



REZONING REVIEW

RECORD OF DECISION

STRATEGIC PLANNING PANEL of the
NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	17 September 2024
DATE OF DECISION	6 September 2024
PANEL MEMBERS	Sue Francis (Chair), Glennis James, John Byrne and Pat Miller
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>Dianne Leeson is a Board member for Health Infrastructure NSW. While not directly involved in Tweed Valley Hospital, she declared a perceived conflict of interest due to the proximity and development connectivity to the hospital.</p> <p>Ned Wales declared a conflict of interest and will not sit on the Panel. Mr Wales previously consulted with landholder/developer in July 2018 and provided urban planning consultation advice on this site.</p>

REZONING REVIEW

RR-2024-17 – Tweed Shire LGA – PP-2023-2669

741 Cudgen Road, Cudgen 2487 (As described in Schedule 1).

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a Planning Proposal has not been supported.
- ☐ The council has failed to indicate its support 115 days after the proponent submitted a request to prepare a Planning Proposal.
- ☐ The council has not submitted the Planning Proposal for a Gateway determination within 28 days of indicating its support for the proposal.

PANEL CONSIDERATION AND DECISION

The Panel considered the material listed at item 4 and the matters raised and/or observed at briefings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel recommends that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and subject to changes site specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has:
 - ☐ not demonstrated strategic merit
 - ☐ demonstrated strategic merit but not site specific merit

The decision was 3:1 in favour, with Pat Miller considering the proposal did have strategic merit but did not have site specific merit given that:

- The draft plans presented to the Panel showed the development as having minimal connection to the hospital precinct it intends to serve.

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- There is currently no clear cross-agency plan for the overall development of the general precinct around the hospital and a piecemeal approach will not benefit either the hospital or its community.
- The site is State Significant Agricultural Land.

REASONS FOR THE DECISION

The Panel considered the documentation, was briefed by the Department of Planning, Housing and Infrastructure, and heard extensively from Tweed Shire Council staff and Mayor, and the proponent, Planit Consulting, Solve Property, Digital Infratech and Centuria Healthcare.

Strategic Merit

The Panel agreed that the planning proposal had Strategic Merit given that:

- The Planning Proposal is consistent with applicable strategic planning policies, particularly as they relate to the general objectives for housing. These include the North Coast Regional Plan 2041, Tweed Local Strategic Planning Statement, Tweed Rural Land Strategy 2036, Tweed Regional City Action Plan, Tweed Regional Economic Development Strategy 2018-2023, Future Transport Strategy 2056, A 20 Year Economic Vision for Regional NSW and the applicable State Environmental Planning Policies and Ministerial Directions.
- Delivering housing supply is a priority issue for NSW for all levels of Government.
- The provision of additional housing in this location has strategic merit.
- The allocation of 75% affordable/rental/key worker housing for the development under the control of a community/not for profit organisation for at least 25 years enhances its ability to support the functioning of the major facility Tweed Valley Hospital.
- Further, the Planning Proposal responds to the changing circumstances of the location of the Tweed Valley Hospital which adjoins the site.

Site Specific Merit

The Panel had regard to the concerns of the Council and specifically to the stated concerns of the Mayor in relation to the impact of the proposal on the State Significant Agricultural Land. However, the majority of the Panel agreed that the planning proposal should be able to achieve Site Specific Merit subject to revisions addressing site opportunities and constraints noting that:

- The site, whilst identified as State Significant Agricultural Land has not had its identification changed having regard to the changing circumstances of the location of the adjoining hospital and the nature of surrounding urban development.
- The Panel also noted the environmental sensitivity of the land immediately adjoining the site which may be detrimentally affected by any agricultural pursuits. In this respect, the majority of the Panel noted that the indicative proposal and the recommendations of the Council officers report required a significant buffer between any development on the site to protect the environmentally sensitive land.
- The Panel also noted the potential impact upon hospital functions of some possible agricultural practices.
- The opportunities for an integrated medical/education hub and associated uses (including residential uses) with the location of the site relative to the adjoining new hospital and nearby TAFE are strategically important for the community.
- The site is connected to a significant part of the road network

Panel recommendations

The majority of Panel recommends that 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 together with the following:

- 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

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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'.

- 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
- 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.
- 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 requires confirmation from the proponent that they agree to:

- a. revise the Planning Proposal to be consistent with the Panel's recommendations; and
- b. subsequently provide a revised Planning Proposal to address the Panel's concerns.

Although not specifically in its purview, the Panel strongly recommended working towards cross-agency collaboration to develop what is effectively a precinct design/development/management plan to go some way towards achieving a coordinated approach that accounts for existing land, infrastructure and other facilities and maximises the potential for an integrated outcome by public and private developments, served by enhanced public transport, that is provided by the clustering of infrastructure and supportive uses in this location.

The proponent has up to two weeks from the date of this determination to confirm whether they agree to revise their Planning Proposal to be consistent with the Panel's recommendations. Should the proponent not agree to revise their proposal in the terms recommended, then the Panel will reconvene to determine whether the Planning Proposal should proceed to a Gateway determination.

Should the proponent agree to revise their Planning Proposal to address the Panel's concerns, then the proponent has up to a further three months to provide the revised Planning Proposal, including supporting reports and studies to the Panel.


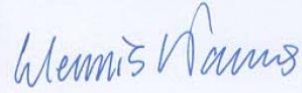


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The Panel will reconvene two weeks following the receipt of the revised Planning Proposal to assess and determine whether the Proposal has met the Panel's recommendations and has demonstrated site specific merit and is suitable for submitting to a Gateway determination.

As Tweed Shire Council resolved to not support the Planning Proposal, and thus are unable to accept the role of Planning Proposal Authority (PPA) for this planning proposal. In accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has determined to appoint itself as the PPA for this Planning Proposal.

Should the proponent fail to pay the PPA fee by the designated date, then the Panel will no longer proceed with the planning proposal and the making of a local environmental plan amendment.

PANEL MEMBERS	
 Sue Francis (Chair)	 Glennis James
 John Byrne	 Pat Miller

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2024-17 – Tweed Shire LGA – PP-2023-2669 – at 741 Cudgen Road, Cudgen 2487
2	LEP TO BE AMENDED	Tweed Local Environmental Plan (LEP) 2014
3	PROPOSED INSTRUMENT	<p>The proposal seeks to:</p> <ul style="list-style-type: none"> ● rezone from RU1 Primary Production to SP2 Infrastructure (Health Services Facility and Educational Establishment); ● increase the maximum height of buildings from 10m to 38m; ● remove the 10ha minimum lot size to no control; ● introduce a new Key Sites Map to identify the subject site as ‘DCP Required’; ● amend the Additional Permitted Uses Map 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 and Hotel or Motel Accommodation; and ● 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.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> ● Rezoning review request documentation ● Department of Planning, Housing and Infrastructure, Rezoning Review Briefing Report, 22 August 2024 ● Slide presentations from DPHI, 6 September 2024; Tweed Shire Council, 2 September 2024 and Planit Consulting, 2 September 2024 ● Planit Consulting; Briefing Report Clarification, 30 August 2024 ● Solve Property Group - Peer Review, 30 August 2024
5	SITE INSPECTIONS AND BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> ● Site inspection undertaken by individual panel members: 11:30am – 12:30pm, 5 September 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: John Byrne and Pat Miller ● Briefing with Department of Planning, Housing and Infrastructure (DPHI): 12:30pm – 1:00pm, 6 September 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Sue Francis (Chair), Glennis James, John Byrne and Pat Miller ○ DPHI staff in attendance: Louise McMahon, Murray Jay, Tim Coorey, Craig Diss, Kate McKinnon and Taylah Fenning ○ Key issues discussed: <ul style="list-style-type: none"> ● Height of existing hospital on neighbouring site ● Future use of adjacent Part Lot 3 ● Connectivity and infrastructure ● State Significant Agricultural Land

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	<ul style="list-style-type: none"> ● Briefing with Tweed Shire Council Staff: 1:15pm – 1:58pm, 6 September 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Sue Francis (Chair), Glennis James, John Byrne and Pat Miller ○ DPHI staff in attendance: Louise McMahon, Murray Jay, Tim Coorey, Craig Diss, Kate McKinnon and Taylah Fenning ○ Council representatives in attendance: Matthew Zenkteler and Jonathon Lynch ○ Key issues discussed: <ul style="list-style-type: none"> ● Council's staff's assessment of the Planning Proposal ● Briefing with Tweed Shire Council Mayor: 2:25pm – 2:31pm, 6 September 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Sue Francis (Chair), Glennis James, John Byrne and Pat Miller ○ DPHI staff in attendance: Louise McMahon, Murray Jay, Tim Coorey, Craig Diss, Kate McKinnon and Taylah Fenning ○ Council representatives in attendance: Chris Cherry, Troy Green and Jonathan Lynch ○ Key issues discussed: <ul style="list-style-type: none"> ● Council's reasons for resolution not to support the Planning Proposal ● Briefing with Planit Consulting, Solve Property, Digital Infratech and Centuria Health (Proponent): 2:32pm – 3:26pm, 6 September 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Sue Francis (Chair), Glennis James, John Byrne and Pat Miller ○ DPHI staff in attendance: Louise McMahon, Murray Jay, Tim Coorey, Craig Diss, Kate McKinnon and Taylah Fenning ○ Proponent representatives in attendance: Joshua Townsend, Gary White, Brendan Nelson, Allan Larkin, Rory Bestic, Andre Bali, Kate Charlton and Luke Blandford ○ Council representatives in attendance: Jonathan Lynch ○ Key issues discussed: <ul style="list-style-type: none"> ● How the proposal might ensure the realisation of health/education-related development rather than just residential uses ● Physical connectivity to the existing hospital precinct ● Consideration of progressing a Concept Plan DA for the site to allow for certainty and future consistency ● Alternate site considerations for the proposed land use ● Panel Discussion: 3:26pm – 3:53pm, 6 September 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Sue Francis (Chair), Glennis James, John Byrne and Pat Miller ○ DPHI staff in attendance: Louise McMahon, Murray Jay, Tim Coorey, Craig Diss, Kate McKinnon and Taylah Fenning
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