

Pre-Gateway Report – RR-2024-14 (PP-2023-2669)

“Cudgen Connection”, 741 Cudgen Road, Cudgen (286 dwellings and 1,040 jobs)

1 Introduction

The purpose of this report is to update the Northern Regional Planning Panel (Panel) on the status of the planning proposal at 741 Cudgen Road, Cudgen RR-2024-14 (PP-2023-2669). The report to makes a recommendation to the Panel to submit the proposal to the Department of Planning, Housing and Infrastructure (the Department) for Gateway Assessment.

On 17 September 2024, the Panel determined at a rezoning review that the proposal had strategic and site merit (**Attachment B**), however revisions were needed prior to submitting the proposal to the Department for Gateway Assessment. Subsequently, the proposal was updated to comply with these conditions.

Table 1 – Overview of planning proposal

Element	Description	
LGA	Tweed Shire	
LEP to be amended	Tweed Local Environmental Plan (LEP) 2014	
Address	741 Cudgen Road, Cudgen	
Reason for review	<input checked="" type="checkbox"/> Council notified the proponent it will not support the proposed amendment.	<input type="checkbox"/> Council failed to indicate support for the proposal within 90 days.
Brief overview of the timeframe/ progress of the planning proposal	<p><b>2021 to 2022</b> - Council received a pre-lodgement planning proposal in relation to land at 741 Cudgen Road, Cudgen.</p> <p><b>24 March 2022</b> - A pre-lodgement meeting held between Council and Planit Consulting, engaged by Centuria Healthcare and Digital Infratech Pty Ltd.</p> <p><b>1 December 2023</b> - Planit Consulting submitted planning proposal to Council for preliminary review.</p> <p><b>9 February 2024</b> - Council provided a summary of the preliminary assessment and a request for further information for the Cudgen Connection planning proposal.</p> <p><b>22 February 2024</b> - A meeting between Council, Planit Consulting and the proponent was held to resolve outstanding issues.</p> <p><b>2 May 2024</b> – The planning proposal was considered by Tweed Council and was refused. It is noted that Council officers recommended the planning proposal be submitted for a Gateway determination with amendments.</p>	

Element	Description
	<p><b>13 May 2024</b> - Rezoning review request (RR-2024-17) was officially lodged with the Department by the proponent.</p> <p><b>28 June 2024</b> – Council officers submitted a response to the rezoning review request.</p> <p><b>7 July 2024</b> – Further response was provided by Council officers.</p> <p><b>17 September 2024</b> – The Northern Regional Planning Panel determined that the proposal had strategic and site specific merit subject to recommendations.</p> <p><b>21 October 2024</b> – The proponent paid the alternate planning proposal authority fee.</p> <p><b>20 December 2024</b> – The proponent provided a revised planning proposal in response to the Panel’s recommendations.</p>
<b>Department contact:</b>	Tim Coorey, Planning Officer, 9585 6566

## 1.1 The site and local context

The planning proposal applies to Lot 6, DP727425, being 741 Cudgen Road, Cudgen. The subject site is surrounded by low density residential developments to the west, farmland 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 2,000m<sup>2</sup> of vacant land between the subject site and the Tweed Coast Road and Cudgen Road intersection (**Figure 1**). The site comprises State Significant Farmland as per the Northern Rivers Farmland Protection Project 2005.



**Figure 1 Subject site (source: Planning Proposal)**

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## 1.2 Planning proposal

**Table 2 – Overview of planning proposal**

Element	Description
Site area	5.7 ha
Proposal summary	<p>The planning proposal seeks 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.</p> <p>The intended provisions of the PP include amending:</p> <ul style="list-style-type: none"> <li>• The land use zoning within the Tweed LEP 2014 from RU1 Primary Production to SP2 Infrastructure (Health Services Facility and Educational Establishment).</li> <li>• The maximum height of building standard from 10m to a composition of 10, 22, 25 &amp; 38m.</li> <li>• The minimum lot size map to remove the current 10ha lot size requirement.</li> <li>• Additional permitted use provisions to confirm supporting land uses are permitted with development consent.</li> <li>• Key sites mapping to identify the site as requiring DCP provisions.</li> <li>• An additional local provision prescribing: <ul style="list-style-type: none"> <li>○ An integrated health and education centre</li> <li>○ 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.</li> </ul> </li> </ul>
Relevant State and Local Planning Policies, Instruments	<p><u>State Environmental Planning Policies</u></p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>• State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</li> <li>• State Environmental Planning Policy (Housing) 2021</li> <li>• State Environmental Planning Policy (Industry and Employment) 2021</li> <li>• State Environmental Planning Policy (Primary Production) 2021</li> </ul> <p><u>State and Local Planning Policies</u></p> <ul style="list-style-type: none"> <li>• North Coast Regional Plan 2041 (NCRP)</li> <li>• Tweed Local Strategic Planning Statement (TLSPS)</li> </ul>



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Element	Description
	<ul style="list-style-type: none"><li>• Tweed Rural Land Strategy 2036</li><li>• Tweed Regional City Action Plan</li><li>• Tweed Regional Economic Development Strategy 2018-2023</li><li>• Future Transport Strategy 2056</li><li>• A 20 Year Economic Vision for Regional NSW</li></ul> <p><u>9.1 Ministerial Directions</u></p> <ul style="list-style-type: none"><li>• 1.1 Implementation of Regional Plans</li><li>• 1.3 Approval and Referral Requirements</li><li>• 1.4 Site Specific Provisions</li><li>• 3.1 Conservation Zones</li><li>• 3.2 Heritage Conservation</li><li>• 4.1 Flooding</li><li>• 4.2 Coastal Management</li><li>• 4.3 Planning for Bushfire Protection</li><li>• 4.4 Remediation of Contaminated Land</li><li>• 4.5 Acid Sulfate Soils</li><li>• 5.1 Integrating Land Use and Transport</li><li>• 5.3 Development Near Regulated Airports and Defence Airfields</li><li>• 9.2 Rural Lands</li><li>• 9.4 Farmland of State and Regional Significance on the NSW Far North Coast</li></ul>

The planning proposal (**Attachment A**) seeks to amend the Tweed Local Environmental Plan 2014 per the changes in **Table 3** below.

**Table 3 – Current and proposed controls**

Control	Current	Proposed	Revised
<b>Zone</b>	RU1 Primary Production	SP2 Infrastructure (Health Services Facility and Educational Establishment)	SP2 Infrastructure (Health Services Facility and Educational Establishment)
<b>Maximum height of the building</b>	10 m	38 m	<b>Combination of: 10m, 22m, 25m and 38m</b>
<b>Minimum lot size</b>	10 ha	No control	No control
<b>Number of dwellings</b>	NA	286	286
<b>Number of jobs</b>	N/A	1,040	1,040

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Control	Current	Proposed	Revised
Site Specific Provisions	N/A	Include the following additional permitted uses: <ul style="list-style-type: none"><li>Commercial premises</li><li>Early education and care facility</li><li>Residential Flat Building</li><li>Hotel or Motel Accommodation</li></ul>	Include the following permitted uses: <ul style="list-style-type: none"><li>Commercial premises</li><li><b>Community facilities</b></li><li>Early education and care facility</li><li>Hotel or Motel Accommodation</li><li>Residential Flat Building</li><li><b>Recreation areas</b></li></ul>
		Insert a new additional local provision 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 25 years.	<b>Insert a new additional local provision requiring the delivery of an integrated health and education centre alongside or prior to the delivery of housing.</b> <b>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 25 years.</b>

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. The full suite of mapping changes proposed are contained in Attachment A, however zoning maps are included below.



Figure 4. Current zoning (source: Spatial Viewer, 2025)

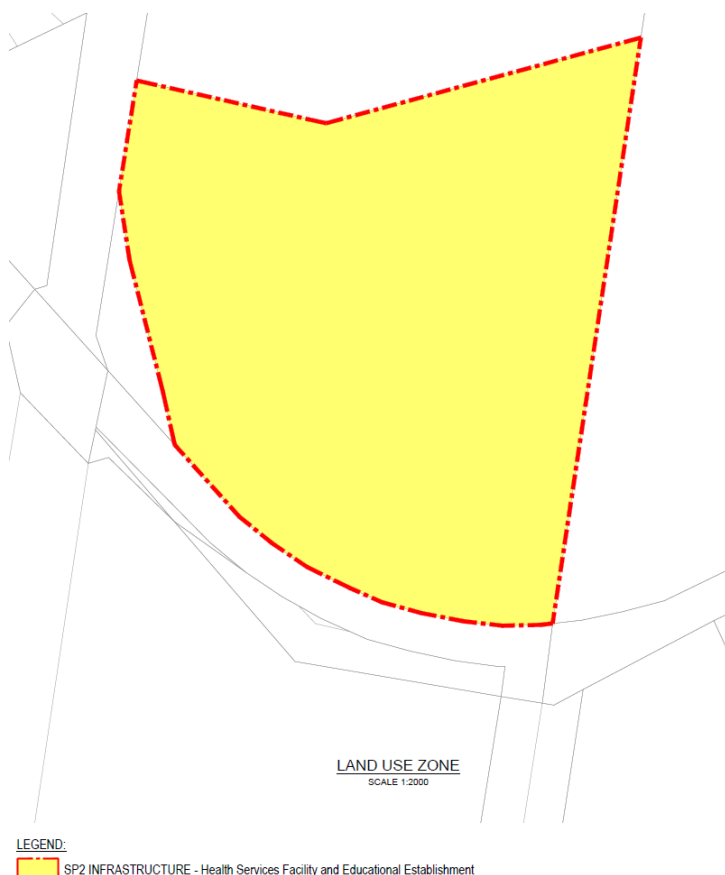


Figure 5: Proposed zoning (source: Planning Proposal, Dec 2024)

## 2 Rezoning review

On 6 September 2024, the Northern Regional Planning Panel considered a rezoning review for this planning proposal because Council notified the proponent it will not support the proposed amendment.

On 17 September 2024, the Panel resolved that the planning proposal demonstrated Strategic Merit and Site-Specific Merit subject to changes. In making this decision, the Panel made the following recommendations:

1. Prior to submitting the Planning Proposal for a Gateway determination, the Planning Proposal is to be revised to address the matters raised in the Council officers report of 2 May 2024.
2. Inclusion of site specific and local provisions within the LEP to achieve appropriate primary and ancillary land uses, GFAs and staging for the site's future development. This is because the Panel wishes to ensure that the 'primary' uses of hospital/medical/education (the basis of the zoning changes to Special Purposes) proceed prior to, or concurrently with, residential and supportive retail and commercial uses. Given the ability of adjacent worker residential uses to support the functioning of the new public hospital, the Panel does not object to some of the residential uses occurring before the 'primary uses' however does not support the introduction of more than half of the residential uses without the 'primary uses'.
3. Inclusion, as offered, of a local provision to provide at least 75% of the residential dwellings as affordable rental dwellings managed by a not-for-profit agency for a period of at least 25 years
4. Updates to be undertaken to the Proponent's Traffic Impact Assessment (TIA) to address:
  - a. access off Tweed Coast Road and how it will tie in with Cudgen Road
  - b. Modelling of the proposed new signalised intersection
  - c. Estimated site traffic trip generation calculations utilised
  - d. Further information or discussion clarifying estimates utilised to calculate proposed private and mental health hospitals' traffic generation
  - e. Further clarification and/or justification on the use of estimated 30% development trip generation reduction.
5. Creation of a DCP which would look to deliver on the strategic potential of the site and broader precinct by addressing, in addition to other matters raised in Council officers report:
  - a. site design, delivering permeability and integration for pedestrians and desirably vehicles from the subject site to the Tweed Valley Hospital to the east.
  - b. the fostering of a "sense of place" and a safe public realm with amenity by locating early development close to and designed to support the point of connection to the hospital site,
  - c. the creation of a civic public space reinforcing the 'community' and further green space, retaining existing trees where possible, within a framework of street-based urban public realm,
  - d. the delivery (and ongoing management) of an appropriate range of residential forms to provide for a range of household types,
  - e. height limits defined in metres above developed ground level,
  - f. a commitment to appropriate environmental design and CPTED practices.
  - g. As to a staging and delivery schedule, the Panel recommends that this be achieved via a Concept DA to ensure the appropriate infrastructure and uses are delivered for the effective activation of the site. The CDA should outline clear prioritisation of the infrastructure and time frame for the completion of the required stages.



The Panel's determination and reasons for its decision are provided in **Attachment B**.

The Panel appointed itself as the planning proposal authority (PPA).

## 3 Assessment against Panel conditions

On 20 December 2024, the proponent provided a revised planning proposal (**Attachment A**) and Traffic Impact Assessment (**Attachment A9**) in response to the Panel's five recommendations.

An assessment against the Panel conditions has been undertaken (see **Attachment C**).

### **Condition 1 – Alignment with Council officers report of 2 May 2024**

#### **Proponent's Response:**

The Planning Proposal has been amended as follows:

- Part 2 includes community facilities and recreation area definitions as Additional Permitted Uses (see 2.2.7), and
- Part 2 (see 2.2.3) and Part 4 propose 4 maximum height of buildings areas, being 10, 22, 25 and 38m, as reproduced in Figure 1 at the base of this Table.
- Ancillary references to the points above have been made throughout the Planning Proposal.

#### **PPA Comments:**

The Planning Proposal has been amended to address the issues raised by Council in the report on 2 May 2024. This includes:

- Rezone the site and list community facilities, commercial premises, early education and car facility, residential flat building, recreation area and hotel or motel accommodation as Additional Permitted Uses.
- Remove the current 10Ha minimum lot size control.
- Introduce maximum building heights across the site being 10, 22, 25 and 38m.
- Require a site specific DCP that is to be endorsed by Council which addresses a number of matters raised in the Council report.

### **Condition 2 - Staging for the site's future development**

#### **Proponent's Response:**

The Planning Proposal has been amended as follows:

- Part 2 (see 2.2.11 and 2.2.12) includes the rationale, plain English description and a draft local provision. The draft local provision is inclusive of:
  - A hospital forming stage 1 of the development (or part thereof)
  - The consent authority being satisfied that the development will include an educational establishment
  - The proponent's commitment to build-to-rent housing
  - A limitation on total GFA and timing of residential accommodation to protect the primacy of the primary uses.

## PPA Comments:

The proponent has amended the planning proposal to include a local provision that outlines the stages in which the development must be undertaken. This will ensure that the hospital and educational establishment will be constructed prior to or in conjunction with any housing on the site.

The provision also places a cap on the GFA of the residential accommodation on the site. The proposed maximum GFA of 28,380m<sup>2</sup> is guided by the floor area within the Concept Masterplan. No more than half of the residential floor area is to be operational prior to the hospital being operational.

The wording of this clause is to be refined by PCO prior to finalisation of the proposal.

## **Condition 3 - Affordable rental dwellings**

### Proponent's Response:

The Planning Proposal has, to-date, not offered a mandated outcome of 'affordable housing', rather, build to rent housing, managed by a community housing provider, or the like.

The Panel seek to enshrine in legislation the proponents offer 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. Accordingly, the Planning Proposal has been amended as follows:

- Part 2 (see 2.2.11 and 2.2.12) includes the rationale, plain English description and a draft local provision

## PPA Comments:

The proponent has amended the planning proposal to include a local provision that requires a minimum 75% of dwellings approved in the development, to be managed by a not-for-profit housing provider not for-profit organisation, State agency, or similar for a period of no less than 25 years.

## **Condition 4 - Traffic Impact Assessment**

### Proponent's Response:

Please see attached Traffic Impact Assessment (TIA) (**Attachment A9**), specifically the following sections of the TIA, per the five matters raised.

- a) Section 5.4.4
- b) Section 5.4
- c) Section 4.2
- d) Section 4.2

Further clarification of the development trip generation is provided in Section 4.2.1.

In the timespan between revisions of the Traffic Impact Assessments' the Tweed Valley Hospital has opened. This milestone has enabled the assessment to occur from current traffic counts, as opposed to the previously utilised projections. At large, the transport network is identified as performing more efficiently than projected. These results have in-turn amended the traffic strategy

recommendations and afford the Planning Proposal improved resilience within the planned road network.

Integration of the amended traffic strategy into wider Concept Plans, images and the like is proposed to occur post issue of a Gateway Determination and prior to community and State agency consultation. The proposed timing of updates reflect standard practice, and acknowledges the frequency of Gateway conditions imposed seeking minor and non-material amendments, such as housekeeping changes, prior to consultation.

#### PPA Comments:

The TIA has been amended in accordance with the Panel's conditions. In addition to this, the Tweed Valley Hospital has now opened so the TIA now reflects the current traffic counts and the transport network is performing more efficiently than previously projected.

The 30% trip generation reduction is justified by accounting for complementary land uses within the development, where many trips (e.g., to worker units, childcare, retail, and medical facilities) are internalized rather than generated externally. Specific conservative reduction factors are applied to different uses, ranging from 30% to 50%, reflecting the likelihood of shared trips and on-site living or working arrangements.

Additional reductions are anticipated due to planned public and active transport improvements, though these are not yet fully quantifiable.

A Green Travel Plan is recommended for future stages to formalize strategies for reducing car trips and promoting alternative transport modes, aligning with planning guidelines and environmental objectives.

## **Condition 5 – Site Specific DCP**

#### Proponent's Response:

As the Panel did not require a DCP to be prepared prior to Gateway Determination, the Planning Proposal has been amended as follows:

- Part 2 (see 2.2.9 and 2.2.10) includes the rationale, plain English description and a draft local provision for a site specific DCP which embeds the 7 principles detailed.

In addition to the above, conversations with the Northern NSW Local Area Health District have recommenced to advance discussions to integrate the 2 sites and ensure high quality urban design outcomes. No bar to achieving the prescribed themes has been identified in discussions held to date.

#### PPA Comments:

The planning proposal has been amended to include a clause to requiring the creation of a DCP. The proposal includes the specific requirements the Panel and Council recommended. It is anticipated that the DCP will be prepared concurrently with the planning proposal and a draft exhibited alongside the planning proposal.

The PPA team is satisfied that the planning proposal and supporting documents have been amended to meet the conditions of the Panel conditions and the planning proposal can be submitted to the Department for Gateway assessment.

## 4 Recommendation

The Panel notes the PPA teams comments and agrees the planning proposal be submitted to the Department for Gateway Assessment

### Attachments

- Attachment A** – Revised planning proposal (December 2024)
- Attachment A1** - Concept Masterplan & Strategic Planning Imperative
- Attachment A2** - Cudgen Connection Health Precinct Analysis
- Attachment A3** - Economic Impact Assessment
- Attachment A4** - Cudgen Connection Market Assessment
- Attachment A5** - Agricultural Land Assessment
- Attachment A6** - Agricultural Capacity Assessment
- Attachment A7** - Bushfire Risk Assessment
- Attachment A8** - Baseline Ecological Assessment Report
- Attachment A9** - Updated Traffic Impact Assessment (December 2024)
- Attachment A10** - Engineering Assessment
- Attachment A11** - Stormwater Management Plan
- Attachment A12** - Preliminary Acid Sulfate Soils Assessment
- Attachment A13** - Detailed Site Investigation
- Attachment A14** - Social & Community Needs Assessment
- Attachment A15** - Community Engagement Report
- Attachment A16** - Site Visit and Cultural Heritage Advice Report
- Attachment A17** - Letters of Support
- Attachment A18** - Tweed Valley Hospital Development Site Selection Summary Report
- Attachment B** – Panel's decision on Rezoning Review
- Attachment C** – Assessment against the Panel conditions



17/02/2025 (Date)

Murray Jay

Manager, Planning Proposal Authority

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A handwritten signature in black ink that reads "Louise McMahon".

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(Signature)

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18/2/25

\_\_\_\_\_  
(Date)

Louise McMahon

Director, Planning Proposal Authority

## Assessment officer

Timothy Coorey

Planning Officer, Planning Proposal Authority

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