



C O N S U L T I N G

Attachment C – Correspondence Received From Council

TWEED SHIRE COUNCIL - MEETING TASK SHEET

User Instructions

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ACTION ITEM - Planning Committee Agenda - 2 May 2024

TITLE: Planning Proposal for land at 741 Cudgen Road, Cudgen (Cudgen Connection development)

STAFF RECOMMENDATION

That Council:

1. Supports progressing the planning proposal to the Gateway Determination.
2. Determines the scope of amendment to the local planning framework required of the subject planning proposal is to comprise of:
 - a. Amendments to the Tweed Local Environmental Plan 2014 to:
 - i. rezone the subject site to a Special Purpose zone (Map annotation: Health Services Facility and Educational Establishment),
 - ii. list “community facilities”, “commercial premises”, “early education and care facility”, “residential flat building”, “recreation areas” and “hotel or motel accommodation” in Schedule 1 Additional Permitted Uses - amend Height of Building Map to enable varied height limits as per Figure 4 of this report,
 - iii. amend the Lot Size Map to remove the current 10ha Minimum Lot Size control,
 - iv. map the site on the LEP 2014 Key Sites Map to require a site-specific DCP,
 - v. review Clause 7.13 Development requiring the preparation of a development control plan to clarify and strengthen the necessity for a DCP required under this clause to the effect that it ‘must be endorsed by Council’.
 - b. Preparation of a site-specific development control plan for Council endorsement, where the following matters will be prescribed:
 - i. design principles drawn from an analysis of the site and its context,
 - ii. phasing of development,
 - iii. distribution and allocation of land uses, including open space,
 - iv. subdivision pattern and provision of essential services,
 - v. controls to ensure delivery of essential workers accommodation to be delivered by way of build-to-rent or similar, and in part delivered and operated by a registered community housing provider, so as to reflect the Applicant’s planning commitments.
 - vi. building envelopes and built form controls,
 - vii. identification and conservation of native flora and fauna habitat, including buffer areas,
 - viii. environmental constraints, including climate change, acid sulfate soils, stormwater, flooding, contamination and remediation.
3. Upon receipt of a Gateway determination, proceed with public exhibition in accordance with the Council’s adopted Community Engagement and Participation Plan, and
4. Following public exhibition, a further report be brought back to Council with a post-exhibition evaluation and proposed resolution for the final steps of the plan making process.

MEETING RESOLUTION

ALTERNATE MOTION

Cr Chris Cherry (Mayor)

Cr Nola Firth

RECOMMENDED that Council:

A. Refuses the application to progress the planning proposal to the Gateway Determination for the following reasons:

1. The proposal fails to meet the strategic merit assessment required by the Urban Growth Area Variation Principles in the following ways:
 - i. It is inconsistent with the North Coast Regional Plan 2041(NCRP) which did not include this site in its mapping of urban boundaries AND is diametrically opposed to Objective 8 of this Strategy which is to “support the productivity of agricultural land AND is directly in opposition to strategy 8.1 which states “Local Planning should protect and maintain Agricultural productive capacity in the Region by directing urban, rural residential and other incompatible uses away from Important Farmland”.
 - ii. The proposal is directly inconsistent with 9.1 Ministerial Direction 9.4 which specifically states that a Planning proposal must not rezone land identified as State or Regionally significant farmland for urban or rural residential purposes unless it is consistent with the NCRP or the Northern Rivers Farmland Protection Project 2005 (NRFPP). Consistency has failed to be demonstrated in both instances.
 - iii. The proposal is directly inconsistent with the Tweed Local Strategic Planning Statement 2020 (LSPS) part 6.6 which requires that “Review land-use planning to support community access to educational and hospital or related health care services and to leverage economic benefits and new education or health sector business opportunities outside of the significant farmland areas.” The LSPS is consistent with the NCRP in protecting SSF and as such is a valid planning consideration.
 - iv. The proposal is directly inconsistent with the Tweed DCP Section B26 Kingscliff Strategy 2.13(3) Reinforce the s.9.1 Ministerial Farmland Protection Direction by retain the rural zoning and agricultural primacy of these agricultural land holdings.
 - v. The proposal is inconsistent with the strategies outlined in the Tweed Community Strategic Plan 2017-2027 (CSP) Section 1.4 Managing community growth to protect and enhance productive farmland.
 - vi. The proposal is inconsistent with the Tweed Sustainable Agriculture Strategy 2016 Objective 1 that “Prime agricultural land is preserved for sustainable primary production and land-use conflicts are avoided or managed” and actions including:
 - 1.1.1 Ensure the on-going protection of prime agricultural land
 - 1.1.2 Minimise land use conflicts between agriculture and other land uses
 - 1.1.3 Increase utilisation of prime agricultural land for agricultural purposes
2. The proposal fails to meet Important Farmland variation principle of Contiguity with Urban Land. Although the site is close to urban land, primarily to the west, the majority of the surrounding land is not classified as "urban land". It is essential to emphasize that the SP2 zone, despite its proximity, does not fall under the category of an "urban zone". The site is bounded by Important farmland to the north and south.
3. The proposal has not demonstrated a sound evidence base addressing agricultural capability and sustainability. Specifically, the proposal has:

- a. Misrepresented the Agricultural Capability of the site with the Agricultural Land Assessment and Agricultural Capacity Report significantly underestimating the site's true agricultural capabilities and inconsistently reporting the arable land available on the site.
 - b. Conducted only a limited crop assessment and fails to consider appropriate small scale agricultural uses such as intensive small cropping.
 - c. Significantly underestimates economic potential.
 - d. Overemphasises chemical usage constraints and fails to consider use of less restrictive chemical control methods.
 - e. Failed to consider the precedent this parcel may create in eroding the protection of surrounding Important Farmland.
4. The proposal fails to meet the site specific merit assessment in that it fails to consider the finite nature of Important Farmland as a resource. Tweed has only 104ha of state significant farmland and this proposal would sterilise 5.6ha or 5%.
 5. The proposal fails to meet the site specific merit assessment in that it fails to provide appropriate Land Use Conflict buffers. The neighbouring special infrastructure development of the Tweed Valley Hospital provided a 30m buffer from Important farmland but the current proposal provides only 10m, which is inadequate for small crop uses.
 6. The proposal fails to meet the site specific merit assessment in that it fails to protect and provide the 30m buffer required for listed Ecologically Endangered Community Lowland Rainforest located on the north of the site and Coastal Wetland areas. It also fails to protect the Far North Floodplain Swamp Oak Paperbark forest remnant located on the east of the site.
 7. The proposal fails to give regard to the services or infrastructure that will be required to be available to meet the demand generated by this proposal. Specifically, water supply infrastructure requirements and traffic impacts have not been adequately assessed.
 8. The proposal fails to meet other strategic merit considerations in that it has not provided any strategic assessment to demonstrate need for a 119 bed private hospital in this location, nor has it considered or given regard to the impacts this proposal may have on the existing approved surrounding uses such as service providers, Tweed Valley Hospital, John Flynn private hospital 18kms to the north and Tweed Day Surgery.

The Motion was **Carried**

VOTE FOR - Cr Chris Cherry (Mayor), Cr Meredith Dennis (Deputy Mayor), Cr Reece Byrnes, Cr Rhiannon Brinsmead, Cr Nola Firth, Cr James Owen

VOTE AGAINST - Cr Warren Polglase

ABSENT. DID NOT VOTE - None

RESUMPTION OF STANDING ORDERS

Cr Meredith Dennis (Deputy Mayor)

Cr Nola Firth

RECOMMENDED that Standing Orders be resumed.

The Motion was **Carried**

VOTE FOR - Cr Chris Cherry (Mayor), Cr Meredith Dennis (Deputy Mayor), Cr Reece Byrnes, Cr Rhiannon Brinsmead, Cr Nola Firth, Cr James Owen, Cr Warren Polglase

VOTE AGAINST - None

ABSENT. DID NOT VOTE - None

TITLE: Planning Proposal for land at 741 Cudgen Road, Cudgen (Cudgen Connection development)

Submitted By: Strategic Planning and Urban Design

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

Growing – We want to work together to plan for the future so the Tweed grows and evolves in a sustainable way

Plan ahead so the Tweed is ready for the future.

4.1.2 Strategic Land-use Planning – Plan for sustainable development which balances economic, environmental and social considerations. Promote good design in the built environment.

ROLE:

LEADER - Council grows strong, transparent and visionary leadership promoting unity to make our Tweed community even better tomorrow than it is today.

COLLABORATOR - Council works together with a range of stakeholders to bring outcomes for the community to fruition.

EXECUTIVE SUMMARY

Council has received a planning proposal to rezone land at 741 Cudgen Road in Cudgen to enable development of “Cudgen Connection”. The Concept Masterplan included in the planning proposal presents Cudgen Connection as a mixed-use development comprising of a private medical hospital, essential workers accommodation delivered under a build to rent system for workers, medi-hotel, research facility and accompanying uses including retail, open space, childcare and community facility. The subject site is identified as Important Farmland (formerly, State Significant Farmland) under the North Coast Regional Plan 2041 and is zoned RU1 Primary Protection under the Tweed Local Environmental Plan 2014.

The Proponent’s request for a planning proposal was submitted with several supporting technical reports, each prepared by a recognised industry professional consulting firm, and which provides a substantial evidence base on which the proposal may be understood and considered, including but not limited to: agricultural capacity and agricultural land assessments, cultural heritage, social and community needs assessment, ecological and economic impact assessment.

The proposal has been assessed by Council staff in accordance with the Local Environmental Plan Making Guideline published by the NSW Government. The focus of the assessment at this initial planning proposal stage was to establish if the Concept Masterplan has strategic and site-specific merit. A critical part of the strategic merit test involved assessment of the Urban Growth Area Variation Principles provided under the North Coast Regional Plan 2041. An external consultant was engaged by Council to assist with this part of the assessment.

This report provides an overview of the current policy setting for the subject site, and findings of the preliminary assessment of the proposal. Based on the preliminary assessment, the planning proposal demonstrates sufficient strategic and site-specific merit to progress further for State review, Gateway determination and community consultation, pending satisfactory resolution of outstanding technical matters.

Development of the Cudgen Connection, as presented within the Concept Masterplan, would require amendments to the Tweed Local Environmental Plan 2014 (LEP 2014) by way of:

- rezoning the subject site to a Special Purpose zone (being SP1 or SP2),

- listing required land uses through Schedule 1 Additional Permitted Uses of the LEP 2014,
- amending Height of Building Map to enable varied height limits: compatible with the Tweed Valley Hospital to the east, scaling down to match Cudgen village to the west of the site,
- amending the Lot Size Map to remove the current 10ha Minimum Lot Size control,
- mapping the site on the LEP 2014 Key Sites Map to require a site-specific DCP,
- reviewing Clause 7.13 Development requiring the preparation of a development control plan to clarify that a DCP required under this clause must be endorsed by Council.

Concurrently to the LEP amendments outlined above, a site-specific development control plan (DCP) would need to be prepared and endorsed by Council, prior to granting a development consent.

According to the LEP Making Guideline, should Council fail to indicate support for a planning proposal within the designated timeframes, the Applicant may request a rezoning review by the North Coast Regional Planning Panel. Council will have an opportunity to provide a submission but will not have the benefit of steering the amendment in a way in which it thinks meets the needs of the site and local planning.

Council has previously raised concern with the Cudgen Connections project, specifically with the loss of State Significant Farmland. However, upon receipt of the Planning Proposal at the end of 2023 Council has a statutory responsibility to consider the application in accordance with the LEP Making Guidelines which requires a consideration as to whether the proposal has strategic and site-specific merit. This report is the staff assessment of that strategic and site-specific merit. If the elected Council disagree with this assessment and resolve that the Planning Proposal has no strategic or site-specific merit (with reasons) the applicant and Department would be advised of that decision and the applicant would be eligible to request the Department to undertake a rezoning review.

The Growth Management and Housing Strategy (GMHS) draft Options Paper was publicly exhibited between February 7 and March 22, 2024. During this period, a total of 640 submissions were received. Additionally, there have been submissions received after the closing date, which are yet to be documented and assessed. Among these submissions, approximately 41 expressed objections or concerns related to the development of the Cudgen site, specifically focusing on proposed Change Option 35.

Regarding the Cudgen Connection planning proposal, it has not been publicly notified yet. As a result, the submissions received against Change Option 35 do not directly relate to the actual development proposal. Community consultation typically occurs after a Gateway determination is issued and relevant studies and reports have been completed. This approach ensures that the community has accurate and evidence-based information to provide informed feedback on the specific proposal.

The NSW Local Environmental Plan Making Guideline (August 2023) supports community consultation after the Gateway determination. Sections 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979 reinforce the importance of statutory community consultation once the intended effect of the amendment and justification for the proposal have been prepared and accepted by the Planning Secretary. These processes aim to maintain the integrity of the planning process and avoid unfair prejudice to any parties involved.

RECOMMENDATION:

That Council:

1. **Supports progressing the planning proposal to the Gateway Determination.**
2. **Determines the scope of amendment to the local planning framework required of the subject planning proposal is to comprise of:**
 - a. **Amendments to the Tweed Local Environmental Plan 2014 to:**
 - i. **rezone the subject site to a Special Purpose zone (Map annotation: Health Services Facility and Educational Establishment),**
 - ii. **list “community facilities”, “commercial premises”, “early education and care facility”, “residential flat building”, “recreation areas” and “hotel or motel accommodation”**

- in Schedule 1 Additional Permitted Uses - amend Height of Building Map to enable varied height limits as per Figure 4 of this report,
- iii. amend the Lot Size Map to remove the current 10ha Minimum Lot Size control,
- iv. map the site on the LEP 2014 Key Sites Map to require a site-specific DCP,
- v. review Clause 7.13 Development requiring the preparation of a development control plan to clarify and strengthen the necessity for a DCP required under this clause to the effect that it 'must be endorsed by Council'.
- b. Preparation of a site-specific development control plan for Council endorsement, where the following matters will be prescribed:
 - i. design principles drawn from an analysis of the site and its context,
 - ii. phasing of development,
 - iii. distribution and allocation of land uses, including open space,
 - iv. subdivision pattern and provision of essential services,
 - v. controls to ensure delivery of essential workers accommodation to be delivered by way of build-to-rent or similar, and in part delivered and operated by a registered community housing provider, so as to reflect the Applicant's planning commitments.
 - vi. building envelopes and built form controls,
 - vii. identification and conservation of native flora and fauna habitat, including buffer areas,
 - viii. environmental constraints, including climate change, acid sulfate soils, stormwater, flooding, contamination and remediation.
- 3. Upon receipt of a Gateway determination, proceed with public exhibition in accordance with the Council's adopted Community Engagement and Participation Plan, and
- 4. Following public exhibition, a further report be brought back to Council with a post-exhibition evaluation and proposed resolution for the final steps of the plan making process.

ATTACHMENTS

1. Site Plans
2. Request for Planning Proposal - Cudgen Connection
3. Cudgen Agricultural Land Suitability Assessment - April 2024

COUNCIL IMPLICATIONS:

a. **Legislation/Policy/Existing Strategic Plans**

This planning proposal seeks amendments to the Tweed Local Environmental Plan 2014 as outlined in the proposed resolution. The amendments will be limited to one lot.

Importantly, this is the first planning proposal to test the "Urban Growth Area Variation Principles" provided under the North Coast Regional Plan 2041 and affecting land identified as Important Farmland.

Important Farmland, previously referred to as State or Regionally Significant Farmland has been protected from rezoning and urban development since 2006 however, the most recent iteration of the North Coast Regional Plan enabled a pathway to develop Important Farmland if the Urban Growth Area Variation Principles (Appendix B of the North Coast Regional Plan) are met.

Preparation of a site-specific Development Control Plan will be required if the planning proposal is supported, as per the resolution.

b. **Sustainability:**

i. **Financial (Budget/Long Term Financial Plan/Whole of Life Cost):**

The planning proposal has been assessed against Urban Growth Area Variation Principles as outlined under the North Coast Regional Plan. One of these criterion states that the proposal can be supported where the essential supporting infrastructure will be delivered at no cost to

government. The proposal is considered to satisfy this condition. The planning proposal is funded by the Applicant under a prescribed fee set out in the Council's adopted Fees and Charges Schedule and future costs associated with the development of the land are attributable to the developer. There is no foreseeable adverse impact on the long-term financial plan.

ii. Environmental (including climate change):

A 'Baseline Ecological Assessment Report' prepared by the consulting firm Cumberland Ecology was provided by the Applicant. The report appraises the site's flora and fauna, Koala Habitat, geology, soils and landform and the potential for impact associated with the concept development proposal, as submitted within the land rezoning request with the intent of informing the development intent for the land, the subject of future development applications. 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 for when required.

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. Council officers have raised some concern about a small area of isolated vegetation to the north of the site and recommended that it be rezoned for environmental conservation. Notably, this vegetation does not meet the criteria requirements for an E2 or E3 zoning under the Northern Councils E Zone Review Final Recommendations report, conservation not being the primary use of the land, as such this vegetation has not been mapped as a conservation zoning within Council's E zone review. The report concludes that this small and degraded area is largely able to be avoided and relevantly notes that future development of the site is likely to exceed the capital works cost threshold for State Significant Development automatically triggering the requirement to prepare a Biodiversity Development Assessment Report (BDAR) under the Biodiversity Conservation Act 2016 (NSW). No risk from climate change has been identified.

Whilst the concept development plan submitted with the planning proposal is indicative only, staff note that any future development application will need to address likely impact on the environment against the development for which consent is being sought, this is likely to include appropriate buffers to the environmental areas retained.

iii. Social:

The proposal is expected to have positive social implications by way of providing essential workers' housing and additional health services for the growing population of the Tweed Shire area. Further social impact assessment will be undertaken throughout the planning proposal pathway and in the following development assessment stage. The proposed private medical facility and allied university campus will provide new services to the community, broadening both the medical health services and professional training practice placement opportunities with the health education space. Social and Community Needs Assessment and the Economic Impact Assessment have been prepared by the Applicant in support of measuring the socio-economic considerations.

c. Legal Considerations:

The planning proposal does not give rise to any legal matters warranting of further consideration or procurement of legal advice.

d. Risk Considerations:

The main risk identified through the preliminary assessment relates to a need to formulate planning controls ensuring delivery of the development in accordance with the assessed concept plan and the Proponent's planning commitments, whilst also enabling some degree of flexibility to not preclude adjustments and refinements to the proposed development, as it is delivered through the phasing cycle. It is considered that this planning proposal achieves a good balance between these two considerations. To minimise a risk of development inconsistent with the submitted Concept Masterplan, Council officers recommend preparation

of a site-specific Development Control Plan (DCP). This can be achieved through enabling use of Clause 7.13 of the TLEP 2014 for this site.

There is a risk of reputational damage associated with support for this proposal, at a political level. It is important to note that Council was not supportive of the chosen location of the new constructed Tweed Valley Hospital (TVH), in part and forming the basis of strong objection, was the fact that it is situated upon land mapped since 2004 as Significant Farmland Protection, now termed Important Farmland under the North Coast Regional Plan. Over many years the subject site to this planning proposal, among others in the locality, have been the target for opportunistic development proposals, premised mainly on the lands elevated flood free position, cleared environment and magnificent landscape setting and views. Council has vehemently defended the agricultural importance of these lands, which until recently with construction of the TVH, were contiguous and better capable of an extension to the then agricultural enterprise that was operating had agistment or amalgamation occurred. The TVH has changed that landscape indefinitely and the contiguousness of the land will remain fractured in perpetuity, without any prospect of increasing the size of the subject site or creating suitable access to other similar lands. The Agricultural Capacity and Agricultural Land Assessment prepared by the Applicant, along with the Cudgen Agricultural Land Suitability Assessment prepared by the Council's consultant GHD Pty, address the concern, and concludes the agricultural significance and enterprise viability, and hence its economic food contribution is marginal and renders the land now suitable for consideration as a rounding-off of the existing urban area. This is not the making of the Council however, within its role as local planning authority it is incumbent on the Council to now consider what the best use of this land is and how it may best serve and meet the needs of the present and future Tweed community.

e. Engagement/Communication:

Involve - Bring the community into the decision-making process.

Empower - To place final decision making in the hands of the public. Council will implement what the public decides.

REPORT:

Introduction

Tweed Shire Council has received a planning proposal request to rezone land at 741 Cudgen Road in Cudgen (ref. Figure 1) to enable "Cudgen Connection" development. The Concept Masterplan included in the planning proposal presents Cudgen Connection as a mixed-use development comprising of a private medical hospital, essential workers accommodation in built-to-rent system, medi-hotel, research facility and accompanying uses including retail, open space, childcare and community facility. (ref. Figure 2).

The planning proposal and accompanying technical report were submitted by Planit Consulting, engaged by Centuria Healthcare and Digital Infratech Pty Ltd. The documents were submitted to the NSW Planning Portal on 1 December 2023. A pre-lodgement meeting was held on 24 March 2022, via MS Teams.

Site location and context

The subject site is legally described as Lot 6, DP727425, being 741 Cudgen Road, Cudgen. The site is approximately 5.69 hectares in area and is bounded by the new Tweed Valley Hospital to the east; Cudgen village to the west (across Tweed Coast Road); grazing land to the south (across Cudgen Road); and a timbered Swamp Forest parcel of land to the north. The subject site is located at the intersection of the Tweed Coast Road and Cudgen Road.

The land may best be described as "idle agricultural land", with the site predominantly vegetated by improved and native pasture species which appear to have been slashed from time to time. Historical imagery since 1962 indicates that past land uses varied from cropping (most likely sweet potatoes) to shade/glasshouse for horticulture/nursery use, which was discontinued several years ago. The site is

predominately cleared of vegetation, with exotic grasses forming the primary landscape feature however vegetation on the northern and eastern boundaries is described as being of higher value and importance. The site is moderately sloping, with an average slope of 6%.

Existing built improvements are limited to a dwelling house in the southeastern part of the site, and longstanding sheds and concrete slabs from previous horticulture/nursery centre, located along the eastern boundary of the site.

Immediately to the east is Tweed Valley Hospital, developed by the NSW Government to provide a significant expansion in healthcare services, including new services, to meet the forecast population growth in the Tweed Shire area. The site chosen for the location of the hospital – a greenfield site to the west of Kingscliff – followed a site selection process, which considered more than 35 potential sites across the region, including around 20 sites put forward through a publicly advertised expression of interest (EOI) process.

In the submitted planning proposal, the Applicant is positioning Cudgen Connection as a development opportunity enabled by the Tweed Valley Hospital and realising the delivery of a variety of core health precinct land uses.

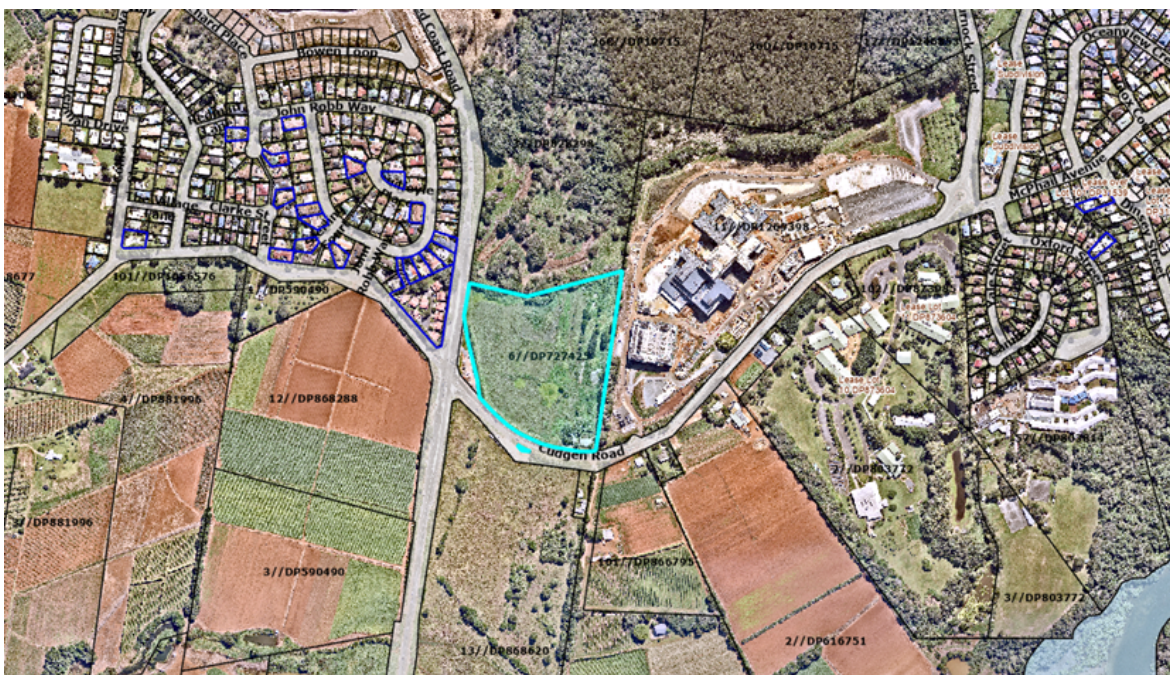


Figure 1: Subject site in context of adjacent Tweed Valley Hospital, Kingscliff, Cudgen Village and Cudgen Plateau.



Figure 2: The subject site

Description of the proposal

The planning proposal includes a Concept Masterplan, as outlined below. As described by the Applicant, the key component of the Masterplan is a private hospital of a height comparable with the Tweed Valley Hospital and multi-deck carpark to the east. The private hospital is accompanied to the north by a university, and to the south by a private mental health hospital – both also proposed to be of a height comparable with the hospital. South of the mental health hospital, a 100 x room medi-hotel is proposed, providing short-term accommodation to the general public, supporting patients and their families, and assisting outpatient services.

The Concept Masterplan includes approximately 286 x residential apartments to the west. Social Assessment study provided as part of the planning proposal application and in particular section 4.1 On-site resident population forecast highlight that this component of the development will be catering for its own demand and that of the Tweed Valley Hospital. The majority of these apartments are committed to be operated by either a registered community housing provider, not-for-profit or State agency. Lastly, the Masterplan identifies childcare, community hub and retail/food and drink premises (source: Attachment 1, p.16-17).



Figure 3: Concept Masterplan as submitted by the Applicant

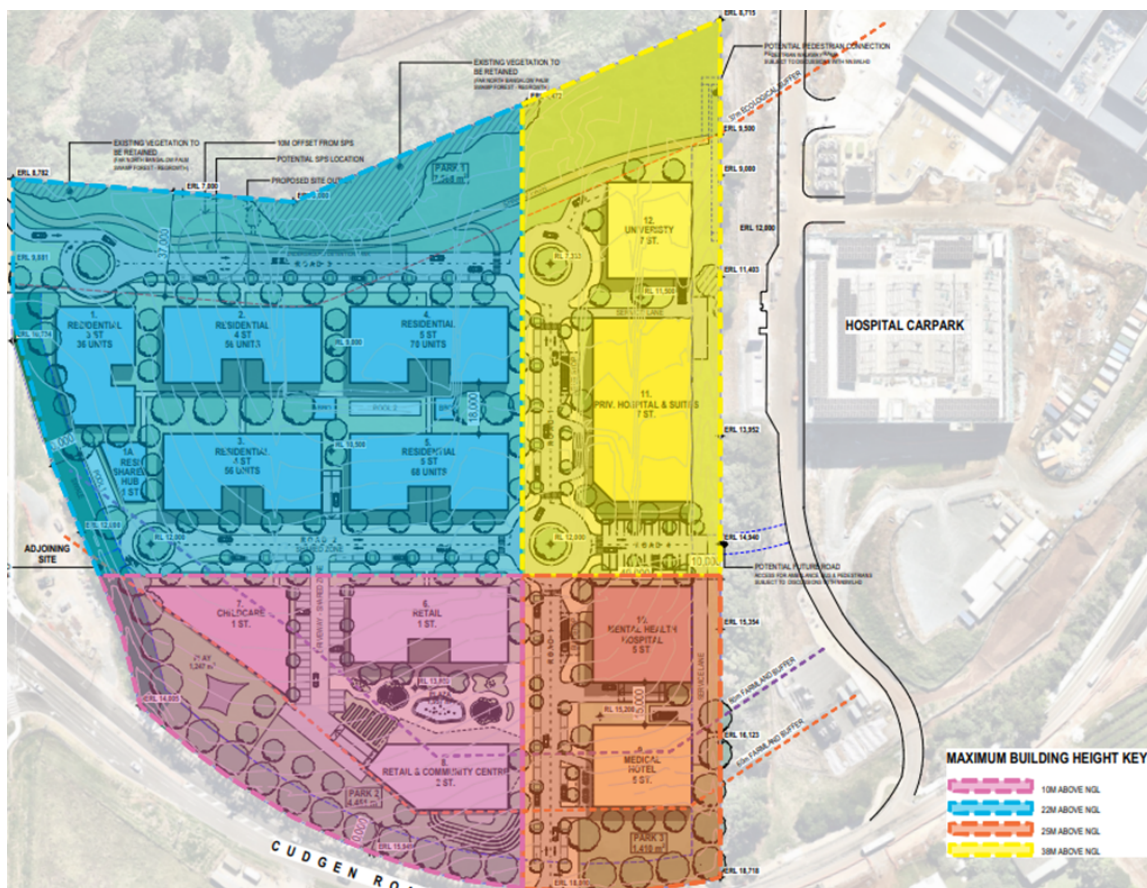


Figure 4. Concept Masterplan - proposed height of buildings

Current policy settings

Under the Tweed LEP 2014, the subject site is zoned RU1 Primary Production zone which amongst its objectives identifies protection of “prime agricultural land from economic pressure of competing land uses.” Further, the subject site has been identified as Important Farmland as mapped since 2004 as per the Northern Rivers Farmland Protection Project Recommendations Report, published by the NSW Government in 2005. The latter report has been linked with the Local Planning Directions through Direction 9.4 Farmland of State and Regional Significance on the NSW Far North Coast. These Directions are to be considered when preparing a planning proposal.

The site is outside of the Urban Growth Area. Urban Growth Area is defined as “all land zoned for various urban purposes and all future potential urban land releases as illustrated on the Urban Growth Area Maps. These areas will provide for housing, business, industrial, infrastructure and community facilities to accommodate the future regional population” (source: North Coast Regional Plan 2036. The current iteration of the regional plan does not include this definition).

The above policy settings effectively excluded the subject site from urban development, which was communicated to the Applicant during an initial pre-lodgement meeting on 24 March 2022. However, an important policy shift has occurred through the publication of the current North Coast Regional Plan 2041, which enabled consideration of this development subject to compliance with Urban Growth Area Variation Principles which introduced a concept of “rounding off” which “refers to land on the edge of existing zoned urban land which can be considered for inclusion within the urban growth boundary and is not incompatible with the surrounding environment and agricultural land uses” (p. 122 of the Regional Plan). The rounding off pathway applies to land mapped as Important Farmland.

The second critical consideration in context of this planning proposal relates to another Variation Principle provided under the Regional Plan which requires consideration as to whether variation “is supported by a sound evidence base addressing agricultural capability and sustainability”. This is further defined under the Regional Plan as a sum of the following considerations (p. 36 of the Regional Plan):

1. location, extent and type of agriculture

2. biophysical advantages for agriculture
3. economic contribution of agriculture
4. infrastructure, services and resources established to support agriculture and the flow on economic and social contributions
5. value adding enterprises that are supported by agricultural producers
6. trends in agriculture such as intensification, increase in scale, tenure, employment and changes in technology
7. future agricultural industry development needs
8. factors required to retain or expand local food production
9. factors required to protect environmental assets and catchment water quality.

Consistency of the planning proposal was focused on addressing the two above matters. Reiterating for clarity, if a proposal can meet the Urban Growth Area Variation Principles and its “agricultural capability and sustainability” is adequately considered, then the proposal may be regarded as consistent with the current policy setting.

Assessment of the consistency of the proposal with other local policies, including Tweed Community Strategic Plan and Tweed Local Strategic Planning Statement (LSPS) was undertaken as well. However, Section 3.9 of the Environmental Planning and Assessment Act 1979 (EP&A Act) states that the local priorities identified within LSPS are to be consistent with the applicable Regional Plan. Consequently, assessment against the Regional Plan, particularly its Urban Growth Area Variation Principles is to be given primacy over the LSPS and the Community Strategic Plan.

The assessment was undertaken consistently with Division 3.4 of the EP&A Act and with the Local Environmental Plan Making Guideline published by the NSW Government. In accordance with the latter Guideline, at this stage of the planning proposal process, Council “undertakes an assessment of the planning proposal and forms a view as to whether the proposal has strategic and site-specific merit. The planning assessment forms part of the planning proposal report to council on whether the planning proposal should be supported or not” (p. 28 of the Guideline). Council has 120 working days for this part of the procedure, counting from the date of lodgement, 1 December 2023.

Should Council not support, or no decision is made within the 120 days, that is by 13 June 2024, the Applicant may request a rezoning review by the Northern Regional Planning Panel (NRPP).

Technical assessment by Council officers

Sustainable Agriculture

Council’s Sustainable Agriculture Program team reviewed the proposal and raised an objection based on, in short, inconsistency of the proposal with Outcome 1 of the Tweed Sustainable Agriculture Strategy and the need to protect contiguous State Significant Farmland as capable of sustainable agricultural production. To be supported by the Sustainable Agriculture Program team, the planning proposal will need to align with the strategic and agricultural goals outlined in regional and local planning documents.

Inconsistency with the Tweed Sustainable Agriculture Strategy is an important decision-making factor in the merit-based assessment however it does not render the planning proposal prohibited. The LEP Making Guideline provides that *the achievement of strategic merit is not a yes/ no response. The planning proposal should include reasonable justification explaining how and why strategic merit is achieved and needs to address all relevant principles, objectives, and actions in the relevant strategic plans and relevant strategic context.*

As discussed further, merit assessment involved consideration of a range of site-specific and strategic matters, with an emphasis on the Regional Plan’s Urban Growth Area Variation Principles.

Strategic planning – LEP specific matters

Under the Tweed Local Environmental Plan 2014, zone SP2 is generally used for infrastructure, in accordance with the relevant Practice Notes published by NSW Department of Planning. The Applicant was advised that whilst a special purpose zone is supported, instead of the SP2 zoning, an SP1 zone appears more suitable. Should this planning proposal be supported, the LEP amendment is likely to

involve changes to the Land Zoning Map, accompanying development standards, supported by a Key Sites Map entry and LEP Part 7 local clause (7.13) requiring a site-specific Development Control Plan with detailed controls on the following matters:

- design principles drawn from an analysis of the site and its context,
- phasing of development,
- distribution of land uses, including open space,
- subdivision pattern and provision of services,
- controls to ensure delivery of essential workers accommodation,
- building envelopes and built form controls,
- identification and conservation of native flora and fauna habitat, including
- buffer areas,
- environmental constraints, including climate change, acid sulfate soils,
- stormwater, flooding, contamination and remediation.

Water supply

For the Planning Proposal stage, the Applicant will need to confirm the proposed development's water supply demands in accordance with TSC Development Design Specification D11.

The existing DN150/DN250 reticulation running along Cudgen Road has insufficient hydraulic capacity to service the development.

- Additional hydraulic modelling to evaluate whether the development can be accommodated based on the nominated flow rates, as above, was undertaken and it revealed that the existing duplicate 150 mains in Cudgen Rd, along the development's frontage to Turnock St, require an upgrade to a new DN 300mm main. Notably, even with this upgrade, pressures will just meet TSC's minimum requirements and as such, the proposed development cannot proceed without these minimum required upgrade works.
- Referring to the diagram below, note that part of this upgrade has been constructed in conjunction with the Hospital works as a DN 250mm, as such the remainder of this upgrade (two sections in Blue) would need to be provided by the Proponent / future developer, as it is the proposed development that necessitates the upgrade.
- Noting that the subject site is not defined within the TSC Water Supply Development Servicing Plan area, the developer would likely also be expected to contribute to future water main upgrades along McPhail Ave, from Turnock St the Kingscliff Reservoir complex (augmenting distribution supply from the Reservoir(s) to the development site). This will require further discussion with Council regarding developer or capital contributions at the DA stage.
- Engineering Reporting is to be submitted to demonstrate that the proposed development can adequately be serviced with water in accordance with TSC's Development Design Specification D11 at the Planning Proposal Phase. This will require the Proponent to identify any on-site firefighting requirements necessary to service the proposed development. The on-site firefighting requirements must be designed based on the public water supply system only being capable supplying the minimum requirement as specified in the D11 Design Specifications.

In response to the above points, the Applicant advised on that "the water augmentation identified as required is understood and will be undertaken at no cost to Government" (email from Planit Consulting received 4 April 2024). Design details may be addressed at the development assessment stage and at this stage assessment of water supply does not identify matters that would preclude this planning proposal from progressing further.

Stormwater management:

- Downstream receiving environment is very sensitive. Any development here will need to be minimum industry best practice stormwater management.
- SWMP includes onsite detention. The proponent has have adopted limiting post development discharges to pre-development levels. Should be noted that the hospital next door adopted the Development Design Specification D5 200L/s/ha target, which is a higher standard. It is unclear

what the appropriate target for this development is, as such it requires further detailed consideration.

- Stormwater treatment appears to be simply end of pipe GPT. This is not sufficient, and similarly a best practice approach to Water Sensitive Urban Design is expected on a site/proposal of this scale.
- Concern is raised with regards to the proposed diversion of stormwater along the western boundary of the site directing stormwater to the Tweed Valley Way culvert outlet. There are ongoing scour issues here and directing additional stormwater to this location is discouraged. Existing western boundary swale appears to terminate and permit flow into the site – so doesn't currently discharge here.
- Any works required on the adjoining land (e.g. stormwater diversion) is likely to require landowner's consent.
- There remains some uncertainty with regards to the site's Lawful Point of Discharge. Not clear if direct connection to defined waterway is present – needs to be confirmed with the Applicant.

In response to the above points, the Applicant advised as follows (response to RFI dated 3 April 2024).

- The detailed commentary, including but not limited to downstream sensitivities and Lawful Point of Discharge (LPoD), is received, and acknowledged These matters will be considered throughout the project process and detailed responses crystallised post planning proposal.
- The stormwater treatment strategy involves the use of a Gross Pollutant Trap (GPT) and filter (Humegard and Humefilter). Tweed Shire Council quality requirements are met and neutral or beneficial effect achieved.
- The stormwater strategy has pursued the alternative option within section D5.16(3)(a-c) within Development Design Specification D5. Notwithstanding, sufficient land area is available to accommodate a larger detention tank should the 200L/s/ha target ultimately be prescribed through future DA process/es.
- Overland flow along the western boundary is not sought to be diverted, rather reflect the existing condition. No further works to Tweed Coast Road along the western boundary are proposed and additional survey can now be obtained to confirm the particulars of the overland flow path.
- The planning proposal does not require works on adjoining land, nor include physical works.

Design details may be addressed at the development assessment stage and at this stage assessment of the stormwater management strategy does not identify matters that would preclude this planning proposal from progressing further.

Strategic planning – compliance with Urban Growth Area Variation Principles

Council appointed a consultant (GHD) to undertake a further assessment of the proposal against the Urban Growth Area Variation Principles (Important Farmland element) provided under the North Coast Regional Plan 2041. The technical study provided by the consultant is attached to this report. The consultant provided the following advice:

There are numerous strategies, policies and plans at State, Regional and Shire level that support the protection of significant agricultural land. However, the policies recognise that Significant Farmland mapping is not an absolute constraint to future strategic urban development so long as new urban settlement strategies consider the impact of the removal of agricultural land.

While the proposal site is mapped as Significant Farmland, close inspection and analysis of the infrastructure, land use, topography and soils that reflect the agricultural capability and sustainability of the site suggest that its future economic viability for agricultural production is unlikely or marginal for a range of enterprises. The only enterprise type that was assessed as being potentially viable as an agricultural enterprise was non-soil-based horticulture (i.e. shade/glasshouse production).

Agriculture as a contributor to the economic and social outcomes in the Tweed Shire has been in relative decline compared to other sectors over recent years. Abandoned perennial horticulture now represents 2,685 hectares within the Shire (2.0% of total land); the agriculture sector has 896 employees which comprises 2.7% of total employment in the LGA, and ranks thirteenth out of the 20 sectors listed; the

economic contribution of the agricultural industry ranked 15 out of 19 industries in the Shire.

The site is constrained for expansion of agricultural production because of its proximity to the Tweed Valley Hospital to the east, Cudgen village to the west, and Wetland Forest to the north. Cudgen Road and Tweed Coast Road are busy vehicle thoroughfares on the southern and western boundaries.

As such, the site has the shape of an “intrusion” north of Cudgen Road and thus could be considered to be a candidate of a minor “rounding-off” when planning for future urban variation.

This conclusion has contributed to the recommendation for the gateway determination to proceed.

Traffic:

- Limited detail is provided on the proposed left in access off Tweed Coast Road and how it will tie in with the existing left turn lane into Cudgen Road. Further information demonstrating that it can be constructed to the appropriate standards is required.
- The proposed new signalised intersection has not been modelled and there are concerns in relation to its proximity to the existing signals on Tweed Coast Rd/Cudgen Rd intersection. Whilst all traffic signals require approval from Transport for New South Wales, further information addressing this concern is required.
- The estimated site traffic trip generation rates allocates 0.29 trips per residential unit in the AM peak hour and estimates for 286 units that 83 trips will be generated. The RTA guide recommends an average rate of 0.53 for a Regional Development and a range 0.39 – 0.67. Using the average rate, results in 152 trips in the AM peak which is significantly higher than those estimated. The estimated rates are underestimated and cannot be relied upon for modelling purposes, they must be reviewed.
- The proposed private and mental health hospitals' traffic generation estimates rely on data based on the GFA of the Buildings. Using the RTA Guide this would equate to 119 Rooms in total for the private hospital and 75 rooms in total for the mental health hospital. As such any approval should impose a limit on the number of hospital rooms so as not to exceed these numbers. The Proponent may want to provide further information or discussion to clarify the estimates.
- There are several assumptions used to estimate the 30% development trip generation reduction. These assumptions are not accepted and need further clarification on how they are derived. For example, (and not limited to), how will the proposed childcare centre be limited to workers employed on site or at Tweed Valley Hospital.

The Applicant responded to the above points on 3 April 2024. The matters identified above are not considered to prohibit the planning proposal from progressing to further assessment where detailed traffic arrangements will be clarified.

In response to TSC query about the 0.29 trip rate assumption, the Applicant responded that the submitted Traffic Impact Assessment (TIA) reflects the essential worker units being best categorised as ‘high density in metropolitan sub-regional centres’ rather than ‘medium density’ trip rate referenced within Council's preliminary assessment. Whilst not all residential accommodation within the Cudgen Connection concept is anticipated to comprise 5x storeys or more, each building is anticipated to accommodate greater than 20 dwellings, will involve basement level or undercroft parking and be located in close proximity to public transport services.

Open Space:

The proposal does not align with TDCP Section B26 Kingscliff, in particular Part 2.7 Open Space, because the land is identified by its Important Farmland denomination and correspondingly was not identified for future development or rezoning. The Applicant's submission includes the addition of open space over about 24% of the site however, it is unclear on whether the ‘parkland and green spaces’ are to be dedicated as public open space. Whilst the Social and Community Needs Analysis prepared by Umwelt dated November 2023 addresses private open space (passive and active), public open space is not mentioned explicitly although the report mentions Council's Open Space Strategy. Passive (5.5.1.1) and active open space (5.5.1.2) are subsections of the heading 5.5.1 Private Open Space therefore the submission does not demonstrate that the concept development provides the correct quantum or design of

public open space, as required under s7.11 (contributions towards provision or improvement of amenities or services) of the EP&A Act and Tweed DCP.

It is important to recall that at a planning proposal stage the precise detail of such matters does not need to be addressed, as this is ordinarily a matter for assessment at the development application approval stage. Information supplied with the planning proposal is over and above that required and has been provided to assist with articulating for Council and the community's benefit the vision for the development intended to be delivered in a phased manner, that it is conceptual and indicative and will succumb to changes as the more detailed investigation works and development application (DA) information is developed. At this stage the future DA will need to demonstrate compliance with adopted Council policy, among many aspects including open space (noting that developer contributions can be levied for structured and casual open space when statutorily enabled under a s7.11 Plan).

Should the planning proposal be supported the current Council endorsed requirements for open space provision will be reaffirmed in the related DCP, as required by Clause 7.13 of the TLEP 2014.

Biodiversity and other ecological values:

The proposed land use zone should be amended to include a C2 – Environmental Zone to the north of the site. The alignment of the C2 – Environmental Zone should generally reflect that shown on the marked-up plan – **Figure 5** below, based on the 'Baseline Ecological Assessment Report (BEAR 2023) dated 23 November 2023 prepared by Cumberland Ecology – Figure 13 Setbacks required under Section A19 of the Tweed Shire DCP'.

The C2 - Environmental Zone should capture the following values and ecological setbacks: a. Endangered Ecological Community (EEC) listed under the Biodiversity Conservation Act 2016 being Lowland Rainforest of the NSW North Coast and Sydney Basin Bioregions and Lowland Rainforest on Floodplain in the NSW North Coast Bioregion where occurring on the subject site identified as PCT 3004: Far North Bangalow Palm Swamp Forest (Regrowth) in the BEAR 2023 b. 30 metre wide ecological buffer consistent with Tweed Development Control Plan Section A19 Biodiversity and Habitat Management to EEC identified as PCT 3004: Far North Bangalow Palm Swamp Forest (Regrowth) in the BEAR 2023 on and adjacent to the subject site c. Coastal Wetland Area as identified on the SEPP (Resilience and Hazards) 2021 coastal mapping.

Controls and management of recommended C2

Environmental Zone land A planning agreement or other appropriate strategic planning mechanism should be established to: a. Prohibit future development on recommended C2 – Environmental Zone land, other than environmental protection works under an approved/endorsed Habitat Restoration Plan; and b. Preclude subdivision of recommended C2 – Environmental Zone land unless the effect of the subdivision is that the C2 – Environmental Zone land is all in one lot which also contains SP2 zoned land which meets the minimum lot size development standard for land in that zone.

Amended Concept Plan

The recommended C2 – Environmental Zone land is to be used for conservation purposes and the entire area subject to a habitat restoration program with the objective of improving existing ecological values and reestablishing pre-clear habitat in areas devoid of local native woody vegetation.

Further ecological survey and assessment

Targeted field survey in accordance with Biodiversity and Assessment Methodology 2020 (2020 State of NSW and Department of Planning, Industry and Environment) should be carried out within the study area for the following fauna species considered to have a moderate to high likelihood of occurrence within the study area:

- Mitchells Rainforest Snail (*Thersites mitchellae*),
- Three-toed Snake-Tooth Skink (*Coeranoscincus reticulatus*),
- Pale-vented Bush-hen (*Amaurornis moluccana*), and

- Wallum Froglet (*Crinia tinnula*).

Where threatened species are recorded, individuals and associated fauna habitat polygons to a minimum distance of 20 metres from any record (consistent with DCP A19) should be included as C2 – Environmental Zone land. Any additional threatened flora and fauna species recorded during further survey effort should be subject to an assessment of significance (5-part test) under the Biodiversity Conservation Act 2016.

Baseline Ecological Assessment Report provided by the Applicant 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. Council officers have raised concern about a small area of isolated vegetation to the north of the site and recommended that it be rezoned for environment conservation and also requested the buffer to be zoned E2. Notably, this approach does not meet the criteria requirements for an E2 or E3 zoning under the Northern Councils E Zone Review Final Recommendations report, conservation not being the primary use of the land, as such this vegetation and buffer zone have not been mapped as a conservation zoning within Council's E zone review (now referred to as the "C" zone review).

The above request to apply a C2 Environmental Conservation zone, along with other matters related with biodiversity and ecological values was sent to the Applicant for response. The request to zone the site C2 was not supported by the Applicant as this would substantially impact the ability to develop the site as proposed within the planning proposal.

The Applicant advised that a small and degraded area are largely able to be avoided and relevantly notes that future development of the site is likely to exceed the capital works cost threshold for State Significant Development automatically trigger the requirement to prepare a Biodiversity Development Assessment Report (BDAR) under the Biodiversity Conservation Act 2016 (NSW).

Bushfire management

The Bushfire Assessment Report dated 28 November 2023 prepared by Building Code & Bushfire Hazard Solutions Pty Ltd should be amended to show all bushfire asset protection zones outside the C2 – Environmental Zone land as contained in this request for further information. Habitat restoration of the recommended C2 – Environmental Zone land should be considered as part of bushfire hazard assessment.

Groundwater Dependent Ecosystems A groundwater investigation and impact assessment should be completed to demonstrate that groundwater dependent ecosystems on and adjacent the subject site to the north would not be adversely impacted from future development.



Figure 5. Baseline Ecological Assessment Report (BEAR 2023)

Conclusion of the preliminary assessment of the strategic and site-specific merit

Assessment of this planning proposal followed the LEP Making Guidelines and was focused on the following two questions:

1. Does the proposal have strategic merit?
2. Does the proposal have site-specific merit?

For clarity, under the LEP Making Guidelines, strategic merit means that a proposal has alignment with the NSW strategic planning framework and government priority. This element is to be tested through the following criteria:

- Does the proposal give effect to the North Coast Regional Plan 2041 (NCREP)?
- Does the proposal demonstrate consistency with the Tweed Local Strategic Planning Statement 2020 or a strategy that has been endorsed by the Department?
- Does the proposal respond to a change in circumstances that has not been recognised by the existing planning framework. For this criterion, factors that lead to responding to a change in circumstances may include, but not exclusively relate to:
 - Key infrastructure investment or opportunity to plan for future infrastructure unanticipated by the existing strategic planning framework,
 - Response to key Government priorities – Premier’s Priorities, climate change, or a shift in government policy (e.g. NSW Government’s Net Zero Plan),
 - Changes to population and demographic trends and associated needs such as housing or jobs.

Consistency with the NCREP has been analysed as presented within this report, including appointment of an external consultant to specifically examine the proposal against the Urban Growth Area Variation Principles provided within the NCREP. The planning proposal is considered to be consistent with the NCREP and relevantly, the variation principles.

Consistency with the Tweed Local Strategic Planning Statement (LSPS) was examined, and Council officers concluded the proposal is partially inconsistent, particularly with element 6.6 of the Planning Priority 6, which states:

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

Partial inconsistency with the LSPS has to be considered in light of Section 3.9 of the EP&A Act which states that the local priorities identified within LSPS are to be consistent with the applicable Regional Plan. In other words, where inconsistency occurs, the NCREP takes precedence over the LSPS.

The second aspect of the merit test includes assessment of the site-specific merit. Here, the proposal was evaluated against the following matters:

- Is that the proposal is suitable for the site and the site is (or can be made) suitable for the resultant development.
- Does the proposal give regard and assess impacts to:
 - 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.

Site-specific assessment documented in this report demonstrates that the Concept Masterplan can be considered as suitable for the proposed site and the site can accommodate the proposed development.

OPTIONS:

Option 1

That Council:

1. Supports progressing the planning proposal to the Gateway Determination.
2. Determines the scope of amendment to the local planning framework required of the subject planning proposal is to comprise of:
 - a. Amendments to the Tweed Local Environmental Plan 2014 to:

- i. rezone the subject site to a Special Purpose zone (Map annotation: Health Services Facility and Educational Establishment),
 - ii. list “community facilities”, “commercial premises”, “early education and care facility”, “residential flat building”, “recreation areas” and “hotel or motel accommodation” in Schedule 1 Additional Permitted Uses - amend Height of Building Map to enable varied height limits as per Figure 4 of this report,
 - iii. amend the Lot Size Map to remove the current 10ha Minimum Lot Size control,
 - iv. map the site on the LEP 2014 Key Sites Map to require a site-specific DCP,
 - v. review Clause 7.13 Development requiring the preparation of a development control plan to clarify and strengthen the necessity for a DCP required under this clause to the effect that it ‘must be endorsed by Council’.
- b. Preparation of a site-specific development control plan for Council endorsement, where the following matters will be prescribed:
 - i. design principles drawn from an analysis of the site and its context,
 - ii. phasing of development,
 - iii. distribution and allocation of land uses, including open space,
 - iv. subdivision pattern and provision of essential services,
 - v. controls to ensure delivery of essential workers accommodation to be delivered by way of build-to-rent or similar, and in part delivered and operated by a registered community housing provider, so as to reflect the Applicant’s planning commitments.
 - vi. building envelopes and built form controls,
 - vii. identification and conservation of native flora and fauna habitat, including buffer areas,
 - viii. environmental constraints, including climate change, acid sulfate soils, stormwater, flooding, contamination and remediation.
- 3. Upon receipt of a Gateway determination, proceed with public exhibition in accordance with the Council’s adopted Community Engagement and Participation Plan, and
- 4. Following public exhibition, a further report be brought back to Council with a post-exhibition evaluation and proposed resolution for the final steps of the plan making process.

Option 2

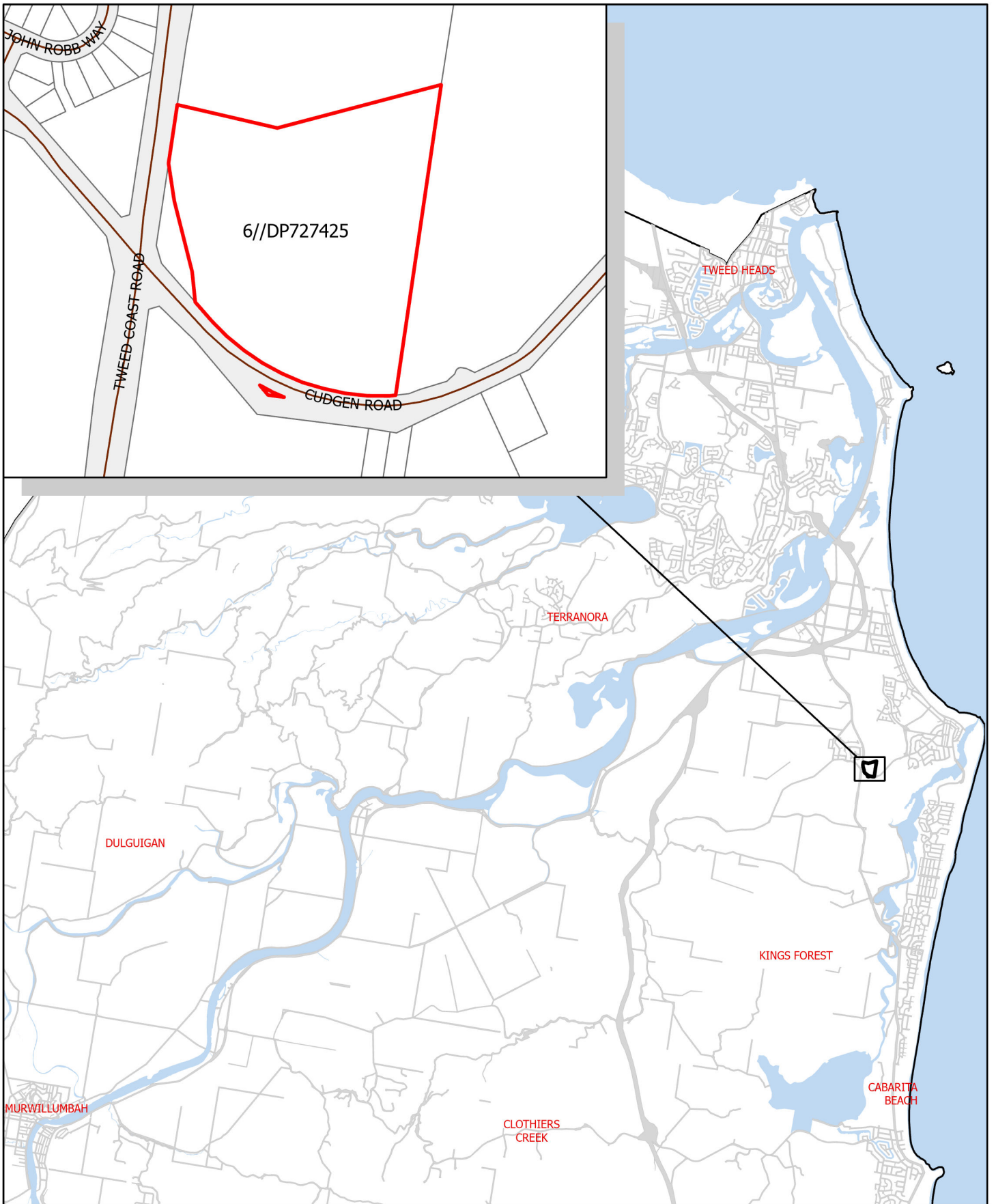
Refuse to support the proposal with reasons.

Option 3

Defer the matter to a future workshop.

PREVIOUS COUNCIL RESOLUTIONS:

Nil.



0 1 2 4 Kilometers

Site Plan

6//DP727425

741 Cudgen Road CUDGEN 2487

Scale: 1:100,000

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Subject Land Roads
 Land Parcels Waterways

GDA2020
MGA Zone 56

Coordinate System - MGA Zone 56
Datum - GDA2020

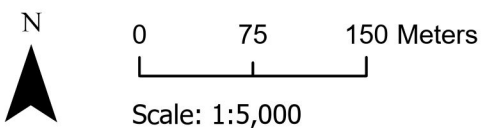
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 Subject Land

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Coordinate System -
 MGA Zone 56
 Datum - GDA2020

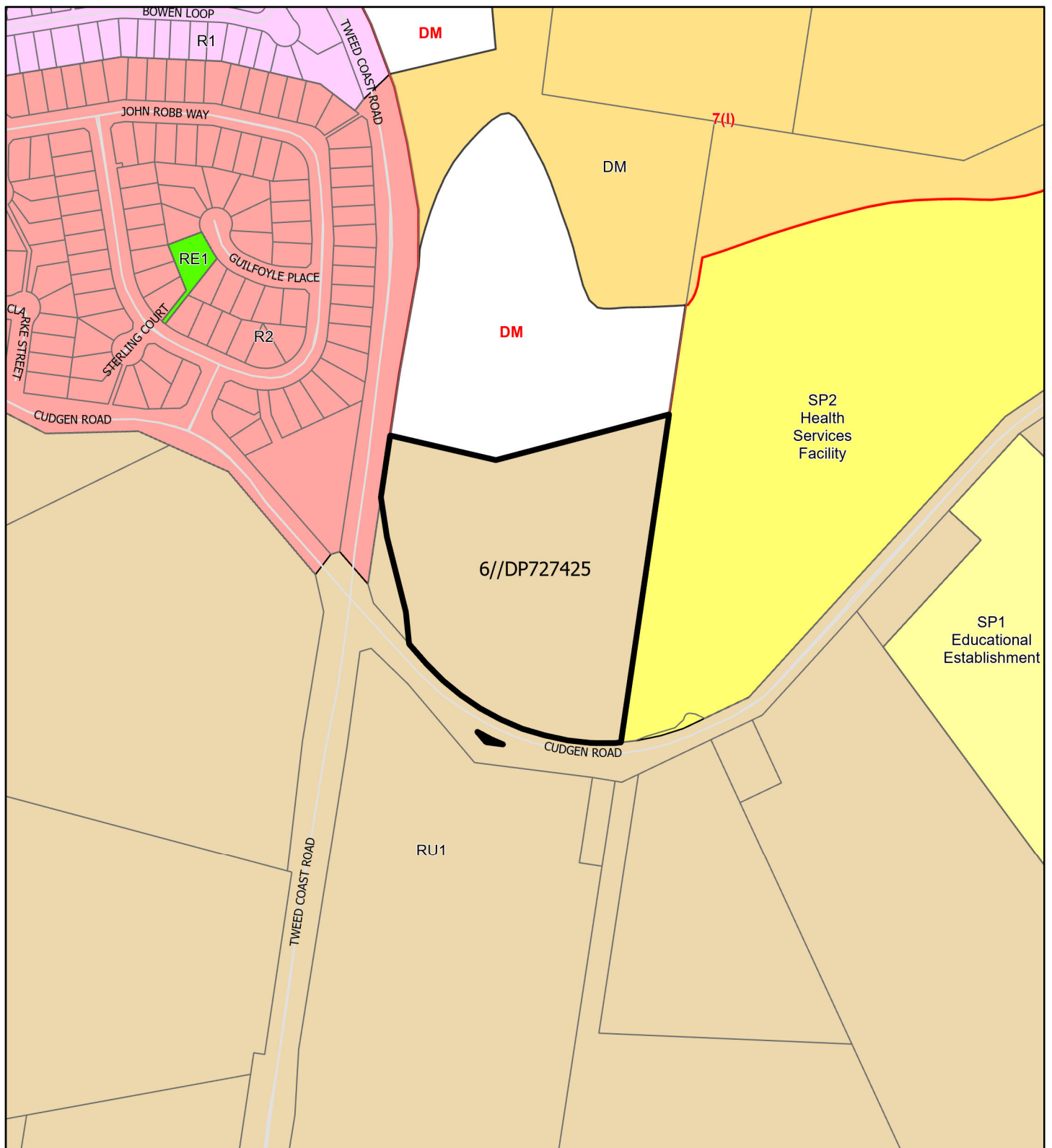
Current Imagery (2023)

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741 Cudgen Road CUDGEN 2487



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- | | | |
|---|----------------------------|------------------------|
| Subject Land | R1 General Residential | SP1 Special Activities |
| 7(l) Environmental Protection (Habitat) | R2 Low Density Residential | SP2 Infrastructure |
| Defer | RE1 Public Recreation | |
| DM Deferred Matter | RU1 Primary Production | |



Local Environment Plan

6//DP727425

741 Cudgen Road CUDGEN 2487



Coordinate System - MGA Zone 56
Datum - GDA2020



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C O N S U L T I N G

Request for Planning Proposal

Cudgen Connection

Prepared for Centuria Healthcare & Digital Infratech

By Planit Consulting Pty Ltd

(v1.0) - December 2023

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1.0	01/12/2023	Josh Townsend	Luke Blandford	Client

Approval Details

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Executive Summary

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

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

The intended provisions of the RPP include amending:

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

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

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

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

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

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

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

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

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

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

identified and their conveyance through the site has been maintained along eastern and western boundaries.

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

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

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

Consultation undertaken to-date on the Cudgen Connection proposal is detailed, which has comprised a mixture of technical and community engagement. Specifically, general and technical consultation has been undertaken with Tweed Shire Council representatives, led by a scoping report and pre-lodgement meeting as described within the Local Environmental Plan Making Guideline. Feedback from the pre-lodgement meeting and subsequent workshops has informed the scope of the RPP's supporting assessments, as well as its intended provisions.

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

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

Consultation and formal letters of support have been provided from:

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

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

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

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

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

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

Preliminaries

i.i Introduction

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

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

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

This RPP is structured as follows:

Preliminaries – provides an introduction to the RPP

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

The Planning Proposal

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

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

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

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

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

Part 6 – provides an indicative timeline for the project

Conclusion

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

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

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

i.ii Relationship with the Concept Masterplan

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

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

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

Cudgen Connection Proposal

ii.i The Site

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

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



Figure 1. The Subject Site

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

The subject site is gently sloping, primarily falling from south to north with an average slope of 6%. A secondary topographic pattern of fall from the east and western boundaries, creates a shallow base central to the site, particularly along the northern boundary. The subject site benefits from a favourable northern aspect and is located above the adopted Design Flood Level (DFL) of 3.2m AHD.

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

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

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

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

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

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

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

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



Figure 2. Probable Maximum Flood

Of note, the subject site is not identified as:

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

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

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

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

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

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

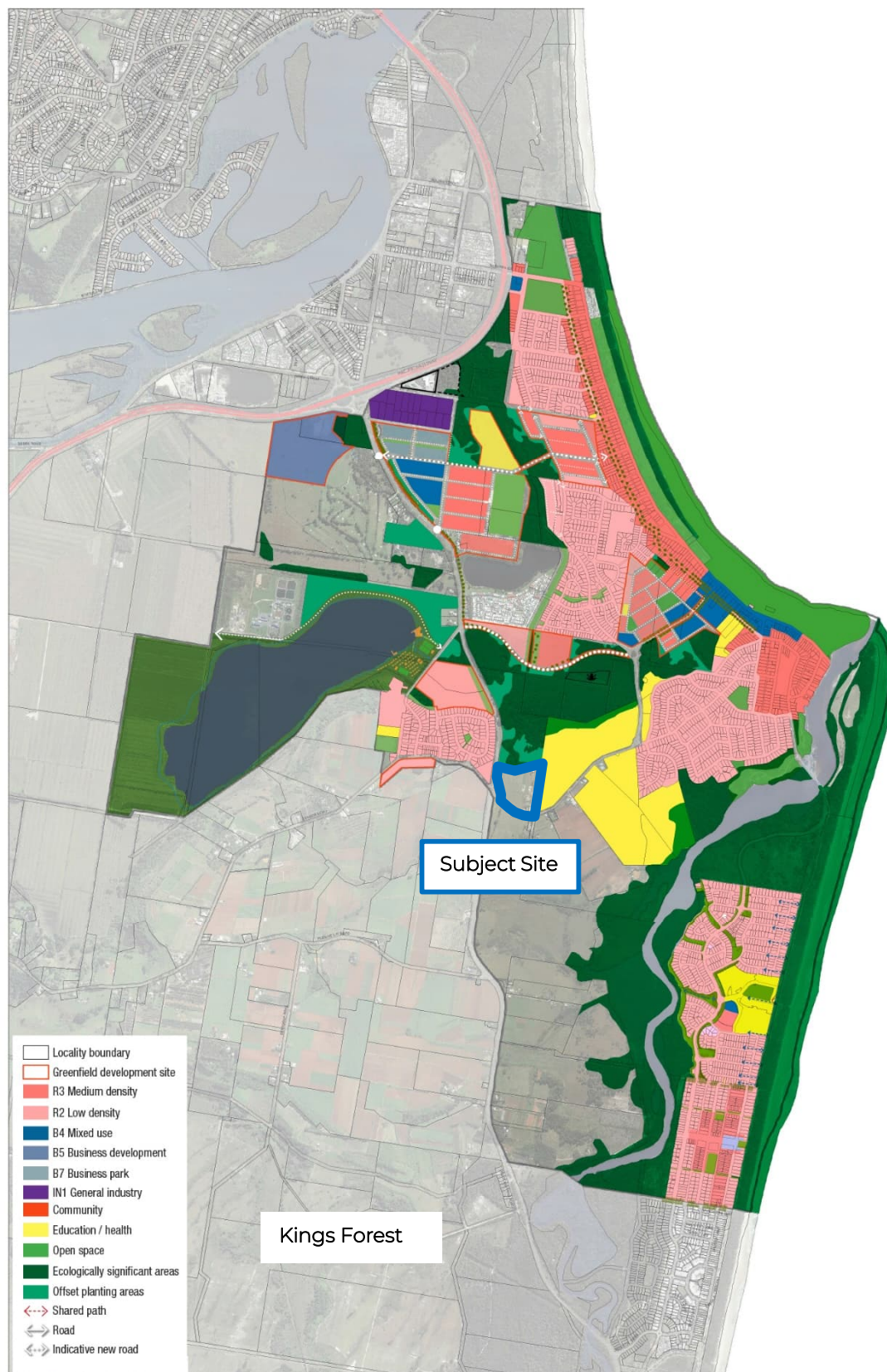


Figure 3 Kingscliff 2036 Source: Kingscliff Locality Plan

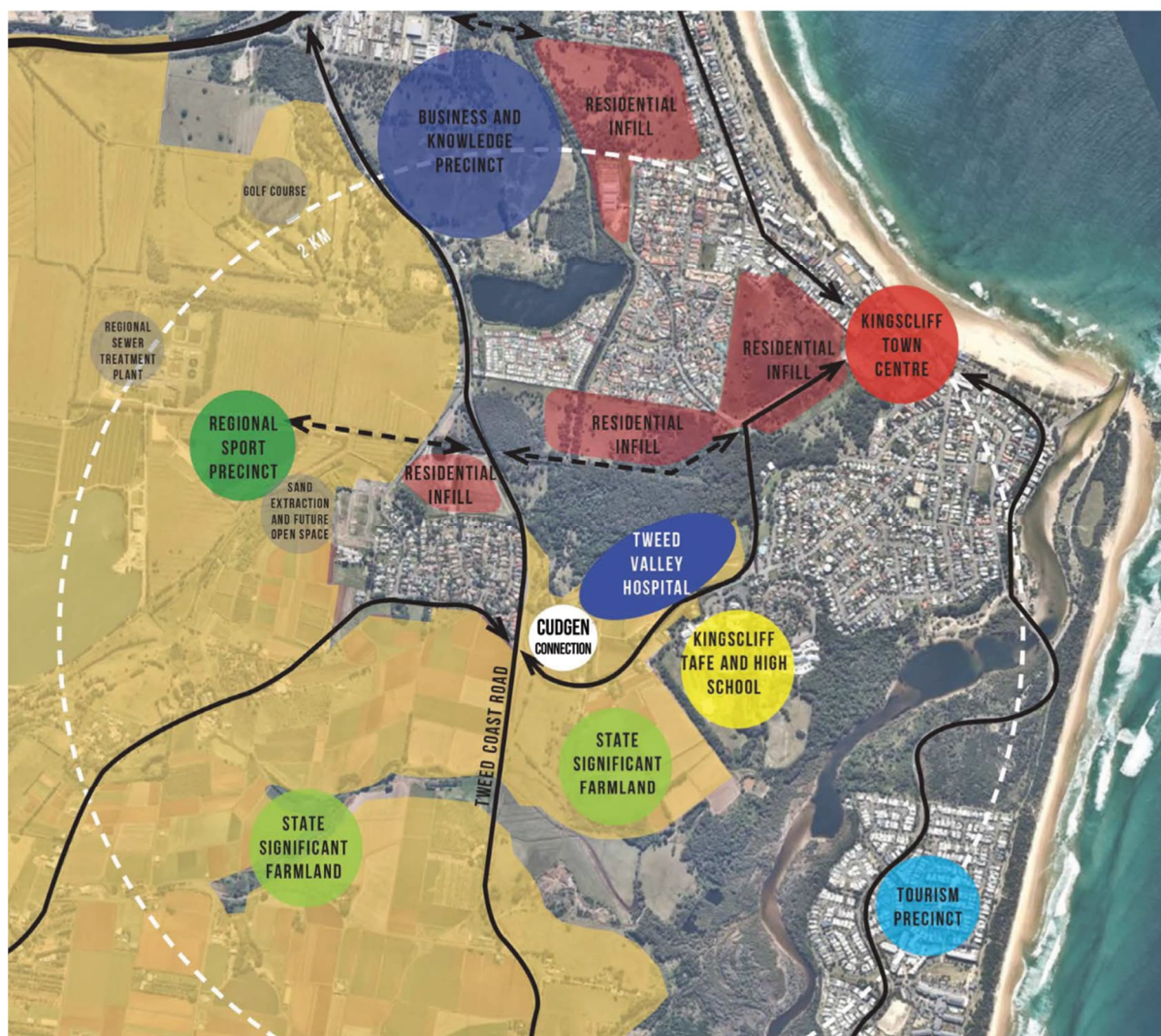


Figure 4 – The Subject Site in Context

ii.ii A Best Practice Health Precinct

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

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

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

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

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

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

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

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

Key development metrics for Cudgen Connection include:

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

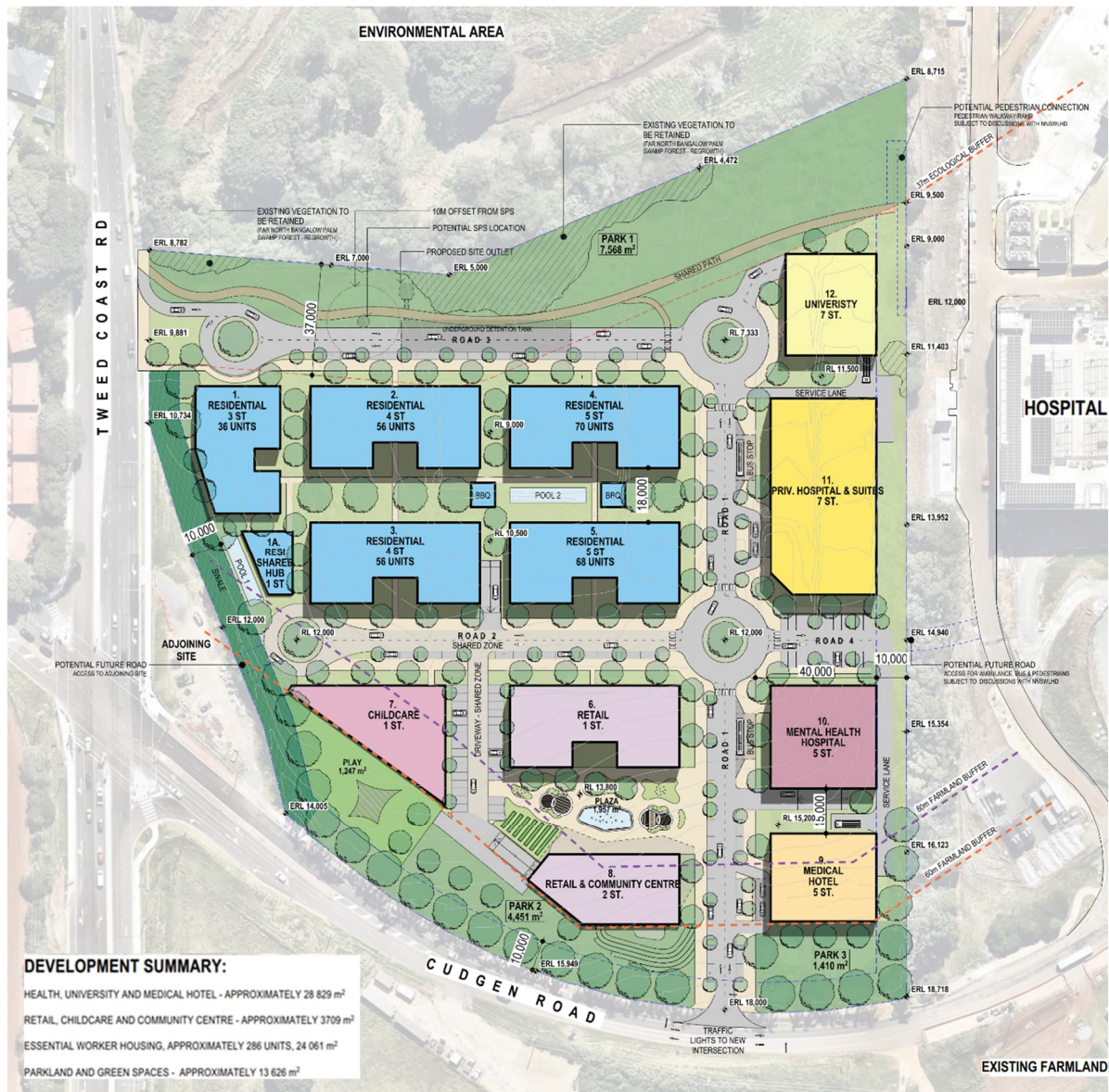


Figure 5 Cudgen Connection Concept Masterplan

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

ii.iii Settlement Integration, Buffers & Open Space

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

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

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

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

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

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

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

ii.iv Movement, Access & Parking

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

Site access is primarily obtained via a new signalised intersection with Cudgen Road, and a 'left-in, left-out' provided along Tweed Coast Road. Indicative connections into the TVH site have been considered, however detailed investigations and discussions are not appropriate through the RPP phase. Any future DA will further explore bus, vehicle, pedestrian and cycle links.

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

The Planning Proposal

Part 1 – Objectives and Intended Outcomes

1.1 Objective

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

1.2 Intended Outcomes

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

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

Part 2 – Explanation of provisions

2.1 Intended Provisions

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

2.2.1 Proposed Zone

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

2.2.2 Rationale: Proposed Zone

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

2.2.3 Proposed Height of Buildings

Amend the Tweed LEP 2014 Height of Buildings Map (Sheet HOB_023) as it relates to the subject site, to remove the 10m maximum building height. Alternatively, amend the Tweed LEP 2014 Height of Buildings Map (Sheet HOB_023) as it relates to the subject site, from 10m to a maximum building height of 38m.

2.2.4 Rationale: Proposed Maximum Building Height

Modelling by the project architects has identified that to accommodate the future private hospital and private mental health hospital requires a maximum building height of 38m. This maximum height facilitates the built form, roof, lift overruns and the like. This maximum building height is compatible with the building height of the TVH, though its height is governed through a Concept Approval, as opposed to the Tweed LEP 2014.

2.2.5 Proposed Lot Size

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

2.2.6 Rationale: Proposed Lot Size

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

2.2.7 Proposed Additional Permitted Uses

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

- Commercial premises
- Early education and care facility
- Residential Flat Building
- Hotel or Motel Accommodation

2.2.8 Rationale: Proposed Additional Permitted Uses

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

Specifically, commercial premises will facilitate desired uses, such as shop, food and drink premises, office and the like, particularly surrounding the plaza space. Early education and care facility will enable child care on the subject site, as well as home-based child care if appropriate. Residential flat building is required to deliver the desired essential worker housing units. Hotel or Motel Accommodation is required to ensure permissibility of the medi-hotel.

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

2.2.9 Proposed Key Site Provisions

Introduce a new Tweed LEP 2014 Key Sites Map (Sheet KYS_023) to identify the subject site as 'DCP Required'

2.2.10 Rationale: Proposed Key Site Provisions

To provide stakeholders with further confidence that the principles of the Concept Masterplan are upheld into the future, it is proposed that the site is identified as a Key Site requiring the preparation of a Development Control Plan (DCP). Whilst generally not pursued, or identified as essential, the DCP will bridge the gap between the legislated potential of the RPP and the refined conceptual development outcome illustrated within the Concept Masterplan. This framework binds the delivery of Cudgen Connection's desirable attributes, particularly if a DA was to be pursued that did not qualify as State Significant Development (SSD).

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

2.2.11 Proposed Additional Local Provision

Insert a new 'Additional local provision' 7.XX detailing that no less than 75% of all dwellings approved on the subject site are to be managed together with a registered community housing provider, not-for-profit organisation, State agency, or similar for a period of no less than 25x years.

2.2.12 Rationale: Proposed Additional Local Provision

To provide certainty that the housing opportunity within the RPP directly facilitates essential workers and improves affordability. Concern has been raised that the housing displayed on the Concept Masterplan may be on sold and no longer support affordability in the locality. Embedding the site-specific clause in the Tweed LEP 2014 legislates the majority of housing is held and managed for essential workers. For the purpose of the RPP, the inclusion of a minimum time commitment is identified. Of note, consultation with housing providers to-date has identified varied management period preferences between 20 – 30 years, generally aligning with capital works timelines. Ongoing engagement with housing provider stakeholders will confirm an appropriate minimum timeline threshold prior to the RPP being made.

Part 3 – Justification of Strategic and Site-Specific Merit

Section A – Need for the planning proposal

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

The RPP is not a direct result of an endorsed LSPS, strategic study or report. Notwithstanding, the context and origin of this 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.

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

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

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

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

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

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

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

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

As is discussed throughout this RPP, the extent of inconsistency with the LSPS Actions is confined to development upon 'significant farmland areas'. Whilst 'significant farmland areas' is not defined within the LSPS, it is generally understood that this reference is to mapped SSF. The North Coast Regional Plan 2041, which works in concert with the SFF mapping, facilitates the contextual review of Important Farmland (which envelopes SSF) where land may be more suited to other uses. The 'tests' established by the NCRP 2041 have been addressed within this 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 LSPS, and delivers on multiple LSPS Actions.

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

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

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

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

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

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

	<p><i>Objectives of zone</i></p> <ul style="list-style-type: none"> <i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i> <i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i> <i>To minimise the fragmentation and alienation of resource lands.</i> <i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i> <i>To protect prime agricultural land from the economic pressure of competing land uses.</i> <p>The retention of these zone objectives are likely to restrict the suitable future use of the site and do not directly reflect the land's strategic land use opportunities.</p> <p>Finally, the RPP includes amendment to the Maximum Height of Buildings and Minimum Lot Size development standards. Amending the permissibility of the Cudgen Connection land uses without corresponding amendments to building height and lot size would result in many of the projects benefits being negated and unfeasible to deliver any land use other than a single hospital/single operator.</p> <p>For these reasons applying an additional permitted use in isolation to land use zoning and development standard changes is not considered appropriate.</p>
Applying an alternative zone	<p>This approach may still be effective and appropriate, however is not the preferred pathway to ensure alignment with the key Objectives and Intended Outcomes of Cudgen Connection.</p> <p>As has been referred within this RPP, the key components of Cudgen Connection relate to the provision of health services, which augment the public hospital anchor, being the TVH. The private hospital and private mental health hospital are considered critical infrastructure, particularly in light of the services gap identified within the Market Assessment. The complementary university, medi-hotel, childcare, retail, community and residential offerings are all subordinate to the core health function. Accordingly, these uses are also considered to best align with the SP2 Infrastructure zone and its zone objectives.</p> <p>As an alternative approach, a composition of land use zones and corresponding development standards could be pursued to formally zone 'sub-precincts' within Cudgen Connection. This approach is not specifically objected to, however would need to be carefully managed to ensure appropriate application. Further, any alternate approach should ensure the Objectives and Intended Outcomes are not diluted through implementation of the legislative framework.</p>
Pursuit of a Development Application within the current planning framework	<p>Does not resolve permissibility beyond a portion of the site and does not appropriately correlate zone objectives with the underlying strategic potential of the land.</p> <p>Clause 5.3 Development near Zone Boundaries of the Tweed LEP 2014 facilities flexibility at zone interfaces. Specifically, land uses that are permissible within the adjoining SP2 Infrastructure (Health Services Facility) can be carried out with consent in the adjoining zone (being the subject site):</p> <ul style="list-style-type: none"> Within 50m of the zone boundary (being the eastern property boundary) Outside of the Coastal Zone (including the Coastal Wetlands proximity area)

	<ul style="list-style-type: none"> Subject to the development not being inconsistent with the objectives for development in both zones <p>As discussed above, this approach is identified as problematic when considering the Objectives and Intended Outcomes against the current primary production based zone objectives. Further, the 50m and coastal zone mapping provisions effectively limit the potential footprint to the private hospital, private mental health hospital and medi-hotel and do not facilitate internal roads, carparking, stormwater measures and the like.</p>
DCP Provisions	<p>This approach is not identified as appropriate as an underlying need for the RPP relates to providing land use permissibility, which cannot be rectified by way of DCP amendment. .</p>
Await the Tweed Growth Management and Housing Strategy (GMHS)	<p>Waiting for Council to finalise the GMHS is not identified as appropriate as the GMHS is not identified as a better means of achieving the objectives or intended outcomes. As discussed below, the spatial extent, scope and detail of the GMHS does not share the same focus or application of this RPP. Likewise, waiting for the GMHS is not identified as improving the efficiency, or streamlining the process of realising the objective and intended outcomes.</p> <p>Council is currently preparing the Tweed GMHS as a response to Tweed Shire Council's priorities to guide housing and employment opportunities throughout the Tweed Shire over the next 20 years. The GMHS is prepared at a Shire wide scale. At the time of preparing this RPP, Council has indicated Phase 2 of preparing the Strategy is nearing completion. Phase 2 of the project is labelled as 'Gather Evidence'</p> <p>Specific to employment, the GMHS seeks the provision of sufficient employment land to meet projected growth projections within the Tweed over the next 20-year period as a benchmark of overall prosperity and support a 'work, live and play' economy. The GMHS Issues Paper:</p> <ul style="list-style-type: none"> Contains general commentary regarding the need and opportunities of health care and social assistance services Acknowledges the increased importance of health services to support Tweed's ageing demographic References community feedback regarding increased health services <p>Notwithstanding the above, the GMHS has not been supported by a health market needs assessment, or like study. Further, no public facing material has identified that precinct and/or master planning for a health precinct anchored by the TVH is within scope or being pursued within the GMHS program.</p> <p>The significance of the TVH is recognised within the GMHS process by the Issues Paper and future phases are anticipated to involve discussion and strategies related to health care at large. Notwithstanding, the GMHS scope and application at a Shire wide level constrains the depth and detail of its investigations. In this regard, higher-order health infrastructure, such as hospitals, are not directly investigated, rather the industry sector is considered within Tweed's broader economic outlook. Accordingly, it is evident that the GMHS will not directly close existing land use gaps surrounding the TVH to form a mature health precinct. Likewise, the GMHS will not close the dramatic supply gaps for private hospital beds, operating theatres, mental health facilities and the like.</p> <p>In light of the above, this RPP is identified as complimenting the 'bigger-picture' strategies to promote health care and social assistance within the Tweed LGA. Whilst complementary, the RPP must proceed independently to ensure the specific critical health infrastructure gaps are met. Waiting for</p>

Council to finalise the GMHS is not identified as appropriate as the GHMS will not remove the need or streamline the process.

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

Section B – Relationship to the strategic planning framework

3.3 Question 3 - Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

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

3.3.1 North Coast Regional Plan 2041

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

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

Goal 1. Liveable, sustainable and resilient

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

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

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

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

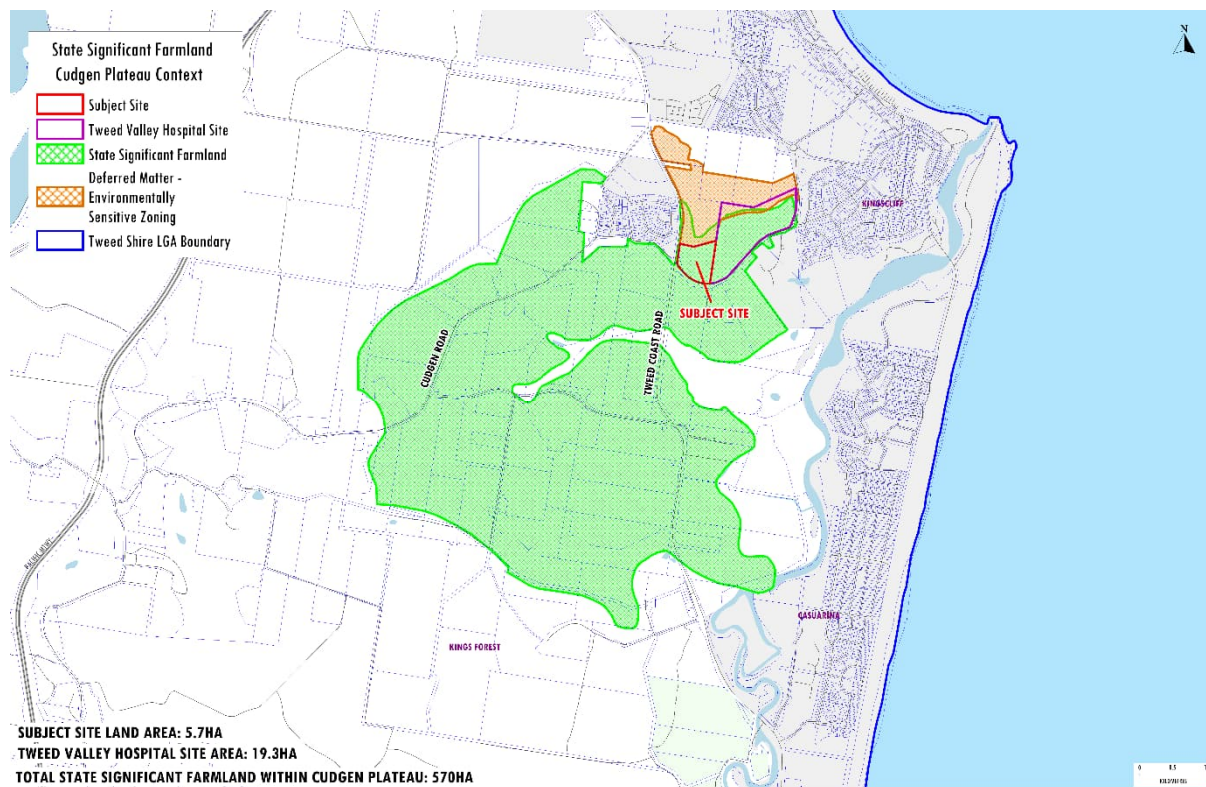


Figures 6 & 7. High Environmental Value Mapping (Left) and Urban Growth Area Mapping (Right)
(Source: NSW Department of Planning & Environment)

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

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

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



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

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

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

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

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

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

Goal 2. Productive and connected

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

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

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

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

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

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

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

Goal 3: Growth, change and opportunity

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

- Plan for sustainable communities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

		<p>Assessment (LUCRA) has been pursued to ensure the subject site supports active farmland to the south west and does not reduce or limit the agricultural opportunity of dormant farmland to the south. The LUCRA is contained within the submitted Agricultural Land Assessment (ALA).</p> <p>The majority of the Cudgen Plateau, including the active farm to the southwest, is currently used for small crops and other cereal and fodder crops. As such, the LUCRA has presumed this form of enterprise should the southern site be re-activated for farming. The LUCRA has considered existing literature and planning framework, noise, dust and chemical spray drift, as well as pursuing adjoining landowner consultation.</p> <p>Considering applicable guidelines and having regard for the specifics of the subject land, the recommended buffer to farmland (south and southwest) detailed by the LUCRA comprises two components; a 10m wide biological buffer of vegetation; and an open space separation of 30m provided by Cudgen Road and its associated easement. This will give a total minimum buffer width of 40m. Notwithstanding this site-specific finding, the Concept Masterplan takes a precautionary approach and embodies a 60m buffer to non-residential uses and a greater than 80m buffer for residential uses. These larger spatial buffers still retain the 10m biological buffer prescribed in the LUCRA.</p> <p>Acknowledging the above, it is evident that the subject site is capable of providing appropriate separation from incompatible land uses, without burdening external land.</p> <p>Accordingly, the RPP is identified as satisfying the land use conflict assessment criteria.</p>
Important Farmland	<p>The planning area is contiguous with existing zoned urban land and the need and justification is supported by a sound evidence base addressing agricultural capability and sustainability and is either for:</p> <ul style="list-style-type: none"> • a minor adjustment to 'round off' an urban boundary, or • if demonstrated through a Department approved local strategy that no other suitable alternate land is available, and if for housing, that substantial movement has been made toward achieving required infill 	<p>As detailed above, the subject site is contiguous with existing zoned urban land. Likewise, the subject site comprises a singular land use void from the urban settlement pattern north of Cudgen Road and east of Tweed Coast Road within the locality's future planning.</p> <p>As detailed throughout this RPP, the need and justification to utilise the subject site for health services and supporting, complementary uses is evident by virtue of the:</p> <ul style="list-style-type: none"> • Significant gaps in health services provision, both existing and projected. • Need to cluster 'core' supporting land uses within a walkable catchment to create best practice. • The limitations of alternate sites to deliver best practice outcomes by virtue of constraints such as separation distances, flooding and evacuation, existing land fragmentation and

	<p>targets within existing urban growth area boundaries.</p>	<p>suitable integration into the wider urban context.</p> <p>This evidence base is led by a Health Needs Market Assessment and Health Precinct Analysis, as well as the commentary provided within this RPP.</p> <p>Agricultural capability and sustainability has been considered through the preparation of an Agricultural Capacity Assessment and an Agricultural Land Assessment. These assessments have considered the agricultural potential of the land, for various crop types, inclusive of their management.</p> <p>The Agricultural Capacity Report ultimately concludes that the subject site has a number of limitations which restrict its ability to facilitate sustainable agricultural production. Limitation identified include but not limited to:</p> <ul style="list-style-type: none"> • Minor land size and significant limitations for amalgamation with larger, contiguous farmland areas. • Slopes and surrounding environmental attributes which limit the land area available for agricultural production and their management (such as application of pesticides). • Lack of existing enabling infrastructure on-site and within the value-chain. <p>Production and economic values range, and generally represent values of less than 0.006%, up to 6.6% of economic value per crop type within the Statistical Area 4 (SA4) area. As a result, removing the site from the agriculturally productive area within the Tweed LGA would have negligible impact on its agricultural base, production and the off-farm agricultural infrastructure servicing the area (such as labour, supply chain and processing).</p> <p>Finally, the 'filling-in' of the subject site is identified as comprising a minor adjustment to 'round off the urban boundary' which currently exists to the immediate east and west.</p> <p>Accordingly, the RPP is identified as satisfying the Important Farmland assessment criteria.</p>
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3.4 Question 4 - Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

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

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

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

3.4.1 Tweed Local Strategic Planning Statement

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

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

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

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

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

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

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

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

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

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

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

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

3.4.2 Tweed Rural Land Strategy 2036

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

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

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

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

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

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

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

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

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

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

3.5.1 20-year Economic Vision for Regional NSW

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

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

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

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

3.5.2 Tweed Regional Economic Development Strategy

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

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

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

3.5.3 Tweed Regional City Action Plan

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

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

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

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

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

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

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

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

3.6.1 SEPP (Planning Systems) 2021

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

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

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

3.6.2 SEPP (Biodiversity and Conservation) 2021

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

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

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

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

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

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

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

3.6.3 SEPP (Resilience and Hazards) 2021

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

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

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

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

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



Figure 9 Coastal Wetland and Proximity Area Mapping Extract.

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

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

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

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

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

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

3.6.4 SEPP (Sustainable Buildings) 2022

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

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

3.6.5 SEPP (Exempt and Complying Development Codes) 2008

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

3.6.6 SEPP (Housing) 2021

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

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

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

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

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

3.6.7 SEPP (Industry and Employment) 2021

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

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

3.6.8 SEPP No 65 – Design Quality of Residential Apartment Development

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

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

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

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

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

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

3.6.9 SEPP (Primary Production) 2021

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

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

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

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

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

3.6.10 SEPP (Resources and Energy) 2021

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

3.6.11 SEPP (Transport and Infrastructure) 2021

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

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

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

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

3.6.12 SEPP (Precincts – Regional) 2021

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

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

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

An assessment of section 9.1 Ministerial Directions is provided below.

Table 3: Assessment of section 9.1 Ministerial Directions

Ministerial Direction	Planning Commentary
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans Objective The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. Application This direction applies to a relevant planning authority when preparing a planning proposal for land to which a Regional Plan has been released by the Minister for Planning. Direction 1.1	<p>Consistent. Direction 1.1 applies to the RPP as the North Coast Regional Plan 2041 was released by the Minister for Planning in December 2022. The RPP is consistent with the NCRP 2041.</p> <p>Specifically, the RPP:</p> <ul style="list-style-type: none"> • Supports cities and centres by coordinating the supply of well-located employment land. • Increases the opportunity for active and public transport usage by clustering key employment anchors and providing supporting infrastructure. • Assists planning for sustainable communities by identifying and responding to growth needs and opportunities. • Protects regional biodiversity by avoiding areas of high environmental value. • Improves housing affordability. • Demonstrates consistency with the Urban Growth Area Variation Principles.

<p>(1) Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.</p> <p>Consistency</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary), that:</p> <p>(a) the extent of inconsistency with the Regional Plan is of minor significance, and</p> <p>(b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of the Regional Plan's vision, land use strategy, goals, directions or actions.</p>	<p>Whilst the site is located outside of the mapped Urban Growth Area, the Urban Growth Area Variation Principles have been assessed and identified as met through this RPP.</p> <p>Salient points include:</p> <ul style="list-style-type: none"> • The RPP is identified as consistent with the objectives and outcomes in the NCRP 2041 and intent of applicable section 9.1 Directions and SEPPs. • Adequate and cost effective infrastructure can be provided to match the expected population, at no cost to Government. • The RPP avoids high environmental value areas, Aboriginal and non-Aboriginal heritage. • The site is not significantly encumbered by land constraints, rather, benefits from being above the design flood level and possessing a gentle northern aspect. • The site is contiguous with the urban growth area to the immediate east and west. • Demonstrates suitable separation from adjoining agricultural activities. • Comprises a minor adjustment to 'round off an urban boundary' and highlights that no other suitable alternate land is presently available.
<p>1.2 Development of Aboriginal Land Council land</p>	<p>Not Applicable. The provisions of Direction 1.2 do not apply to the RPP as the subject site is not identified on the Land Application Map of Chapter 3 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i>.</p>
<p>1.3 Approval and Referral Requirements</p> <p>Objective</p> <p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Application</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>Direction 1.3</p> <p>(1) A planning proposal to which this direction applies must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or</p>	<p>Consistent. Direction 1.3 applies to all planning authorities preparing a Planning Proposal.</p> <p>The RPP does not:</p> <ul style="list-style-type: none"> • include any additional referral or concurrence provisions. • contain provisions requiring concurrence, consultation or referral. • identify any development as 'designated development'.

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

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

i. the appropriate Minister or public authority, and

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

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

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

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

1.4 Site Specific Provisions

Objective

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

Application

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

Direction 1.4

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

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

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

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

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

Specifically:

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

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

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

Consistency

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

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

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

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

relates to a particular site or sites), or

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

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

(d) is of minor significance

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

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

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

3.2 Heritage Conservation

Objective

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

Application

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

Direction 3.2

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

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

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

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

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

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

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

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

Consistency

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

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

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

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

3.5 Recreation Vehicle Areas

Objective

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

Application

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

Direction 3.5

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.2 Coastal Management

Objective

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

Application

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

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

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

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

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

Direction 4.2

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

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

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

(c) NSW Coastal Design Guidelines 2003; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.3 Planning for Bushfire Protection

Objectives

The objectives of this direction are to:

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

Application

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

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

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

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

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

The RPP, led by the BRA, has:

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

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

Direction 4.3

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

(2) A planning proposal must:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.4 Remediation of Contaminated Land

Objective

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

Application

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

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

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

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

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

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

Direction 4.4

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

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

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

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

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

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

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

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

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

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

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

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

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

4.5 Acid Sulfate Soils

Objective

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

Application

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

Direction 4.5

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

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

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

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

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

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

<p>having a probability of acid sulfate soils being present.</p> <p>(2) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</p> <p>(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or</p> <p>(b) other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.</p> <p>(3) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.</p> <p>(4) Where provisions referred to under 2(a) and 2(b) above of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with 2(a) and 2(b).</p>	<p>Local Environmental Plan Making Guideline, has identified the site as suitable, and has not identified a likelihood of disturbing or altering ASS, nor a likely impact.</p>
<p>4.6 Mine Subsidence and Unstable Land</p>	<p>Not Applicable. The subject site is not identified as:</p> <ul style="list-style-type: none"> a declared mine subsidence district in the <i>Coal Mine Subsidence Compensation Regulation 2017</i> pursuant to section 20 of the <i>Coal Mine Subsidence Compensation Act 2017</i>, or unstable in a study, strategy or other assessment undertaken by or on behalf of the relevant planning authority or by or on behalf of a public authority and provided to the relevant planning authority.
<p>Focus area 5: Transport and Infrastructure</p>	
<p>5.1 Integrating Land Use and Transport</p>	<p>Consistent. Direction 5.1 is identified as relevant to the RPP as an urban zoning (SP2 Infrastructure) is sought.</p>

Objectives

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

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and**
- (b) increasing the choice of available transport and reducing dependence on cars, and**
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and**
- (d) supporting the efficient and viable operation of public transport services, and**
- (e) providing for the efficient movement of freight.**

Application

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

Direction 5.1

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

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and**
- (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).**

Consistency

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

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

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

The RPP gives effect to the 10x principles by:

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

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

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

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

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

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

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

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

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

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

(d) of minor significance.

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

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

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

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

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

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

<p>5.2 Reserving Land for Public Purposes</p>	<p>Consistent. Direction 5.2 is relevant to all Planning Proposals.</p> <p>The RPP is consistent with Direction 5.2 as it does not create, alter or reduce existing zonings or reservations of land for public purposes</p>
<p>5.3 Development Near Regulated Airports and Defence Airfields</p> <p>Objectives</p> <p>The objectives of this direction are to:</p> <p>(a) ensure the effective and safe operation of regulated airports and defence airfields;</p> <p>(b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and</p> <p>(c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>Application</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.</p> <p>Direction 5.3</p> <p>(1) In the preparation of a planning proposal that sets controls for development of land near a regulated airport, the relevant planning authority must:</p> <p>(a) consult with the lessee/operator of that airport;</p> <p>(b) take into consideration the operational airspace and any advice from the lessee/operator of that airport;</p> <p>(c) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</p> <p>(d) not allow development types that are incompatible with the current and future operation of that airport.</p> <p>(2) In the preparation of a planning proposal that sets controls for development of land</p>	<p>Consistent. Direction 5.3 is relevant as the subject site is near the Gold Coast Airport.</p> <p>The RPP is consistent with Direction 5.3, subject to consultation with Gold Coast Airport Limited and the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts. This consultation is proposed to be pursued post receiving a positive Gateway determination, however no conflict or issues are anticipated as the subject site is:</p> <ul style="list-style-type: none"> • Approximately 11km south of the Gold Coast Airport. • Not mapped as being affected by Australian Noise Exposure Forecast (ANEF) contours. • Affected by an Obstacle Limitation Surface (OLS) of 153.9m AHD, approximately 100m higher than the building heights facilitated by the RPP. • Not within proximity to a defence airfield. <p>Any final Planning Proposal will include consideration of any return advices received.</p> <p>The RPP does not include amendments which enable a breach of the OLS, nor allow inappropriate development types that are incompatible with the current and future operations of the Gold Coast Airport. Likewise, the RPP is not identified as facilitating development that would constitute a controlled activity as defined in section 182 of the <i>Airports Act 1996</i>.</p> <p>Whilst outside of any ANEF mapping, the Tweed LEP 2014 includes clause 7.9, which relates to aircraft noise, likewise, clause 7.8 which relates to airspace operations. These clauses will continue to apply to future development where applicable. Finally, whilst outside of Direction 5.3, the height, shape and position of buildings on the Cudgen Connection Concept Masterplan (or temporary cranes for their construction) are not identified as affecting emergency helicopter flight paths for the Tweed Valley Hospital, which are from the immediate north and south.</p> <p>Accordingly, the RPP displays preliminary consistency with Direction 5.3. Subject to pursuing consultation post Gateway determination, comprehensive consistency can</p>

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

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

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

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

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

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

(a) consult with the Department of Defence if:

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

Regulations 2016 – Defence Aviation Areas for that airfield; or

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

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

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

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

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

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

<p>(b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or</p> <p>(c) for commercial or industrial purposes where the ANEF is above 30.</p> <p>(5) A planning proposal must not contain provisions for residential development or to increase residential densities within the 20 Australian Noise Exposure Concept (ANEC)/ANEF contour for Western Sydney Airport.</p>	
<p>5.4 Shooting Ranges</p>	<p>Not Applicable. The subject site is not adjacent to and / or adjoining an existing shooting range.</p>
<p>Focus area 6: Housing</p>	
<p>6.1 Residential Zones</p> <p>Objectives</p> <p>The objectives of this direction are to:</p> <p>(a) encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) minimise the impact of residential development on the environment and resource lands.</p> <p>Application</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>Direction 6.1</p> <p>(1) A planning proposal must include provisions that encourage the provision of housing that will:</p>	<p>Consistent. Direction 6.1 is relevant to the RPP as the additional permitted use clause for residential flat building confirms the intended outcome to deliver housing. In the context of the site and locality, the yield facilitated by the RPP may be considered 'significant'.</p> <p>The RPP is consistent with Direction 6.1 as the RPP:</p> <ul style="list-style-type: none"> Broadens the choice of building types and locations available in the housing market. Specifically, the Issues Paper prepared within Council's draft Growth Management and Housing Strategy identified a shortfall in housing variety, particularly smaller, multi-dwelling products, such as apartments. The RPP provides primacy to residential flat building development by specifically nominating this land use as an additional permitted use. The inclusion of this land use type also enables opportunity for other housing tenures which are not identified within the Tweed LEP 2014, such as build-to-rent, further broadening housing choice. The RPP provides opportunity for apartment living within the precinct, which is otherwise not facilitated in this location by the Tweed LEP 2014. Maintains the existing framework ensuring development is of good design. (such as SEPP 65) and includes an additional local provision prescribing a DCP be prepared, inclusive of design principles drawn from an analysis of the site and context. Makes more efficiency use of existing infrastructure and services and reduces the consumption of land on the urban fringe. The subject site benefits from immediate essential services, including but not limited to

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

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

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

(d) be of good design.

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

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

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

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

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

6.2 Caravan Parks and Manufactured Home Estates

Objectives

The objectives of this direction are to:

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

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

Application

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

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

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

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

Direction 6.2

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

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

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

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

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

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

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

Focus area 7: Industry and Employment

7.1 Employment Zones

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

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

Not Applicable. This direction applies to Byron Shire Council

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

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

Focus area 8: Resources and Energy

8.1 Mining, Petroleum Production and Extractive Industries

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

	<ul style="list-style-type: none"> • Mining of coal or other minerals. • Production of petroleum, or winning or obtaining of extractive materials. <p>The RPP is also not identified as restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance.</p>
Focus area 9: Primary Production	
<p>9.1 Rural Zones</p> <p>Objective</p> <p>The objective of this direction is to protect the agricultural production value of rural land.</p> <p>Application</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>Direction (1)(a) applies to all relevant planning authorities.</p> <p>Direction 9.1</p> <p>(1) A planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, employment, mixed use, SP4 Enterprise, SP5 Metropolitan Centre, W4 Working Waterfront, village or tourist zone.</p> <p>Consistency</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy approved by the Planning Secretary which:</p> <p>i. gives consideration to the objectives of this direction, and</p> <p>ii. identifies the land which is the subject of the planning proposal (if the planning proposal</p>	<p>Consistent. Direction 9.1 is identified as relevant as the RPP affects land within an existing rural zone. Application of Direction 9.1 is confined to (1)(a) as the Tweed LGA is not listed within Direction(1)(b).</p> <p>The RPP is consistent with Direction 9.1(1)(a) as it does not seek to rezone the subject site to the identified zones, being:</p> <ul style="list-style-type: none"> • Residential • Employment • Mixed use • SP4 Enterprise • SP5 Metropolitan Centre. • W4 Working Waterfront. • Village. • Tourist <p>Notwithstanding the above, the RPP is underpinned by an Agricultural Land Assessment and Agricultural Capability Assessment which give consideration to the agricultural production value of the subject site, and nearby rural land. These assessments confirm the subject site holds minimal agricultural capability, both in food and fibre production, and economic output. Likewise, the subject site does not make a tangible contribution to, or dilute the wider value-add supply chain for agriculture.</p> <p>These assessments have confirmed the ability to mitigate land use conflicts between the use of the subject site and surrounding agriculture, ensuring that external impacts to farming capacity and capability does not occur.</p> <p>Acknowledging the limited agricultural potential of the site and the RPPs alignment with the provisions of the North Coast Regional Plan 2041, the subject site is identified as being of minor significance.</p>

relates to a particular site or sites), or

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

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

(d) is of minor significance.

9.2 Rural Lands

Objective

The objectives of this direction are to:

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

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

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

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

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

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

Application

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

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

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

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

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

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

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

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

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

Direction 9.2

(1) A planning proposal must:

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

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

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

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

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

(f) support farmers in exercising their right to farm

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

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

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

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

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

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

(c) where it is for rural residential purposes:

To Direction 9.2(1)(b), as identified within this RPP, Agriculture, Forestry and Fishing is identified as the 11th largest industry in the Tweed LGA by employment number. Whilst agriculture continues to form an important component of the Tweed economic and social composition, the subject site does not make a tangible contribution to the locality or LGAs primary production output. Specifically, the theoretical production of the subject site represents less than 0.015% of the value of agriculture within the Northern Rivers Statistical Area. Further, subject site does not influence the wider value-add supply chain for agriculture, or support the rural community. Accordingly, the loss of approximately 1% of SSF, has not been identified as limiting primary production and economic potential for the locale.

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

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

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

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

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

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

Consistency

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

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

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

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

(b) is of minor significance.

- The site also lacks any existing source of water for stock to drink, critical for welfare. To pursue agriculture, rainwater harvesting would be anticipated.

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

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

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

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

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

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

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

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

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

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

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

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

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

	<p>No existing rural infrastructure or enterprises have been identified as dependant on the subject site being farmed. As such, the RPP is not identified as having any impact on local rural industries, agriculture or food and fibre supply chains.</p> <p>To Direction 9.2(2)(c), the RPP is not for rural residential purposes, nor does the subject site adjoin rural residential land.</p> <p>In considering the above, the RPP is justifiably inconsistent with Direction 9.2 as the inconsistency is of minor significance.</p>
<p>9.3 Oyster Aquaculture</p>	<p>Not Applicable. The subject site is not identified as located within a 'Priority Oyster Aquaculture Area' or involve oyster aquaculture outside such an area as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy (2006).</p>
<p>9.4 Farmland of State and Regional Significance on the NSW Far North Coast</p> <p>Objectives</p> <p>The objectives of this direction are to:</p> <p>(a) ensure that the best agricultural land will be available for current and future generations to grow food and fibre,</p> <p>(b) provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and</p> <p>(c) reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.</p> <p>Application</p> <p>This direction applies when a relevant planning authority prepares a planning proposal for land within Ballina Shire, Byron Shire, Kyogle Shire, Lismore City, Richmond Valley and Tweed Shire local government areas, except land identified as "urban growth areas" mapped in the North Coast Regional Plan 2041 when preparing a planning proposal, that applies to land:</p> <p>(a) mapped as</p> <p>i. State significant farmland, or</p> <p>ii. regionally significant farmland, or</p>	<p>Justifiably Inconsistent. Direction 9.4 is of relevance to the RPP as the subject site is within the Tweed Shire LGA and the land is not identified within the 'urban growth area' mapped in the NCRP 2041.</p> <p>The RPP does not satisfy the provisions of Direction 9.4 the Intended Provisions include rezoning land, outside of the Urban Growth Area, identified as 'State Significant Farmland' (SSF) for 'urban' purposes, by way of the SP2 Infrastructure zone.</p> <p>Direction 9.4 establishes that a Planning Proposal may be inconsistent where the RPP is consistent with the NCRP 2041, or the Northern Rivers Farmland Protection Project – Final Recommendations, February 2005 (NRFPP). An assessment of the RPP against the objectives of Direction 9.4 and the NCRP 2041 is detailed as follows.</p> <p>As detailed throughout this RPP, the primary ongoing concern of the Cudgen Connection proposal has been the subject sites' identification as SSF.</p> <p>To realise the objectives of Direction 9.4, the NRFPP was prepared as a map-based resource to protect important farmland. Protection was primary afforded by guiding land use planning and avoiding land use conflicts with farmland. Specific to the subject site, the NRFPP identified contiguous areas, greater than 500ha+ in size, with high soil quality as SSF. Direction 9.4 and the NRFPP protect areas of SSF from urban development to facilitate future food and fibre production.</p>

iii. significant non-contiguous farmland,

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

(1) A planning proposal must not:

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

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

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

Consistency

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

(a) the North Coast Regional Plan 2041, or

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

The Cudgen Plateau is the only SSF area in the Tweed LGA and covers a 570ha extent

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

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

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

	<p>As per the assessment of Ministerial Direction 9.2, Agricultural Land Assessment and Agricultural Capability Assessment have assessed the site's ability for sustainable agricultural production, and its relationship to the wider Cudgen Plateau. These assessments confirm the subject site:</p> <ul style="list-style-type: none"> • Holds minimal agricultural capability, both in food and fibre production, and economic output by virtue of location, land size, soil conditions, topography and rural infrastructure limitations.. • Comprises a theoretical production less than 0.015% of the value of agriculture within the Northern Rivers Statistical Area. • Does not make a tangible contribution to, or dilute the wider value-add supply chain for agriculture in the locality or LGA. • Can be utilised for SP2 Infrastructure purposes without conflicting nearby farmland, promoting the ongoing viability of agriculture within the Cudgen Plateau and supporting the NSW Right to Farm Policy. <p>Acknowledging all of the above, within the current and foreseeable context, the subject site cannot be logically considered as the best agricultural land for current and future generations to grow food and fibre.</p> <p>Accordingly, the RPP is justifiably inconsistent with Direction 9.4 by consistency with the NCRP 2041.</p>
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Section C – Environmental, Social and Economic Impact

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

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

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

The subject site was identified as possessing small tracts of PCT 3004: Far North Bangalow Palm Swamp Forest regrowth, primarily along its northern boundary. In addition, a small patch (0.05 ha) of PCT 3987: Far North Floodplain Swamp Oak Paperbark Forest, is located on the subject site. Dominated by *Casuarina glauca*, which is a supplementary Koala food species, this is a small, isolated

fragment it is considered unlikely to support Koalas and no evidence of Koala use has been identified. The area of PCT 3987 does not align with Threatened Ecological Communities listed under the *Biodiversity Conservation Act 2016*. These 2x PCT areas are mapped within the BEA and the extent of PCT 3004 is also displayed on the Concept Masterplan. The site is otherwise void of significant ecological values.

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

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

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

Unlikely occurrence of the following fauna species was also concluded:

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

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

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

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

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

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

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

3.9.1 Bushfire

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

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

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

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

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

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

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

3.9.2 Surface and ground water

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

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

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

3.9.3 Contamination

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

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

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

3.9.4 Visual Impact

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

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

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

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

3.9.5 Flood Impact

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

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

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

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

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

3.9.6 Other Environmental Considerations

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

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

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

3.10.1 Effects on European or Aboriginal Cultural Heritage

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

Step 1: Will the activity disturb the ground surface?

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

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

Step 2a: Search of AHIMS Database

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.10.5 Identify the impact on existing retail centres

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

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

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

The Tweed Coast includes a strategic framework across multiple policy provisions which, amongst others, implement an objective for highly walkable communities through its urban structure. These objectives are delivered through identification of commercial opportunities through land use zonings at broadly 800m intervals along the Tweed Coast, and higher order uses being encouraged within primary activity nodes, such as Kingscliff and Casuarina Town Centres. The Kingscliff Town Centre functions as the highest order retail centre on the Tweed Coast. As identified within the Kingscliff Locality Plan the Town Centre contains 5.76ha of land zoned MU1 - Mixed Use, as well as additional opportunities for expansion adjoining the Town Centre on Lot 13 DP 871753. Current services include typical town centre businesses, such as a Shopping Village containing Woolworths supermarket, pubs, clubs and various food and drink offerings, specialty retail stores, cinema, offices, banks, and medical facilities.

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

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

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

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

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

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

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

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

3.10.7 Identify any proposed public benefits

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

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

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

Table 4. Summary of Health Service Shortfalls

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

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

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

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

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

Section D – Infrastructure (Local, State and Commonwealth)

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

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

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

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

3.11.1 Social and Community Infrastructure

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

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

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

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

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

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

3.11.2 Water & Sewer

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

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

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

3.11.3 Electrical & Telecommunications

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

3.11.4 Traffic

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

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

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

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

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

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

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

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

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

- A left-in turn lane and access from Tweed Coast Road.
- Installation of signalised intersection on Cudgen Road to facilitate access and egress to the subject site.
- Provision of public transport interchange infrastructure
- Provision of internal roads, pedestrian pathways, carparking and 'end-of-trip' facilities.

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

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

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

Section E – State and Commonwealth Interests

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

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

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

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

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

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

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

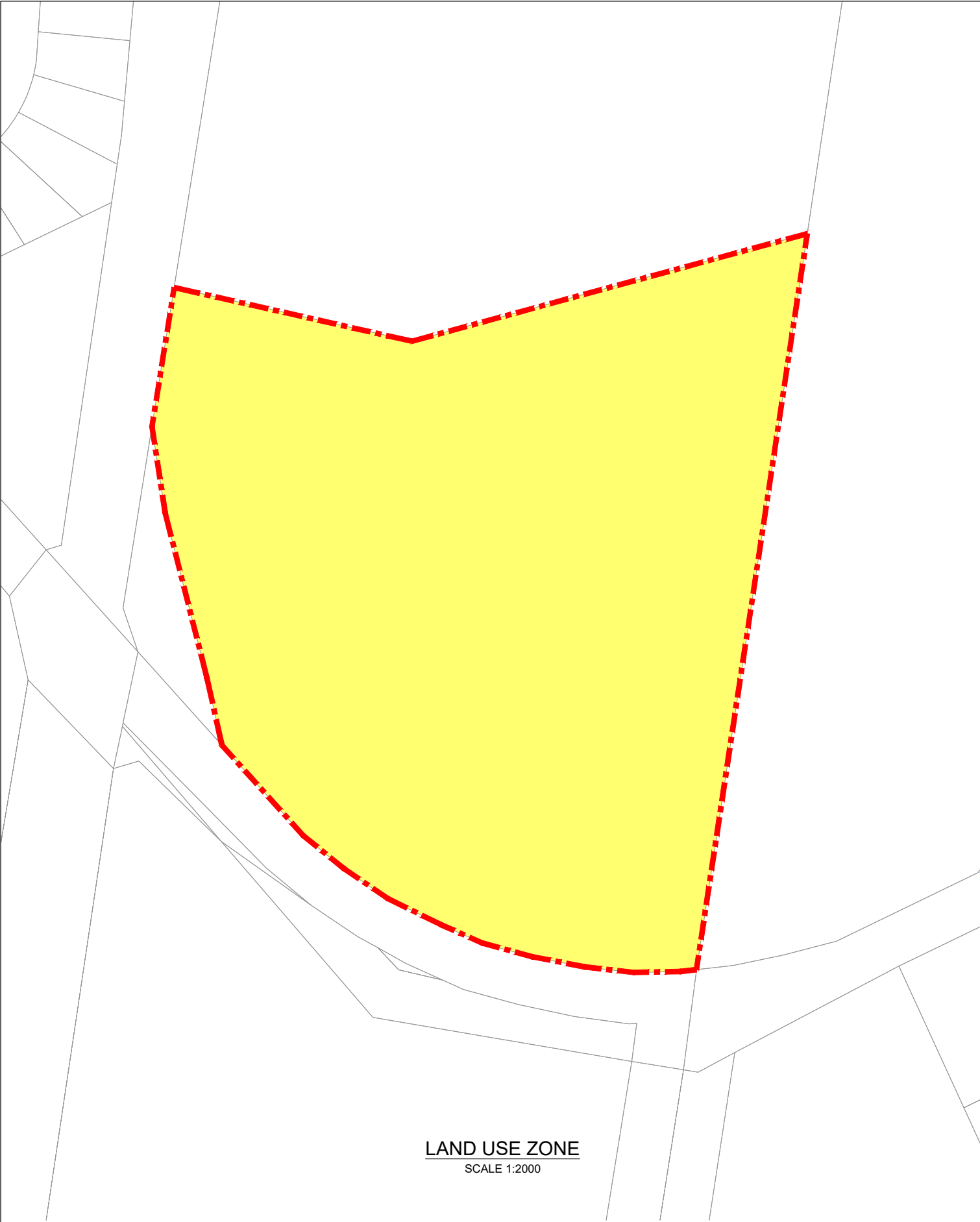
Part 4 – Maps

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

- Amend the Tweed LEP 2014 Land Zoning Map (Sheet LZN_023) as it relates to the subject site, from RU1 Primary Production to SP2 Infrastructure (Health Services Facility and Educational Establishment).
- Amend the Tweed LEP 2014 Height of Buildings Map (Sheet HOB_023) as it relates to the subject site, to remove the 10m maximum building height. Alternatively, amend the Tweed LEP 2014 Height of Buildings Map (Sheet HOB_023) as it relates to the subject site, from 10m to a maximum building height of 38m.
- Amend the Tweed LEP 2014 Lot Size Map (Sheet LSZ_023) as it relates to the subject site, to remove the 10ha minimum lot size.
- Amend the Tweed LEP 2014 Additional Permitted Uses Map (Sheet APU_023) to identify the subject site and identify the following land uses as permitted with development consent:
 - Commercial premises
 - Early education and care facility
 - Residential flat building
 - Hotel or Motel Accommodation
- Introduce a new Tweed LEP 2014 Key Sites Map (Sheet KYS_023) to identify the subject site as 'DCP Required'
- An additional local provision prescribing that no less than 75% of all dwellings approved on the subject site are to be managed together with a registered community housing provider, not-for-profit organisation, State agency, or similar for a period of no less than 25x years.

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

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

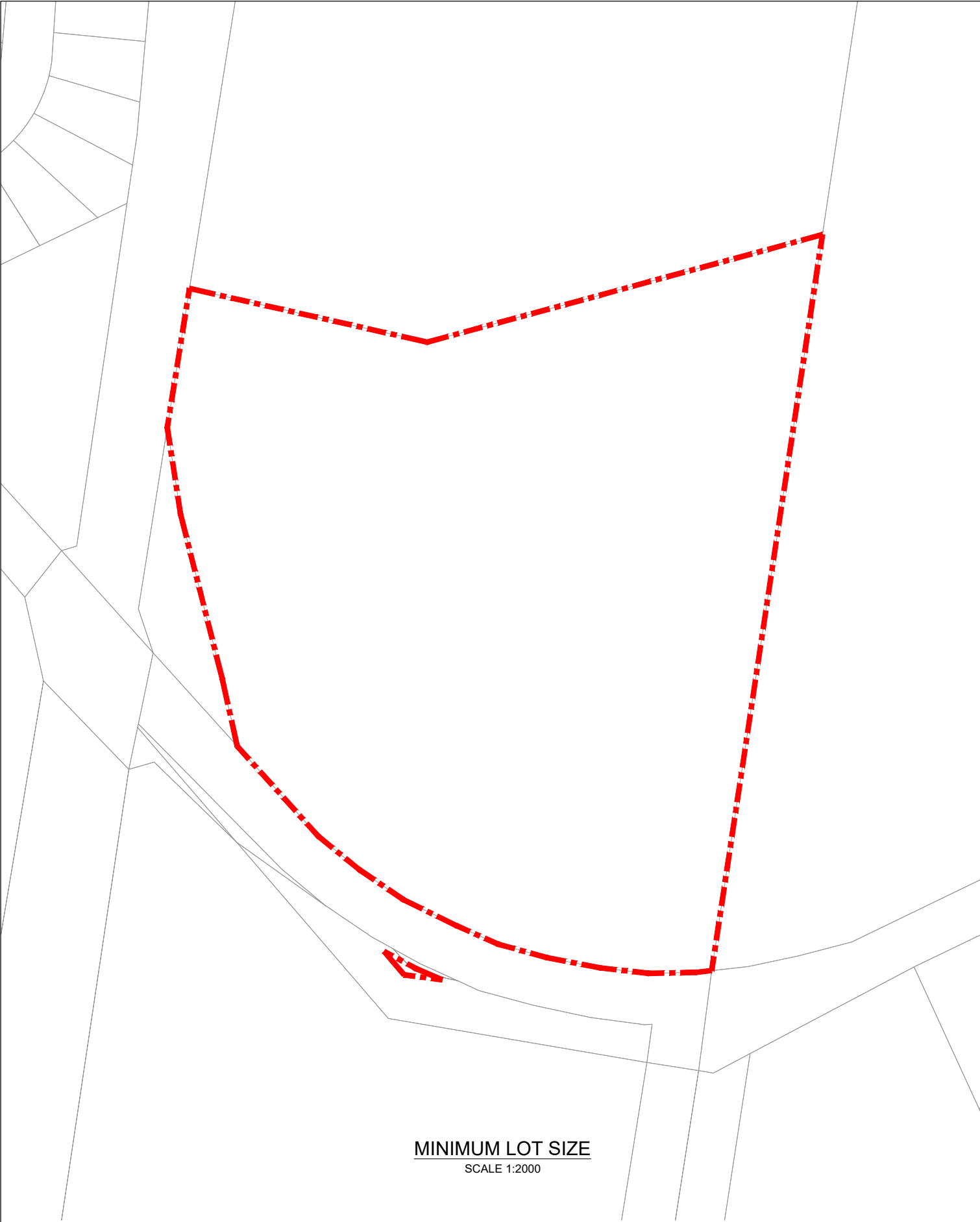


LAND USE ZONE
SCALE 1:2000


LEGEND:

 SP2 INFRASTRUCTURE - Health Services Facility and Educational Establishment

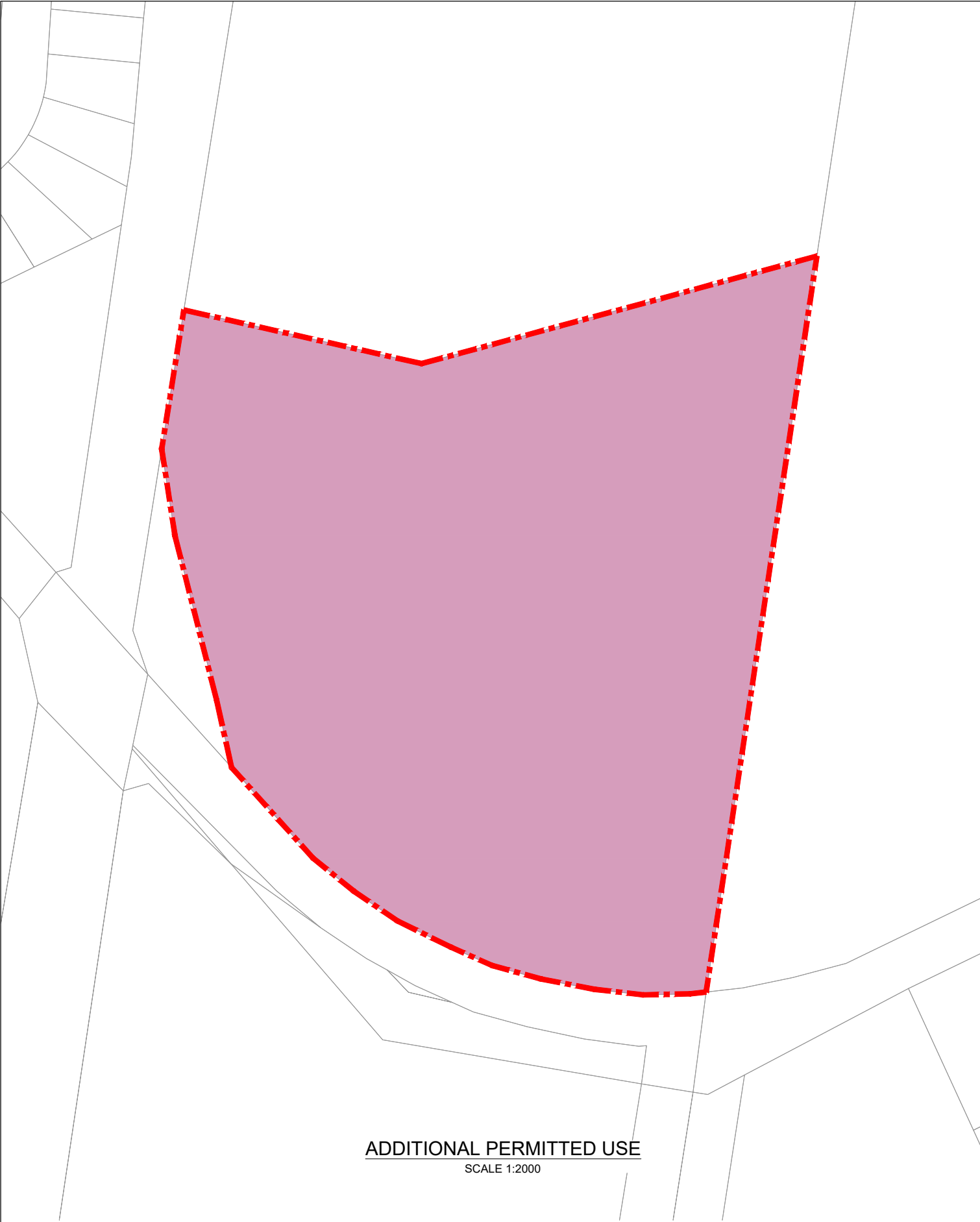
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							DRAWING TITLE: LAND USE ZONING
				DO NOT SCALE FROM DRAWING	administration@planitconsulting.com.au	LOCAL GOVERNMENT AUTHORITY: TWEED SHIRE COUNCIL	ORIGINAL SIZE: A4 PLANIT JOB No.: J7594 DRAWING No.: J7594-100-101 REV: 01



MINIMUM LOT SIZE
SCALE 1:2000


LEGEND:
 SUBJECT SITE

REV	DESCRIPTION	DATE	DRAWN	SCALES:	PLANIT CONSULTING	CLIENT:	PROJECT:
01	FOR INFORMATION	22/11/2023	AB	0 20 40 80 120 Full Size 1:2000 , Half Size 1:4000 Scale (m)	LEVEL 2, 11-13 PEARL STREET PO BOX 1623 KINGSCLIFF NSW 2487 PH: 02 6674 5001 ABN: 20 099 261 711	CUDGEN HEALTH PRECINCT	CUDGEN CONNECTION
							DRAWING TITLE: MINIMUM LOT SIZE
				DO NOT SCALE FROM DRAWING	administration@planitconsulting.com.au	LOCAL GOVERNMENT AUTHORITY: TWEED SHIRE COUNCIL	ORIGINAL SIZE: A4 PLANIT JOB No.: J7594 DRAWING No.: J7594-2001-01 REV: 01

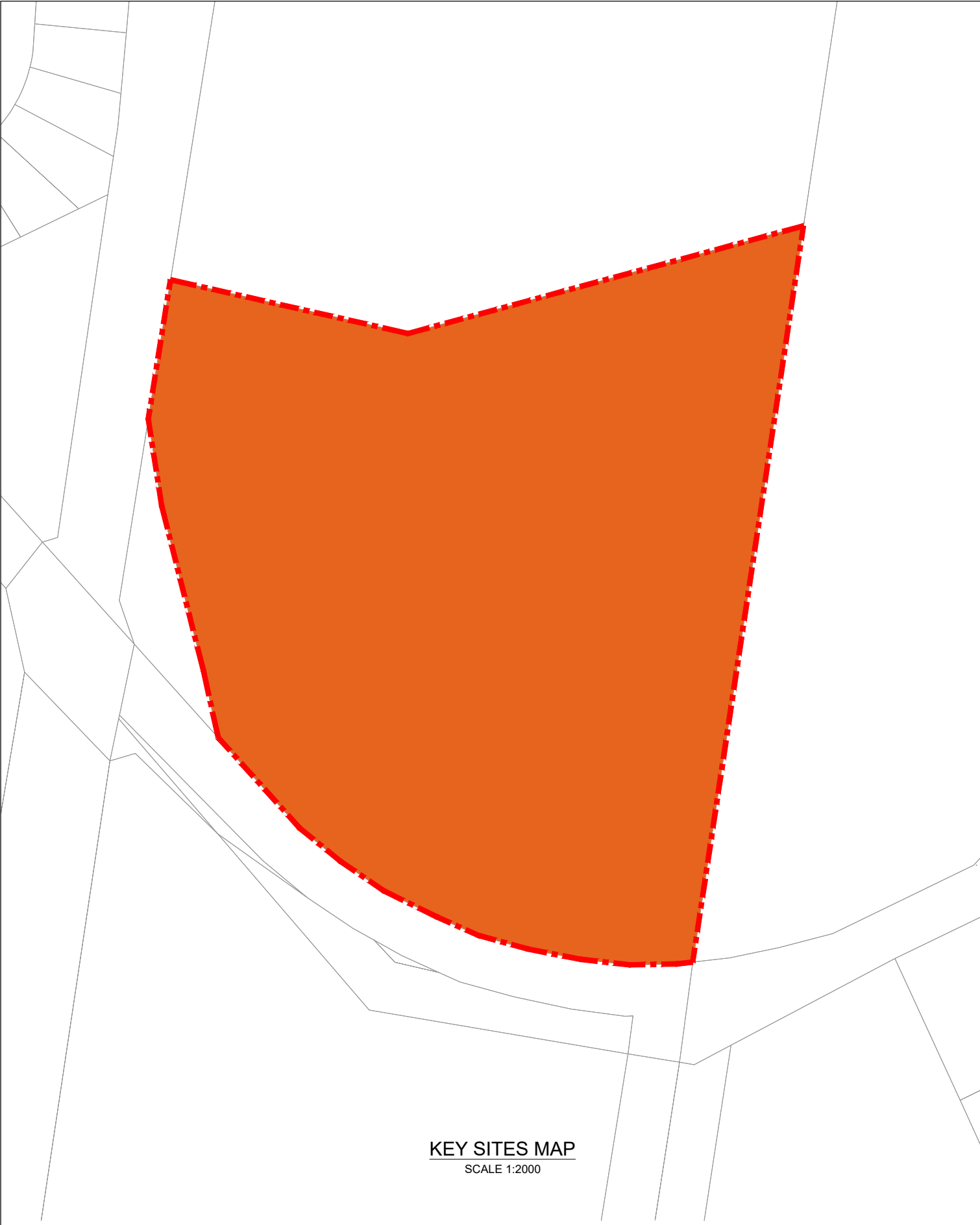


ADDITIONAL PERMITTED USE
SCALE 1:2000

LEGEND:


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- ADDITIONAL PERMITTED USES: Commercial Premises, Early Education and Care Facility, Residential Flat Building, Hotel or Motel Accommodation

REV	DESCRIPTION	DATE	DRAWN	SCALES:		<div>PLANIT CONSULTING</div> <div>LEVEL 2, 11-13 PEARL STREET</div> <div>PO BOX 1623</div> <div>KINGSCLIFF NSW 2487</div> <div>PH: 02 6674 5001</div> <div>ABN: 20 099 261 711</div> <div></div> <div>C O N S U L T I N G</div>	CLIENT:	PROJECT:
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								DRAWING TITLE:
								ADDITIONAL PERMITTED USE
				DO NOT SCALE FROM DRAWING		administration@planitconsulting.com.au	LOCAL GOVERNMENT AUTHORITY:	
							TWEED SHIRE COUNCIL	
							ORIGINAL SIZE:	PLANIT JOB No.:
							A4	J7594-5001-01
								DRAWING No.:
								REV:
								01



KEY SITES MAP
SCALE 1:2000

LEGEND:

 DCP REQUIRED

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

Part 5 – Community Consultation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Part 6 – Project Timeline

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

Table 5 – Indicative Project Timeline

Stage	Timeframe
Submission of Request for Planning Proposal	Week 0
Adequacy check	Weeks 0 - 2
Stage 1 Planning assessment and consideration by Council	Weeks 2 - 19
Council decision	Week 20
Gateway determination	Weeks 20 - 26
Pre-exhibition, including State agency consultation	Weeks 26 - 36
Commencement of public exhibition period.	Weeks 36 - 42
Close of public exhibition period	Week 42
Consideration of submissions, and Post-exhibition report	Weeks 42 - 46
Submission to the Department for finalisation (where applicable)	Week 47
Gazettal of LEP amendment	Weeks 47 - 56

Conclusion

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Finally, beyond the strategic and site-specific merit of the RPP, community engagement processes have demonstrated strong support for Cudgen Connection. A combination of independent and scientific polling, as well as more traditional community engagement methods have been pursued and formed similar results of majority support. The RPP forms a catalyst opportunity to assist the

growth of the Tweed LGA and provide critical infrastructure needed by the community. The community consultation results confirm that this outlook is shared by the broader community and accordingly the RPP warrants referral to NSW Department of Planning and Environment, to seek a Gateway determination at the earliest opportunity.



Cudgen Agricultural Land Suitability Assessment

Final Report

Tweed Shire Council

17 April 2024

→ The Power of Commitment



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Executive summary

GHD was engaged by Tweed Shire Council to undertake an assessment of the agricultural capability and sustainability of Lot 6 DP 727425 at 741 Cudgen Road in Cudgen, adjacent to the new Tweed Valley Hospital. Council received a planning proposal (rezoning application) for a large-scale development of the site including a private hospital, retail and essential workers' accommodation.

For Council, one of the important components of its assessment is the consistency of the proposal with the North Coast Regional Plan 2041 which includes as Objective No 8 to protect the region's Important Farmland, including this particular site. At the same time, the Regional Plan provides for Urban Growth Area Variation Principles, potentially enabling development of land mapped as Important Farmland if certain criteria are met. One of these criteria is "evidence base addressing agricultural capability and sustainability".

The site is approximately 5.69 hectares in area and is bounded by the new Tweed Valley Hospital to the east; Cudgen village to the west (across Tweed Coast Road); grazing land to the south (across Cudgen Road); and a timbered Swamp Forest parcel of land to the north. Its current land use is "idle agricultural land", with the site predominantly vegetated by improved and native pasture species which appears to have been slashed from time to time. Historical imagery since 1962 indicates that land use has varied from cropping (most likely sweet potatoes) to shade/glasshouse for horticulture/nursery use. It appears to have been idle since 2019.

The proposal site is mapped as State Significant Farmland. Tweed Shire LGA has approximately 17,000 hectares of mapped State and Regionally Significant Farmland. The proposal site represents 0.034% of the combined State and Regionally Significant farmland in the Shire.

There are numerous strategies, policies and plans at State, regional and Shire level that support the protection of significant agricultural land. However, the policies recognise that Significant Farmland mapping is not an absolute constraint to future strategic urban development so long as new urban settlement strategies consider the impact of the removal of agricultural land.

While the proposal site is mapped as Significant Farmland, close inspection and analysis of the infrastructure, land use, topography and soils that reflect the agricultural capability and sustainability of the site suggest that its future economic viability for agricultural production is unlikely or marginal for a range of enterprises. The only enterprise type that was assessed as being potentially viable as an agricultural enterprise was non-soil-based horticulture (i.e. shade/glasshouse production).

Agriculture as a contributor to the economic and social outcomes in the Tweed Shire has been in relative decline compared to other sectors over recent years. Abandoned perennial horticulture now represents 2,685 hectares within the Shire (2.0% of total land); the agriculture sector has 896 employees which comprises 2.7% of total employment in the LGA, and ranks thirteenth out of the 20 sectors listed; the economic contribution of the agricultural industry ranked 15 out of 19 industries in the Shire.

The site is constrained for expansion of agricultural production because of its proximity to the Tweed Valley Hospital to the east, Cudgen village to the west, and Wetland Forest to the north. Cudgen Road and Tweed Coast Road are busy vehicle thoroughfares on the southern and western boundaries. As such, the site has the shape of an "intrusion" north of Cudgen Road and thus could be considered to be a candidate of a minor "rounding-off" when planning for future urban variation.

The following table presents a summary of this assessment for agricultural capability and sustainability, including consideration of the wider importance of agriculture to the area and its resource needs.

Matters	GHD analysis for agricultural capability and sustainability of the proposal area
Location, extent and type of agriculture	<p>The proposal site on the fertile Cudgen plateau is mapped as State Significant Farmland and as such there is a range of government policies that aim to protect such lands for sustainable agricultural industries that may be important currently or in the future, thereby keeping land options open for new crops and farming methods.</p> <p>The proposal site land is currently idle with no agricultural production occurring. Historical images of the site since 1962 show that agricultural land use has declined over that period.</p>

Matters	GHD analysis for agricultural capability and sustainability of the proposal area
	<p>The total area of the site is approximately 5.7 hectares, or 0.034% of the combined State and Regionally Significant Farmland in the Tweed Shire, and as such it represents only a small extent of agriculture in the Shire.</p> <p>The land is surrounded on three sides by non-agricultural land and could be considered to be an “intrusion” north of Cudgen Road.</p>
Biophysical advantages for agriculture	<p>Lot-scale analysis of Land and Soil Capability indicates that the proposal site has moderate to high limitations for sustaining high impact land uses such as cropping (see Section 2 and Section 3.2). These constraints include the slope of the site being quite severe which is problematic as the steep contours are impassable to the majority of machinery limiting the arable area of an already small site. Soil testing results show that the soil physical and chemical properties are not suited to high productivity agriculture.</p> <p>The proposal site therefore does not exhibit a high degree of biophysical advantages for agriculture.</p>
Economic contribution of agriculture	<p>The gross value of agricultural production (GVAP) from the Tweed Shire Council LGA was over \$97 million in 2020-21, with broadacre cropping (mainly sugarcane) accounted for 37% of GVAP.</p> <p>The “value added” economic contribution of all industries in the Tweed Shire in 2021-22 was \$3,625 million of which the Agriculture, Forestry and Fishing industry had a value add total of \$107.2 million (about 3%). The Agriculture, Forestry and Fishing industry ranked 15 out of 19 industries on total value add in Tweed Shire in 2020-21 (see Table 4.4).</p> <p>The agriculture, forestry, and fishing sector had 896 employees in 2021-22 representing 2.7% of total employment in the LGA, ranking thirteenth out of the 20 sectors listed. First in the employment sector ranking is the healthcare and social assistance sector with 6,472 employees comprising 19% of total employment in the LGA (Table 4.3).</p> <p>The “abandoned perennial horticulture” category of land use was 2,685 hectares in 2020-21 (see Table 3.1) which is perhaps an indication of the relative decline in the economic contribution of agriculture in the Shire.</p> <p>The current “idle” agricultural land use means that the site has limited if any economic contribution to the declining economic contribution of agriculture in the Shire.</p>
Infrastructure, services and resources established to support agriculture and the flow on economic and social contributions	<p>The “value added” economic metric of an industry is an indicator how productive each industry sector is at increasing the value of its inputs. As described above, the gross value of agricultural production (GVAP) from the Tweed Shire LGA was about \$97 million in 2020-21 with a value add total of \$107.2 million. This relatively marginal increase from gross value to value add reflects that agriculture has relatively high levels of output but requires large amounts of input expenditure to achieve that output.</p> <p>For social contributions see the discussion on employment in the agriculture sector above.</p> <p>The proposal site of 5.7 hectares (or 0.04% of the RU1 Primary Production zoned land in the Shire) provides negligible infrastructure, services and resources to support agriculture and the flow on economic and social contributions to the Shire.</p>
Value adding enterprises that are supported by agricultural producers	<p>In theory, an increase in agribusiness opportunities through diversification and value-adding can provide significant economic benefits to farm businesses, industry and the community. Value adding enterprises can range from relatively simple options (e.g. roadside stalls selling produce) to manufacturing products, with all having different investment risks that impact on economic viability.</p> <p>The history of land use at the proposal site indicates there may have been an attempt(s) to value add production around 2017 with activities associated with a small shade/glass house enterprise, but it appears this enterprise did not persist as the land became idle from an agricultural production perspective from 2019 onwards.</p> <p>The risks for value added industries is recognised in the National Farmers Federation (NFF) 2030 Roadmap, including the fact that fragmented sources of public and private investment have no coordinating strategy at the regional level.</p> <p>The small land area of the proposal site combined with the constraints of being adjacent to the Tweed Valley Hospital to the east and Cudgen village to the west mean that it is an unlikely candidate for inclusion in a broader, co-ordinated value-added network.</p>
Trends in agriculture such as intensification, increase in scale, tenure, employment and changes in technology	<p>In 2005, agriculture was the region’s third largest employer and exporter and fourth highest contributor to gross regional production (Northern Rivers Farmland Protection Project 2005). In 2021-22, the agriculture sector ranked thirteenth in employment numbers of industries in the Shire (Table 4.3).</p> <p>While there are examples of intensification, increase in scale, tenure, employment and changes in technology in agriculture to boost productivity in different locations around</p>

Matters	GHD analysis for agricultural capability and sustainability of the proposal area
	Australia, examples tend to be site or location specific and such opportunities that are both sustainable and economically viable do not appear to be available for the proposal site.
Future agricultural industry development needs	<p>The Tweed Sustainable Agriculture Strategy 2016 recognises the importance of agriculture to the region and wants to see an innovative and adaptable farming community that can deal with threats such as pests, weeds and climate change and be able to take advantage of opportunities such as new farming techniques and market opportunities.</p> <p>This general future outlook is applicable to agricultural development on a Shire-wide basis. However, for specific small areas of rural land that could be considered as “intrusions” into areas of non-agricultural use, it is unlikely that these small, isolated areas are an essential feature of future agricultural development within the Shire.</p>
Factors required to retain or expand local food production	<p>While the Tweed Sustainable Agriculture Strategy (2016) states there is a growing market for locally grown, good quality, organic and sustainably produced food, to be tapped into by growers and retailers, there is little evidence of the retention or expansion of local food production at the proposal site. In fact, the history of land use at the proposal site indicates a decline in production over time, with the land being unused for agriculture since 2019.</p> <p>Factors impacting on local food production are complex and impacted by the demand/supply elements within a market economy. Recent evidence shows that the higher cost of living has resulted in a growing segment of shoppers buying only essentials, with the outcome being “it’s nice to go to the farmers’ market or the farm gate but it’s not an essential”.</p> <p>Any expansion of local food production in the Shire is unlikely to be dependent on any future food production at the proposal site, with prospective agricultural enterprises being marginal from an economic viability perspective.</p>
Factors required to protect environmental assets and catchment water quality.	<p>The intense competition for land resources in Australia has resulted in continued declines in the amount and condition of our land-based natural capital – native vegetation, soil and biodiversity – which deliver essential ecosystem services. Reversing this trend requires proactive development planning.</p> <p>The current “idle” agricultural land use at the proposal site will not protect environmental assets and catchment water quality unless it is actively managed. A sustainable agricultural enterprise at the site could protect its environmental assets, but the likelihood of an economically viable agricultural enterprise is marginal.</p> <p>For any future non-agricultural land use, a proposal must include provisions to ensure the protection of environmental assets and catchment water quality.</p>

Recommendation

While the proposal site is mapped as State Significant Farmland, its future use as a site for ecologically sustainable and economically viable agriculture is constrained by challenging infrastructure, soil and topographic features. The site’s current “idle” agricultural land use and lack of active management means that it is not currently contributing to the agricultural and wider economy of the Shire, and nor is it contributing to the protection of environmental assets.

In recognition of the above, the site appears to be a potential candidate for consideration as a new urban area as it forms a minor ‘rounding-off’ on the edge of adjacent non-agricultural land use zones.

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1 Introduction

1.1 Background

GHD was engaged by Tweed Shire Council (TSC) to undertake an assessment of a particular land parcel in the Tweed Shire, in order to provide technical advice as to whether the site has demonstrated capability to sustain “Sustainable Agricultural Production” as identified within the NSW North Coast Regional Plan 2041 (p.36).

Tweed Shire Council received a planning proposal (rezoning application) for a large-scale development including a private hospital, retail and essential workers’ accommodation on land identified as Lot 6 DP 727425 at 741 Cudgen Road in Cudgen, adjacent to the new Tweed Valley Hospital.

Council is now in the process of assessing the planning proposal request. One of the important components of this assessment is the consistency of the proposal with the North Coast Regional Plan 2041 which includes as Objective No 8 to protect the region’s Important Farmland, including this particular site. At the same time, the Regional Plan provides for Urban Growth Area Variation Principles, potentially enabling development of land mapped as Important Farmland if certain criteria are met. One of these criteria is “evidence base addressing agricultural capability and sustainability”.

In completing an assessment for agricultural capability and sustainability it is important to not only consider the potential of the land to support sustainable agricultural production, but also consider the wider importance of agriculture to the area and its resource needs. As such, the following matters should be considered:

1. location, extent and type of agriculture
2. biophysical advantages for agriculture
3. economic contribution of agriculture
4. infrastructure, services and resources established to support agriculture and the flow on economic and social contributions
5. value adding enterprises that are supported by agricultural producers
6. trends in agriculture such as intensification, increase in scale, tenure, employment and changes in technology
7. future agricultural industry development needs
8. factors required to retain or expand local food production
9. factors required to protect environmental assets and catchment water quality.

1.2 Methodology

GHD completed the following tasks in undertaking this agricultural assessment:

1. Site inspection: a GHD consultant inspected the site on Thursday 7 March 2024, accompanied by a TSC staff member. The site inspection included walking over the extent of the land parcel and observing soil types in a number of locations. Land uses on land parcels surrounding the site were also observed. Photos were taken during the inspection and are included throughout the report as evidence.
2. Desktop analysis: GHD obtained statistical and mapping information on agricultural production, resources and economics of the site and surrounds within the Tweed Shire from publicly available sources and from TSC. In addition, various agricultural assessment and other reports were made available by TSC for GHD’s reference. Significant reference reports included:
 - a. Gilbert & Sutherland Pty Ltd (November 2023). *Agricultural Land Assessment, ‘Cudgen Connection’ 741 Cudgen Road.*
 - b. Pinnacle Agriculture (2023). *Cudgen Agricultural Capacity Report.*

- c. Planit Consulting Pty Ltd (December 2023). *Concept Masterplan & Strategic Planning Imperative Cudgen Connection*.
3. Data synthesis and analysis.
4. Reporting.

1.2.1 Context for consideration of alternative uses of the site

This report will be used to guide Tweed Shire Council's assessment of any proposed alternative land use or rezoning at the site, with consideration assessed predominantly against the principles associated with an Urban Growth Area (UGA) variation, with particular recognition of its State Significant Farmland mapping status which has the aim of protecting important farmland from urban and rural residential development.

As such, any change in land use will need to address the following Section 9.1 Directions within the *Environmental Planning and Assessment Act 1979* (previously section 117(2)) which includes section 5.3 Farmland of State and Regional Significance on the NSW Far North Coast (including in Tweed Shire LGA), with the objectives of this direction being:

- To ensure that the best agricultural land will be available for current and future generations to grow food and fibre.
- To provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning.
- To reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.

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

- The North Coast Regional Plan, or
- Section 7 of the report titled Northern Rivers Farmland Protection Project – Final Recommendations, February 2005, held by the Department of Planning and Environment.

The finalised North Coast Regional Plan 2041 (NCRP) was released in December 2022 and is the updated plan which sets a 20-year strategic land use planning framework for the region. The NCRP includes in Appendix B Urban Growth Area Variation Principles which this agricultural assessment addresses in Section 7.

The Northern Rivers Farmland Protection Project states on page 27 that State and Regionally Significant Farmland mapping is not an absolute constraint to future strategic urban development. However, councils when preparing new urban settlement strategies can consider State and Regionally significant farmland for future urban use if all of the following apply:

- The proposed new urban area or use would form a minor 'rounding-off' on the edge of an urban centre which would make good planning sense given the nature of the locality.
- It would be adjacent or close to an existing zoned urban area.
- It would not significantly undermine the integrity of a regionally significant farmland area by creating wedges or spikes of urban development.
- It would not compromise local or regional agricultural potential by alienating agricultural infrastructure or agricultural transport routes, or decreasing 'critical mass' for any existing agricultural industry.
- It would not create impacts which would compromise the agricultural use of nearby regionally significant land.
- It would not be located in an area where there was an identified risk of land use conflict near an existing agricultural enterprise.
- It would not involve filling part of a floodplain unless consistent with a floodplain management plan prepared in accordance with the Floodplain Management Manual.

This agricultural land assessment report includes a detailed examination of the agricultural capability of the site and an analysis of the removal of the agricultural land against each of the above criteria.

1.3 Scope and limitations

This report has been prepared by GHD for the Tweed Shire Council and may only be used and relied on by the Tweed Shire Council for the purpose agreed between GHD and Tweed Shire Council as set out in this report.

GHD otherwise disclaims responsibility to any person other than the Tweed Shire Council arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report (refer Section 1.4 of this report). GHD disclaims liability arising from any of the assumptions being incorrect.

1.4 Assumptions

This analysis has relied on data as referenced in the following sections. This data includes but is not limited to Council, State Government GIS data, information and studies which are publicly available.

This report is subject to, and must be read in conjunction with, the limitations set out and the assumptions and qualifications contained throughout the report.

2 Site characteristics – inspection

This section includes a description of the site based on direct observation by GHD (section 2.1). A range of photos taken during the site inspection is provided in Appendix A to assist the description.

Additional descriptions of the site are sourced from the reports of Gilbert & Sutherland Pty Ltd (November 2023) and Pinnacle Agriculture (2023).

A broader description of agricultural production and the agricultural economy within the Shire, and the status of the proposal site within this broader context is provided in Section 3 below.

2.1 GHD observation

A site inspection was undertaken on 7 March 2024 to visually assess the site's current land use and agricultural capability.

The site is approximately 5.69 hectares in area and is bounded by the new Tweed Valley Hospital to the east; Cudgen village to the west (across Tweed Coast Road); grazing land to the south (across Cudgen Road); and a timbered Swamp Forest parcel of land to the north (Figure 2.1).

Note that the cadastral boundary includes a small sliver of land south of Cudgen Road, however GHD has not included this sliver in the statistical analyses and commentary in this report. GHD understands that this sliver of land will be incorporated into an adjoining lot by way of a boundary adjustment if the proposal is successful.

2.1.1 Infrastructure

The site has virtually no infrastructure of agricultural significance. There is no fencing suitable for the containment of livestock, no livestock yards or watering facilities, and no irrigation facilities.

There is a house and sheds in the southeast corner of the site and it is assumed there is a connection to electricity and town water supply. Some additional small sheds of unknown purpose are located along the eastern boundary and are likely to be a legacy of some previous land use.

2.1.2 Current land use

The current land use could best be described as idle agricultural land. The site is vegetated by a range of grass, legume and weed species which have grown tall and rank. There is a row of mature trees (Cocos palms) along the western boundary, and other mature trees along the northern boundary and towards the eastern edge of the site (see photos). It appears there has been no agricultural land use in the recent past. There is also a dwelling house towards the southeast of the site.

2.1.3 Topography and soils

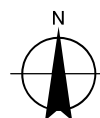
The site has a moderate downward slope towards the north. There are several drainage lines and contour banks that were likely a feature of some past cropping/horticulture activities.

Surface soils were visually assessed to a depth of approximately 10 centimetres at five locations that coincide with the Unique Mapping Areas (UMA) described by Gilbert and Sutherland (2023) as UMA 1 to UMA 5 (p. 51). The soils across the site are the typical red volcanic soils characteristic of soils on the Cudgen plateau. Some of the soil samples on the eastern side of the site contained stony pebbles, but it is likely these are a feature of a past development (e.g. access road) that no longer exists. See photos in Appendix A.



Paper Size ISO A4
0 10 20 30 40
Metres

Map Projection: Transverse Mercator
Horizontal Datum: GDA2020
Grid: GDA2020 MGA Zone 56



Tweed Shire Council
Cudgen Land Suitability
Agricultural Impact Assessment

Project No. **12634173**
Revision No. **A**
Date **19/03/2024**

Site Overview

FIGURE 2.1

2.1.4 Agricultural capability and sustainability

Based on visual inspection, soils on the majority of the land are the typical red volcanic soils characteristic of soils on the Cudgen plateau. However, the site is segmented by drains and contours and thus does not present as a contiguous parcel of land for efficient agricultural production. While the land on the site may be capable of sustaining a range of agricultural land uses, the likelihood of investment to realise such land uses depends on many factors which are analysed more fully in Table 2.2 below.

2.2 Additional observation and studies

The characteristics of the site described above have also been reviewed in in-depth studies in the reports by Gilbert & Sutherland and Pinnacle Agriculture. A summary of their main conclusions for each of the characteristics at the site are shown in Table 2.1.

Table 2.1 Site characteristics from additional studies

Characteristic	Gilbert & Sutherland	Pinnacle Agriculture
Infrastructure	Mostly devoid of infrastructure, with the exception of buildings in the south-east corner of the block, a shed and concrete slab along the eastern boundary and a small shed in the north-east corner. It also appears that the centre of the site has historically been cut and filled to create level pads in the lower slope of the site.	The site lacks key infrastructure for maintaining livestock, including yards for loading/unloading as well as husbandry procedures. The site also lacks any source of water for stock to drink.
Land use	Vegetation is a mix of native and improved pastures, characterised by open grazing lands, gently inclined toward the south. Cocos palms line the southern and western boundary to buffer the road. A review of historical aerial imagery (1962-2020) indicates the following land uses: 1962 – 1987: cropping/horticulture 1989 – 2010: small shade/glass house 2016: small crop area 2017: small shade/glass house 2019 – 2020: idle	Dominant ground cover is short, vegetative sub tropical grass species, the majority of the site has been slashed. Areas of the site that have not been slashed due to excessive slope or accessibility issues contain established wild cotton bush, sub tropical grasses going to seed, pine saplings, fire weed, fleabane, sugar cane and other weed species.
Topography and soils	The elevation of the property is gently rising, with relative level (RL) ranging from 2.0 to 18.0 metres Australian Height Datum (m AHD). The site's slopes are gently inclined (3-10%). There is a watercourse to the north of the site with potential flow to the agricultural drains and eventually discharge into the Coastal Wetland area to the north. The soils are dominated by deep (>100 cm), well-drained Kraznozems.	The slope of the site is quite severe which is problematic as the steep contours are impassable to the majority of machinery limiting the arable area of an already small site. Soil testing results show that the soil physical and chemical properties are not suited to high productivity agriculture.
Agricultural capability and sustainability	The use of this land for farming purposes is impracticable due to: <ul style="list-style-type: none"> • The area of land suitable for farming being too small (ha). The site has an area of 5.7 hectares (ha) of which 2.06 ha is useable for arable purposes. • The agricultural use of this land will lead to a land use conflict between the agricultural user and the adjacent urban areas. • The site is separated from the adjacent farming land by roads that severely restrict vehicles from crossing the road (to the proposal site), projected to intensify in the future as road upgrades are completed. 	The site is not currently set up for modern agriculture (i.e. slope gradient, soil quality, water sources, infrastructure, access ways etc). To prepare the site would require significant capital investment, and based on the production potential, this outlay would not be recouped within any kind of reasonable period.

2.3 Alternative agricultural land uses

While the site is currently not used for agricultural production, there is a possibility that it could be developed for a range of agricultural enterprises permitted with or without consent in the RU1 zone. Table 2.2 is a selection of potential agricultural enterprises and GHD's qualitative assessment of the likelihood that each enterprise would be both sustainable (farming within the land's capability, to conserve natural resources such as soil and water that are essential for productive and viable agriculture without causing permanent damage) and economically viable (producing a return on investment that is likely to be attractive to an investor. Likelihood is assessed as either unlikely, marginal and possible.

GHD concludes that all enterprise types are either unlikely or marginal except for a non-soil based shade/glasshouse option. This latter option however would need to be carefully considered by an investor given the high establishment costs required and uncertain yields and prices for the chosen crops.

Table 2.2 *Qualitative assessment of potential agricultural enterprises*

Enterprise	Sustainability	Economic viability	Likelihood
Beef cattle production (extensive)	<p>While the land is suitable for grazing of beef cattle, it does not have essential infrastructure for livestock management – fencing (boundary and internal), yards, drinking water etc.</p> <p>The lack of essential infrastructure means that the site is not suitable as an additional area of grazing land for an established beef cattle operation elsewhere in the region.</p> <p>The location of Cudgen Road and Tweed Coast Road on the southern and western boundaries with their busy traffic flows means that droving of cattle to alternative locations is problematic.</p>	<p>The cost of providing the necessary infrastructure would be substantial.</p> <p>The small size of the site means it is not possible to capture economies of scale.</p>	Unlikely
Intensive cattle production (e.g. feedlot or dairy).	<p>While the land not required for feedlot/dairy infrastructure is suitable for grazing, the infrastructure required for yards and buildings would drastically reduce the grazing area available.</p> <p>Land use conflict on adjoining land would be considerable (odour, noise) due to the inability to provide sufficient buffers.</p>	<p>There would be high development costs and an inability to capture economies of scale.</p>	Unlikely
Rainfed cropping (sweet potatoes)	<p>The most suitable rainfed (no irrigation required) crop in the area would be for sweet potatoes. This enterprise is a common feature on agricultural land on the Cudgen plateau.</p> <p>The slope of the land, contour banks and drainage channels limits the extent to which cropping/harvesting machinery can effectively operate on the site to the southern half of the property.</p> <p>The land could be leased or share farmed by a cropping farmer in the locality.</p> <p>Pinnacle Agriculture considers that the site yield is very limited due to the size, soil quality, restriction on chemical use and site gradients,</p>	<p>Pinnacle Agriculture's economic analysis showed that the site may breakeven based on gross profit but excluding all fixed costs & initial capital outlay.</p>	Marginal
Irrigated cropping (sugar cane)	<p>The site has similar sustainability issues as above limiting the potential size of the land available to approximately half of the total area. Even and graded topography of the landform is essential for efficient cultivation and harvesting. In addition there is an unknown source and volume of irrigation water availability.</p>	<p>Similar to the above but with reduced viability because of additional irrigation infrastructure required.</p>	Unlikely

Enterprise	Sustainability	Economic viability	Likelihood
Horticulture – soil based (vegetables)	Similar to the issues for irrigated cropping, including the unknown source and volume of irrigation water availability.	Similar economic viability to the above with added negative impact of extensive soil amelioration that would reduce return on investment.	Marginal
Horticulture – non-soil based (shade/glasshouse)	<p>The sloping topography would limit the location of potential structures and likely result in a format that could include a number of non-contiguous structures.</p> <p>Past shade/glasshouse structures on the site have been restricted to a small extent across the site – Gilbert and Sutherland historical aerial imagery for 1989 – 2010: small shade/glass house, and 2017: small shade/glass house.</p> <p>Unknown source and volume of irrigation water availability.</p> <p>Potential land use conflict with surrounding land uses but unlikely to differ to potential conflict and mitigation requirements for the proposed large-scale development including a private hospital, retail and essential workers' accommodation.</p>	<p>The infrastructure costs for construction of appropriate configuration of shade/glasshouses would be high.</p> <p>Crop selection that would enable suitable crop yields at appropriate prices for produce would need to be carefully considered.</p> <p>The fact that past shade/glasshouse ventures have ceased is an indicator of the potential unlikely viability.</p>	Possible

3 Site and LGA characteristics – mapping

The following section provides an overview of the agricultural capability and production at the site and for the broader Tweed Shire LGA based on analysis of various mapping and statistical datasets.

A disadvantage of landscape soils mapping is its broad scale (1:100,000) with a consequence being that the minimum mappable area is 40 hectares. In general, such maps are prepared for regional planning purposes and may not necessarily be accurate at the property scale. It is possible that there will be some inclusions of lower quality lands and therefore some degree of boundary verification will be necessary in assisting councils to overcome these limitations when defining boundaries for future settlement strategies (Northern Rivers Farmland Protection Project 2015, p. 29).

As such, the more detailed individual property scale review of agricultural capability and sustainability provided in section 2 above is considered to be more accurate than the broader scale mapping results presented in this section.

Note also that Tweed Shire LGA land area totals in the various tables in this report do not always exactly match because of slight differences in cadastral boundaries, especially on the border between the Tweed Shire LGA and Queensland.

3.1 Land use

A summary of the main land uses within the Tweed Shire LGA and on the proposal site is provided in Table 3.1.

The LGA has an area of 132,681 hectares with national parks and natural environments (native vegetation) (25% of total land use), and livestock grazing on native and modified pastures (33% of total land use) being the predominant land uses. Sugarcane and perennial and seasonal horticulture comprise 7% and 1.5% of the land area respectively.

Land classified as “abandoned perennial horticulture” comprises 2% of the total land area. The reason for the abandonment of perennial horticulture has not been investigated, although one possibility could be due to increasing costs of production on relatively small horticultural areas of land within the Tweed Shire LGA resulting in an inability to capture economies of scale compared to more favoured horticultural regions. Also, underutilisation of prime agricultural land because of speculative purchasing for potential future residential use could be a factor (Tweed Sustainable Agriculture Strategy, 2016).

Mapped land use of the proposal site is significantly different from the Shire-wide land use, with the uses associated with more intensive forms of agricultural production, i.e. grazing of modified pastures and a number of horticultural land uses (see Table 3.1 and Figure 3.1).

While the mapped land use signifies more intensive forms of agricultural production, this contrasts with the current land use as described in section 2 above, namely zero agricultural production.

Table 3.1 Land use Tweed Shire LGA and Proposal Site

Landuse 2017	Tweed Shire LGA		Site	
	Area (ha)	%	Area (ha)	%
National Parks and Conservation	21,219	16.1%		
Residual native vegetation	24,187	18.4%		
Native and plantation forests	1,214	0.9%		
Grazing native vegetation	19,382	14.7%		
Grazing modified pastures	24,499	18.6%	2.62	46.2%
Sugar cane	9,427	7.2%		
Other cropping	248	0.2%		
Perennial horticulture	1,631	1.2%	0.66	11.6%
Seasonal horticulture	431	0.3%	0.47	8.3%
Abandoned perennial horticulture	2,685	2.0%		
Irrigated pastures	408	0.3%		
Irrigated vegetables and turf farming	17	0.01%		
Intensive horticulture, glasshouses and shadehouses	110	0.1%	1.78	31.3%
Intensive livestock – dairies, piggeries etc.	150	0.1%		
Factories	179	0.1%		
Urban and other residential	16,225	12.3%		
Services – roads, railways etc.	4,423	3.4%	0.15	2.6%
Reservoirs, lakes, rivers etc.	5,247	4.0%		
Total	131,681	100%	5.69	100%

Source: State Government of NSW and Department of Planning and Environment (2019) - Landuse Mapping for NSW 2017

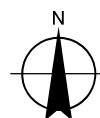
* Some land use categories have been grouped together where the individual land areas are relatively small.



- Legend**
- Roads
 - 3.2.0 Grazing modified pastures
 - 3.4.0 Perennial horticulture
 - 3.4.1 Tree fruits
 - 3.5.3 Seasonal vegetables and herbs
 - 4.4.7 Irrigated perennial vegetables and herbs
 - 5.1.0 Intensive horticulture
 - 5.1.2 Shadehouses
 - 5.2.6 Horse studs
 - 5.4.1 Urban residential
 - 5.5.0 Services
 - 5.7.2 Roads

Paper Size ISO A4
0 10 20 30 40
Metres

Map Projection: Transverse Mercator
Horizontal Datum: GDA2020
Grid: GDA2020 MGA Zone 56



**Tweed Shire Council
Cudgen Land Suitability
Agricultural Impact Assessment**

Project No. **12634173**
Revision No. **A**
Date **19/03/2024**

Land Use

FIGURE 3.1

3.2 Land and soil capability

Most agricultural enterprises depend on the local natural resource base that determines the suitability of a location for a specific enterprise. There is a range of natural resources that need to be considered including soil type, topography, and climate and water availability. The land and soil capability assessment scheme uses the biophysical features of the land and soil including landform, slope gradient, drainage, climate and soil properties to provide a broad-scale assessment of land capability. Land capability for agricultural production in the Tweed Shire LGA is a function of a range of natural resource conditions including geomorphology, topography, vegetation and soils.

Land in NSW is commonly classified according to the capability of land to remain stable under particular land uses. Land capability systems classify land in terms of inherent physical characteristics or constraints and consider the optimum use of land rather than the maximum use and in general will not change over time. The 8-class classification is shown in Table 3.2 and shows that Class 1 to Class 3 are considered to be capable of being regularly cultivated while the remaining classes are not capable of being regularly cultivated and are suitable for grazing. It should be noted, however, that the adoption of nil-till or minimum till cropping technology can extend the capability of Class 4 and above land as suitable for cultivation.

Table 3.2 Land and soil capability

Broad category	LSC Class	General definition
Land capable of being regularly cultivated and used for a wide variety of land uses (cropping, grazing, horticulture, forestry, nature conservation) (Slope <10%)	1	Extremely high capability land: Land has no limitations. No special land management practices required. Land capable of all rural land uses and land management practices.
	2	Very high capability land: Land has slight limitations. These can be managed by readily available, easily implemented management practices. Land is capable of most land uses and land management practices, including intensive cropping with cultivation.
	3	High capability land: Land has moderate limitations and is capable of sustaining high-impact land uses, such as cropping with cultivation, using more intensive, readily available and widely accepted management practices. However, careful management of limitations is required for cropping and intensive grazing to avoid land and environmental degradation.
Land capable of a variety of land uses (cropping with restricted cultivation, pasture cropping, grazing, some horticulture, forestry, nature conservation) (Slope 10% - 20%)	4	Moderate capability land: Land has moderate to high limitations for high-impact land uses. Will restrict land management options for regular high-impact land uses such as cropping, high-intensity grazing and horticulture. These limitations can only be managed by specialised management practices with a high level of knowledge, expertise, inputs, investment and technology.
	5	Moderate-low capability land: Land has high limitations for high-impact land uses. Will largely restrict land use to grazing, some horticulture (orchards), forestry and nature conservation. The limitations need to be carefully managed to prevent long-term degradation.
Land capable for a limited set of land uses (grazing, forestry and nature conservation, some horticulture) (Slope 20% - 33%)	6	Low capability land: Land has very high limitations for high-impact land uses. Land use restricted to low-impact land uses such as grazing, forestry and nature conservation. Careful management of limitations is required to prevent severe land and environmental degradation.
Land generally incapable of agricultural land use (selective forestry and nature conservation) (Slope > 33%)	7	Very low capability land: Land has severe limitations that restrict most land uses and generally cannot be overcome. On-site and off-site impacts of land management practices can be extremely severe if limitations not managed. There should be minimal disturbance of native vegetation.
	8	Extremely low capability land: Limitations are so severe that the land is incapable of sustaining any land use apart from nature conservation. There should be no disturbance of native vegetation.
Other	98	Rock and disturbed terrain
	99	Water

Source: NSW OEH (2012) The land and soil capability assessment scheme – second approximation

Table 3.3 and (Figure 3.2) provide an overview of the land and soil capability for the subject site and also a comparison to the broader Tweed Shire LGA. Approximately 8% of all land within the Tweed Shire LGA is classified as Class 3 land (high capability land) compared to 100% of the proposal site land being classified as Class 3. Class 3 land has moderate limitations and is capable of sustaining high-impact land uses, such as cropping with cultivation, using more intensive, readily available, and widely accepted management practices, although careful management is required to avoid environmental degradation.

The majority of land (72.5%) in the Tweed Shire LGA is classified as Classes 6, 7 and 8, i.e. low to extremely low capability land.

While 100% of the mapped LSC of the site is Class 3, lot-scale analysis of LSC by Gilbert and Sutherland indicates that 45% of the site is comprised of Classes 3 and 4, with 42% classified as Class 6 (see their Table 6.2.1). Thus, lot-scale analysis indicates the land has moderate to high limitations for sustaining high impact land uses such as cropping.

Table 3.3 Land and soil capability in Tweed Shire LGA and proposal site

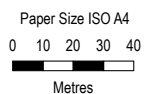
Land and Soil Capability	Tweed Shire LGA		Site	
	Area (ha)	%	Area (ha)	%
3	10,652	8.2%	5.69	100%
4	23,394	18.1%		
5	71	0.1%		
6	31,447	24.3%		
7	46,236	35.7%		
8	16,216	12.5%		
Disturbed terrain	1,119	0.9%		
Water	383	0.3%		
Total	129,518	100.0%	5.69	100%

Source: State Government of NSW and Department of Planning and Environment (2013) - Land and Soil Capability Mapping for NSW

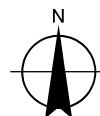


Legend

- Proposal site
- Roads
- 3 - Moderate limitations
- 8 - Extreme limitations



Map Projection: Transverse Mercator
 Horizontal Datum: GDA2020
 Grid: GDA2020 MGA Zone 56



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Land and Soil Capability

FIGURE 3.2

3.3 Northern Rivers Farmland Protection Project Mapping

The site is located within an area commonly known as 'the Cudgen Plateau' and is mapped as 'State Significant Farmland' within the Northern Rivers Farmland Protection Project (2005) (NRFPP).

The Northern Rivers Farmland Protection Project seeks to protect important farmland from urban and rural residential development by mapping farmland and providing planning principles for future development.

Table 3.4 and Figure 3.3 show the Tweed Shire LGA has approximately 17,000 hectares of mapped significant farmland with 1% of that total designated as State Significant Farmland. The total area of the proposal site is mapped as State Significant Farmland. The significant farmland area of the site represents 0.034% of the combined regionally and state significant farmland in the Tweed Shire LGA.

Table 3.4 Northern Rivers Farmland Protection Mapping

Northern Rivers Farmland Category	Tweed Shire LGA		Site	
	Area (ha)	%	Area (ha)	%
Regionally Significant Farmland	16,669	99%		
State Significant Farmland	103	1%	5.69	100%
Total	16,772	100%	5.69	100%

3.4 Strategically significant agricultural land

In addition to the above Northern Rivers Farmland Protection Project, strategic agricultural land is identified under the NSW Government's Strategic Regional Land Use Policy (2012). Strategic agricultural land is highly productive land that has unique natural resource characteristics (such as soil and water resources) and socio-economic value (such as high productivity, infrastructure availability and access to markets). Two categories of strategic agricultural land have been identified by the NSW Government: critical industry clusters and biophysical strategic agricultural land.

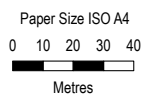
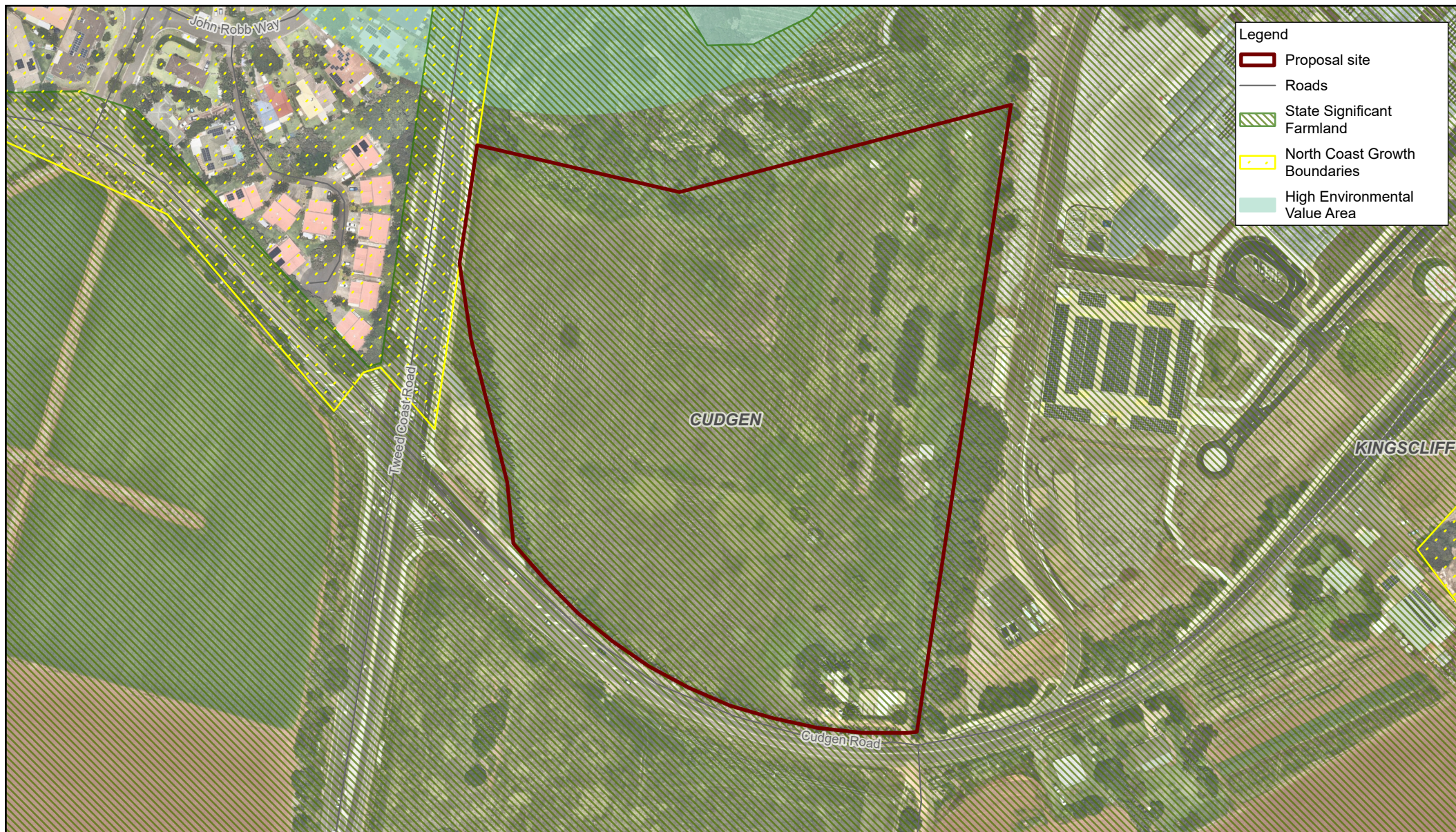
3.4.1 Critical industry clusters

Critical industry clusters are concentrations of highly productive industries within a region that are related to each other, contribute to the identity of that region and provide significant employment opportunities. Two critical industry clusters exist in NSW – for equine and viticulture industries in the Upper Hunter region.

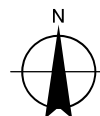
No critical industry clusters have been identified by the NSW Government within the Tweed Shire LGA.

3.4.2 Biophysical strategic agricultural land

Biophysical strategic agricultural land (BSAL) is land with high quality soil and water resources capable of sustaining high levels of productivity. A total of 2.8 million hectares of BSAL has been identified and mapped at a regional scale across the State by the NSW Government. A total of 8,195 hectares of BSAL land has been mapped throughout the Tweed Shire LGA, with all of the proposal site mapped as BSAL land.



Map Projection: Transverse Mercator
Horizontal Datum: GDA2020
Grid: GDA2020 MGA Zone 56



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FIGURE 3.3

4 The agricultural economy in the Tweed Shire LGA

4.1 Value of agricultural production

The gross value of agricultural production from the Tweed Shire Council LGA was over \$97 million in 2020-21 (see Table 4.1). Broadacre cropping accounted for 37% of the gross value of agricultural production (GVAP) with sugarcane comprising the majority of the value. Nurseries, cut flowers and cultivated turf contributed 23% of total value with nurseries comprising the bulk of the value. Fruits, nuts and vegetables combined contributed 24% of GVAP with bananas and potatoes being the predominant crops in these categories. Livestock products (predominantly milk) and livestock slaughterings (predominantly cattle) contributed 16% of GVAP.

Table 4.1 Gross value of agricultural production Tweed Shire Council LGA 2020-21

Commodity	Tweed Shire Council LGA	% of total
Broadacre crops	\$35,822,204 (Sugarcane \$35,407,260)	36.8%
Hay	\$64,971	0.1%
Nurseries, cut flowers or cultivated turf	\$22,264,637 (Nurseries \$19,782,102)	22.9%
Fruits and nuts	\$11,254,212 (Bananas \$2,604,330)	11.6%
Vegetables	\$11,667,236 (Potatoes \$1,058,507)	12.0%
Livestock products - wool	\$7,704	0.01%
Livestock products - milk	\$6,199,502	6.4%
Livestock products - eggs	\$143,779	0.2%
Livestock slaughterings - cattle and calves	\$9,649,961	9.9%
Livestock slaughterings - sheep and lambs	\$15,564	0.02%
Livestock slaughterings - pigs	\$187,175	0.2%
Livestock slaughterings - poultry	\$49,829	0.1%
Livestock slaughterings and other disposals	\$8,193	0.01%
Total	\$97,334,967	100%

Source: ABS (2022b) Agricultural Commodities Produced, Australia, 2021-22, Value of Agricultural Commodities Produced, Australia, 2020-21

4.1.1 Agricultural production – livestock numbers

The predominant livestock industries by numbers of animals are the beef and dairy cattle industries (Table 4.2).

Table 4.2 *Livestock numbers Tweed Shire LGA 2020-21*

	Total numbers	No. of establishments
Dairy cattle	2,476	19
Beef cattle	13,041	131
Sheep and lamb	226	7
Poultry - layers	2,566	4
Poultry - meat birds	31	1
Pigs	404	4

Source: ABS (2022a) Agricultural Commodities Produced, Australia, 2020-21, Estimates by Local Government Areas

4.2 Agricultural employment

An analysis of employment for the Tweed Shire LGA is presented in Table 4.3. The agriculture, forestry, and fishing sector has 896 employees which comprises 2.7% of total employment in the LGA, and ranks thirteenth out of the 20 sectors listed. First in the employment sector ranking is the healthcare and social assistance sector with 6,472 employees comprising 19% of total employment in the LGA.

Table 4.3 *Employees by industry of occupation Tweed Shire LGA 2021*

Industry of occupation	Tweed Shire LGA	% of total
Agriculture, Forestry and Fishing	896	2.7
Mining	48	0.14
Manufacturing	1,347	4.1
Electricity, Gas, Water and Waste Services	381	1.15
Construction	2,896	8.7
Wholesale Trade	566	1.7
Retail Trade	3,985	12
Accommodation and Food Services	3,533	11
Transport, Postal and Warehousing	1,118	3.4
Information Media and Telecommunications	278	0.8
Financial and Insurance Services	479	1.4
Rental, Hiring and Real Estate Services	546	1.6
Professional, Scientific and Technical Services	1,589	4.8
Administrative and Support Services	897	2.7
Public Administration and Safety	1,661	5.0
Education and Training	3,194	10
Health Care and Social Assistance	6,472	19
Arts and Recreation Services	531	1.6
Other Services	1,356	4.1
Inadequately described/Not stated	1,470	4.4
Total	33,243	100

Source: ABS 2021 Census Working Population Profile – Tweed (A)

*Small random adjustments have been made to all cell values by ABS to protect the confidentiality of data. These adjustments may cause the sum of rows or columns to differ by small amounts from the table totals.

4.3 Value added by industry sector

Value added by industry is an indicator of business productivity in Tweed Shire and it shows how productive each industry sector is at increasing the value of its inputs. It is a more refined measure of the productivity of an industry sector than output (total gross revenue as in Table 4.1 for agriculture), as some industries have high levels of output but require large amounts of input expenditure to achieve that output.

Table 4.4 shows the Health Care and Social Assistance industry has the highest value added of all industries in the Tweed Shire in 2021-22 representing 16% of the total value add at \$578.7 million. The increase in the value add from 2016-17 was \$152.4 million representing a 36% increase over that period.

By contrast, the Agriculture, Forestry and Fishing industry had a value add total of \$107.2 million in 2021-22 which was an increase in value of \$20.1 million compared to 2016-17, representing a 23% increase over that period. The Agriculture, Forestry and Fishing industry ranked 15 out of 19 on total value add in Tweed Shire in 2021-22.

Table 4.4 Value added by industry Tweed Shire

Industry	2021/22		2016/17		Change
	\$m	%	\$m	%	2016/17 - 2021/22
Health Care and Social Assistance	578.7	16.0	426.3	14.8	+152.4
Construction	574.9	15.9	348.1	12.1	+226.8
Retail Trade	297.5	8.2	253.2	8.8	+44.2
Education and Training	271.2	7.5	242.4	8.4	+28.7
Professional, Scientific and Technical Services	207.0	5.7	159.5	5.5	+47.6
Accommodation and Food Services	187.1	5.2	164.1	5.7	+22.9
Manufacturing	186.3	5.1	137.9	4.8	+48.4
Public Administration and Safety	180.5	5.0	152.3	5.3	+28.2
Rental, Hiring and Real Estate Services	164.1	4.5	182.9	6.3	-18.8
Administrative and Support Services	162.3	4.5	186.0	6.4	-23.7
Transport, Postal and Warehousing	156.0	4.3	124.3	4.3	+31.8
Wholesale Trade	132.0	3.6	97.5	3.4	+34.5
Electricity, Gas, Water and Waste Services	122.2	3.4	74.8	2.6	+47.4
Financial and Insurance Services	117.9	3.3	96.5	3.3	+21.4
Agriculture, Forestry and Fishing	107.2	3.0	87.2	3.0	+20.1
Other Services	87.4	2.4	85.0	2.9	+2.4
Information Media and Telecommunications	45.6	1.3	29.9	1.0	+15.7
Arts and Recreation Services	28.9	0.8	27.1	0.9	+1.9
Mining	17.7	0.5	13.2	0.5	+4.5
Total industries	3,624.7	100.0	2,888.1	100.0	+736.6

Source: National Institute of Economic and Industry Research (NIEIR) ©2023.

4.4 Economic development

Regional Jobs and Investment Packages: North Coast Region of New South Wales Local Investment Plan, May 2017 identified those industries with potential for investment across the region, including the following critical industry areas: Agribusiness and Food Processing, Manufacturing, the Digital Economy, Health and Aged Care, the Visitor Economy, and Education and Local Government.

For Agribusiness and Food Processing, strategic priorities identified were:

- Value-Add: Ready Made Meals for export
- Applied Technology: Agri-tech & Robotics
- Digital Connectivity: Paddock to Plate Monitoring
- Freight/Supply Chain & Tourism Infrastructure: Cool/Cold Stores, Food Trails, Regional Accommodation
- Skilled Workforce: Applied Technology

The Shire hosts a number of agribusiness industries and infrastructure, including:

- Tweed Fruit Exchange – a leading wholesaler of fruits and vegetables operating in Murwillumbah since 1939, with a large selection of locally grown value-added products such as trail mixes, muesli, granola, juices, hummus, and dairy products (Tweed Fruit Exchange, n.d.)
- Sunshine Sugar operates the Condong Sugar Mill near Tweed River as part of a partnership between NSW Sugar Milling Co-operative and Manildra Group. The mill has been operational since 1880 and processes cane grown on 7,000 hectares of land, producing direct consumption raw sugar and a unique low GI sugar, which is Sunshine Sugar's specialist product (Sunshine Sugar, n.d.)
- Murwillumbah saleyards services the important Tweed Shire cattle industry with regular livestock sales. The complex recently underwent an upgrade to improve the efficiency of its operations.

5 Planning context

The planning proposal (rezoning application) for a large-scale development submitted to Tweed Shire Council needs to be assessed against a range of planning criteria that are explored in this section as well as in section 6 and section 7.

5.1 Land use zoning

The site is zoned as RU1 Primary Production under the Tweed Shire Local Environmental Plan (LEP) 2014, with the objectives of the zone being:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base
- To encourage diversity in primary industry enterprises and systems appropriate for the area
- To minimise the fragmentation and alienation of resource lands
- To minimise conflict between land uses within this zone and land uses within adjoining zones
- To protect prime agricultural land from the economic pressure of competing land uses.

Developments permitted without consent in the zone include environmental protection works, extensive agriculture and intensive plant agriculture. A number of developments are permitted with consent, including agricultural produce industries, aquaculture, intensive livestock agriculture, plant nurseries, turf farming etc.

The Tweed Shire is subject to a number of LEPs (Tweed LEP 2014, Tweed LEP 2000, and Tweed LEP 1987) with each LEP using different nomenclature which makes a combined table of the different zones and areas within each zone very complicated and difficult to read.

GHD has therefore presented a partial zoning table to reflect the rural zones of greatest importance to this study.

Table 5.1 shows the rural land use zoning areas within the Tweed Shire LGA and the proposal site. The majority of land in the LGA is zoned RU2 – Rural Landscape (53%) with RU1 – Primary Production comprising about 10% of the total land area. The whole of the proposal site area of 5.69 hectares is zoned RU1 – Primary Production, and represents 0.044% of the total RU1 land in the LGA.

Table 5.1 Rural land use zoning in the Tweed Shire LGA and proposal site

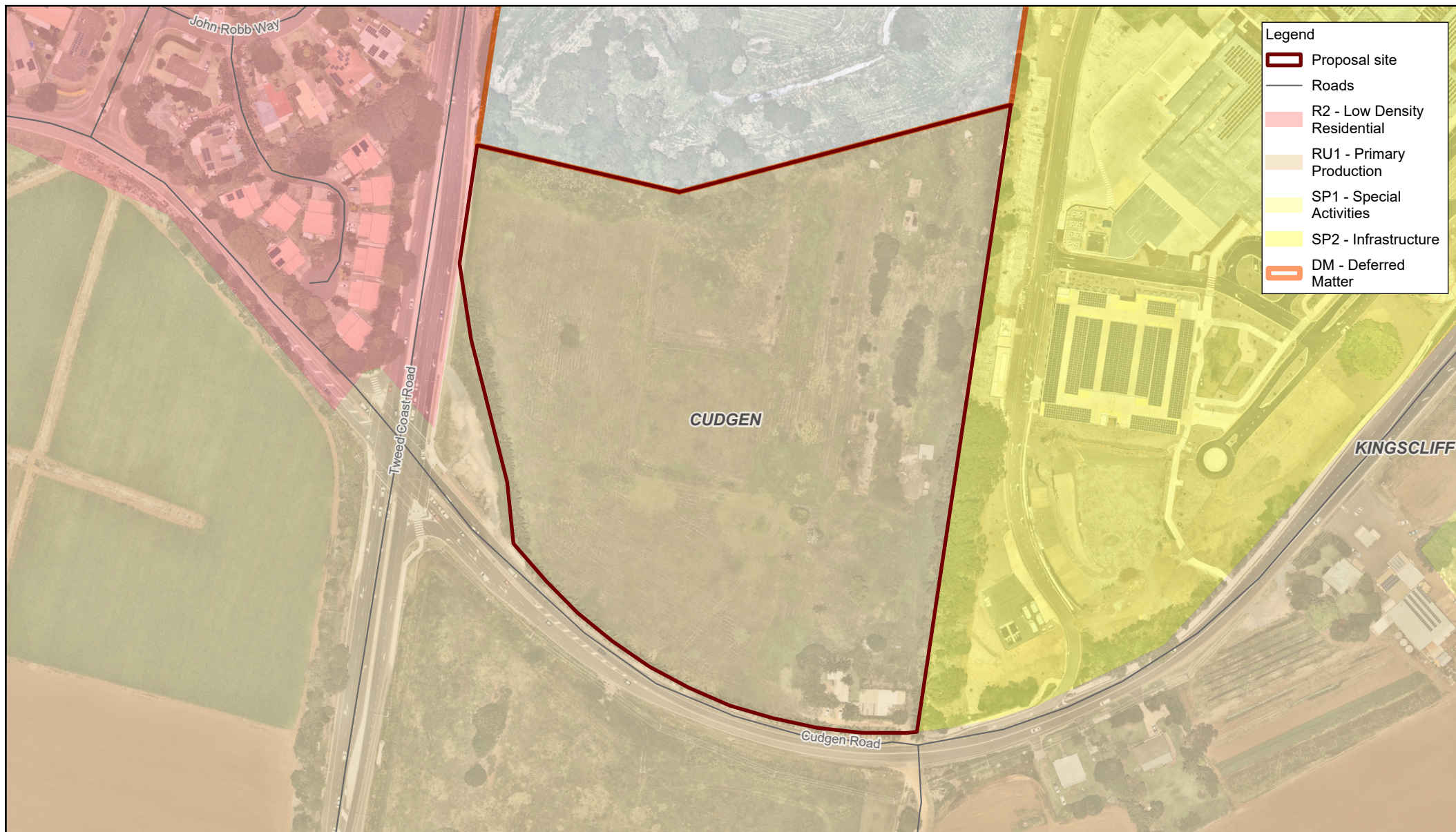
Land use zone	Tweed Shire LGA		Proposal site	
	Area (ha)	%	Area (ha)	%
RU1 – Primary Production	12,989	9.9%	5.69	100%
RU2 – Rural Landscape	69,768	53.0%		
RU5 – Village	495	0.4%		
Other	48,402	36.8%		
Total	131,654	100%	5.69	100%

Figure 5.1 shows the zoning of the land at the proposal site and surrounding the site. Surrounding land zones include SP2 – Infrastructure to the east (Tweed Hospital), R2 - Low Density Residential to the west (Cudgen village), DM – Deferred Matter to the north (timbered area), and RU1 Primary Production to the south. Tweed Shire is considering rezoning the DM land in the north to C2 – Environmental Zone land which would prohibit future development on recommended C2 – Environmental Zone land, other than environmental protection works under an approved/endorsed Habitat Restoration Plan; and preclude subdivision of recommended C2 – Environmental Zone land unless the effect of the subdivision is that the C2 – Environmental Zone land is all in one lot which also contains SP2 zoned land which meets the minimum lot size development standard for land in that zone.

Implications of this zoning and other planning instruments, including the North Coast Regional Plan 2041, is discussed in section 7. Of particular interest for the proposal land is that it could be interpreted as an “intrusion” to non-agricultural land to the north of Cudgen Road and whether it would then meet the criterion of being a minor “rounding-off” for a zone variation to extend an Urban Growth Area.

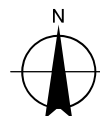
This agricultural land assessment of the site and its surrounds identifies compliance or otherwise with the various planning instruments and policies described below, and considers whether any proposed alternative land use zoning would have a detrimental impact on future agricultural land uses at the site and on adjoining land.

As this site adjoins a number of different land users, GHD has considered adjacent land uses and prepared a Land Use Conflict Risk Assessment (LUCRA) (see Section 6) to assess the potential of any negative impacts on surrounding land use and provide options for mitigation of potential impacts.



Paper Size ISO A4
0 10 20 30 40
Metres

Map Projection: Transverse Mercator
Horizontal Datum: GDA2020
Grid: GDA2020 MGA Zone 56



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Land Zoning

FIGURE 5.1

5.2 North Coast Regional Plan 2041

The North Coast Regional Plan 2041 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. In the coming 20 years, population growth in the region is expected to be particularly strong in the regional cities and other key centres. With the population rapidly getting older, technology changes, new job opportunities and increasing pressures between urban growth and the need to preserve important farmland and protect the environment, a new regional plan can set out the requirements for clear and coordinated planning across all levels of government and within the community.

Objective 8 of the NCRP 2041 is to support the productivity of agricultural land, especially Important Farmland (combined State Significant Farmland and Regional Significant Farmland as described in section 7.1). The NCRP states that Important Farmland should be protected from incompatible, competing land uses to ensure that the region can sustain agricultural production and capitalise on increasing demand for agricultural products in the future.

However, the Plan 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. In such cases the urban growth area variation principles should be used to assess the suitability of these pockets of land for non-agricultural land use.

5.3 Rural Land Strategy 2020–2036

The Tweed Shire Council Rural Land Strategy seeks to develop a holistic framework for planning and management of rural land, providing a balanced more flexible approach, but also certainty about future development of rural land that is consistent with the vision established for rural Tweed. The strategy reflects the diversity of personal feelings, opinions and aspirations for the future of rural land by the Shire's residents.

The vision for the strategy is as follows: "Our rural lands will provide a balance of land uses where agricultural and rural activities exist in harmony with environmental and scenic values, rural character is enhanced, landowners supported, and employment opportunities encouraged through innovation, value-adding and diversification by a skilled and resilient community." To achieve this vision the strategy states that it will:

- Protect agricultural land and support its productive use
- Protected and enhance environmental land
- Provide greater flexibility in the local land use planning system
- Expand employment and income generating opportunities
- Provide a greater diversity of housing opportunities.

5.4 Other strategies and statements

There are a number of additional strategies, policies and statements that reflect similar guidance on the protection of agricultural land as described above. The following is a brief summary of those of most relevance.

5.4.1 Tweed Sustainable Agriculture Strategy 2016

This strategy includes the following definitions:

Sustainable agriculture – farming within the land's capability, to conserve natural resources such as soil and water that are essential for productive and viable agriculture without causing permanent damage.

Viability – the economic feasibility of an activity.

The vision for the Tweed Sustainable Agriculture Strategy is for a sustainable agriculture system supported by a strong partnership between government, industries, farmers and the community, working together to boost the

economic viability of farming and protection and enhancement of the natural resource bases. The strategy consists of four outcomes:

1. Prime agricultural land is preserved for sustainable primary production and land-use conflicts are avoided or managed
2. Agricultural landscapes are farmed to maintain and enhance the natural resource base with minimal impacts on the environment
3. Farmers are well informed and equipped with the skills, knowledge and networks required to farm sustainably
4. Local sustainable agricultural production is valued by the community with widespread consumption of local products.

Tweed's most important and productive agricultural land occurs on the rich red volcanic soils of the Cudgen plateau and the alluvial soils of the coastal floodplain, which support intensive horticulture and sugar cane respectively. Beyond these localities lie extensive areas that are predominantly grazed, while bananas are still grown on some of the elevated, steeper slopes. The remaining rural landscape supports agricultural activities and businesses of varying scales, including a resurgence of small fruit and vegetable growing and a diverse range of other industries including poultry, tea, coffee, tea tree and native bush foods.

Agricultural land is under increasing pressure from development and has been lost from production because of cessation of farming, abandonment due to lost productivity and rural residential expansion including rural lifestyle living. This can cause land use conflict and limit farm expansion. The price of farmland and high start-up costs can also be prohibitive for young or new farmers entering the agriculture sector, while increasing demand for rural land for non-agricultural uses, including residential development, threaten the viability of agriculture in the Tweed Shire. Strong civic leadership is vital to ensure rural residential development does not jeopardise the productive use of land and that sustainable agriculture and related uses are encouraged as part of planning proposals and developments.

Objective 1.1 of the Strategy is to “ensure the on-going protection of prime agricultural land” but recognises that the rural landscape is highly fragmented as a result of past planning decisions. Most agriculture occurs on relatively small lots, within a mosaic of differing land uses and biophysical characteristics.

A key action of the Strategy is for Tweed Shire Council to develop guidelines to ensure the development of prime agricultural land is appropriately evaluated consistent with current environmental planning instrument objectives.

5.4.2 Tweed Community Strategic Plan 2017–2027

The Tweed Community Strategic Plan 2017–2027 (CSP) provides the umbrella vision, priorities and goals of the Tweed's community. The CSP brings together the community vision and goals and aligns those with the vision and goals in the North Coast Regional Plan 2036 (updated to NCRP 2041).

The Plan understands the challenge of achieving balance between urban expansion and the natural environment will be considerable, and that orderly sustainable growth and development requires a balance within land-use policies and actions that facilitate change, while also recognising and protecting the natural environment.

Planning priority 10 is to ensure productive agricultural land is protected and sustainably managed while creating innovative and diverse economic opportunities through compatible boutique industries, rural living and recreation. Action 10.2 under this priority is to guide a balanced interface between rural, urban and environmental land that minimises land-use conflict and protects agricultural productive capacity in a sustainable manner for current and future generations.

5.4.3 Tweed Growth Management and Housing Strategy – Draft Options Paper, February 2024

The draft Options Paper sets out a range of changes that have the potential to support the Tweed in the future in how it can meet key growth challenges in a sustainable way through to 2041. The document has just come off public exhibition. The draft Options paper includes:

- 10 key considerations for planned growth. These considerations, developed with community feedback, have directly informed the preparation of the changes detailed in the draft Options Paper.
- 83 proposed changes. While the main focus of these changes is increasing housing density in areas already populated, a range of growth opportunities have also been proposed in the rural areas and greenfield areas of the Tweed.
- Potential housing supply options - potential areas identified to accommodate future housing supply include: Tweed Heads, Tweed Heads South, Banora Point, Kingscliff, Pottsville, Murwillumbah, Burringbar and Uki.
- Future employment opportunities - areas identified to accommodate future employment growth include: Central Tweed, Cobaki - Terranora, Eastern Hinterland, Murwillumbah, Rural West, Tweed Mid Coast, Tweed South Coast.

The proposal site is identified for potential development under “Change 35” for a change in zoning to an appropriate health services or similar zone.

The Paper also lists a number of key policy challenges, with “Challenge 10” being that growth pressures have resulted in the permanent removal of land from agricultural production and increased instances of rural land use conflict. In addition, there are threats to the region’s natural environment from land clearing resulting in habitat fragmentation, increased introduction of invasive species, and pollution (p. 9).

This challenge is addressed in Table 7.5.

5.4.4 2030 Roadmap Australian Agriculture’s Plan for a \$100 Billion Industry

The 2030 Roadmap (NFF 2019) articulates the steps required over the coming decade to ensure a strong and sustainable future for Australian agriculture with the aim of increasing the value of the industry from \$60 billion in 2016-17 to exceed \$100 billion by 2030. It includes five key pillars, each with stated aspirations and actions. The five pillars are:

- Customers and the Value Chain
- Growing Sustainably
- Unlocking Innovation
- People and Communities
- Capital and Risk Management.

Of particular relevance to local governments is Action 1.2.2 to establish Regional Agriculture Deals (RADs) to provide a multi-government framework for physical infrastructure investment and regional development policy. RADs are proposed to overcome the current situation whereby fragmented sources of public and private investment have no coordinating strategy at the regional level.

By setting clear priorities at the regional level, and committing governments to policies and investments that complement those priorities, the aim is to better support private sector investment and growth. Key concepts of the RADs which will deliver a more focused and stable policy environment for private investment, grounded in detailed local consultation are:

- RADs are a binding agreement between Federal, state and local governments
- A RAD will define the agricultural value chain priorities for a region, and commit all tiers of government to policies and investments which support those priorities
- Regions will be defined by shared agricultural production systems and value chains – cutting across local government areas as needed.

The concept is examined further in Table 7.5.

6 Land use conflict risk assessment

Land use conflicts occur when one land use is perceived to infringe upon a neighbouring land use. In rural areas, land use conflicts commonly occur between agricultural and residential uses. Potential alternative land uses at the proposal site, including land uses permitted with consent within the current RU1 zone, or land uses proposed by the Cudgen Connection (integrated health precinct with mixed-use urban features) could give rise to conflict with adjoining landholders.

The following land use conflict risk assessment (LUCRA) has been prepared to assess the potential of any negative impacts on surrounding agricultural land use and provide options for mitigation of potential impacts. This LUCRA has been developed based on *the Land Use Conflict Risk Assessment Guide* (DPI, 2011) and the *Living and Working in Rural Areas – A handbook for managing land use conflicts on the NSW North Coast* (DPI, 2007).

There are four key steps in undertaking a LUCRA, namely:

- Gather information about proposed land use change and associated activities.
- Evaluate the risk level of each activity.
- Identify risk reduction management strategies.
- Record LUCRA results.

A risk ranking matrix (Table 6.1) has been adopted to assess the probability, consequence and rating score of a range of risk activities should the proposed development occur on the site, and the conflict this could pose to adjacent agricultural production activities, predominantly to the south of the proposal site. A risk rating of 11 - 25 (shaded in blue) is deemed to be an unacceptable risk, while a risk rating of 1 - 10 is deemed to be an acceptable risk. The objective is to identify and define controls that lower the risk rating score to 10 or below.

Table 6.1 Land use conflict risk ranking matrix

Probability						
Consequence		A	B	C	D	E
		Almost Certain	Likely	Possible	Unlikely	Rare
	1. Severe	25	24	22	19	15
	2. Major	23	21	18	14	10
	3. Moderate	20	17	13	9	6
	4. Minor	16	12	8	5	3
	5. Negligible	11	7	4	2	1

The LUCRA is presented in Table 6.2 below. It indicates that six activities could give rise to land use conflict with adjoining agricultural land uses (grey colour) but that mitigating factors result in each of these activities could be sufficiently controlled to avoid land use conflict.

Table 6.2 Land use conflict risk assessment

Risk Activity	Identified potential conflict	Risk Ranking			Mitigating factors (method of control)	Controlled Ranking		
		P	C	RR		P	C	RR
Dust	During construction, there is the potential for impacts as a result of airborne particulate matter and dust deposition to settle on crops and pastures, however dust suppression protocols would reduce the occurrence and the impacts on production are likely to be minimal. Air quality within and surrounding the proposal is expected to be consistent with a typical rural environment dominated by cropping and grazing activities.	B	3	17	Where sensitive receivers are located within the separation distances determined for each key activity, or visible dust is generated from vehicles using unsealed access roads, road watering and/or other stabilising approaches would be implemented.	C	4	8
Fencing	Cropping/horticultural land uses predominate on adjoining land and therefore there is minimal fencing for livestock containment.	D	4	5	Any fencing required for construction will have no impact on adjoining agricultural land uses.	D	4	5
Flooding	The site slope is towards the northern boundary where there is limited, if any, agricultural production on adjoining land. is currently mapped as flood prone land.	E	5	1	Prior to any development activities commencing on the proposal site, appropriate studies will be required to ensure minimal flood risk to adjoining agricultural land, recognising that both Cudgen Road and Tweed Coast Road would be impacted prior to impacts on agricultural land.	E	5	1
Fire	Risk of fire escaping and entering agricultural properties during construction activities.	C	4	8	Future development to be located and designed in accordance with relevant government guidelines, noting that that adjoining roads would also provide fire protection.	D	4	5
Lights	Construction and operations at the proposal site will likely increase lights on the site, noting that vehicle lights already occur on Cudgen Road and Tweed Coast Road.	A	3	20	Appropriate buffers (vegetative and non-vegetative) would limit any additional impact of lights on surrounding agricultural land.	C	4	8
Noise	Construction of the proposal might result in noise impacting on sensitive receivers. Noise as a result of operation is expected to be similar to existing noises, especially traffic noises along Cudgen Road and Tweed Coast Road.	B	4	12	Appropriate buffers (vegetative and non-vegetative) would limit any additional impact of lights on surrounding agricultural land.	C	4	8
Pesticides	Pesticides may be used to control weeds during construction and operation.	C	3	13	Apply pesticides in accordance with the <i>Pesticides Act 1999</i> , such that only registered pesticides are used based on label instructions and are designed to minimise impact on adjoining land.	C	4	8
Roads	Increased traffic and disruption in the area as a result of construction traffic and increased traffic once developed will impact on movement of agricultural machinery used on adjoining agricultural land.	A	3	20	Vehicle movements during construction and operation would need to be considered as part of a Traffic Management Plan.	C	4	8

Risk Activity	Identified potential conflict	Risk Ranking			Mitigating factors (method of control)	Controlled Ranking		
		P	C	RR		P	C	RR
Straying livestock	Not an issue.				Not an issue			
Theft/vandalism	Interference with crops, machinery, and equipment due to increase in the number of people in close proximity and adjacent to agricultural land, noting however the existing population at Cudgen village.	C	4	8	Similar risk to pre-development conditions.	C	4	8
Weeds and pests (Biosecurity)	Planning, construction and operation activities may create the possibility of introducing or spreading weeds, pests and diseases to adjoining agricultural land, noting however that both Cudgen Road and Tweed Coast Road act as barriers to weed spread.	D	4	5	<p>Under the <i>Biosecurity Act 2015</i> landholders have a legal obligation to manage identified priority weeds on land that they own or occupy and to fulfil their obligations in accordance with the General Biosecurity Duty.</p> <p>The Construction Environmental Management Plan (CEMP) should also detail measures to minimise the potential for biosecurity risks during construction in accordance with the <i>Biosecurity Act 2015</i>.</p> <p>Weed and pest control, including for noxious weed and pests, would be subject to ongoing routine monitoring and management and consultation with relevant regulatory bodies as required.</p>	E	5	1
Visual/amenity	Visual impact to sensitive receivers nearby and loss of scenic agricultural views. The potential impacts on visual amenity of these changes would depend on the nature and intensity of the development, noting that urban/industrial vistas occur to the east (Tweed Hospital) and west (Cudgen village).	A	3	20	While there would be a loss greenspace, this would not impact on adjoining agricultural land. Sensitive design with appropriate vegetative planning would mitigate the loss of visual amenity.	C	4	8

7 Analysis

The following analyses considers the above descriptions of the site and its current and potential agricultural use, especially given its State Significant Farmland status. The analyses consider its agricultural status from a local perspective and also more generally within the Tweed Shire LGA. The change in land use zoning from agriculture to the development of an integrated health precinct with mixed-use urban uses is also analysed against criteria developed by relevant planning policies.

7.1 Section 9.1 Ministerial Directions

Any change in land use will need to address Section 9.1(2) Directions within the *Environmental Planning and Assessment Act 1979* (previously section 117(2)). The ministerial planning principles are intended to guide strategic decisions and planning policies and are focused around nine policy focus areas. Policy area 9 deals with primary production with the objective to promote and support agricultural lands and provide opportunities for primary production. Of relevance to this assessment are subsections 9.2 (Rural Lands) and 9.4 (Farmland of State and Regional Significance on the NSW Far North Coast). Table 7.1 provides commentary in relation to the objectives of subsection 9.2 – Rural Lands.

Table 7.1 Subsection 9.2 Rural Lands from Section 9.1 Ministerial Directions

Objective	GHD analysis for proposal site
Protect the agricultural production value of rural land.	<p>The Tweed Sustainable Agriculture Strategy 2016 recognises the importance of agriculture to the region and wants to see an innovative and adaptable farming community that can deal with threats such as pests, weeds and climate change and be able to take advantage of opportunities such as new farming techniques and market opportunities.</p> <p>This general future outlook is applicable to agricultural development on a Shire-wide basis. However, for specific small areas of rural land that could be considered as “intrusions” into areas of non-agricultural use, it is unlikely that these small, isolated areas are an essential feature of future agricultural development within the Shire.</p> <p>The proposal site is currently idle agricultural land and it appears that it has been idle since at least 2018 (see Gilbert and Sutherland historical imagery maps).</p> <p>The site is not critical to other agricultural industries in the Tweed Shire, the fact that it has been idle for at least six years means that an alternative non-agricultural use would not decrease the critical mass of any existing agricultural industries.</p> <p>The current “idle” agricultural land use means that the site has limited if any economic contribution to the declining economic contribution of agriculture in the Shire.</p>
Facilitate the orderly and economic use and development of rural lands for rural and related purposes.	<p>A qualitative assessment of the sustainability and economic viability of the site indicates that development for rural and related enterprise types is either unlikely or marginal except for a non-soil based shade/glasshouse option (see Table 2.2).</p> <p>The site is adjacent to the Tweed Valley Hospital to the east and Cudgen village to the west. It has the shape of an “intrusion” north of Cudgen Road and thus could be considered as a candidate of a minor “rounding-off” an Urban Growth Area (UGA).</p> <p>Tweed Shire Council is currently progressing with the preparation of a Growth Management and Housing Strategy through which the orderly use of appropriate land for development will be identified.</p>
Assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State.	<p>The site is not critical to other agricultural industries in the Tweed Shire, the fact that it has been idle for at least six years means that an alternative non-agricultural use would not decrease the critical mass of any existing agricultural industries. The history of land use at the proposal site indicates there may have been an attempt(s) to value add production around 2017 with activities associated with a small shade/glass house enterprise, but it appears this enterprise did not persist as the land became idle from an agricultural production perspective from 2019 onwards.</p>

Objective	GHD analysis for proposal site
Minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses.	A LUCRA has been completed to assess the impacts of more intensive land uses on surrounding land and mitigation activities required to minimise land use conflict. The LUCRA shows that non-agricultural development of the site is unlikely to cause land use conflict on adjoining agricultural land (see Table 6.2).
Encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land.	The current “idle” agricultural land use is not likely to result in sustainable land use practices – it appears that slashing of tall grasses and weeds is the extent of agricultural husbandry being practised. As discussed above, the selection of a suitable agricultural enterprise for the site that is both environmentally sustainable and economically viable is problematic (see Table 2.2).
Support the delivery of the actions outlined in the NSW Right to Farm Policy	The concept of ‘right to farm’ has multiple facets but the common interpretation – and the one used in this policy - relates to a desire by farmers to undertake lawful agricultural practices without conflict or interference arising from complaints from neighbours and other land users. The LUCRA completed above shows that non-agricultural development of the site is unlikely to cause land use conflict on adjoining agricultural land (see Table 6.2).

The Ministerial Directions state that a planning proposal may be inconsistent with the terms of Section 9.1(2) Directions only if council can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary) that the planning proposal is consistent with:

- a. The North Coast Regional Plan 2041, or
- b. Section 4 of the report titled Northern Rivers Farmland Protection Project - Final Recommendations, February 2005, held by the Department of Planning and Environment.

Mapping of a parcel of land as Regionally Significant Farmland is not an absolute constraint to future industrial use of the land so long as any proposed alternative land uses can be justified based on reference to the above policies.

Table 7.2 provides commentary in relation to the objectives of Subsection 9.4 Farmland of State & Regional Significance. Note that more comprehensive assessment of the site with respect to its status as Regionally Significant Farmland is included below in section 7.2, including consideration of land for an Urban Growth Area.

Table 7.2 *Subsection 9.4 Farmland of State and Regional Significance on the NSW Far North Coast from Section 9.1 Ministerial Directions*

Objective	GHD analysis for proposal site
Ensure that the best agricultural land will be available for current and future generations to grow food and fibre.	The proposal site is mapped as Regionally Significant Farmland (Table 3.4). The current land use of the site could best be described as “idle agricultural land”. The site includes a range of constraints that limits the reinstatement of sustainable and viable agricultural production as described in Table 2.2. These constraints could be potentially addressed via investment in a range of infrastructure and soil improvement strategies, but the economic viability of such investment would be marginal. While the site is mapped as State Significant Farmland with a mapped Land and Soil Classification of Class 3 (see section 3.2) giving the impression that this land could be described as “best agricultural land”, property-scale investigations described in section 2.2 show that its actual LSC ranges between Class 3 and Class 8.
Provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning.	The proposal site cannot be classified as “best agricultural land” as discussed above. As such, Tweed Shire Council can use this information in its strategic planning process.
Reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.	The proposal site is currently surrounded by non-agricultural land uses (Tweed Valley Hospital to the east, Cudgen village to the west, and Forest wetland to the north. Agricultural use occurs on lots predominantly to the south. A comprehensive LUCRA has been prepared (see Table 6.2) which shows that non-agricultural development of the site is unlikely to cause land use conflict on adjoining agricultural land.

7.2 Urban Growth Area consideration

The Northern Rivers Farmland Protection Project (NRFPP) included a range of issues for State/Regionally Significant Farmland that would need to be satisfied if mapped farm land could be considered for a zone variation to an Urban Growth Area. For the proposal site to be classified as UGA, the issues to be satisfied under the NRFPP are listed and analysed in Table 7.3 below.

Table 7.3 *Issues to be satisfied if regionally significant farmland can be considered for future urban use*

Issues	GHD analysis for the proposal area
The proposed new urban area or use would form a minor 'rounding-off' on the edge of an urban centre which would make good planning sense given the nature of the locality.	The site is adjacent to the Tweed Valley Hospital to the east and Cudgen village to the west. It has the shape of an "intrusion" north of Cudgen Road and thus could be considered to be a candidate of a minor "rounding-off".
It would be adjacent or close to an existing zoned urban area.	The site is immediately adjacent to Cudgen village to the west and the Tweed Valley hospital to the east.
It would not significantly undermine the integrity of a regionally significant farmland area by creating wedges or spikes of urban development.	The site is effectively a wedge or spike of State Significant Farmland that protrudes to the north of Cudgen Road and is surrounded to the east by SP2 – Infrastructure land (Tweed Valley Hospital); to the west by R2 - Low Density Residential land (Cudgen village); and to the north by DM – Deferred Matter land (Forest Wetland). See section 5.1.
It would not compromise local or regional agricultural potential by alienating agricultural infrastructure or agricultural transport routes, or decreasing 'critical mass' for any existing agricultural industry.	The proposal site is currently idle agricultural land and it appears that it has been idle since at least 2018 (see Gilbert and Sutherland historical imagery maps). The site is not critical to other agricultural industries in the Tweed Shire, the fact that it has been idle for at least six years means that an alternative non-agricultural use would not decrease the critical mass of any existing agricultural industries. Both Cudgen Road and Tweed Coast Road are on the south and west boundaries of the site respectively. The impact of any alternative land use (agricultural or non-agricultural) is unlikely to alienate agricultural transport routes, but this would need to be determined by a traffic study.
It would not create impacts which would compromise the agricultural use of nearby regionally significant land; and	The site is surrounded on east, west and north by non-agricultural land. The land to the south is State Significant Farmland. The LUCRA (see Table 6.2) indicates that alternative land uses at the site would have little impact on the continuing agricultural production on the adjoining State Significant Farmland, assuming appropriate mitigation of potential conflicts is completed.
It would not be located in an area where there was an identified risk of land use conflict near an existing agricultural enterprise; and	See preceding comments.
It would not involve filling part of a floodplain unless consistent with a floodplain management plan prepared in accordance with the Floodplain Management Manual.	Any new development would need to be accompanied by a floodplain management plan to consider impacts to the north of the proposal site.
No viable alternative land is available which is suitable for the proposed industrial use.	Alternative sites have been reviewed, including an external review by NSW Department of Planning and Environment's Planning Concierge, but that these reviews have failed to identify an alternate site which satisfies fundamental criteria (p. 8).

If the Tweed Shire Council completes a land use study that recommends a variation to the Urban Growth Area (UGA) boundary to incorporate the proposal site, the principles included in the "North Coast Regional Plan Appendix B: Urban Growth Area Variation Principles¹" will need to be satisfied. The analysis of those principles is provided in Table 7.4 below.

¹Appendix A has been referenced from the North Coast Regional Plan 2041, which was available at the time of writing the report.

Table 7.4 North Coast Regional Plan Appendix B: Urban Growth Area Variation Principles

Principles	Description	GHD analysis for the proposal site
Policy	The variation needs to be consistent with the objectives and outcomes in the North Coast Regional Plan 2041 and should consider the intent of any applicable Section 9.1 Direction, State Environmental Planning Policy and local growth management strategy.	A future land use study of the proposal site by Tweed Shire Council that recommends a variation to the UGA boundary within the North Coast Regional Plan for the Tweed Shire will need to have been on the basis that the site is required for use as part of the local growth management strategy.
Infrastructure	<p>The variation needs to consider the use of committed and planned major transport, water and sewerage infrastructure, and have no cost to government.</p> <p>The variation should only be permitted if adequate and cost effective infrastructure can be provided to match the expected population.</p>	<p>It is assumed that any variation that includes the proposal site within the UGA will have also considered the role of the site with respect to committed and planned major transport, water and sewerage infrastructure.</p> <p>The cost of including the site within the UGA and implications for government spending will need to be considered via relevant studies.</p> <p>GHD understands that Council's staff have assessed the infrastructure demand for this development, the applicant was made aware of the need to cover the cost of necessary upgrades (in this instance duplication of the water main and road upgrades related with access and egress to and from the site). GHD understands that there will be no infrastructure cost to the government.</p>
Environmental and heritage	The variation should avoid, minimise and appropriately manage and protect any areas of high environmental value and water quality sensitivity, riparian land or of Aboriginal and non-Aboriginal heritage.	The proposal site does not appear to be of high environmental or heritage value but it is assumed separate environmental and heritage studies will be required to confirm this.
Avoiding risk	<p>Risks associated with physically constrained land are identified and avoided, including:</p> <ul style="list-style-type: none"> – flood prone – bushfire-prone – highly erodible – severe slope, and – acid sulfate soils. 	GHD has not completed a review of the listed constraints. It is assumed that a development proposal would include the relevant studies.
Coastal strip	Only minor and contiguous variations to urban growth areas will be considered within the coastal strip due to its environmental sensitivity and the range of land uses competing for this limited area.	"Coastal strip" is defined under the Regional Plan for the Tweed Shire as "land east of the Pacific Highway alignment plus the urban areas of Tweed Heads around the Cobaki Broadwater...". The proposal site of 5.69 hectares represents 0.044% of the total zoned RU1 – Primary Production land in the LGA (see Table 5.1) and as such is considered to be a minor variation. In addition, the site is surrounded by non-agricultural land uses on three sides and is therefore considered to be contiguous.
Land use conflict	The variation must be appropriately separated from incompatible land uses, including agricultural activities, sewage treatment plants, waste facilities and productive resource lands.	The LUCRA (Table 6.2) indicates that a variation will have minimal land use conflict risk assuming the recommended mitigation activities are completed).
Important Farmland	<p>The planning area is contiguous with existing zoned urban land and the need and justification is supported by a sound evidence base addressing agricultural capability and sustainability and is either for:</p> <ul style="list-style-type: none"> • a minor adjustment to 'round off an urban boundary', or • if demonstrated through a Department approved local strategy that no other 	The site is mapped as State Significant Farmland – the issues to be satisfied if State Significant Farmland can be considered for future urban use is analysed in Table 7.3 above.

Principles	Description	GHD analysis for the proposal site
	suitable alternate land is available, and if for housing, that substantial movement has been made toward achieving required infill targets within existing urban growth area boundaries.	

7.3 Summary of analysis

The above analysis considers the current status of the site given its Regionally Significant Farmland classification and provides reasoning for any change in zoning against the recognised criteria. The justification for rezoning is highly dependent on the availability of land for industrial purposes including Intensive Plant Agriculture as a permissible activity.

In completing an assessment for agricultural capability and sustainability it is important to not only consider the potential of the land to support sustainable agricultural production, but also consider the wider importance of agriculture to the area and its resource needs. Table 7.5 analyses the range of matters that need to be addressed in consideration of the planning proposal.

Table 7.5 Analysis of matters relevant to the planning proposal

Matters	GHD analysis for the proposal area
Location, extent and type of agriculture	<p>The proposal site on the fertile Cudgen plateau is mapped as State Significant Farmland and as such there is a range of government policies that aim to protect such lands for sustainable agricultural industries that may be important currently or in the future, thereby keeping land options open for new crops and farming methods.</p> <p>The proposal site land is currently idle with no agricultural production occurring. Historical images of the site since 1962 show that agricultural land use has declined over that period.</p> <p>The total area of the site is approximately 5.7 hectares, or 0.034% of the combined State and Regionally Significant Farmland in the Tweed Shire, and as such it represents only a small extent of agriculture in the Shire.</p> <p>The land is surrounded on three sides by non-agricultural land and could be considered to be an “intrusion” north of Cudgen Road (see Figure 2.1).</p>
Biophysical advantages for agriculture	<p>The proposal site is mapped as State Significant Farmland with a mapped Land and Soil Capability (LSC) classification of Class 3, thus on paper giving the impression that it has biophysical advantages for agriculture.</p> <p>Closer inspection and soil analysis of the proposal site shows that it has a number of constraints that reduce its biophysical advantages. Lot-scale analysis of LSC by Gilbert and Sutherland indicates that 45% of the site is comprised of Classes 3 and 4, with 42% classified as Class 6, thus the proposal site has moderate to high limitations for sustaining high impact land uses such as cropping (see Section 2 and Section 3.2). These constraints include the slope of the site being quite severe which is problematic as the steep contours are impassable to the majority of machinery limiting the arable area of an already small site. Soil testing results show that the soil physical and chemical properties are not suited to high productivity agriculture.</p> <p>The proposal site therefore does not exhibit a high degree of biophysical advantages for agriculture.</p>
Economic contribution of agriculture	<p>The gross value of agricultural production (GVAP) from the Tweed Shire Council LGA was over \$97 million in 2020-21, with broadacre cropping (mainly sugarcane) accounted for 37% of GVAP (see Table 4.1).</p> <p>The “value added” economic contribution of all industries in the Tweed Shire in 2021-22 was \$3,625 million of which the Agriculture, Forestry and Fishing industry had a value add total of \$107.2 million (about 3%). The Agriculture, Forestry and Fishing industry ranked 15 out of 19 industries on total value add in Tweed Shire in 2020-21 (see Table 4.4).</p> <p>The agriculture, forestry, and fishing sector had 896 employees in 2021-22 representing 2.7% of total employment in the LGA, ranking thirteenth out of the 20 sectors listed. First in the employment sector ranking is the healthcare and social assistance sector with 6,472 employees comprising 19% of total employment in the LGA (Table 4.3).</p>

Matters	GHD analysis for the proposal area
	<p>The “abandoned perennial horticulture” category of land use was 2,685 hectares in 2020-21 (see Table 3.1) which is perhaps an indication of the relative decline in the economic contribution of agriculture in the Shire.</p> <p>The current “idle” agricultural land use means that the site has limited if any economic contribution to the declining economic contribution of agriculture in the Shire.</p>
<p>Infrastructure, services and resources established to support agriculture and the flow on economic and social contributions</p>	<p>The “value added” economic metric of an industry is an indicator how productive each industry sector is at increasing the value of its inputs. As described above, the gross value of agricultural production (GVAP) from the Tweed Shire LGA was about \$97 million in 2020-21 with a value add total of \$107.2 million. This relatively marginal increase from gross value to value add reflects that agriculture has relatively high levels of output but requires large amounts of input expenditure to achieve that output.</p> <p>For social contributions see the discussion on employment in the agriculture sector above.</p> <p>The proposal site of 5.7 hectares (or 0.04% of the RU1 Primary Production zoned land in the Shire) provides negligible infrastructure, services and resources to support agriculture and the flow on economic and social contributions to the Shire.</p>
<p>Value adding enterprises that are supported by agricultural producers</p>	<p>In theory, an increase in agribusiness opportunities through diversification and value-adding can provide significant economic benefits to farm businesses, industry and the community. The regulatory environment around farming and food, particularly the establishment of value-adding and farm diversification enterprises, can be a difficult, time consuming and costly process for landholders (Tweed Sustainable Agriculture Strategy, 2016).</p> <p>Value adding enterprises can range from relatively simple options (e.g. roadside stalls selling produce) to manufacturing products, with all having different investment risks that impact on economic viability.</p> <p>The history of land use at the proposal site indicates there may have been an attempt(s) to value add production around 2017 with activities associated with a small shade/glass house enterprise, but it appears this enterprise did not persist as the land became idle from an agricultural production perspective from 2019 onwards (see Section 2.2).</p> <p>The risks for value added industries is recognised in the National Farmers Federation (NFF) 2030 Roadmap (see section 5.4.4), including the fact that fragmented sources of public and private investment have no coordinating strategy at the regional level, and the need for a proposed multi-government framework for physical infrastructure investment and regional development policy to overcome current blockages.</p> <p>The small land area of the proposal site combined with the constraints of being adjacent to the Tweed Valley Hospital to the east and Cudgen village to the west mean that it is an unlikely candidate for inclusion in a broader, co-ordinated value-added network.</p>
<p>Trends in agriculture such as intensification, increase in scale, tenure, employment and changes in technology</p>	<p>In 2005, agriculture was the region’s third largest employer and exporter and fourth highest contributor to gross regional production (Northern Rivers Farmland Protection Project 2005).</p> <p>In 2021-22, the agriculture sector ranked thirteenth in employment numbers of industries in the Shire (Table 4.3).</p> <p>While there are examples of intensification, increase in scale, tenure, employment and changes in technology in agriculture to boost productivity in different locations around Australia, examples tend to be site or location specific and such opportunities that are both sustainable and economically viable do not appear to be available for the proposal site (see GHD’s qualitative assessment in Table 2.2).</p>
<p>Future agricultural industry development needs</p>	<p>The face of agriculture and rural land is changing and the long-term viability of farming depends on an ability to adapt to change. Council recognises the importance of agriculture to the region and wants to see an innovative and adaptable farming community that can deal with threats such as pests, weeds and climate change and be able to take advantage of opportunities such as new farming techniques and market opportunities (Tweed Sustainable Agriculture Strategy, 2016).</p> <p>This general future outlook is applicable to agricultural development on a Shire-wide basis. However, for specific small areas of rural land that could be considered as “intrusions” into areas of non-agricultural use, it is unlikely for these small, isolated areas to be an essential feature of future agricultural development within the Shire.</p>
<p>Factors required to retain or expand local food production</p>	<p>Tweed Sustainable Agriculture Strategy (2016) states there is a growing market for locally grown, good quality, organic and sustainably produced food, to be tapped into by growers and retailers.</p> <p>While this might apply generally within the Shire, there is little evidence of the retention or expansion of local food production at the proposal site. In fact, the history of land use at the</p>

Matters	GHD analysis for the proposal area
	<p>proposal site indicates a decline in production over time, with the land being unused for agriculture since 2019 (see Section 2.2).</p> <p>Factors impacting on local food production are complex and impacted by the demand/supply elements within a market economy. A recent example is provided by the closure of a local food collective in Victoria which has been attributed to the cost-of-living crisis where a growing segment of shoppers are buying "essentials-only". One analyst stated that "it's nice to go to the farmers' market or the farm gate but it's not an essential" (ABC 2024).</p> <p>Any expansion of local food production in the Shire is unlikely to be dependent on any future food production at the proposal site, with prospective agricultural enterprises being marginal from an economic viability perspective (see Table 2.2).</p>
Factors required to protect environmental assets and catchment water quality.	<p>The State of the Environment report (SOE, 2021) states that the intense competition for land resources in Australia has resulted in continued declines in the amount and condition of our land-based natural capital – native vegetation, soil and biodiversity – which deliver essential ecosystem services. Reversing this trend requires proactive development planning among governments, businesses and communities to restore ecosystem function, build resilient landscapes, and equitably distribute environmental, economic, social and cultural benefits.</p> <p>The current "idle" agricultural land use at the proposal site will not protect environmental assets and catchment water quality unless it is actively managed. A sustainable agricultural enterprise at the site could protect its environmental assets, but the likelihood of an economically viable agricultural enterprise is marginal (see Table 2.2).</p> <p>For any future non-agricultural land use, a proposal must include provisions to ensure the protection of environmental assets and catchment water quality, including reviewing elements within the Draft Tweed Conservation Strategy 2023-2033 (Tweed Shire Council 2023).</p>

8 References

- ABC (2024) <https://www.abc.net.au/news/2024-04-02/cost-of-living-hurting-local-farmers-prom-coast-food-collective/103620526>
- Australian Bureau of Statistics (ABS) (2022a), Agricultural Commodities, Australia–2020-21 - Agricultural commodity estimates by 2021 Local Government Areas (LGA)
- Australian Bureau of Statistics (ABS) (2022b), Value of Agricultural Commodities Produced, Australia, 2020-21 – Gilbert & Sutherland Pty Ltd (November 2023). *Agricultural Land Assessment, 'Cudgen Connection' 741 Cudgen Road*.
- Gross and local value estimates by 2021 Local Government Areas (LGA)
- GNF Real Estate (n.d.), Prime Cattle Sales. <https://www.gnfrealestate.com.au/prime-cattle-sales>
- MLA (2022) Saleyard Survey – Results for the 2020/21 saleyard survey. January 2022
- North Coast Regional Plan 2041, NSW Department of Planning and Environment
- NSW Department of Primary Industries, (2011), Land Use Conflict Risk Assessment Guide
- Pinnacle Agriculture (2023). Cudgen Agricultural Capacity Report.
- Planit Consulting Pty Ltd (December 2023). Concept Masterplan & Strategic Planning Imperative Cudgen Connection.
- SOE (2021). State of the Environment Report, Australia. <https://soe.dcceew.gov.au/land/key-findings>
- Sunshine Sugar (n.d.), Our Story. <https://www.sunshinesugar.com.au/our-story/>
- Tweed Fruit Exchange (n.d.), About Us. <https://tweedfruit.com.au/about-us/>
- Tweed Fruit Exchange (n.d.), Collections. <https://tweedfruitexchange.com.au/collections>
- Tweed Growth Management and Housing Strategy – Draft Options Paper, Tweed Shire Council, February 2024
- Tweed Shire Council (2019), Murwillumbah's Cattle Saleyards Renewed by \$120,000 upgrade. <https://www.tweed.nsw.gov.au/council/news-updates/latest-news/media-releases/2644-murwillumbahs-cattle-saleyards-renewed-by-120000-upgrade>
- Tweed Shire Council (2023). Draft Tweed Conservation Strategy 2023-2033
- Tweed Sustainable Agriculture Strategy (2016). Tweed Shire Council. <https://www.tweed.nsw.gov.au/files/assets/public/v/1/documents/environment/agriculture-and-farming/sustainable-agriculture-strategy.pdf>
- The Tweed: The Natural Choice for Business. (The Tweed) (n.d.), Agriculture. <https://business.thetweed.com.au/the-profiles/agriculture>

Appendices

Appendix A

Site Photos

Photo 1: General site photo taken from the southern boundary looking north



Photo 2: Southern boundary looking east, Cudgen Road on the right.



Photo 3: Western boundary looking north with Tweed Coast Road running along the western boundary



Photo 4: Example of krasnozem soils typical across the site



Photo 5: View of the site looking north east towards the Tweed Valley Hospital boundary



Photo 6: Previously levelled land in the central north of the site likely used for a previous shade/glasshouse structure.



Photo 7: Kraznozem soil with stones in the south east. The stones may not be a natural feature but introduced as a result of previous access road construction.



Photo 8: Typical Cudgen plateau land southwest of the site, west of Tweed Coast Road. Cultivated land for sweet potatoes, grass fallow as part of a rotation for future sweet potato crop.



Photo 9: Typical Cudgen plateau sweet potato land west of the site and south of Cudgen village.





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From: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Sent: Friday, 9 February 2024 3:17 PM
To: Josh Townsend
Cc: Iain Lonsdale
Subject: [J7594] Cudgen Connection Planning Proposal - Preliminary Assessment and RFI
Attachments: Cudgen Connection TSC Preliminary Assessment and RFI.pdf

Hi Josh,

Please find attached for a summary of the preliminary assessment and a request for further information for the Cudgen Connection planning proposal.
If you have any questions please do not hesitate to contact me.

Kind regards,
Matt.

Matthew Zenkteler MPIA
Senior Strategic Planner
Strategic Planning and Urban Design



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Council Reference:
Your Reference:



9 February 2024

Josh Townsend
PLANIT CONSULTING
11-13 Pearl St
Kingscliff NSW 2487

josh@planitconsulting.com.au



Dear Josh

Planning Proposal PP-2023-2669 for land at 741 Cudgen Road, Cudgen (the Cudgen Connection project)

I refer to the above planning proposal submitted into the NSW Planning Portal on 1 December 2023 and wish to advise that Council officers have now finalised the preliminary assessment. As a result of the preliminary assessment some key issues are raised for further consideration and comment, they are listed below. We trust that further clarification of these matters will assist Council in its determination of the suitability of the rezoning request.

Sustainable Agriculture

Council's Sustainable Agriculture Program team has reviewed the proposal and raised an objection based on, in short, the need to protect contiguous State Significant Farmland as capable of sustainable agricultural production and ensure that the planning proposal aligns with the strategic and agricultural goals outlined in regional and local planning documents.

Council is now finalising appointment of a consultant to undertake a further assessment of the proposal against the Urban Growth Area Variation Principles (Important Farmland element) provided under the North Coast Regional Plan 2041. This additional assessment is expected to will assist Council in its determination of the consistency of the rezoning request with the State planning framework.

Strategic planning:

Under the Tweed Local Environmental Plan 2014, zone SP2 is generally used for infrastructure, in accordance with the relevant Practice Notes published by NSW Department of Planning. Please provide comments whether the Proponent would consider SP1 Special Purpose zone instead. Further, we would like to advise that should this planning proposal be supported, the LEP amendment is likely to involve changes to the Land Zoning Map, accompanying development standards, supported by a Key Sites Map entry and LEP Part 7 local clause detailing specific development outcomes, including essential workers housing. LEP amendment will likely need to be supported by a planning agreement. At this stage, a site-specific Development Control Plan does not seem to be necessary.

Water supply:

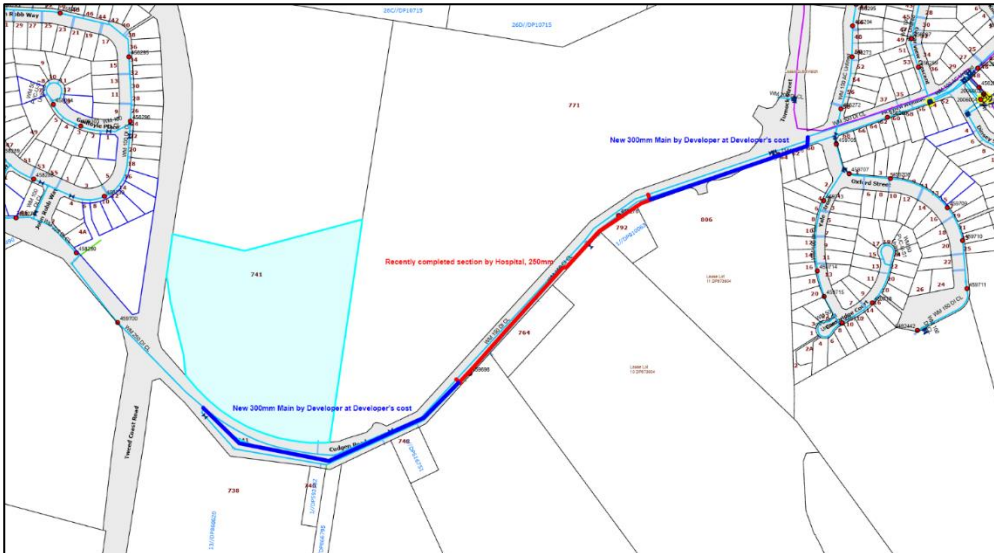
These comments are based on the summary of the proposed water demand provided by the Proponent, below:

- Water Demand:
 - Water = 417.87 ET
 - Original Revision = 40.58 L/s
 - Latest Revision = 42.89 L/s
 - Revised Demand Increase = + 2.31 L/s
- Water (Per TSC D11)
 - Average Daily Demand on main (370L/day/EP)
 - 417.87ET @ 2.8EP/ET = 1170.04EP
 - ADD = 1170.04EP @ 0.37kL/day/EP = 432.92 kL/day
 - Peak Hour Demand on main (0.05L/s/ET)
 - PHD = 417.87ET @ 0.05L/s/ET = 20.89 L/s
 - Peak Hour Demand + Fire Flow (commercial/multi-storey res) = 20.89 L/s + 22 L/s = 42.89 L/s

For the Planning Proposal stage, please confirm the proposed development's water supply demands in accordance with TSC Development Design Specification D11 with the lodgement of the Planning Proposal.

The existing DN150/DN250 reticulation running along Cudgen Road has insufficient hydraulic capacity to service the development.

- Additional hydraulic modelling to evaluate whether the development can be accommodated based on the nominated flow rates, as above, was undertaken and it revealed that the existing duplicate 150 mains in Cudgen Rd, along the development's frontage to Turnock St, require an upgrade to a new DN 300mm main. Notably, even with this upgrade, pressures will just meet TSC's minimum requirements and as such, the proposed development cannot proceed without these minimum required upgrade works.
- Referring to the diagram below, note that part of this upgrade has been constructed in conjunction with the Hospital works as a DN 250mm, as such the remainder of this upgrade (two sections in Blue) would need to be provided by the Proponent / future developer, as it is the proposed development that necessitates the upgrade.
- Noting that the subject site is not defined within the TSC Water Supply Development Servicing Plan area, the developer would likely also be expected to contribute to future water main upgrades along McPhail Ave, from Turnock St the Kingscliff Reservoir complex (augmenting distribution supply from the Reservoir(s) to the development site). This will require further discussion with Council regarding developer or capital contributions at the DA stage.
- Engineering Reporting is to be submitted to demonstrate that the proposed development can adequately be serviced with water in accordance with TSC's Development Design Specification D11 at the Planning Proposal Phase. This will require the Proponent to identify any on-site firefighting requirements necessary to service the proposed development. The on-site firefighting requirements must be designed based on the public water supply system only being capable supplying the minimum requirement as specified in the D11 Design Specifications. These on-site firefighting requirements must be displayed on the architectural plans.



Stormwater management:

- Downstream receiving environment is very sensitive. Any development here will need to be minimum industry best practice stormwater management.
- SWMP includes onsite detention. The proponent has have adopted limiting post-development discharges to pre-development levels. Should be noted that the hospital next-door adopted the Development Design Specification D5 200L/s/ha target, which is a higher standard. It is unclear what the appropriate target for this development is, as such it requires further detailed consideration. Not sure what target is appropriate here – needs detailed consideration.
- Stormwater treatment appears to be simply end of pipe GPT. This is not sufficient, and similarly a best practice approach to Water Sensitive Urban Design is expected on a site/proposal of this scale.
- Concern is raised with regards to the proposed diversion of stormwater along the western boundary of the site directing stormwater to the Tweed Valley Way culvert outlet. There are ongoing scour issues here and directing additional stormwater to this location is discouraged. Existing western boundary swale appears to terminate and permit flow into the site – so doesn't currently discharge here.
- Any works required on the adjoining land (e.g. stormwater diversion) is likely to require landowner's consent.
- Some uncertainty with regards to the site's Lawful Point of Discharge. Not clear if direct connection to defined waterway is present – needs to be confirmed.

Traffic:

- Limited detail is provided on the proposed left in access off Tweed Coast Road and how it will tie in with the existing left turn lane into Cudgen Road. Further information demonstrating that it can be constructed to the appropriate standards is required.
- The proposed new signalised intersection has not been modelled and there are concerns in relation to its proximity to the existing signals on Tweed Coast Rd/Cudgen Rd intersection. Whilst all traffic signals require approval from TfNSW, further information addressing this concern is required.

- The estimated site traffic trip generation rates allocates 0.29 trips per residential unit in the AM peak hour and estimates for 286 units that 83 trips will be generated. The RTA guide recommends an average rate of 0.53 for a Regional Development and a range 0.39 – 0.67. Using the average rate, results in 152 trips in the AM peak which is significantly higher than those estimated. The estimated rates are underestimated and cannot be relied upon for modelling purposes, they must be reviewed.
- The proposed private and mental health hospitals' traffic generation estimates rely on data based on the GFA of the Buildings. Using the RTA Guide this would equate to 119 Rooms in total for the private hospital and 75 rooms in total for the mental health hospital. As such any approval should impose a limit on the number of hospital rooms so as not to exceed these numbers. The Proponent may want to provide further information or discussion to clarify the estimates.
- There are several assumptions used to estimate the 30% development trip generation reduction. These assumptions are not accepted and need further clarification on how they are derived. For example, (and not limited to), how will the proposed childcare centre be limited to workers employed on site or at Tweed Valley Hospital. Has there been any consultation with public transport providers to support the assertion that a bus will enter the site?
- The traffic assessment relies on significant road upgrades that do not have timeframes for implementation, and the TIA identifies that the development cannot proceed until those upgrades are completed. Particularly, the intersection at TCRd/Cudgen Road which the TIA advises is currently close to capacity yet does not propose the necessary upgrades to cater for the Development. This proposal therefore cannot be supported without further clarification on proposed road upgrades, expected traffic generation from the site and proposed access arrangements.
- Proposed land tenure and lot boundaries are not shown on the plans to confirm if the internal roads are to be Council roads and if sufficient verge width is provided for street trees for tree canopy cover.

Open Space:

It is noted that the proposal is not consistent with Section B26 of TDCP and the adopted open space planning for the area as the site is nominated as Important Farmland.

The submission is unclear on whether the 'parkland and green spaces' are to be dedicated as *public* open space. The Request for Planning Proposal dated December 2023 mentions open space and private open space, indicating that 24% of the site can be made available for open space. Whilst the Social and Community Needs Analysis prepared by Umwelt dated November 2023 addresses *Private open space* (passive and active). Public open space is not mentioned explicitly although the report mentions Council's Open Space Strategy. Passive (5.5.1.1) and Active Open space (5.5.1.2) are subsections of the heading 5.5.1 Private Open Space **therefore the submission does not demonstrate that the proposed development provides sufficient public open space, as required under s7.11 of the Act and TDCP.**

Regarding each open space shown in the Masterplan, the following is noted:

- Park 1 is 7568m² and is a linear strip along the northern boundary that appears to include steep and low lying areas where native vegetation is to be retained. Most of the area is subject to ecological buffer requirements and constraints and would not meet the requirements of Section A5 particularly regarding slope, level of embellishment and shape (maximum length/width ratio of 3:1). In addition, if a park is to be credited as public open space, it cannot contain a sewer pump station in that park. It needs to be confirmed if this is proposed for public dedication.
- Park 2 is 4451m² within the Cudgen Road frontage setback and farmland buffer of approximately 20m wide with little recreation value. It needs to be confirmed if this is proposed for public dedication.
- Park 3 is 1410m² within the Cudgen Road frontage setback and farmland buffer of approximately 20m wide with little recreation value. It needs to be confirmed if this is proposed for public dedication.
- The Childcare play area is presumably enclosed and attached to the private centre; therefore PAC has no further comment on this space in regard to open space assessment.
- The drainage swale is a long, narrow section of land to the east which would not meet the criteria for crediting as public open space.

Therefore, no compliant public open space is proposed.

The location is subject to with *Developer Contribution Plan 07 – West Kingscliff* and the *Tweed Development Control Plan 2008*. Please note that residential and tourist accommodation are applied at the same rate under CP 07.

Based upon the proposed yield of 286 essential worker units and 85 serviced apartments and based upon the bedroom mix listed above, **the development is required to provide 6,622m² of usable, embellished passive (casual) open space** in accordance with *Tweed Development Control Plan 2008*. As detailed below, much of the proposed parkland may not comply and therefore cannot be credited as usable, embellished passive open space and therefore further information is required to determine if the proposal complies in this regard.

The application states that Active (structured) open space will not be met onsite requiring financial contribution under Section 7.11 plans. Therefore the active open space required in response to the demand generated by the development will need to be located offsite.

The submission does not demonstrate that the proposed development provides a sufficient amount of compliant public open space as required under s7.11 of the Act and TDCP 2008. As such, further information is required.

Section A5 requires the dedication of unencumbered, usable open space that is embellished in accordance with either Table A5-8.2.1 or .2 (depending on final yield). Please note that >80% of the parkland is to have a gradient of less than 8% and not be flood liable. Linear strips of land are not acceptable. The length/width ratio shall not exceed 3:1. **Based upon the information provided, the level of embellishment and topography do not comply and an amended proposal is required.**

Council does not support the submission's self-assessment of the provided passive open space against the Great Public Space Guide (The Social and Community Needs Analysis prepared by Umwelt dated November 2023). As the parkland is not embellished and is not of an accessible topography, it is unlikely to meet these guidelines as proposed.

It is noted that a better outcome would be to have the public open space in proximity to the retail and community facilities for accessibility and passive surveillance rather than between the residences and the environmental land to the north.

The sewer pump station cannot be located the park if the park is to be credited and any ecological constraints that inhibit the recreational use and embellishments.

Community Facilities:

Regarding the provision of Community Facilities as described within The Social and Community Needs Analysis prepared by Umwelt dated November 2023, as the proposal does not appear to involve the dedication of community facilities to Council, no credits can be granted under s7.11 or Council's developer contribution plans.

Biodiversity and other ecological values:

The proposed land use zone as shown on Dwg. No. J7594_100 Rev. 01 Land Use Zoning – Cudgen Connection dated 22/11/2023 prepared by Planit Consulting should be amended to include a C2 – Environmental Zone to the north of the site. The alignment of the C2 – Environmental Zone should generally reflect that shown on the marked-up plan – Figure 1 below, based on the 'Baseline Ecological Assessment Report (BEAR 2023) dated 23 November 2023 prepared by Cumberland Ecology – Figure 13 Setbacks required under Section A19 of the Tweed Shire DCP'. The C2 - Environmental Zone should capture the following values and ecological setbacks:

- a. Endangered Ecological Community (EEC) listed under the *Biodiversity Conservation Act 2016* being Lowland Rainforest of the NSW North Coast and Sydney Basin Bioregions and Lowland Rainforest on Floodplain in the NSW North Coast Bioregion where occurring on the subject site identified as PCT 3004: Far North Bangalow Palm Swamp Forest (Regrowth) in the BEAR 2023
- b. 30 metre wide ecological buffer consistent with Tweed Development Control Plan Section A19 Biodiversity and Habitat Management to EEC identified as PCT 3004: Far North Bangalow Palm Swamp Forest (Regrowth) in the BEAR 2023 on and adjacent to the subject site
- c. Coastal Wetland Area as identified on the SEPP (Resilience and Hazards) 2021 coastal mapping.

Item 2 - Controls and management of recommended C2 – Environmental Zone land

A planning agreement or other appropriate strategic planning mechanism should be established to:

- a. Prohibit future development on recommended C2 – Environmental Zone land, other than environmental protection works under an approved/endorsed Habitat Restoration Plan; and
- b. Preclude subdivision of recommended C2 – Environmental Zone land unless the effect of the subdivision is that the C2 – Environmental Zone land is all in one lot which also contains SP2 zoned land which meets the minimum lot size development standard for land in that zone

Item 3 - Amended Concept Plan

The recommended C2 – Environmental Zone land is to be used for conservation purposes and the entire area subject to a habitat restoration program with the objective of improving existing ecological values and reestablishing pre-clear habitat in areas devoid of local native woody vegetation.



Figure 1 Marked up plan showing the general alignment of the recommended C2 – Environmental Conservation Zone

Item 4 - Further ecological survey and assessment

Targeted field survey in accordance with Biodiversity and Assessment Methodology 2020 (2020 State of NSW and Department of Planning, Industry and Environment) should be carried out within the study area for the following fauna species considered to have a moderate to high likelihood of occurrence within the study area:

- Mitchells Rainforest Snail (*Thersites mitchellae*)
- Three-toed Snake-Tooth Skink (*Coeranoscincus reticulatus*)
- Pale-vented Bush-hen (*Amauornis moluccana*)
- Wallum Froglet (*Crinia tinnula*)

Where threatened species are recorded, individuals and associated fauna habitat polygons to a minimum distance of 20 metres from any record (consistent with DCP A19) should be included as C2 – Environmental Zone land.

Any additional threatened flora and fauna species recorded during further survey effort should be subject to an assessment of significance (5-part test) under the *Biodiversity Conservation Act 2016*.

Item 5 - Bushfire management

The Bushfire Assessment Report dated 28 November 2023 prepared by Building Code & Bushfire Hazard Solutions Pty Ltd should be amended to show all bushfire asset protection zones outside the C2 – Environmental Zone land as contained in this request for further information. Habitat restoration of the recommended C2 – Environmental Zone land should be considered as part of bushfire hazard assessment.

Item 6 - Groundwater Dependent Ecosystems

A groundwater investigation and impact assessment should be completed to demonstrate that groundwater dependent ecosystems on and adjacent the subject site to the north would not be adversely impacted from future development as a result of potential interception and modification to the groundwater hydrology.

Further matters:

Please note Council may provide further comments on environmental health and social planning aspects of the proposal. These comments will be consistent with advice previously issued as part of the pre-lodgement meeting held in 2022.

I look forward to your response on matters raised above and we anticipate once your response is provided Council officers will be in position to report the proposal to Council within the timeframes provided under the LEP Making Guidelines.

Please do not hesitate to contact me if you have any questions.

Kind regards,

Matthew Zenkteler
Senior Strategic Planner

Strategic Planning and Urban Design Unit

Subject: FW: [J7594] Planning Proposal Cudgen Connection
Sent: 16/02/2024, 10:15:28 AM
From: Matthew Zenkteler<MZenkteler@tweed.nsw.gov.au>
To: Josh Townsend
Attachments: [EH Comments PP \(Cudgen Connection\).docx](#)

Hey Josh,

Please find attached late comments from Council’s Environmental Health Unit with respect of the Cudgen Connection planning proposal.

Kind regards,
Matt

Matthew Zenkteler MPIA
Senior Strategic Planner
Strategic Planning and Urban Design



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Planning Proposal Environmental Health Comments

Planning Proposal 'Cudgen Connection' project at 741 Cudgen Road, on land next to the Tweed Valley Hospital. The proposal seeks LEP amendment to facilitate 'the delivery of private health infrastructure, tertiary education, essential worker housing and other core health precinct land uses at the subject site'.

Background

In 2012/2022 Council received a Pre-lodgement Planning Proposal in relation to land at 741 Cudgen Road, Cudgen, adjacent to the Tweed Valley Hospital site. It was understood that the proposal, referred to as Cudgen Connection, sought to create a private hospital, medi-hotel, allied healthcare, rehab pool, gym, aged care facilities, essential worker housing, community hub, farmers' market, eateries and an amphitheatre set in parklands on 5.7 hectares.

The Environmental Health team provided comments to the Strategic Planning & Urban Design team regarding the above.

In December 2023, Matt Zenkteler requested Planning Proposal Environmental Health Comments regarding 'Cudgen Connection' project at 741 Cudgen Road, on land next to the Tweed Valley Hospital. The proposal seeks LEP amendment to facilitate 'the delivery of private health infrastructure, tertiary education, essential worker housing and other core health precinct land uses at the subject site'.

Due to communication problems, the task wasn't assigned until 9 February 2024. On 14 February 2024, Matt requested high-level comments regarding the task, particularly in relation to Contaminated Land. I carried out a rapid review of the documentation relating to contaminated land. Comments are outlined below.

Acid Sulfate Soils and Dewatering

The subject site has been identified as Class 5 on the acid sulfate soil planning maps. The applicant shall address Clause 7.1 of the Tweed LEP 2014.

The subject site is identified as having 'high' groundwater vulnerability. Some areas in the northern part of the subject site are low-lying. Proposed basement car parking is noted. The applicant shall address potential groundwater interception and dewatering, also noting potentially sensitive wetland areas in the northern part of the subject site and further to the north.

Amenity

The applicant shall address noise, lighting and other amenity impacts from all uses at the subject site on neighbouring properties, as well as neighbouring properties impacting on the subject site. Importantly, properties to the west and north-west are zoned R2 Low Density Residential. Tweed Coast Road is a Classified Road. The applicant must address all potential land use conflicts and appropriate buffers with any development application.

Contaminated Land

Historical aerial photographs indicate previous agricultural and nursery activities at the subject site.

The applicant must address Local Planning Direction no. 4.4 Remediation of Contaminated Land, which relates to contamination and remediation to be considered in zoning or rezoning proposals. This will allow Council to consider whether the land is contaminated, if the land is contaminated it will be suitable in its contaminated state or will be after remediation, and if it requires remediation to be made suitable the land will be remediated before the land is used for that purpose.

All contaminated land reports submitted for Council review as of 1 July 2020 must be accompanied by a Contaminated Land Summary Table to ensure that key mandatory information is incorporated into consultant's reports (available at <https://www.tweed.nsw.gov.au/ContaminatedLand>).

The Planning Proposal package includes 'Detailed Site Investigation, Proposed Cudgen Connection Development, November 2023, prepared by HMC Environmental Consulting (HMC2022.445.02)' (the 'DSI').

The DSI states:

A Preliminary Site Investigation (PSI) (HMC2022.445), including a desktop assessment of available information, and a detailed site inspection, was prepared by HMC Environmental Consulting (HMC) in August 2022. The report found that the property was subject to historic intensive agriculture across the site from prior to 1947 until prior to 1991, with the eastern part of the site also subject to a hydroponics operation. A commercial nursery previously operated on the south-eastern part of the site, fronting Cudgen Road. As the broadacre cropping, with associated agrichemical applications, had extended across the site, this area would be considered an area of potential concern (AoPC), and further investigation would be required. Targeted soil investigation would also be required across the former nursery area, and near the farm shed buildings.

The DSI states that the soil investigation included:

*Collection of 88 primary surface soil samples + 10 x QA/QC soil samples in the former broadacre cropping area, to be **composited** into 22 soil samples and laboratory analysis for potential contaminants of concern (PCoC) including total metals, and **organochlorine/organophosphorus chemicals**.*

The DSI concludes:

Based on the information presented, in relation to potential site contamination associated with the current and former land use, the proposed Cudgen Health Precinct to be located at Lot 6 DP 727425, 741 Cudgen Road, Cudgen NSW, as shown in Appendix 1 and 2 of this report, is considered suitable for the proposed land use, subject to:

- 1. A survey of the existing former packing shed/office located in the south-east corner of the site to be undertaken for the presence of asbestos containing material in the building materials by a Safework NSW licensed contractor prior to demolition of this building. If asbestos containing material is suspected, the suspect material is to be removed and managed in accordance with Safework NSW requirements prior to general demolition. The survey is recommended to be conducted post-rezoning of the site and submitted with any application that involves the removal or disturbance of the former packing shed/office.*

Based on the information presented, in relation to potential site contamination associated with the current and former land use, no further investigation or remediation is required for the proposed Cudgen Health Precinct site to be located at Lot 6 DP 727425, 741 Cudgen Road, Cudgen NSW.

Local Planning Direction no. 4.4 Remediation of Contaminated Land is outlined in green below.

Objective

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

Application

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

- (a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
- (c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:
 - i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
 - ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Direction 4.4

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

- (a) the planning proposal authority has considered whether the land is contaminated, and
- (b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and
- (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.

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

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

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

Issued to commence 1 March 2022 (replaces previous Direction 2.6).

The DSI refers to a post-zoning assessment of a shed/office for the presence of asbestos containing material, and in the event of presence, removal, handling and disposal in accordance with regulatory requirements. Such an assessment is commonplace for demolition work throughout NSW and Australia, and no concerns are raised.

The DSI refers to compositing of samples for analysis of organochlorine/organophosphorus chemicals.

The DSI is not considered to have been strictly prepared in accordance with Sampling design part 1 - application, Contaminated Land Guidelines (NSW EPA, 2022) ('Sampling Design Part 1'), as Sampling Design Part 1 states that composite sampling:

Cannot be used to assess pH, or volatile or semi-volatile contaminants including TRH, BTEXN, OCPs, OPPs and low molecular weight PAHs.

Regarding compositing of samples, the DSI states:

For the TVH site, the NSW DEC (2005) Contaminated Sites - Guidelines for Assessing Former Orchards and Market Gardens were used, including sample compositing (max. 4 sub-samples/composite). As the compositing approach was endorsed by the Site Auditor, this method was similarly used on the broadacre areas where the soil was found to be very homogenous and subject to long term tilling.

If the event that a NSW EPA Accredited Site Auditor confirms that the DSI, including composite sampling, is in accordance with current NSW EPA requirements, the requirements of Local Planning Direction no. 4.4 Remediation of Contaminated Land are considered to have been met. Note: the DSI does not appear to include a Contaminated Land Summary Table, as requested with all contaminated land reports.

Food Safety

Details of any proposed food preparation and handling areas will be required as part of any development application.

Land Use Conflict

Any development of the site will need to consider its relationship to adjoining and nearby land at this stage, and demonstrate how land use conflicts will be avoided, minimised or ameliorated, especially at the development application stage.

Importantly, properties to the west and north-west are zoned R2 Low Density Residential.

The Agricultural Land Assessment prepared by Gilbert & Sutherland (dated February 2021) is noted. The Agricultural Land Assessment refers to both 10 and 20 m vegetated buffers.

Land Use Conflict Risk Assessments should assess potential land use conflicts and recommended buffers in all recognised and relevant guidelines and reference documents. The subject site and some surrounding

properties are identified as State Significant Farmland. Please note, NSW DPI has advised current, as well as potential, agricultural uses of Regional and State Significant Farmland should be assessed when considering potential rezoning and development.

Public Health – Microbial Control

In the event that the development will require the use of regulated systems as identified in the *Public Health Act* 2010 such as a water cooling system (eg cooling tower) or warm-water system (eg thermostatic mixing valves), these systems must comply with the requirements of the *Public Health Act* 2010 and *Public Health Regulation* 2012.

Public Health – Skin Penetration

Details of any proposed skin penetration areas regulated by Local Government under the *Public Health Act* 2010 and *Public Health Regulation* 2012 will be required as part of any development application.

Public Health – Swimming Pools

In the event that pools and spas are identified as a 'public swimming pool or spa pool' as defined in the *Public Health Act* 2010, the pools and spas must comply with the requirements of the *Public Health Act* 2010 and *Public Health Regulation* 2012.

Waste

Waste

The exportation or importation of waste (including fill or soil) from or to the site must be in accordance with the provisions of the *Protection of the Environment Operations Act* 1997 and the NSW Environment Protection Authority "Waste Classification Guidelines".

The importation of waste to the site is restricted to the following:

- a) Virgin excavated natural material (as defined in Schedule 1 of the *Protection of the Environment Operations Act*);
- b) Any other waste-derived material subject to a resource recovery exemption under Part 9 Clauses 91 and 92 of the *Protection of the Environment Operations (Waste) Regulation* 2014 that is permitted to be used as fill material.

The exportation of waste must be transported to a licensed waste facility or an approved site subject to a resource recovery order and exemption.

Any virgin excavated natural material or waste-derived fill material subject to a resource recovery exemption must be accompanied by documentation as to the material's compliance and must be provided to the Principal Certifying Authority or Council on request.

Fire Ant Management

The importation of any of the following material from Queensland invasive ant biosecurity zones must be in accordance with the Biosecurity (Invasive Ant Carriers) Control Order 2023 (including any revised orders made under the Biosecurity Act 2015) and meet the requirements of NSW Department of Primary Industries:

- organic mulch (which includes manure, bark, wood chips, hay, straw, silage, and sugar cane bagasse);
- baled materials;
- potted plants;
- agricultural or earth-moving machinery;
- fill or soil (which includes anything with soil on it such as turf); and
- mining or quarrying materials.

Prior to the importation of each material type, the supplier must provide the receiver and the Principal Certifier or Council with the relevant Certificate as identified within the Biosecurity (Invasive Ant Carriers) Control Order 2023 or revised biosecurity control orders. All material shall meet the requirements of the relevant Certificate.

It is an offence under the Biosecurity Act 2015 if this material comes from within 5 kilometres of a known invasive ant infested area (e.g. identified Fire Ant Biosecurity Zones in Queensland), or any other place at which the person knows, or ought reasonably to know, that an invasive ant has been detected, unless the carrier material has been managed and treated to reduce the risk and meets the certification requirements listed in the Control Order.

David Bell, 14 February 2024

Subject: FW: Ideas for LEP clause for Cudgen Connection
Sent: 28/02/2024, 2:45:31 PM
From: Matthew Zenkteler<MZenkteler@tweed.nsw.gov.au>
To: Josh Townsend

Hi Josh,

See some examples below, not all of them are 100% relevant to our case but I'm on the look for a right mechanism giving us a certainty that a right outcome will be delivered.

[Liverpool LEP 2008](#) see clause 7.42
[Campbelltown LEP 2015](#) Part 8 Glenfield Precinct. Example of provisions for affordable housing, car parking ratio, site coverage.
[The Hills Shire LEP](#) Part 8: example of a maximum number of dwellings, specific lot size controls.
[Parramatta LEP 2023](#) Part 8: Additional Local Provisions for Carter Street Precinct.
[North Sydney LEP 2013](#) Part 6: Additional Local Provisions for North Sydney Centre. Example for urban design considerations.
Height of Building Map includes detailed HoB controls see below (HOB_001):



Matthew Zenkteler MPIA
Senior Strategic Planner
Strategic Planning and Urban Design



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Subject: RE: [J7594] Cudgen Connection Planning Proposal - Preliminary Assessment and RFI
Sent: 10/04/2024, 8:53:53 AM
From: Matthew Zenkteler<MZenkteler@tweed.nsw.gov.au>
To: Josh Townsend

Hi Josh,
Thank you for sending it through.

Regarding the meeting on Friday: I have arranged for a catch up with Craig Diss and his crew tomorrow morning to discuss the most appropriate LEP amending mechanism for Cudgen Connection.

Happy to meet with you all on Friday 9am in Murwillumbah to brief you in on what was discussed with Craig – but that’s really all I can offer for the meeting’s agenda – all other matters/issues have been communicated to you last week. Iain will be on RDO on that day.

Kind regards,
Matt


From: Josh Townsend <josh@planitconsulting.com.au>
Sent: Tuesday, April 9, 2024 12:58 PM
To: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Subject: RE: [J7594] Cudgen Connection Planning Proposal - Preliminary Assessment and RFI

Good afternoon Matt,
In addition to following up on the below, please find attached a conceptual maximum building height plan for your consideration and further discussion.

As discussed within our meeting last week, the draft maximum building height plan divides the site into 4x distinct ‘precincts’. The extent of precinct is defined by the spine roads, with the taller building height applying ‘across’ the road. This approach provides approximately 20m of ‘flexibility’ to support any minor revisions needed when progressing into DA detailed design. Likewise, the approach provides greater clarity and certainty of building heights, which will taper down towards public domain areas of Tweed Coast and Cudgen Roads. For the purpose of your review, please ignore the references to ‘NGL’, we acknowledge the building heights will be measured from Existing Ground Level as per the Tweed LEP 2014/Standard Instrument provisions.

Look forward to further discussion on Friday and welcome formalising any amended building height provisions shortly thereafter.

Kind regards,
Josh



Josh Townsend
Senior Project Planner – Contactable hours: 7:30am – 2:30pm

Telephone: 02 6674 5001 | Mobile: 0408 020 978

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From: Josh Townsend
Sent: Monday, April 8, 2024 3:59 PM
To: 'Matthew Zenkteler' <MZenkteler@tweed.nsw.gov.au>
Subject: RE: [J7594] Cudgen Connection Planning Proposal - Preliminary Assessment and RFI

Good afternoon Matt,
Just to check in on Cudgen Connection, does 9am on Friday work for you to meet in the Murwillumbah Office (or Tweed if preferred)? If not, please let me know an alternate time and I'll align calendars at our end.

I'll also provide an update on building height and open space matters shortly (likely tomorrow).

Regards,
Josh

From: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Sent: Thursday, April 4, 2024 2:37 PM
To: Josh Townsend <josh@planitconsulting.com.au>
Cc: Iain Lonsdale <ilonsdale@tweed.nsw.gov.au>; Kate Charlton <Kate.Charlton@centuria.com.au>
Subject: RE: [J7594] Cudgen Connection Planning Proposal - Preliminary Assessment and RFI

Thank you Josh!

Kind regards,
Matt

From: Josh Townsend <josh@planitconsulting.com.au>
Sent: Thursday, April 4, 2024 1:14 PM
To: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Cc: Iain Lonsdale <ilonsdale@tweed.nsw.gov.au>; Kate Charlton <Kate.Charlton@centuria.com.au>
Subject: RE: [J7594] Cudgen Connection Planning Proposal - Preliminary Assessment and RFI

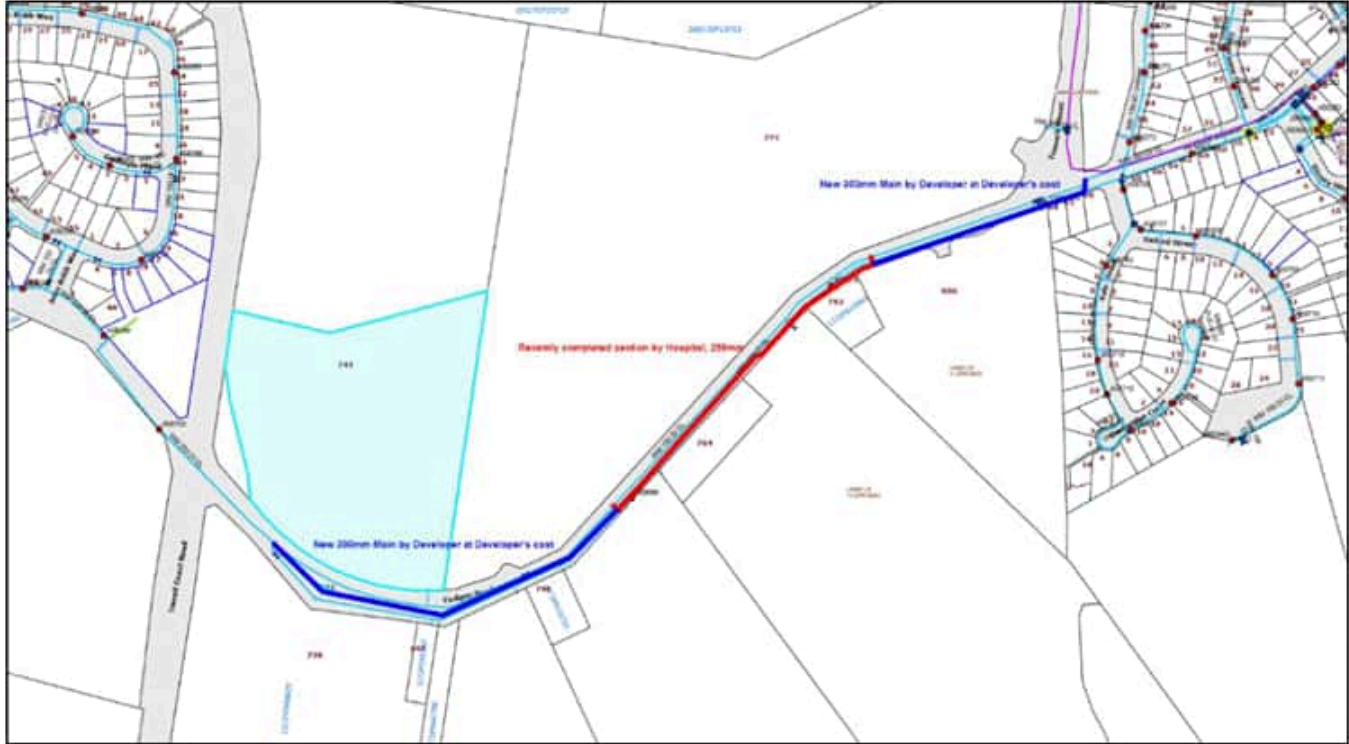
Good afternoon Matt,
Thanks again for the meeting earlier regarding the subject PP.

As discussed, we confirm that the water augmentation identified as required is understood and will be undertaken at no cost to Government.

To confirm our understanding, 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 as identified in blue within the Figure below. If our understanding of works required is not correct, please advise at the earliest opportunity.

We understand that the required upgrades can be pursued via sections 305/306/307 of the *Water Management Act 2000*. Should Council staff identify that an alternate pathway is necessary, or hold concern that additional/formal commitments are necessary, we welcome further discussion.

Kind regards,
Josh





Josh Townsend

Senior Project Planner – Contactable hours: 7:30am – 2:30pm

Telephone: 02 6674 5001 | Mobile: 0408 020 978

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From: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>

Sent: Wednesday, April 3, 2024 12:09 PM

To: Josh Townsend <josh@planitconsulting.com.au>

Cc: Iain Lonsdale <ilonsdale@tweed.nsw.gov.au>; Kelly Edwards <KEdwards@tweed.nsw.gov.au>; Ben Zagami <bzagami@tweed.nsw.gov.au>

Subject: RE: [J7594] Cudgen Connection Planning Proposal - Preliminary Assessment and RFI

Hi Josh,

Thank you for providing this response, I have circulated it to the internal stakeholders.

Cudgen Connection is definitely one of the most complex planning proposals that our Council has processed in recent years. We are committed to prepare a recommendation report for the Councillors, based on the merit-based assessment however, having reviewed Planit's response to the RFI, I am of the view that there remains a high level of unresolved matters. I would not label any of them as "critical" however just their volume is concerning.

I am aware the LEP Making Guidelines make a point that at this stage Council needs to determine whether the planning proposal has strategic and site-specific merit, and I appreciate the main point of Planit's response that all outstanding issues can be gradually resolved post Council decision. I think we can accept a certain number of unresolved matters at this early stage, however I would appreciate a meeting, ideally within the next couple of days, to ensure we are on the same page with respect of:

- Preferred zoning,
- Development standards (height of buildings in particular),
- Open space,
- The need for a voluntary planning agreement.

Would you be available 10:30am tomorrow or Friday afternoon?

I would be keen to also meet with the broader proponent's team – I am available 12 April all day at this point.

Kind regards,
Matt

From: Josh Townsend <josh@planitconsulting.com.au>

Sent: Wednesday, April 3, 2024 8:12 AM

To: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>

Subject: RE: [J7594] Cudgen Connection Planning Proposal - Preliminary Assessment and RFI

Good morning Matt,

As discussed, please see attached a response to the preliminary advices provided on 9 February 2024 for your consideration. For completeness, I will upload a copy to the NSW Planning Portal shortly as well.

In addition, I am currently juggling calendars with the proponent to facilitate a meeting – do you have availability on 12 April 2024? Likewise, happy to bounce around any site-specific LEP clause provisions via email prior to assist expediting.

Thanks in advance,
Josh



Josh Townsend

Senior Project Planner – Contactable hours: 7:30am – 2:30pm

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From: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Sent: Thursday, March 28, 2024 8:20 AM
To: Josh Townsend <josh@planitconsulting.com.au>
Subject: RE: [J7594] Cudgen Connection Planning Proposal - Preliminary Assessment and RFI

Morning Josh,

I would appreciate an opportunity to meet on 11 April to talk about the site-specific LEP clause. This clause should be included in the recommendation report.

Kind regards,
Matt

From: Josh Townsend <josh@planitconsulting.com.au>
Sent: Tuesday, March 26, 2024 11:10 AM
To: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Subject: RE: [J7594] Cudgen Connection Planning Proposal - Preliminary Assessment and RFI

Morning Matt,
Yes, I'm working on it right now and intend on having it to you before the long weekend.

On that note, the proponents are in town on 11 April. If there's an opportunity to meet and discuss any of the particulars, a meeting at Council's offices would be greatly appreciated. I'll get the RFI response to you first to allow your proper consideration, then seek to confirm arrangements next week.

Thanks in advance,
Josh



Josh Townsend

Senior Project Planner – Contactable hours: 7:30am – 2:30pm

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From: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Sent: Tuesday, March 26, 2024 10:58 AM

To: Josh Townsend <josh@planitconsulting.com.au>
Subject: RE: [J7594] Cudgen Connection Planning Proposal - Preliminary Assessment and RFI

Hi Josh,

I hope you are well.

I am trying to determine whether it will be possible to report Cudgen Connection to a Planning Committee meeting 2nd May. This is still my preferred option however it would require me to prepare a recommendation report by 14th April. When do you think you will be able to provide a response the RFI? Any chances for this to happen by 7th April?

Kind regards,
Matt

From: Josh Townsend <josh@planitconsulting.com.au>
Sent: Tuesday, March 5, 2024 12:33 PM
To: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Subject: RE: [J7594] Cudgen Connection Planning Proposal - Preliminary Assessment and RFI

Good afternoon Matt,
Thanks for the email, site access is confirmed.

Regards,
Josh

From: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Sent: Tuesday, March 5, 2024 11:29 AM
To: Josh Townsend <josh@planitconsulting.com.au>
Subject: RE: [J7594] Cudgen Connection Planning Proposal - Preliminary Assessment and RFI

Hi Josh,

Our consultant appointed to undertake additional assessment of the site's capacity for sustainable agricultural production will fly in from Sydney this Thursday.

Can we please access the land as per the usual condition to avoid approaching the dwelling?

Kind regards,
Matt

From: Josh Townsend <josh@planitconsulting.com.au>
Sent: Tuesday, February 20, 2024 11:22 AM
To: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Cc: Iain Lonsdale <ilonsdale@tweed.nsw.gov.au>
Subject: RE: [J7594] Cudgen Connection Planning Proposal - Preliminary Assessment and RFI

Thanks Matt, all received, and calendar invite accepted.

Kind regards,
Josh

From: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Sent: Monday, February 19, 2024 3:37 PM
To: Josh Townsend <josh@planitconsulting.com.au>
Cc: Iain Lonsdale <ilonsdale@tweed.nsw.gov.au>
Subject: RE: [J7594] Cudgen Connection Planning Proposal - Preliminary Assessment and RFI

Hi Josh,

Correction to my previous email: the workshop will be in MURWILLUMBAH and yes, happy to meet 3.30 here.

Kind regards,
Matt

From: Matthew Zenkteler
Sent: Monday, February 19, 2024 3:04 PM

To: Josh Townsend <josh@planitconsulting.com.au>
Cc: Iain Lonsdale <ilonsdale@tweed.nsw.gov.au>
Subject: RE: [J7594] Cudgen Connection Planning Proposal - Preliminary Assessment and RFI

Hi Josh,

Just confirming we are happy to meet 3.30pm at Tweed Heads office - the workshop 4.30 will be held there too.

Currently working on confirming the meeting room, will send you details as soon as I can.

Kind regards,
Matt

From: Josh Townsend <josh@planitconsulting.com.au>
Sent: Friday, February 16, 2024 10:12 AM
To: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Subject: RE: [J7594] Cudgen Connection Planning Proposal - Preliminary Assessment and RFI

Hi again Matt,

Just to clarify, don't need all officers within the assessing team to attend, was just thinking yourself and Iain (but obviously invite anyone else you think is necessary).

Josh


From: Josh Townsend
Sent: Friday, February 16, 2024 10:09 AM
To: 'Matthew Zenkteler' <MZenkteler@tweed.nsw.gov.au>
Cc: Iain Lonsdale <ilonsdale@tweed.nsw.gov.au>
Subject: RE: [J7594] Cudgen Connection Planning Proposal - Preliminary Assessment and RFI

Good morning Matt (and Iain),

Firstly, apologies for the delay in acknowledging receipt of your email and the RFI.

Secondly, the proponents are attending a Councilor workshop next Thursday at 4:30pm. Can you please advise if there is an opportunity to briefly meet ahead of the workshop to discuss the RFI issued? Ideally, we'd greatly appreciate the opportunity to meet with you from 3:30 – 4pm on 22 February at Council's Murwillumbah office to discuss the potential planning agreement flagged within the correspondence, further understand the timing of the sustainable agriculture review, and cover off any other matters. We welcome an alternate arrangement if desired.

Have a great weekend,
Josh



Josh Townsend
Senior Project Planner – Contactable hours: 7:30am – 2:30pm

Telephone: 02 6674 5001 | Mobile: 0408 020 978

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From: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Sent: Friday, February 9, 2024 3:17 PM
To: Josh Townsend <josh@planitconsulting.com.au>
Cc: Iain Lonsdale <ilonsdale@tweed.nsw.gov.au>
Subject: [J7594] Cudgen Connection Planning Proposal - Preliminary Assessment and RFI

Hi Josh,

Please find attached for a summary of the preliminary assessment and a request for further information for the Cudgen Connection planning proposal.

If you have any questions please do not hesitate to contact me.

Kind regards,

Matt.

Matthew Zenkteler MPiA

Senior Strategic Planner
Strategic Planning and Urban Design



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Subject: RE: [J7594] Cudgen Connection PP - Open Space
Sent: 19/04/2024, 8:25:55 AM
From: Matthew Zenkteler<MZenkteler@tweed.nsw.gov.au>
To: Josh Townsend

Ok, let’s keep it out for now.

From: Josh Townsend <josh@planitconsulting.com.au>
Sent: Friday, April 19, 2024 8:18 AM
To: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Subject: RE: [J7594] Cudgen Connection PP - Open Space


Good morning Matt,

No objection to including shop-top housing as an APU alongside Residential Accommodation. I don’t see it as essential, but certainly no objection raised.

Accordingly, if inclusion of shop-top housing is considered to increase risk to the PP, then our commentary is to not include it (as we do not identify the land use as essential).

Happy to discuss further,

Josh



Josh Townsend
Senior Project Planner – Contactable hours: 7:30am – 2:30pm

Telephone: 02 6674 5001 | Mobile: 0408 020 978

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From: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Sent: Friday, April 19, 2024 8:03 AM
To: Josh Townsend <josh@planitconsulting.com.au>
Subject: RE: [J7594] Cudgen Connection PP - Open Space

Hi Josh do you think “shop top housing” should be listed in Schedule 1 too?

The risk is that this may appear inconsistent with the Concept Masterplan.

Kind regards,

Matt

From: Josh Townsend <josh@planitconsulting.com.au>
Sent: Wednesday, April 17, 2024 11:58 AM
To: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Subject: RE: [J7594] Cudgen Connection PP - Open Space

Hi Matt,

By way of update, I understand that Rob and Jack have caught up over the phone and everyone is on the same wavelength. Should my understanding be incorrect, please let me know, but otherwise I understand the below email advices resolve the matter.

Regards,

Josh

From: Josh Townsend
Sent: Wednesday, April 17, 2024 11:30 AM
To: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Cc: Rob Wise <rob@planitconsulting.com.au>
Subject: RE: [J7594] Cudgen Connection PP - Open Space

Hi Matt,

Talking to Rob Wise about it, 25.188L/s is what we seek, not higher. To confirm, we do not seek approval for any loading above and beyond 25.188L/s. We also note that if the developer seeks to increase their loading in the future, this will be provided at no cost to Tweed Shire Council.

Notwithstanding, it would be greatly appreciated if you could confirm the contact details for the appropriate officer in the W&WW Unit so Rob can give them a quick call to confirm we're all on the same wavelength?

Thanks in advance,

Josh

From: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Sent: Wednesday, April 17, 2024 10:40 AM
To: Josh Townsend <josh@planitconsulting.com.au>
Subject: RE: [J7594] Cudgen Connection PP - Open Space

Thanks Josh.

Another matter:

There's been a staff change in the Water & Wastewater Unit and the new officer responsible for planning proposal advice brought to my attention that I might have misinterpreted one point from their internal advice from January. Their comment was:

- The Design maximum pumping flow proposed of 25.188 L/s can be accommodated.

I interpreted this sentence as if your proposal was seeking approval for a 25.188L/s loading and the W&W Unit agreed to it and the matter is resolved.

But it was brought to my attention that the above bulletpoint simply informs about the current maximum capacity. If Cudgen Connection seeks higher loading than this will need to be resolved fairly quickly - TSC needs to be confident there will be no extra cost to us.

What is your client's take on this?

Matt.

From: Josh Townsend <josh@planitconsulting.com.au>
Sent: Wednesday, April 17, 2024 9:36 AM
To: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Subject: RE: [J7594] Cudgen Connection PP - Open Space

Hi Matt,

As I understand it, Hospital is a 'child' term and Health Services Facility as the parent – see below. Happy to take a precautionary approach though if there's any reason to think I'm incorrect?

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—

- (a) a medical centre,*
- (b) community health service facilities,*
- (c) health consulting rooms,*
- (d) patient transport facilities, including helipads and ambulance facilities,*
- (e) hospital.*

Cheers,

Josh

From: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Sent: Wednesday, April 17, 2024 9:21 AM
To: Josh Townsend <josh@planitconsulting.com.au>
Subject: RE: [J7594] Cudgen Connection PP - Open Space

Thanks Josh.

What about the “hospital” land use? Are you sure “health services facility” is sufficient?

Matt

From: Josh Townsend <josh@planitconsulting.com.au>
Sent: Wednesday, April 17, 2024 8:41 AM
To: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Subject: RE: [J7594] Cudgen Connection PP - Open Space

Thanks for the update Matt.

RE: the additional permitted land use – As you mention, there are pathways through the SEPP, but I don’t see any issue with including recreation area to ensure permissibility.

Cheers,

Josh

From: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Sent: Wednesday, April 17, 2024 8:37 AM
To: Josh Townsend <josh@planitconsulting.com.au>
Subject: RE: [J7594] Cudgen Connection PP - Open Space

Hi Josh,

With ELT right now for review and comments.

Do you think we need to add “recreation area” to the list of additional permitted land uses or can this be dealt with via the Transport and Infrastructure SEPP? Please let me know asap.

Regards,

Matt

From: Josh Townsend <josh@planitconsulting.com.au>
Sent: Wednesday, April 17, 2024 8:25 AM
To: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Subject: RE: [J7594] Cudgen Connection PP - Open Space

Good morning Matt,

Just checking in to see how the report preparation is going and to see if there’s any additional clarification/information desired in order to finalise? I’ll keep out of your way, but please do let me know if there’s anything outstanding or the like.

Similarly, I’ll formalise our previous emails re: water supply, height of buildings and open space for completeness, but welcome any further commentary if available.

Kind regards,

Josh



Josh Townsend

Senior Project Planner – Contactable hours: 7:30am – 2:30pm

Telephone: 02 6674 5001 | Mobile: 0408 020 978

Level 1 – Suite 12, 11-13 Pearl Street, Kingscliff NSW 2487
PO Box 1623, Kingscliff NSW 2487

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From: Josh Townsend
Sent: Thursday, April 11, 2024 8:20 AM
To: Matthew Zenkteler <MZenkteler@tweed.nsw.gov.au>
Subject: [J7594] Cudgen Connection PP - Open Space

Good morning Matt,


As per previous, please find attached additional clarification and assessment of the Planning Proposal (PP), specific to Open Space for your (and Kelly's) consideration. This commentary is provided for discussion purposes, namely at tomorrow's meeting and beyond if necessary. Post those discussions being held, we will finalise the correspondence and submit the information formally.

To surmise the content, it is our view that the PP satisfies the provisions of the Local Environmental Plan Making Guideline (namely Questions 3 and 10), relevant Practice Notes, contemporary practice and is consistent with Council's Open Space Strategy 2019 – 2029.

Notwithstanding the PPs compliance with the relevant provisions, we are aware that any future DA/s will be subject to the planning framework within Part 4 of the *Environmental Planning and Assessment Act 1979*, which includes but is not limited to the Tweed Development Control Plan 2008, and supporting section 7.11 Developer Contributions Plans. In this regard, the PP does not introduce any provisions which result in any waiver to these provisions. The delivery of DA matters has not been finalised at this time, no form of consent for the Cudgen Connection concept is presently being sought, and further details will be worked through to support any future DA/s. We welcome collaboration with Council staff regarding open space, post any positive Gateway Determination, through to the DA process/s phase. Finally, we do not believe it is appropriate to resolve open space design and detail at this time, particularly acknowledging its integration with a variety of other site and thematic influences.

Should you have any immediate enquiries, please do not hesitate to contact me to discuss, otherwise I look forward to seeing you tomorrow.

Thanks in advance,
Josh



Josh Townsend
Senior Project Planner – Contactable hours: 7:30am – 2:30pm

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