

PLANNING PROPOSAL

Environmental Planning Assessment



Subject	Environmental Planning Assessment Report for Planning Proposal – Lot 1 Clothiers Creek Road, Clothiers Creek		
Property	1 DP818394		
Reference		Revision	3
Prepared By	Brooke O'Dea	Date	14/11/2024
	Jordan Vickers		
Reviewed By	Scott Benitez Hetherington	Date	14/11/2024

1. Summary

The Sustainability and Environment Unit (SEU) have been engaged to assess the ecological impacts of a Planning Proposal located at Lot 1 Clothiers Creek Rd, Clothiers Creek.

The Planning Proposal seeks to:

- Rezone the property from 7(l) Environmental Protection (Habitat) to RU2 Rural Landscape and C2 Environmental Conservation.
- Amend Part 4, Item 4.2B of the Tweed Local Environment Plan 2014 to include the subject site on the dwelling opportunity map.

The subject site was created as a result of a boundary adjustment (Subdivision No. S90/7 (as amended)) between Lot 1 DP 240934 and Lot 4 DP 578903, creating the current Lot 1 DP 818394 and Lot 2 DP 1172935, approved by Council on 18th June 1990. Development Consent S90/7 contained Condition 2 which precluded “the erection of a dwelling house on Lot 1.” This has been registered as a restriction on the Section 88b Instrument for this property.

The site contains high environmental value (HEV) assets and SEU recommend these areas be protected through an appropriate conservation zone consistent with the methodology for the Tweed Conservation Zone Review. SEU raise no objection to the rezoning of the remaining area of the lot to RE2 and listing of the site on the dwelling opportunity map subject to the consideration of matters outlined in Section 5 of this report.

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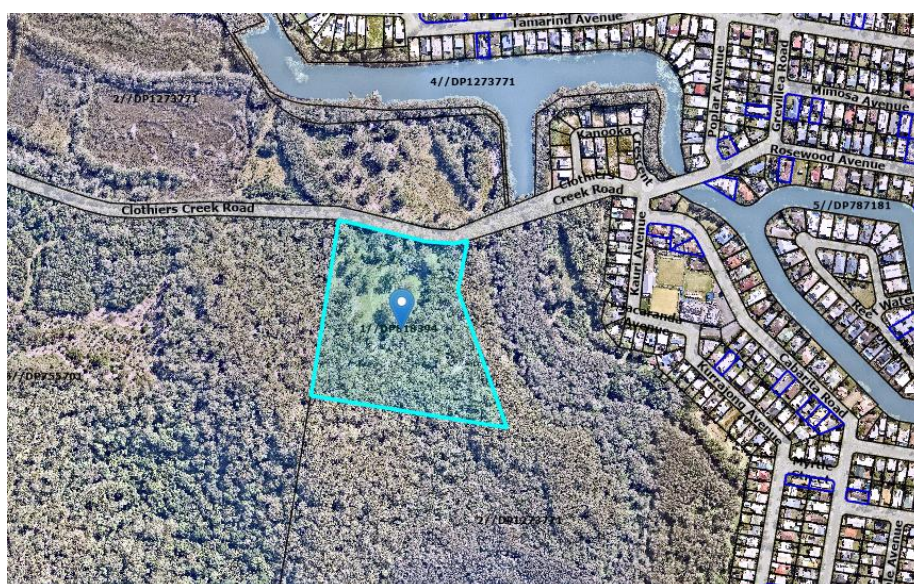


Figure 1. Subject Site

2. Planning Particulars

Lot Description	Lot 1 DP818394
Land Zoning	DM Deferred Matters – 7(l) Environmental Protection (Habitat)
North Coast Regional Plan 2014	<input type="checkbox"/> Important Farmland <input checked="" type="checkbox"/> Coastal Area <input type="checkbox"/> Urban Growth Area <input type="checkbox"/> Investigation Area Employment Land <input type="checkbox"/> Investigation Area Urban Land
Urban and Employment Land Release Strategy 2009	<input type="checkbox"/> Potential Employment Lands <input type="checkbox"/> Potential Urban Release Lands
Tweed Conservation Zone Review	<input checked="" type="checkbox"/> Stage 1 - Proposed C2 Environmental Conservation (Part) <input type="checkbox"/> Stage 2
Tweed Coast Comprehensive Koala Plan of Management	<input checked="" type="checkbox"/> Southern Tweed Coast Koala Management Area <input type="checkbox"/> Tweed Heads Koala Management Area <input checked="" type="checkbox"/> Koala Activity Precinct <input type="checkbox"/> Koala Linkage Precinct
Other Local Provisions	<input checked="" type="checkbox"/> DCP A19 Red-Flag Values <input checked="" type="checkbox"/> Mapped koala habitat <input checked="" type="checkbox"/> Vegetation Ecologically Sensitivity – Moderate and Low <input checked="" type="checkbox"/> Vegetation Ecological Status - High

3. Assessment

3.1 Ecological Assessment

The North Coast Regional Plan (NRCP) 2041 recognises high environmental value (HEV) assets as being integral to maintaining the biological diversity of the North Coast. Strategic planning processes must consider opportunities to protect biodiversity values by:

- identifying HEV assets within the planning area at planning proposal stage through site investigations;
- focusing land-use intensification away from HEV assets and implementing the 'avoid, minimise and offset' hierarchy in strategic plans, LEPs and planning proposals;
- applying appropriate mechanisms such as conservation zones and Biodiversity Stewardship Agreements to protect HEV land within a planning area and considering climate change risks to HEV asset.


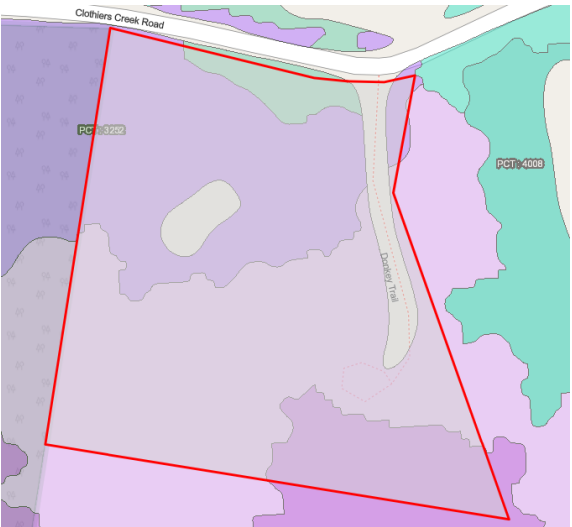
Table 1 below assesses the impacts of the Planning Proposal to HEV assets.

TABLE 1. HEV Assessment

HEV Criteria	Assessment	References
Criterion 1: Protected Areas		
<input type="checkbox"/> World Heritage Areas	No world heritage properties identified.	<i>World Heritage Areas of Australia, accessed via SEED portal.</i>
<input checked="" type="checkbox"/> National Parks and Nature Reserves	The site is bordered by National Park and Nature Reserve.	<i>NSW Planning Portal Spatial Viewer</i>
<input checked="" type="checkbox"/> Crown land dedicated for environmental protection	Crown land borders the subject site as National Park and Nature Reserve.	<i>NSW Planning Portal Spatial Viewer</i>
<input type="checkbox"/> Private land with conservation commitments	No private conservation agreements identified over the subject site or adjacent properties..	<i>Tweed Shire Council Weave Mapping</i>
Criterion 2: Native vegetation of high conservation value		
<input checked="" type="checkbox"/> Land of high biodiversity value	<ul style="list-style-type: none"> • The site contains mapped biodiversity values (Fig. 2). • The area of proposed C2 is consistent with the BV mapping. 	<i>Biodiversity Values Map and Threshold Tool accessed 25/07/2023</i>


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HEV Criteria	Assessment	References
	 <p>Figure 2. NSW Biodiversity Values Map</p>	
<input type="checkbox"/> Over-cleared vegetation types	<p>The State Vegetation Type Map (Fig. 3) indicates the following PCTs present at the subject site:</p> <ul style="list-style-type: none"> ○ 3252: Northern Hinterland Grey Gum-Mahogany Grassy Forest ○ 4004: Northern <i>Melaleuca quinquenervia</i> Swamp Forest ○ 3232: Far North Coastal Hills Blackbutt-Ironbark Forest  <p>Figure 3. NSW State Vegetation Type Map</p>	<p><i>State Vegetation Type Map</i>, accessed via SEED portal 30/10/2024 ; <i>BioNet Vegetation Information System</i> accessed 30/10/2024</p>
<input checked="" type="checkbox"/> Vegetation on over-cleared landscapes	<p>Over-cleared landscapes (Fig. 4) in the Tweed include the Tweed-Byron Alluvial plains or Tweed-Byron Coastal Barriers. A small section of the site at the northern boundary is mapped within the Tweed-Byron Alluvial Plains (over-cleared) landscape.</p>	<p><i>State Vegetation Type Map</i>, accessed via SEED portal 30/10/2024 ;</p>


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HEV Criteria	Assessment	References																								
(Mitchell landscapes)	<div></div> <p>Figure 4. Mitchell Landscape V3.1</p>	Tweed Vegetation Management Strategy 2009.																								
<input type="checkbox"/> Threatened Ecological Communities	No mapped TECs occur on the site.	Tweed Conservation Zone (Stage 1) Mapping																								
<input type="checkbox"/> Littoral rainforest (including a 100m buffer)	No littoral rainforest present.	Coastal Wetlands and Littoral Rainforests Area Map accessed 30/10/2024																								
Criterion 3: Threatened species and populations																										
<input checked="" type="checkbox"/> Key habitat for threatened species	<p>Flora – BioNet Atlas includes records of 34 threatened flora species within a 10km polygon of the site. Records include:</p> <table><thead><tr><th></th><th>Comm. Status</th><th>NSW Status</th><th>No. of records</th></tr></thead><tbody><tr><td><i>Rhodamnia maideniana</i></td><td>CE</td><td>CE</td><td>22</td></tr><tr><td><i>Rhodamnia rubescens</i></td><td>CE</td><td>CE</td><td>14</td></tr><tr><td><i>Syzygium moorei</i></td><td>V</td><td>V</td><td>32</td></tr><tr><td><i>Acronychia littoralis</i></td><td>E</td><td>E</td><td>13</td></tr><tr><td><i>Randia moorei</i></td><td>E</td><td>E</td><td>9</td></tr></tbody></table> <p>The subject site provides possible habitat for threatened flora species in existing bushland. Threatened flora species are considered unlikely to occur within the proposed RU2 zone where the open grassland is subject to routine maintenance activities.</p> <p>Fauna – The Atlas of Living Australia (ALA) database includes 19 threatened species as being recorded within 1km of the subject site. This includes records of koala, Southern greater glider, grey-headed flying fox, white-throated needletail, and Eastern Osprey.</p>		Comm. Status	NSW Status	No. of records	<i>Rhodamnia maideniana</i>	CE	CE	22	<i>Rhodamnia rubescens</i>	CE	CE	14	<i>Syzygium moorei</i>	V	V	32	<i>Acronychia littoralis</i>	E	E	13	<i>Randia moorei</i>	E	E	9	Atlas of Living Australia, biodiversity data accessed 6/11/2024. BioNet Atlas, accessed 6/11/2024.
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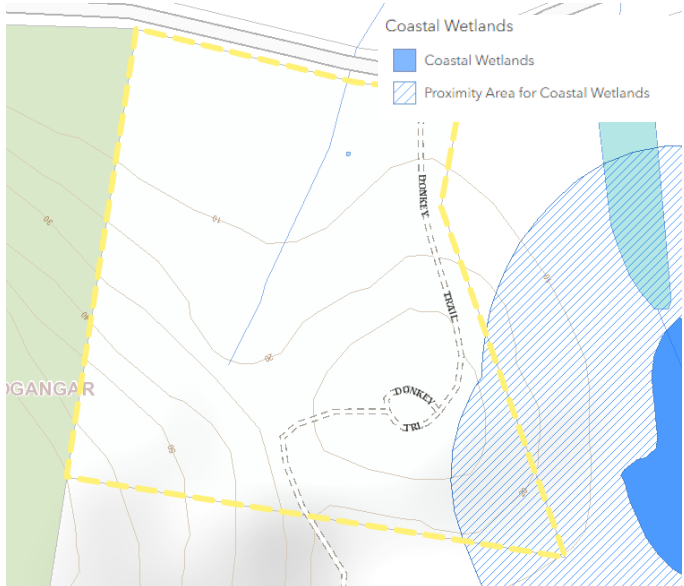
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HEV Criteria	Assessment	References
	<p>BioNet Atlas includes records of 61 threatened fauna species within a 10km polygon of the site including koala (1388 records), bush stone-curlew (180 records) and Glossy Black-Cockatoo (63 records).</p> <p>A site inspection by Council officers on 01/10/2024 confirmed the presence of high value habitat including bushland and isolated paddock trees containing hollows.</p> <p>The site contains large habitat trees including in areas of maintained grassland. These trees are considered highly significant due to the presence of hollows and habitat for birds and arboreal animals.</p>	
<input checked="" type="checkbox"/> Koala Habitat	<p>The site contains preferred koala habitat mapped under the Tweed Coast Comprehensive Koala Plan of Management (Fig. 5). The presence of preferred koala food trees was confirmed during the site inspection by Council officers on 01/10/2024.</p>  <p>Fig. 5. Preferred Koala Habitat</p> <p>ALA includes 271 records of koala within 1km of the subject site. Council records indicate significant abundance of koala records within and directly adjacent to the site.</p>	<p><i>Tweed Shire Council Koala Habitat Mapping accessed 6/11/2024.</i></p> <p><i>Atlas of Living Australia, biodiversity data accessed 6/11/2024.</i></p>
<input type="checkbox"/> Key habitats for migratory species	<p>Migratory species are recorded within 5km of the site including Sooty Shearwater, Ruddy Turnstone, Red Knot, Wandering Albatross, and Latham's Snipe, Black-tailed Godwit, Southern Giant-Petrel, and Shy Albatross.</p> <p>These records are concentrated at coastal beaches and estuaries near the site. The site may provide temporal habitat or refuge for</p>	<p><i>Atlas of Living Australia, biodiversity data accessed 6/11/2024.</i></p>

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HEV Criteria	Assessment	References
	migratory species but is not considered to contain key habitats for migratory species.	
Criterion 4: Wetlands, rivers, estuaries & coastal features		
<input checked="" type="checkbox"/> Coastal wetlands	<p>Part of the site is within the coastal wetlands proximity area (Fig. 6).</p>  <p>Fig. 6. Coastal Wetlands</p> <p>The SEPP requires that development consent not be granted on land that is within a coastal wetlands proximity area unless the consent authority is satisfied with a range of provisions under Cl. 2.8.</p> <p>There are no provisions of Cl 2.8 which suggest that this allotment is not suitable for the establishment of a dwelling entitlement.</p>	NSW Planning Portal Spatial Viewer
<input type="checkbox"/> Nationally important wetlands	Cudgen lake and areas of Cudgen Nature Reserve are listed as Nationally Important Wetlands. No nationally important wetlands effect the subject site.	Directory of Important Wetlands in Australia, Commonwealth DCCEW
<input type="checkbox"/> Riparian vegetation or rivers	None identified.	
<input type="checkbox"/> Vulnerable estuaries and ICOLLs	None identified.	
Criterion 5: Areas of geological significance		
<input type="checkbox"/> Karst landscapes	No karst landscapes identified during site inspection.	
<input type="checkbox"/> Stage Heritage Register	No state heritage places present.	NSW State Heritage Register

3.2 Agricultural Assessment

The proposal does not involve the rezoning of existing agricultural land or changes to land in proximity to existing agricultural land. No agricultural suitability assessment has been completed.

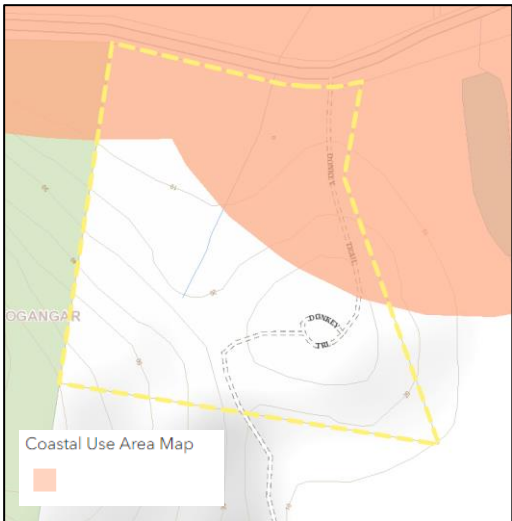
3.3 Coastal and Waterways Assessment

The NCRP 2041 identifies the need to protect marine parks, coastal lakes and estuaries by implementing the NSW Government's Risk-Based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions, with sensitive marine parks, coastal lakes and estuaries prioritised.

The coastal zone comprises land mapped as coastal wetlands and littoral rainforests, the coastal vulnerability area, coastal environment area and coastal use area.

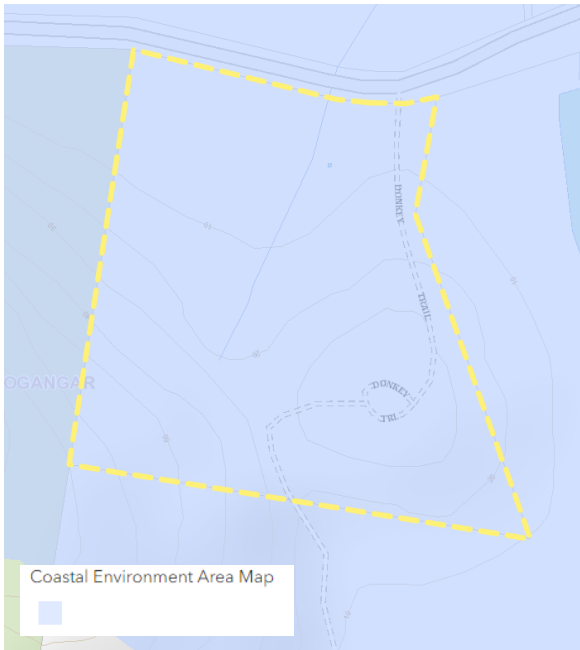
Table 2 below assesses the compliance of the Planning Proposal against the relevant coastal and waterway management benchmarks.

Table 2. Coastal and Waterways Assessment

Value	Assessment	References
☒ Coastal Use Area	<p>Part of the site is within the mapped Coastal Use Area under the SEPP (Resilience and Hazards) 2021 (Fig. 7).</p>  <p>Fig. 7. Coastal Use Area Map</p> <p>The SEPP requires that development consent not be granted on land that is within a coastal use area unless the consent authority is satisfied with a range of provisions under Cl. 2.11.</p> <p>There are no provisions of Cl 2.11 which suggest that this allotment is not suitable for the establishment of a dwelling entitlement.</p>	<p>NSW Planning Portal Spatial Viewer accessed 7/11/2024.</p>

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Value	Assessment	References
<input checked="" type="checkbox"/> Coastal Environment Area	<p>The entire site is within the mapped Coastal Environment Area under the SEPP (Resilience and Hazards) 2021 (Fig. 8).</p>  <p>Fig. 8. Coastal Environment Area Map</p> <p>The SEPP requires that development consent not be granted on land that is within a coastal environment area unless the consent authority is satisfied with a range of provisions under Cl. 2.10.</p> <p>There are no provisions of Cl 2.10 which suggest that this allotment is not suitable for the establishment of a dwelling entitlement.</p>	<p>NSW Planning Portal Spatial Viewer accessed 7/11/2024.</p>
<input type="checkbox"/> Coastal Vulnerability Area	<p>The site is not identified on the SEPP Coastal Vulnerability Map.</p>	<p>NSW Planning Portal Spatial Viewer accessed 7/11/2024.</p>
<input checked="" type="checkbox"/> Coastal wetlands or Littoral Rainforests	<p>Refer to HEV assessment.</p> <p>The planning proposal does not propose to rezone land that would enable increased development or more intensive land-use on land mapped as coastal wetlands.</p>	<p>NSW Planning Portal Spatial Viewer accessed 7/11/2024.</p>
<input type="checkbox"/> Marine Parks	<p>Not present on site.</p>	
<input type="checkbox"/> Coastal Lakes	<p>Not present on site.</p>	
<input type="checkbox"/> Estuaries	<p>Not present on site.</p>	
<input checked="" type="checkbox"/> Natural Watercourses	<p>NSW Hydroline mapping indicates a 1st order stream present on site. The site inspection completed by Council Officers on 01/10/2024 did not identify any natural watercourses. Council stream order mapping does not indicate the presence of any watercourses.</p>	<p>NSW Hydroline, 2018.</p>
<input type="checkbox"/> Riparian areas	<p>Not present on site.</p>	

4 Local Planning Directions

A Planning Proposal is required to be consistent with all applicable Ministerial Directions ([Local Planning Directions](#)) made under s.9.1 of the *Environmental Planning and Assessment Act 1979*. Where the planning proposal is inconsistent with any of the relevant directions, those inconsistencies must be specifically explained and justified in the planning proposal. There may need to be technical or evidence provided as part of the justification.

Table 3 below reviews the consistency of Planning Proposals with the Local Planning Directions as relevant to this Environmental Planning Assessment.

TABLE 3. Review of Local Planning Directions

Direction	Applicable	Consistency
3.1 Conservation Zones	Yes	HEV values are protected through the proposed C2 Conservation Zone.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs.	Yes	The proposal is considered consistent with the Northern Councils E Zone Review – Final Recommendations Report provided the C2 zone is applied in accordance with Attachment 1 .
4.2 Coastal Management	Yes	The proposal is considered to give effect to and achieve the objects of the CM Act and Coastal Design Guidelines.
9.1 Rural Zones	No	N/A
9.2 Rural Land	No	N/A
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A

5 Summary and Recommendations

SEU raise **no objection** to the proposal to amend the land zoning under the Tweed LEP 2014 to C2 and RU2 and to include the site on the dwelling opportunities map subject to the Planning Proposal addressing the following matters:

1. A C2 Environmental Conservation Zone is applied to the land as indicated in **Attachment 1** below. This land has been validated as meeting eligibility criteria as per the *Northern Councils E Zone Review Final Recommendations Report*.

The C2 zone is required to ensure compliance with the North Coast Regional Plan 2041 and the relevant local planning directions and with consideration for the presence of the following HEV assets:

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- Native vegetation meeting the NSW state government criteria for a conservation zone in accordance with the *Northern Councils E Zone Review Final Recommendations Report*
 - Land mapped on the biodiversity values map as per the *Biodiversity Conservation Act 2016*.
 - Threatened species habitat for koala
2. The planning proposal is revised to:
- a) identify that in the event of any map inconsistency, that the planning proposal map is to prevail.
 - b) acknowledge that each item listed below as 'Considerations for Future Development Application' will be addressed with any future relevant development application on the subject site.
 - c) acknowledge that the land use zone does not confer any approval for vegetation removal.

Considerations for Future Development Application:

With consideration for any future development application at the subject site, the applicant is advised:

- Buildings, driveways and other structures should be designed to avoid Preferred Koala Food Tree(s) or Preferred Koala Habitat. The TCC KPoM does not permit the removal of preferred koala food trees where actively used by koala.
- Red flag values as per DCPA19 Biodiversity and Habitat Protection are to be identified and protected and provided appropriate ecological buffers. The site contains several significant habitat trees that should be retained and protected.
- Where incursions of Red Flag Values or ecological buffers are proposed show how the variation impact is consistent with the relevant planning principles and objectives of DCP A19. This may include compensatory actions such as habitat restoration.
- Asset protection zones shall not include land zoned C2 Environmental Conservation.

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Attachment 1.

Recommended C2 Zoning



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APPENDIX 1. [Coastal Design Guideline checklist](#)

Assessment here: [Appendix 1 - DCG Checklist Lot 1 DP818394 Clothiers Creek Road.pdf](#)