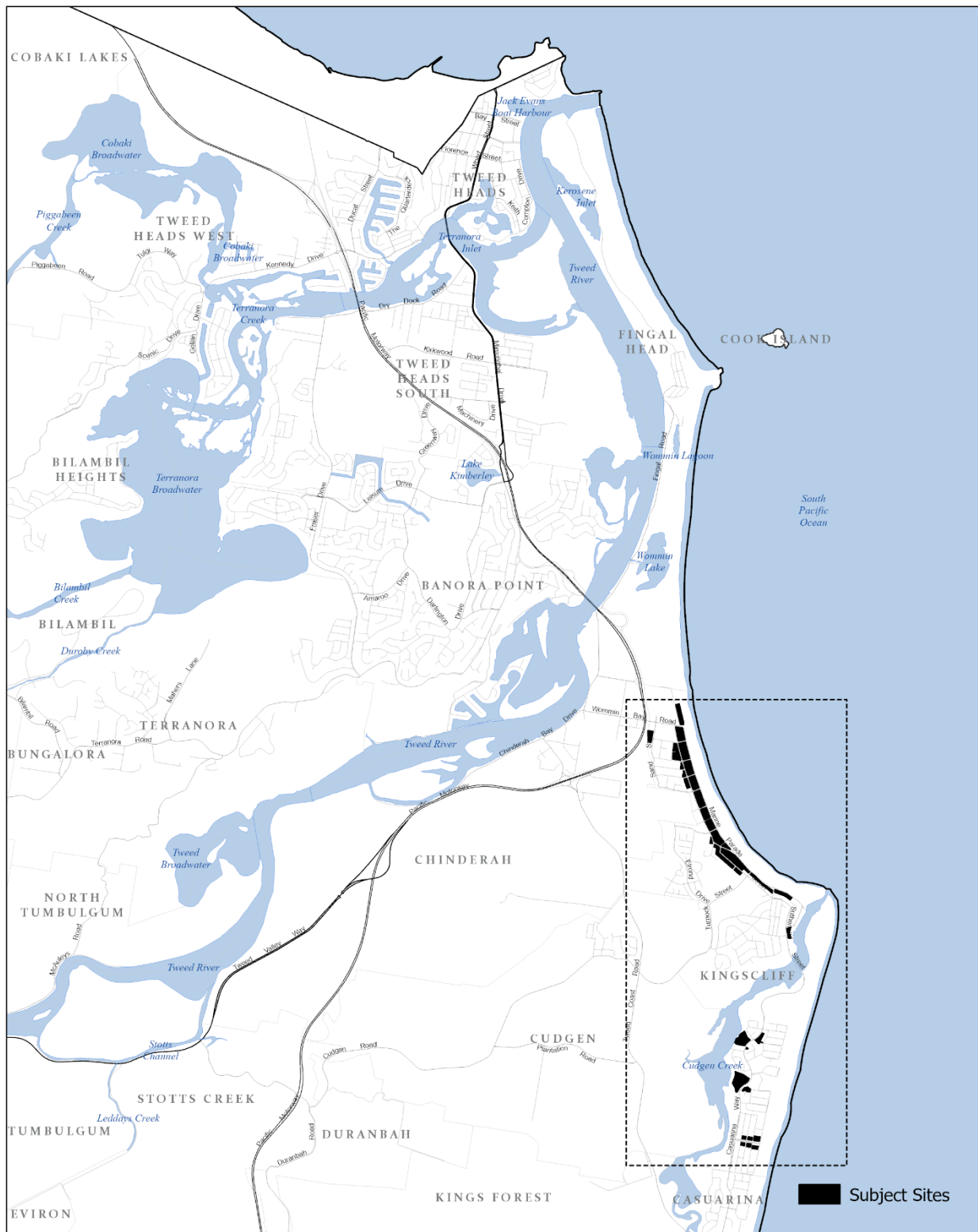
The KLP and DCP were prepared by Tweed Shire Council to provide a strategic planning framework for the management of the growth, opportunities, and constraints of the Kingscliff district. Preparation of these documents involved community engagement, enquiry by design workshops, and a thorough analysis of the locality's opportunities and issues. The KLP and DCP were finalised and endorsed by Council in 2020. As discussed further in this planning proposal, the KLP and DCP include detailed building height and land zoning controls which in certain locations vary from relevant controls identified under the LEP 2014.

This planning proposal seeks to implement the prescribed amendments to the LEP 2014 by way of:



1. Lowering maximum height limits for the Kingscliff Town Centre and residential neighbourhoods in alignment with a Council resolved position based on community feedback;
2. Rezoning residential land to encourage low rise medium density housing types in North Kingscliff; and
3. Rezoning residential land in the SALT precinct to align with the existing pattern of low-density housing.

It is noted that as a precautionary measure, areas of R2 zoned land in North Kingscliff which were identified under KLP for R3 Medium Density Residential zone have been deferred due to the flood risk. Council is in the process of updating flood modelling, mapping and policy, which is due mid-late 2023 and may provide a better understanding of the capacity of these land parcels to be developed with increased dwelling densities in the future.

The intended outcome of this planning proposal is a consistent set of planning provisions across the three documents guiding the future of Kingscliff: LEP 2014, DCP and KLP.



**Locality Map**

 <p>Civic and Cultural Centre 3 Tumbulgun Road Murwillumbah NSW 2484 PO Box 816 Murwillumbah NSW 2484</p> <p>T   (02) 6670 2400   1300 292 872 F   (02) 6670 2429 W   <a href="http://www.tweed.nsw.gov.au">www.tweed.nsw.gov.au</a> E   <a href="mailto:planningreforms@tweed.nsw.gov.au">planningreforms@tweed.nsw.gov.au</a></p>	 <p>GDA2020 MGA Zone 56</p>	<p>0 0.5 1 1.5 km</p> <p>Approx. Scale 1:60,000 @ A4 Portrait</p>	<p>Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason.</p> <p>This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a 'Dig before You Dig' enquiry must be made by following <a href="https://www.1100.com.au/">https://www.1100.com.au/</a>. The information contained on this document remains valid for 30 days only from the date of supply.</p>
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**Figure 1: Kingscliff locality map**

## Part 2      Explanation of provisions

The intended outcomes of this planning proposal will be achieved by the following amendments to the Height of Buildings and Land Zone Maps of the Tweed LEP 2014 as follows:

1. Reduce maximum building heights for properties fronting Marine Parade within the Town Centre Precinct from 13.6m to 11.0m (change 'N2' to 'L' on sheet 023) with a proportional split retaining a 13.6m building height for those allotments fronting Pearl Street.
2. Reduce maximum building heights in applicable R3 medium density zones to 12.2m within the following residential precincts:
  - North Kingscliff (change 'N2' to 'M' on sheet 022),
  - Beach Front (change 'N2' to 'M' on sheets 022 & 023),
  - Kingscliff Hill (change 'N2' to 'M' on sheet 023),
  - Seaside (change 'N1' to 'M' on sheet 023).
3. Rezone R2 Low Density land in North Kingscliff precinct fronting Kingscliff Street (western side) to R3 Medium Density (Land Zone Map sheet 022) retaining the existing 9.0m building height.
4. a) Rezone R1 General Residential land to R2 Low Density Residential zone in the SALT precinct (Land Zone Map sheet 023).  
b) Reduce maximum building heights of land (subject to 4.a) to 9.0m (change 'N2' to 'J' on Height of Buildings Map sheet 023).

The following maps illustrate the intended outcomes on a precinct by precinct basis:

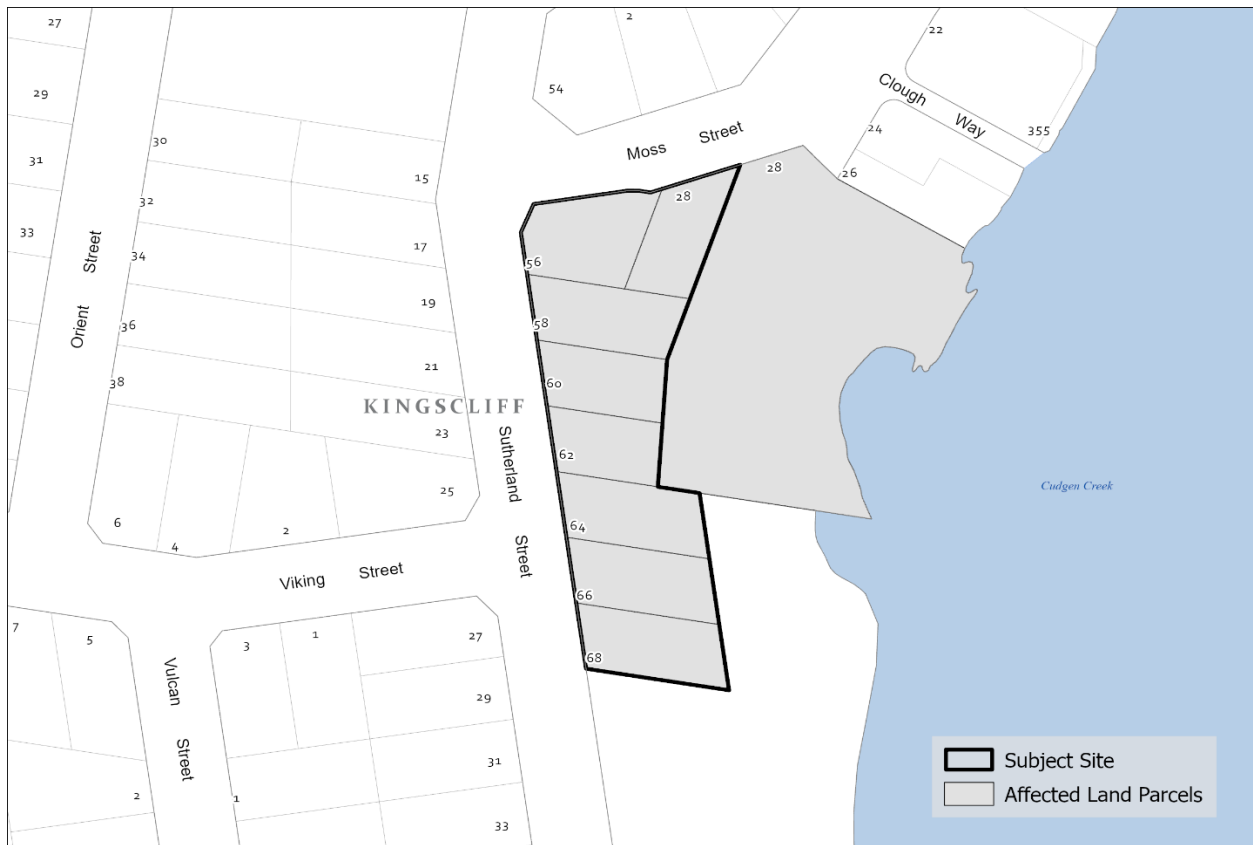


**Figure 2: Kingscliff Town Centre Precinct (Outcome 1)**

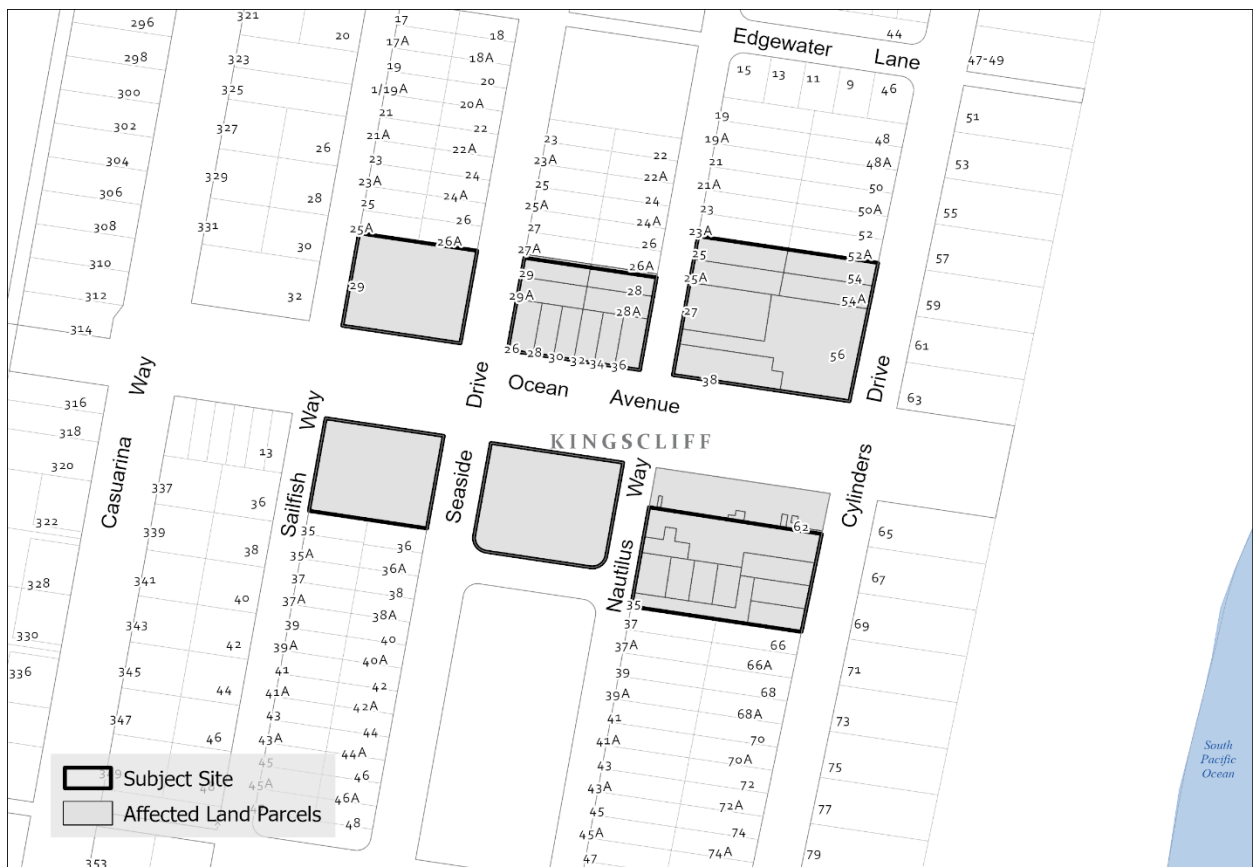


**Figure 3: North Kingscliff & Beach Front Precincts (Outcome 2)**

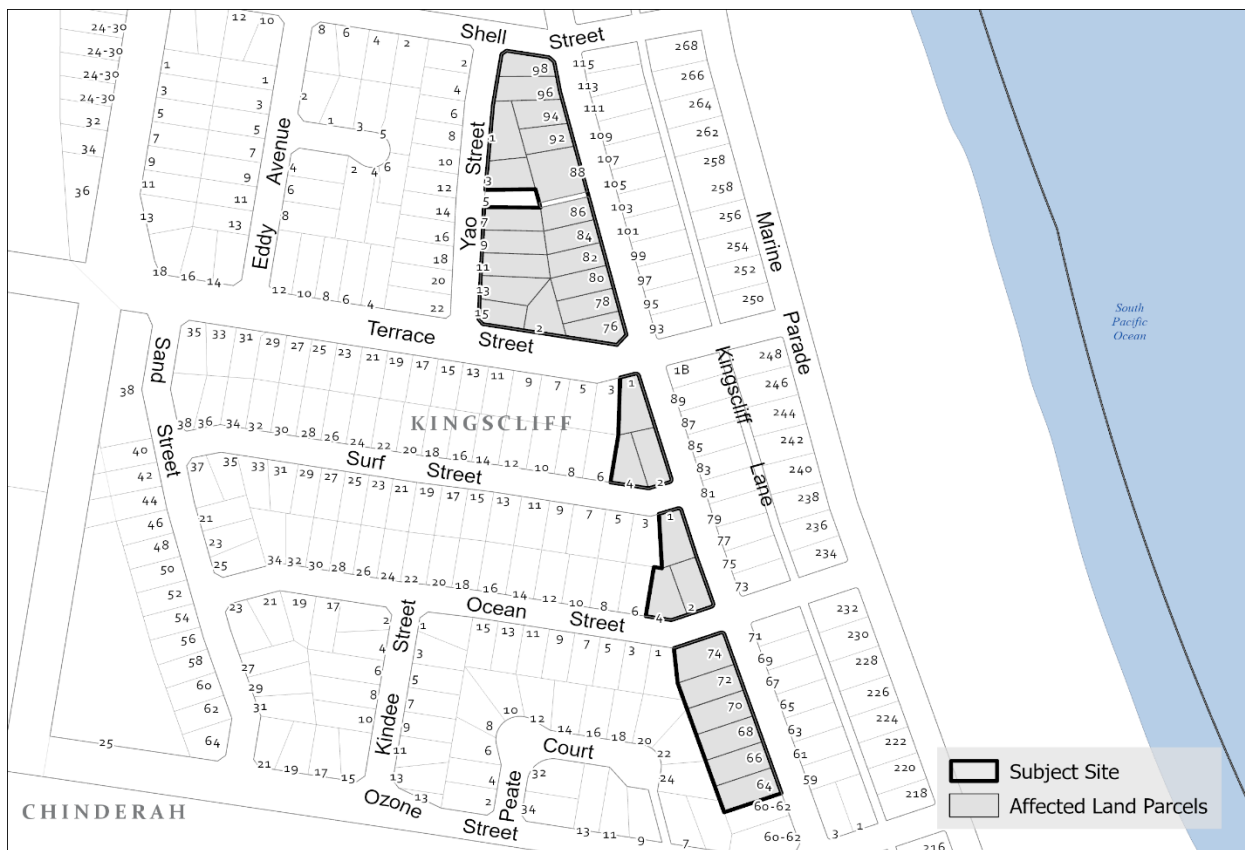




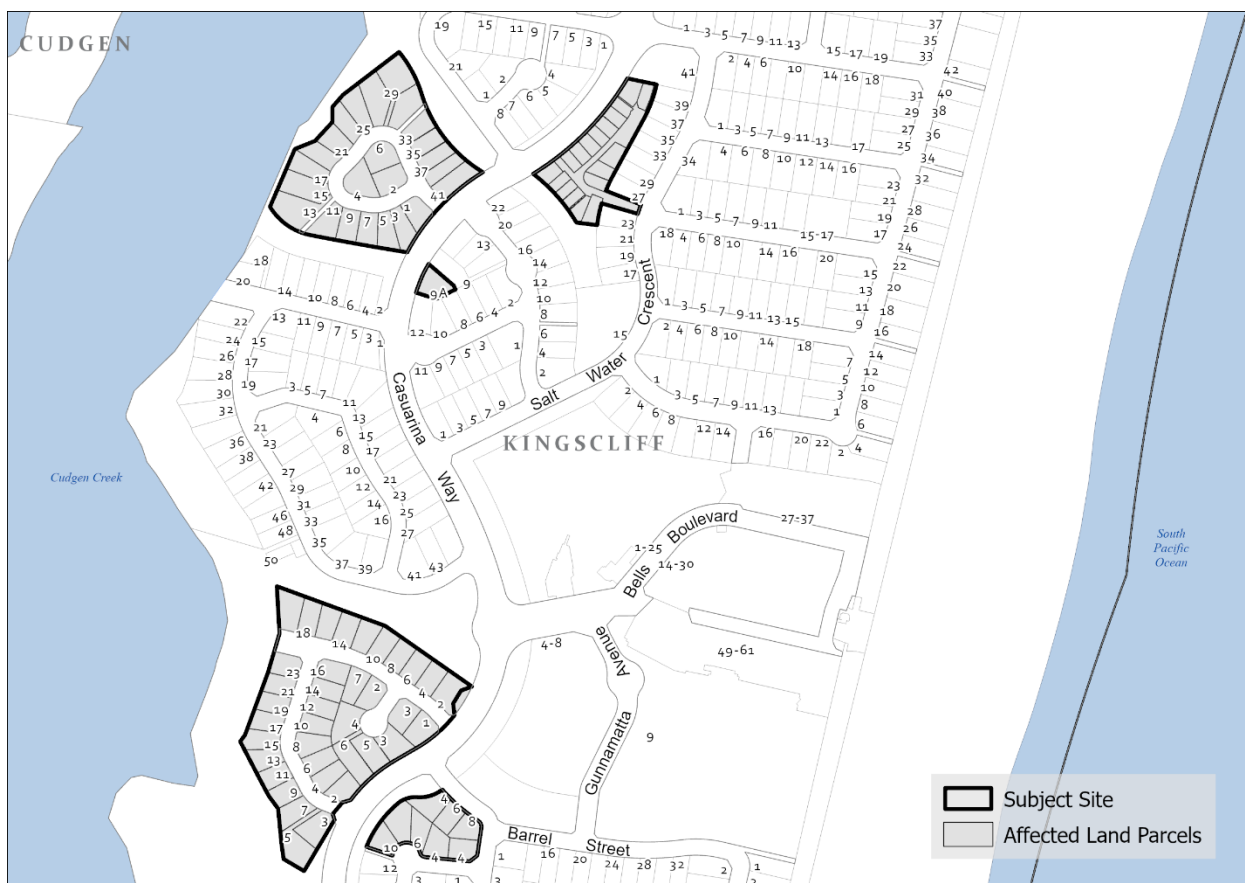
**Figure 4: Kingscliff Hill Precinct (Outcome 2)**



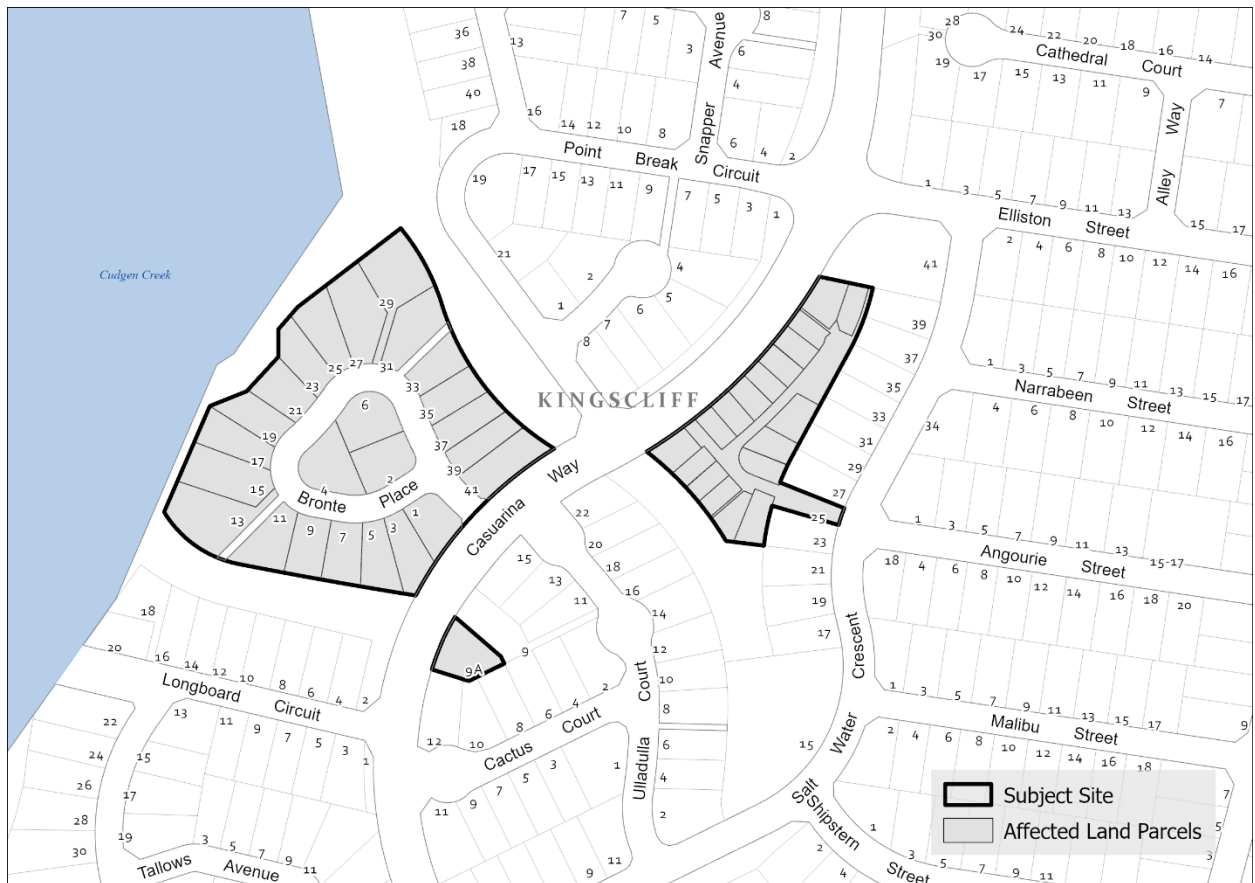
**Figure 5: Seaside Precinct (Outcome 2)**



**Figure 6: North Kingscliff Precinct (Outcome 3)**



**Figure 7: SALT Precinct (Outcome 4a)**



**Figure 8: SALT Precinct (Outcome 4b)**

## **Part 3      Justification of strategic and site-specific merit**

### **Section A      Need for the Planning Proposal**

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

Yes. This planning proposal is giving effect to actions 14.1 and 14.2 of the Tweed Local Strategic Planning Statement, which state:

14.1 Continue the preparation of locality plans which guide, through their vision and directions, the future character, land-use planning and growth management for all towns and villages in the Tweed.

14.2 Review the local planning framework to ensure development controls support the local character and community visions identified in locality plans.

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

With the implementation of the Standard Instrument LEP, the measure of building height shifted from 'stories' to building height measured in metres above existing ground level as a means of providing landowners and neighbours with a greater level of built form certainty. Despite a long-standing community expectation of buildings having a maximum height of 3 stories within Kingscliff, the prescribed maximum building height has seen an increasing number of 4 storey buildings being constructed within its 13.6m maximum building height. This has been a more recent source of community-based concern which led to a petition opposing building heights above 3 stories within Kingscliff being tabled in NSW Parliament in 2016.

As a result, Kingscliff is governed by generic height limits that do not always equate with the preferred height in stories. A planning proposal pathway is the only mechanism to align the buildings heights between the KLP and Tweed LEP, and to regularise certain land use zoning to be reflective of the existing built form outcomes.

## Section B Relationship to strategic planning framework

### **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 Tweed local government area is located within the Northern Rivers subregion in the recently prepared *North Coast Regional Plan 2041 (NCRP)*. The NCRP sets a 20-year strategic land use planning framework for the region, aiming to protect and enhance the region's assets and plan for a sustainable future. The Regional Plan reflects on the previous 5 years as follows (pg.6):

*This past five-year period has seen prolonged drought, flooding, bushfire and the effects of the COVID-19 pandemic. However, there have also been many positive developments and major infrastructure investments in the region, including the ongoing upgrade of the Pacific Highway, the Clarence Correctional Centre, the Tweed Valley Hospital and the Richmond Valley Regional Job Precinct.*

In this context, Kingscliff is defined as an increasingly important key centre in the NCRP, and its urban renewal is identified as a Regional Priority for the Tweed Shire (pg.115).

Amending building heights and zones to facilitate the intended outcomes of the KLP and DCP is considered consistent with and gives effect to the objectives, and settlement and housing provisions of the NCRP. Appendix 2 provides a comparison with applicable actions identified within the NCRP. No inconsistencies are considered sufficient to prevent the planning proposal from proceeding.

### **4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?**

Yes. Consistency of this planning proposal with the Tweed Local Strategic Planning Statement has been demonstrated in Appendix 1.

Further, this planning proposal seeks to give effect to the Council endorsed Kingscliff Locality Plan (KLP) and Tweed Development Control Plan Section 26 – Kingscliff (DCP) by amending certain land use zoning nominations and maximum building height development standards. Both plans have been endorsed by Tweed Shire Council in 2020.

## **5 Is the planning proposal consistent with any other applicant State and regional studies or strategies?**

NSW State Infrastructure Strategy 2022 – 2042 formulates a strategic direction to plan sufficient infrastructure catering for the ongoing population growth. Strategic directions formulated within chapter 10 Integrate infrastructure, land use and service planning prioritise delivering more housing, jobs, amenities, and services in locations where there is spare capacity in existing and planned infrastructure. The anticipated outcome of this planning proposal – an expansion of low-rise medium density housing in North Kingscliff – is considered consistent with this Strategy.

## **6 Is the planning proposal consistent with applicable SEPPs?**

State Environmental Planning Policies (SEPPs) deal with matters of State or regional environmental planning significance. The following SEPPs broadly apply to the planning proposal:

- Housing SEPP
- Biodiversity and Conservation SEPP
- Resilience and Hazards SEPP

An assessment of the proposal against these policies is provided at Appendix 3. No inconsistencies are considered sufficient to prevent the planning proposal from proceeding.

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

The following Section 9.1 Directions by the Minister for Planning apply to the subject site:

- 1.1 Implementation of Regional Plans,
- 1.3 Approval and Referral Requirements,
- 1.4 Site Specific Provisions,
- 3.1 Conservation Zones,
- 3.2 Heritage Conservation,
- 4.1 Flooding
- 4.3 Planning for Bushfire Protection,

- 4.5 Acid Sulfate Soils,
- 5.1 Integrating Land Use and Transport,
- 6.1 Residential zones.

An assessment of the proposal against these Directions is provided at Appendix 4. No inconsistencies are considered sufficient to prevent the planning proposal from proceeding.

## Section C Environmental, social and economic impact

### **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?**

This planning proposal relates to existing urban areas which have been extensively developed and the proposed LEP amendments will not increase the likelihood of impacts to critical or threatened species or habitats. Any future development application will be assessed in accordance with Council's existing procedures, guidelines and requirements, and any approval will likewise require appropriate consideration of potential adverse environmental impacts on the site or adjoining land and water bodies. It is noted that future development and subdivision applications of surrounding greenfield development sites will require flora and fauna assessments to acknowledge land of environmental significance and make provision for appropriate buffering and ongoing management.

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

#### **Flooding**

All land subject to this planning proposal is located above the design flood level. However, in extreme flood events approaching the probable maximum flood (PMF), much of Kingscliff with the exception of Kingscliff Hill is inundated, including breakouts through the coastal dune to the ocean. The exceptions are urban zoned parts of Kingscliff Hill, SALT and Seaside Precincts which have good flood immunity and limited flood constraints. Modifying maximum building heights and the proposed rezonings will not change flood behaviour as development of land which is above the design flood level would be expected to permit applications for residential development and associated structures. Management of any impacts will occur primarily through Part A3 – Development of Flood Liable Land of the Tweed Development Control Plan which sets the standard for development on flood liable land throughout the shire. There is also a requirement that as existing development areas are renewed, new development will need to be constructed above the nominated design flood level. This approach ensures that only appropriate compatible development occurs on flood prone land in the future, by minimising future potential flood damage and ensuring safe occupation and access without undue reliance on emergency response agencies.



## **Bushfire**

Land subject to this planning proposal is comprised of a defined urban footprint that has been founded on detailed site analysis and sustainable design principles. Some properties within the study area are mapped as bushfire prone land and while the planning proposal will not necessarily increase bushfire risk, measures to mitigate impacts will require careful consideration at the development application stage. Potential measures include the maintenance of existing vegetation and establishing buffers to provide adequate separation between residential land uses and any hazards.

### **10 Has the planning proposal adequately addressed any social and economic effects?**

This planning proposal primarily seeks to establish consistency between land zoning and development controls across the LEP 2014, KLP and DCP in line with community expectations, and as such, responds to social and economic needs and aspirations of the Kingscliff community.

#### **Aboriginal cultural heritage**

There are areas of land within Kingscliff which have been identified as having known and potential Aboriginal cultural heritage significance. As part of any future development applications, due diligence and Aboriginal Cultural Heritage Assessments will need to be undertaken in accordance with the Office of Environment and Heritage Guide to Investigating Assessing and Reporting on Aboriginal Cultural Heritage in NSW (2011).

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

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

The effect of this planning proposal will not in itself necessitate additional pressure on public infrastructure.

#### **Public transport & pedestrian mobility**

Presently, there are three bus routes that service the Kingscliff locality and wider Tweed Coast/Gold Coast area and are considered satisfactory for the purposes of this planning proposal. Based on a Pedestrian Access and Mobility Plan, the KLP seeks to create environments that encourage walking and cycling as the population of Kingscliff grows in order to discourage the use of private vehicles.

## **Road network**

In regard to this planning proposal, the Tweed Road Development Strategy 2017 (TRDS) indicates that the existing and planned expansion of the road network within the immediate area meets an acceptable traffic flow and amenity level in consideration of current and future population forecasts, including increased traffic movements that will be associated with the new Tweed Valley Hospital. Given there is only one point of access between the township and the Pacific Highway, an extension via Turnock Street has been included within the TRDS to cater for the future expansion of the township. Specific traffic and car parking studies will be required as part of any future masterplanning and development applications.

## **Service infrastructure**

While this planning proposal will not necessitate any upgrades to the existing water and sewer systems, increased capacities and staged future planning and upgrades will be needed to meet the projected population for the district catchment of 50,000 people which includes the Kings Forest release area. In addition, older residential estates will receive staged upgrades and improvements to ensure efficient services capable of meeting increased demand.

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

This planning proposal is yet to receive a Gateway determination.

## **Part 4 Mapping**

## **Part 5 Community consultation**

This section will be updated following receipt of the Gateway Determination specifying the requirement for, and the extent of, community consultation.

## **Part 6 Project timeline**

The following project timeline has been prepared with the assumption that the project would commence once a Gateway determination is issued but may be amended following assessment by the DPE to provide the necessary level of confidence that the proposed amendments to Tweed Local Environmental Plan 2014 will be finalised within a reasonable time.

Project timeline	
Benchmark	Anticipated Deadline
Council resolution to proceed for a Gateway determination	March 2023
Gateway determination	April 2023
Agency consultation	May – June 2023
Commencement date for public exhibition period	July 2023
Completion date for public exhibition period	August 2023
Submissions review	August 2023
Council report to finalise and refer the plan to the DPE to be made	September 2023
Prepare drafting instructions to PCO	October 2023
Refer mapping to DPE	November 2023
Refer the Plan to DPE for publishing	November 2023

## Appendix 1. Tweed Local Strategic Planning Statement 2020

Priority/Action		Response
<b><u>Liveable communities</u></b>		
<b>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.</b>		
11.1	Enable active living, health and wellbeing for all members of the community through contemporary best practice planning, design, provision and management of high quality community facilities and public open spaces.	The planning proposal incorporates contemporary best practice planning and design through the designation of places for living and working in close proximity, and in doing so, promotes active modes of transportation.
11.6	Continue the program of town and village locality planning which integrates land-use planning, services, infrastructure, and public open spaces to ensure diverse inclusive places for people to be healthy, build resilience, feel safe and be well connected are delivered.	The planning proposal is based on the KLP which guides the integration of land-use planning with housing, services, infrastructure, and public open spaces to deliver well connected, safe and resilient precincts within Kingscliff.
11.7	Facilitate the inclusion of a broad range of community members in consultation and engagement processes to inform land-use planning.	The consultation and engagement process that informed the preparation of the KLP and DCP was designed to include a broad range of community members and involved an external reference panel, community vision survey and feedback report, and an Enquiry by Design Workshop. The workshop culminated in a two week shop front exhibition attended by over 800 people. An exhibition and consultation phase will also be included as part of this planning proposal.
<b><u>Liveable communities</u></b>		

**Planning priority 14 - Preserve and enhance the distinctive characteristics of our centres, towns and villages that make them special and unique, into the future.**

14.1	Continue the preparation of locality plans which guide, through their vision and directions, the future character, land-use planning and growth management for all towns and villages in the Tweed.	This planning proposal represents the next stage in implementing a key component of the KLP relating to the development controls guiding the future growth of Kingscliff.
14.2	Review the local planning framework to ensure development controls support the local character and community visions identified in locality plans.	This planning proposal seeks to amend the existing maximum height limits and land zoning in specific precincts to better reflect community expectations identified in the KLP.
14.3	Manage and review local planning framework controls to ensure the low density residential character in low density residential zones is maintained.	This planning proposal seeks to rezone certain segments of R1 General Residential zone, which has been developed as low density, to R2 in order to better reflect the existing neighbourhood character in the SALT precinct.
14.4	Consider the use of local character statements as a means to protect the special identity of our towns and villages through the application of state wide complying development standards.	The Kingscliff DCP was introduced to identify and protect the special identity of the town,
14.5	Continue to include close collaboration with the community during development of Locality Plans, through engagement and consultation opportunities.	As noted in response to Action 11.7, the consultation and engagement process that informed the preparation of the KLP and DCP was designed to include close collaboration with the community and involved an external reference panel, community vision survey and feedback report, and an Enquiry by Design Workshop. The workshop culminated in a two week shop front exhibition attended

		by over 800 people. An exhibition and consultation phase will also be included as part of this planning proposal.
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### **Diverse housing and lifestyles**

**Planning priority 15 - Deliver housing supply and infrastructure to meet the needs of a growing population whilst protecting the sensitive environmental and agricultural hinterlands.**

15.1	Plan for and guide compact urban areas, towns and villages which avoids the spread of urban development into sensitive locations and meet the long term housing demand and needs.	This planning proposal seeks to reinforce the preferred boundaries for urban development in Kingscliff in order to protect surrounding environmentally sensitive areas. The wider KLP enables new locations for housing to meet long term demand and needs.
15.2	Review urban zones to ensure development guidelines support the supply, location and appropriate mix of housing types, through zone objectives, permissible uses and controls, and to ensure suitable buffer to critical infrastructure to prevent conflicting development.	This planning proposal is implementing work completed through the KLP that reviewed the appropriateness of existing residential zones. The KLP concluded that both rezoning and modifying height limits were the relevant controls to establish a more appropriate mix of housing types.
15.4	Prepare structure plans for future identified key growth areas to ensure growth is consistent with desired future development outcomes and infrastructure sequencing needs.	While this planning proposal relates to the existing town centre and certain residential areas, the KLP creates a pathway for future masterplanning of greenfield sites which will accommodate the bulk of development growth.

**Planning priority 16: Promote housing that is affordable, diverse, adaptive and well located to meet the needs of our changing population and lifestyle.**

16.1	Develop housing and planning policy which guides and incentivises appropriate	This planning proposal opens up well located land in Kingscliff North for more
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	new housing that is inclusive, affordable, well located, provides diversity in choice and encourages flexible, adaptive housing and universal design for people of all ages and abilities.	diverse and affordable low rise medium density housing forms through the introduction of the R3 zone.
16.2	Ensure housing supply is planned to meet the growth demands and demographic changes.	The KLP was prepared to ensure the housing supply meets anticipated population growth and housing needs and this planning proposal implements the required changes to begin achieving those outcomes.

**Planning priority 17: Deliver well-planned residential and rural residential housing.**

17.3	Encourage infill development in proximity to town centres to support their vitality and make efficient use of infrastructure.	This planning proposal seeks to rezone certain low residential development areas to R3 Medium Density Residential zone, in accordance with the overall KLP aspiration to deliver a well-connected, walkable town.
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## Appendix 2. Consistency with applicable Goals and Objectives of the North Coast Regional Plan 2041

Goal/Objective		Response
<b>1: Liveable, sustainable and resilient</b>		
1	Provide well located homes to meet demand.	The planning proposal encourages and facilitates a range of infill housing options in well located areas including the Town Centre and established residential neighbourhoods. This will assist Council meet the region's overall 40% multi-dwelling target and advance this objective.
2	Provide for more affordable and low cost housing.	The planning proposal encourages a diversity of housing types through zoning changes that offer a broad range of housing typologies, in line with this objective.
4	Understand, celebrate and integrate Aboriginal culture	There are areas of land within Kingscliff which have been identified as having known and potential Aboriginal cultural heritage significance. As part of any future development applications, due diligence and Aboriginal Cultural Heritage Assessments will need to be undertaken in accordance with the Office of Environment and Heritage Guide to Investigating Assessing and Reporting on Aboriginal Cultural Heritage in NSW (2011).
<b>2: Productive and connected</b>		
11	Support cities and centres and coordinate the supply of well-located employment land	This planning proposal supports and reinforces Kingscliff as a focal point for economic growth and activity in the Tweed Shire. The proposed amendments to the LEP provide greater certainty to landowners in the town centre and surrounding residential neighbourhoods by removing inconsistencies regarding height limits. The new height limits will retain the preferred local character determined by the community. It is noted that the wider KLP and DCP provide pathways for the establishment of significant employment lands to respond to the changing resident workforce.



16	Increase active and public transport usage	This planning proposal is based on prioritising infill housing in appropriate locations to enable active transport modalities in a manner than meets community expectations. As a result, greenfield housing options will supplement the overall provision of housing but will do so in a way that integrates land use and transport and creates linkages with the existing town centre to promote walking, cycling and bus usage.
<b>3: Growth Change and Opportunity</b>		
18	Plan for sustainable communities	As part of the Tweed Regional City, Kingscliff is responsible for accommodating future housing and employment land and associated needs relating to affordability and transport. The wider KLP contributes to these needs in significant ways, and this planning proposal begins the process of implementing the changes required to provide new housing opportunities.
20	Celebrate local character	This planning proposal is based on extensive consultation with the community about what constitutes local character and how it should be protected. The clear response from the community related to establishing a 2-3 storey character in the town centre, a priority this amendment seeks to implement.

## Appendix 3: Applicable State Environmental Planning Policies

SEPP	Consistency
<b>Housing</b>	This policy relates to the need for affordable and diverse forms of housing, including short-term rental accommodation, housing for seniors or people with a disability and caravan parks.
Chapter 2 Affordable housing	
Part 3 Retention of existing affordable rental housing	It is considered that this planning proposal is generally consistent with the intent of this policy as it is implementing key recommendations of Kingscliff Locality Plan, promoting low-medium density housing typologies, enabling more diverse and affordable housing options.
Chapter 3 Diverse housing	
Part 5 Housing for Seniors or People with a Disability	
Part 6 Short-term rental accommodation	
Part 9 Caravan parks	
<b>Biodiversity and Conservation</b>	This policy is divided into chapters relating to the preservation of habitat areas, vegetation and drinking water.
Chapter 3 Koala habitat protection 2020	The applicable matters of consideration to this planning proposal include Koala habitat protection 2021.
Chapter 4 Koala habitat protection 2021	The Koala habitat protection 2021 chapter is applicable to the whole local government area and aims to encourage the conservation and management of natural vegetation that provide habitat for koala.
Chapter 7 Canal estate development	The Tweed Coast Koala Habitat Study 2011 did not map areas of significant koala activity within the study area of this planning proposal, and this planning proposal will not result in the removal of koala habitat vegetation. It is considered the planning proposal is consistent with the SEPP.

SEPP	Consistency
<b>Resilience and Hazards</b>	
Chapter 2 Coastal management	This Policy requires the assessing authority to consider matters regarding coastal management, hazardous and offensive development, and remediation of land.
Chapter 3 Hazardous and offensive development	The land subject to this planning proposal is located within the coastal zone. However, the planning proposal affects development controls of an established urban settlement. It is considered this planning proposal is consistent with the SEPP as it is unlikely to result in an increase of development pressure within the coastal zone.
Chapter 4 Remediation of land	

## Appendix 4: Section 9.1 Directions

Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	
This direction applies to land to which a Regional Plan has been released by the Minister for Planning. The objective is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	Consistency of this planning proposal with the NCRP 2041 is demonstrated within Appendix 2 above.
1.3 Approval and Referral Requirements	
This Direction provides that a LEP shall minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or Public Authority, not contain these provisions unless Council has obtained approval from the relevant Authority and not identify development as designated development unless certain prerequisites can be met. The objective is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	This planning proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.
1.4 Site Specific Provisions	
An LEP that amends another environmental planning instrument in order to allow a particular development proposal shall either allow that land use to be carried out in the zone that the land is situated on or rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already existing or allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal planning instrument being amended. The objective is to discourage unnecessarily restrictive site-specific planning controls.	No unnecessarily restrictive site-specific provisions are proposed as part of this planning proposal. All proposed changes emerged as a result of detailed strategic planning and community consultation.
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	

A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. Where land subject to a conservation zone or land otherwise identified for environmental protection purposes in a LEP must not reduce the conservation standards that apply to the land. The objective is to protect and conserve environmentally sensitive areas.	The planning proposal does not include land subject to a conservation zone or land otherwise identified for environmental protection.
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### 3.2 Heritage Conservation

A planning proposal must contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area. Including the protection of Aboriginal objects and Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i> (NSW). The objective is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<p>The site is heavily developed and contains no identified heritage items under Tweed LEP 2014.</p> <p>Given the known and potential occurrence of Aboriginal Cultural heritage and South Sea Islander cultural heritage sites within some of the Kingscliff precincts, there will be a requirement to undertake an Aboriginal and South Sea Islander Cultural Heritage Assessment in consultation with the Tweed Byron Aboriginal Land Council and South Sea Islander Community as part of any future development applications.</p>
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## Focus area 4: Resilience and Hazards

### 4.1 Flooding

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	All land subject to this planning proposal is located above the design flood
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<p>provision that affects flood prone land. The objectives of this direction are to 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 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.</p>	<p>level. However, in extreme flood events approaching the probable maximum flood (PMF), much of Kingscliff with the exception of Kingscliff Hill is inundated, including breakouts through the coastal dune to the ocean. The exceptions are urban zoned parts of Kingscliff Hill, SALT and Seaside Precincts which have good flood immunity and limited flood constraints.</p> <p>Modifying maximum building heights and the proposed rezonings will not change flood behaviour as development of land which is above the design flood level would be expected to permit applications for residential development and associated structures.</p> <p>Management of any impacts will occur primarily through Part A3 – Development of Flood Liable Land of the Tweed Development Control Plan which sets the standard for development on flood liable land throughout the shire. There is also a requirement</p>
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	that as existing development areas are renewed, new development will need to be constructed above the nominated design flood level. This approach ensures that only appropriate compatible development occurs on flood prone land in the future, by minimising future potential flood damage and ensuring safe occupation and access without undue reliance on emergency response agencies.
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#### 4.3 Planning for Bushfire Protection

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. The objectives are to protect life, property and the environment for bushfire hazards, by discouraging the establishment of incompatible land uses in bushfire prone areas, and to encourage sound management of bushfire prone areas.	Future urban development will be contained with a defined urban footprint founded on detailed site analysis and sustainable design principles. Hazards and measures to mitigate the bushfire risk will require careful consideration and management throughout future development assessment processes.
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#### 4.5 Acid Sulfate Soils

This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning. The objective is to avoid	Kingscliff is identified on Tweed LEP 2014 Acid Sulfate Soils map under a
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significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	range of Class numbers on the Acid Sulfate Soils Map.  Acid sulphate soils risk will be considered as part of any future development assessment.
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## Focus area 5: Transport and Infrastructure

### 5.1 Integrating Land Use and Transport

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. The objective is to ensure that urban structures, building forms, land use locations, development designs, subdivisions and street layouts achieve planning principles including improving access to housing, jobs and services through walking, cycling and public transport, increase the choice of transport, reducing travel demand, supporting the efficient operation of public transport services and providing for efficient movement of freight.	Adequate public transport services exist within the Kingscliff locality, and the town centre contains a range of health facilities and shopping opportunities.  Increasing housing opportunities in areas proximate to these locations ensures this objective is met.
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## Focus area 6: Housing

### 6.1 Residential zones

A planning proposal must encourage a variety and choice of housing types to provide for existing and future housing needs, efficiently use existing infrastructure and services and minimise the impact of residential development on the environment. The objective is to broaden the choice of building types and locations, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing and associated urban development on the urban fringe, and be of good design.	Expansion of the R3 Medium Density Residential zone will facilitate greater choice of housing types in the local area.
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