

Our Reference: J7594

Friday, 10 May 2024

Northern Regional Planning Panel

c/o NSW Department of Planning, Housing and Infrastructure, Northern
Via NSW Planning Portal

Dear Planning Panel Members,

**Planning Proposal PP-2023-2669 'Cudgen Connection'
Rezoning Review**

I refer to the abovementioned Planning Proposal (PP), known as 'Cudgen Connection', at 741 Cudgen Road, Cudgen (the subject site), within the Tweed Local Government Area. The PP seeks, amongst others, to rezone and amend development standards applicable to the subject site to facilitate health and education land uses alongside the \$723 million Tweed Valley Hospital at 771 Cudgen Road, Cudgen.

At their meeting of 2 May 2024, Tweed Shire Councillors amended the staff recommendation, and resolved to refuse the PP. In acknowledgment of the projects significant public benefit and substantial gaps in health services being experienced by the subregion, this correspondence formally requests a Rezoning Review be pursued.

To assist your review, we submit the information:

A copy of the PP package submitted to Tweed Shire Council. To confirm, the PP package includes a suite of supporting information and assessments, namely:

- o Request for Planning Proposal, prepared by Planit Consulting
- o Concept Masterplan & Strategic Planning Imperative, prepared by Cottee Parker & Planit Consulting
- o Cudgen Connection Health Precinct Analysis, prepared by Destravis
- o Economic Impact Assessment, prepared by Macroplan
- o Cudgen Connection Market Assessment, prepared by Health Projects International
- o Agricultural Land Assessment, prepared by Gilbert Sutherland
- o Agricultural Capacity Assessment, prepared by Pinnacle Agriculture
- o Bushfire Risk Assessment, prepared by Bushfire Hazard Solutions
- o Baseline Ecological Assessment Report, prepared by Cumberland Ecology
- o Traffic Impact Assessment, prepared by PSA Consulting
- o Engineering Assessment, prepared by Planit Consulting
- o Stormwater Management Plan, prepared by Planit Consulting
- o Preliminary Acid Sulfate Soils Assessment, prepared by HMC Environmental
- o Detailed Site Investigation, prepared by HMC Environmental
- o Social & Community Needs Assessment, prepared by Umwelt
- o Community Engagement Report, prepared by Callister Media & Communications
- o Site Visit and Cultural Heritage Advice Report, prepared by Tweed Byron Local Aboriginal Land Council
- o Letters of Support from Anglicare, Momentum Collective, Social Futures, Healthscope, Aurora, Southern Cross University and Koala Research Foundation Australia

In addition, a copy of the Tweed Valley Hospital Development Site Selection Summary Report, July 2018, prepared by NSW Government is included as an additional reference document.

The abovementioned material is collated within Attachment A – Planning Proposal Package. This information was all issued to Council as part of the Request for Planning Proposal.

Copies of all supporting material and information provided post lodgement to support Council's determination of whether to progress the PP for a Gateway Determination, namely:

- o A response to preliminary advice
- o Clarification and confirmation of matters

The abovementioned material is collated within Attachment B – Additional Information To Council.

Copies of all correspondence received from Council in relation to the planning proposal request, namely:

- o Resolution of Council not to proceed
- o A copy of the Council report
- o Preliminary assessment advices
- o Various clarification and update emails

The abovementioned material is collated within Attachment C – Correspondence Received From Council.

All correspondence and written advice from other public authorities and government agencies, namely:

- o Initial Scoping Report
- o Return commentary from Council staff and Government agencies.
- o Additional correspondence with agencies as the PP evolved.

The abovementioned material is collated within Attachment D – Government Agency Correspondence.

Further, I confirm that no reportable political donations under section 10.4 of the *Environmental Planning & Assessment Act 1979*, have been made by the applicant. Likewise, we understand that to enable the payment of Rezoning Review fees an invoice will be generated through the NSW Planning Portal post-submission of this material.

Finally, to assist the Rezoning Review, as per Planning Circular PS 22-003, we provide the following summary content confirming the strategic and site-specific merit of the PP.

Established Test	Planning Commentary
<p>Strategic Merit Test</p> <p><i>Proposals will be assessed to determine if they:</i></p> <p><i>give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or demonstrate consistency with the relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or</i></p>	<p>As addressed in Section 3.3 of the PP, the PP will give effect to the objectives and actions of the North Coast Regional Plan 2041 (NCRP 2041). The NCRP 2041 leads strategic planning for the subject site as the applicable Regional Plan. No district, corridor or precinct plans (adopted or draft) are identified as applicable to the subject site.</p> <p>Salient points detailed within Section 3.3 of the RPP include:</p> <ul style="list-style-type: none"> • The provision of well-located homes to meet demand by focusing land-use intensification away from mapped High Environmental Value, as displayed in Figure 6. • Supporting cities and centres through the supply of well-located employment land. • Directly responding to health and social assistance being the Tweed LGAs largest and fastest growing industry • Ensuring the Health and Education precinct is a focal point for economic growth and activity. • Prioritising housing in appropriate locations to support local walkability and the feasibility of public transport stops. • Maximising transport and community facilities commensurate with the scale of development • Interrogating sustainable agricultural production of the subject site through a detailed evidence base and ensuring the agent of change principle protects nearby farmland. <p>Section 3.3 of the PP demonstrates consistency with the Urban Growth Area Variation Principles detailed in Appendix B of the NCRP 2041. This assessment, contained within Table 2 of the PP, confirms:</p> <ul style="list-style-type: none"> • Adequate and cost effective infrastructure.

respond to a change in circumstances that has not been recognised by the existing strategic planning framework. Note: A draft regional plan outside of the Greater Sydney Region, draft district plan within the Greater

Note: A draft regional plan outside of the Greater Sydney Region, draft district plan within the Greater Sydney Region or draft corridor/precinct plan that has been released for public comment by the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment does not form the basis for the Strategic Merit Test where the draft plan is not finalised

- Avoidance of risk, particularly flooding, which is a critical influence in the location of infrastructure
- The subject site is contiguous and a minor adjustment to round off the existing urban boundary, which adjoins the eastern and western extents of the subject site (as displayed in Figure 7).

As detailed within Sections 3.1 and 3.4.1 of the PP, the PP is not a direct result of an endorsed LSPS, strategic study or report. Notwithstanding, the context and origin of the RPP has stemmed from a combination of:

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

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

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

The PP is identified as directly responding to a change in circumstances that has not been genuinely recognised by the existing strategic planning framework, namely the (re)location of the Tweed Valley Hospital at 771 Cudgen Road, Cudgen.

As detailed in Section 3.1 of the PP, the positioning of the Tweed Valley Hospital was underpinned by an extensive site review process lead by State Government. The site review process acknowledged that land containing fundamental attributes necessary to appropriately facilitate a hospital is extremely limited within Tweed's context. Since its approval, and through the construction period, multiple local and State Government strategies have advocated directly for precinct planning to promote supporting land uses to increase depth within the health and education sectors.

To-date, lead actions have been assigned to multiple agencies, however actual precinct and master planning remains absent.

With the Tweed Valley Hospital opening on 14 May 2024, multiple land use gaps remain present, with no clear policy commitment forecast, or committed to resolve. The PP seeks to respond to the change in circumstances and enables private industry to pursue the remaining 'heavy lifting' close the significant land use and health network gaps within an integrated precinct.

As detailed within the submitted Concept Masterplan & Strategic Planning Imperative:

- Cudgen Connection provides a genuine catalyst opportunity, harnessing the potential \$1+ billion investment into Tweed's largest and fastest growing economic sector, and comprising a genuine once in a generation opportunity for the LGA.
- Cudgen Connection integrates into the wider settlement pattern and is matched with infrastructure.
- Cudgen Connection is not on 'the wrong site', rather, is essentially unconstrained by biophysical factors and is located within what is now an urban setting. Further, assessment of strategic and site-specific merit concludes that there are no genuine

	alternative sites that facilitate best practice outcomes and provide the necessary resilience and benefits for the community.
<p>Site-specific Merit Test</p> <p>Does the PP hold site-specific merit having regard to:</p> <p><i>the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards) existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates, services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision</i></p>	<p>Section C of the PP summarises an assessment of:</p> <ul style="list-style-type: none"> the likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal any other likely environmental effects, including but not limited to bushfire, surface and ground water, contamination, visual impact, flood impact, and the like. <p>Section C of the PP has been prepared from an exhaustive evidence base, including but not limited to:</p> <ul style="list-style-type: none"> Bushfire Risk Assessment Baseline Ecological Assessment Report Stormwater Management Plan Preliminary Acid Sulfate Soils Assessment Detailed Site Investigation Site Visit and Cultural Heritage Advice Report <p>The assessments have not identified any matters or barriers of significance to the PP, rather, have confirmed site-specific merit to pursuing a Gateway determination. Likewise, these assessments confirm that should more detailed future investigations through future Development Application processes identify constraints, sufficient capacity is available within the site to evolve the Concept Masterplan to avoid and mitigate, whether that be via alternate building details, greater setbacks or the like.</p> <p>A core component of the PP relates to existing uses, approved uses and likely future uses of land in vicinity to the subject site. As displayed within Figures 3 and 4 of the PP, the subject site is located at the confluence of Cudgen and Tweed Coast Roads, which also functions as a threshold point between the urban areas of Kingscliff and Cudgen to the north, and rural pursuits to the south. As detailed within Section ii.ii of the PP, the PP seeks to establish a best practice health precinct by complimenting the Tweed Valley Hospital and NSW TAFE Kingscliff campus anchors with supporting 'core' health precinct land uses. In this regard, the PP seeks to establish a symbiotic relationship with its immediate existing land use neighbours.</p> <p>As detailed within Section 3.1 of the PP, the subject site is now the only land parcel within the Kingscliff locality north of Cudgen Road identified for a non-urban purpose. Adjoined by roads, urban uses and conservation land on all sides, the extension of the Urban Growth Area to be contiguous between Kingscliff and Cudgen settlements is identified as a 'minor rounding off'. Section 3.3 of the PP details that a Land Use Conflict Risk Assessment (LUCRA) has been prepared, as contained within the submitted Agricultural Land Assessment. Site-specific investigations identified that a 30m separation, plus a 10m wide biological buffer to farmland to the south and southwest would mitigate conflict between land uses. Finally, Table 1 of the PP confirms that LUCRA supports active farmland to the south west and does not reduce or limit the agricultural opportunity of dormant farmland to the south.</p> <p>Accordingly the PP is identified as holding site specific merit to its surrounding settlement pattern and contextual relationships within the higher-order centre of Kingscliff.</p> <p>Section 3.11 of the PP confirms adequate public infrastructure is available/can be provided for the PP. Specifically,</p> <ul style="list-style-type: none"> Social and Community Infrastructure has been directly reviewed within the submitted Social & Community Needs Assessment. The future Cudgen Connection DA proposal/s will include the payment of development contributions, as per section 7.11 of the <i>Environmental Planning & Assessment Act 1979</i>, towards open

space, library, community facilities and the like. The Social & Community Needs Assessment has identified that the social and community infrastructure demand generated by Cudgen Connection is within Council's wider infrastructure framework, likewise, does not result in a gap or oversupply for primary and secondary school facilities.

- Water & Sewer has been directly reviewed through the submitted Engineering Assessment. Analysis of water and sewer capacity and likely demands has confirmed there is adequate water and sewer infrastructure for the PP, subject to the provision of water main upgrades and delivery of sewer pump station and rising main infrastructure by the proponent.
- As identified within our correspondence to Council dated 18 April 2024, we confirm that the PP does not seek/require any wastewater loading above and beyond 25.188L/s. In addition, we understand the provision of upgraded infrastructure is required along McPhail Avenue from Turnock Street to the Kingscliff Reservoir Complex, as well as portions along Cudgen Road. Further, understand that the required upgrades can be pursued via sections 305/306/307 of the *Water Management Act 2000*.
- Electrical & Telecommunications are currently available to the site. Preliminary investigations have indicated that there will be no detrimental impacts or public cost to support the PP.
- A Traffic Impact Assessment has been provided. Acknowledging the planned upgrades identified within the Tweed Road Development Strategy 2017 (TRDS), there is adequate road and public transport infrastructure for the PP.
- Reflective of the legislative framework, post PP, direct traffic improvements are to occur with future Development Application/s for Cudgen Connection. In addition, any development of the subject site will be subject to Council's section 7.11 Plan No. 4 – Tweed Road Contributions Plan, which collects funding for road network improvements within the LGA.

We trust this information will assist the Rezoning Review process. As is outlined above and within the PP package, the PP is considered to have strategic merit, site-specific merit and adequately addresses the applicable planning framework.

Should you have any questions or queries regarding this submission, please do not hesitate to contact Planit Consulting's Kingscliff Office on (02) 6674 5001. Likewise, we welcome the opportunity to meet and discuss the PP in the near future.

Yours sincerely



Josh Townsend
Senior Town Planner