

Planning Proposal

Lot 2-8 DP28597
420-434 Terranora Road, Terranora



August 2016

PO Box 1623 Kingscliff NSW 2487
Phone: 02 66745001
Fax: 02 66745003
info@planitconsulting.com.au & www.planitconsulting.com.au

Table of Contents

Introduction	3
Part 1 – Objectives or Intended Outcomes	4
Part 2 – Explanation of Provisions	4
Land Use Zone	4
Minimum Lot Size	5
Maximum Building Heights	5
Floor Space Ratio	6
Additional Commitments	6
Part 3 - Justification	6
Section A – Need for the planning proposal	6
1. Is the planning proposal a result of any strategic study or report?	6
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way? ..7	
Section B – Relationship to strategic planning framework	7
3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub – regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?	7
4. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan? ...8	
5. Is the planning proposal consistent with applicable state environmental planning policies?	8
6. Is the planning proposal consistent with applicable Ministerial Directions (section 117 directions)?	12
Section C – Environmental, social and economic impact	12
7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	12
8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	12
Section D – State and Commonwealth interests	13
9. Is there adequate public infrastructure for the planning proposal?	13
10. Has the planning proposal adequately addressed any social and economic impacts?	14
11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	14
Part 4 – Mapping	15
Part 5 – Community Consultation	15
Part 6 – Project Timeline	16
Appendix 1 – Maps	
Appendix 2 - Section 117 Directions	
Appendix 3 – Planning Proposal for adjoining land	
Appendix 4 – Concept Servicing Plans	
Appendix 5 – Cultural Due Diligence Assessment	
Appendix 6 – Traffic Impact Assessment	
Appendix 7 – Detailed Site Investigation	

Introduction

This planning proposal seeks to rezone land located at 420 – 434 Terranora Road, Terranora (Lot 2-8 DP 28597).

The site comprises seven privately owned allotments, each with an area of approximately 900m². The lots are vacant, predominantly cleared and generally slope to the north (Appendix 1 – Map 1).

The land is located within 1.8km to the east of Terranora Village and fronts Terranora Road to the south (Appendix 1 – Map 2). The site is surrounded by existing and future residential land, including the 'Azura' rural living estate to the south and the recently rezoned 'Area E' release area to the north, east and west (Appendix 1- Map 3).

Tweed Shire Council has advised that the existing local planning controls do not enable residential development to be considered on the land. The size of the site and surrounding land uses preclude the land however from productively being used for agricultural purposes.

The proposal in this regard seeks to rezone the necessary development standard provisions under the *Tweed Local Environmental Plan (LEP) 2014* to enable residential development on the land.

The proposed rezoning was subject to a Pre-Gateway Review in July 2013 as the Council had notified the landowners that it originally did not support the request to rezone the land for residential purposes.

The Department and the Northern Joint Regional Planning Panel (JRPP) reviewed the proposal. Both parties agreed that it had merit and should be submitted for a Gateway determination.

Following receipt of this advice Council agreed to prepare and submit a planning proposal. A planning proposal was submitted to the Department and a Gateway determination was issued in October 2013.

The matter has subsequently been subject to ongoing review and negotiations by Council and the landowner. On 5 November 2015 Council resolved to amend the proposal to reduce the number of allotments to be rezoned.

Following Council's resolution to amend the planning proposal, the landowner requested that an alternate relevant planning authority be appointed to process the proposal.

On 29 March 2016, the Secretary of the Department of Planning and Environment was directed to be the relevant planning authority to progress the matter.

Part 1 – Objectives or Intended Outcomes

The objective of this planning proposal is to enable low density residential development and coordinate the provision of shared services at 420 – 434 Terranora Road, Terranora.

Part 2 – Explanation of Provisions

The intended outcome will be achieved by amending the Tweed LEP 2014 to rezone the site to R2 Low Density Residential and also amending associated minimum lot size, building height and floor space ratio development standard maps.

The table below summarises the existing and proposed land use zones and development standards for the site.

Planning Control	Existing	Proposed
Land use zone	RU1 Primary Production	R2 Low Density Residential
Minimum lot size	10 hectares	450m ²
Maximum building height	10m	9.0m
Maximum floor space ratio	N/A	0.8:1

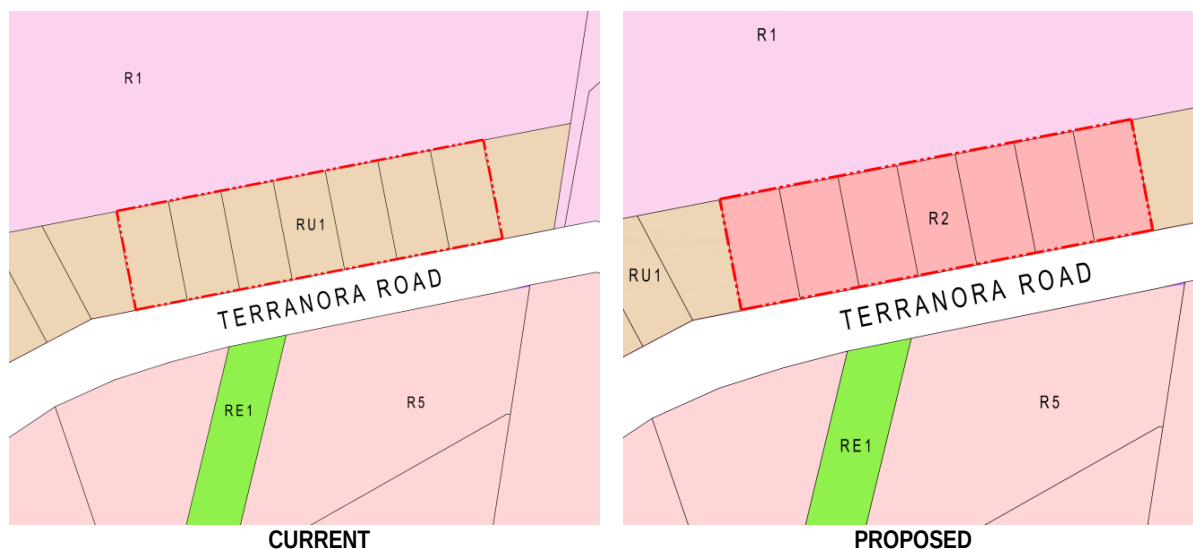
The following map sheets under the Tweed LEP 2014 will require amendment under this proposal:

- Land Zoning Map – Sheet LZN_015
- Lot Size Map – Sheet LSZ_015
- Height of Buildings Maps – Sheet HOB_015
- Floor Space Ratio Map – Sheet FSR_015

Further detail regarding the proposed LEP amendments is outlined below and under Appendix 1 – Maps 4-11.

Land Use Zones

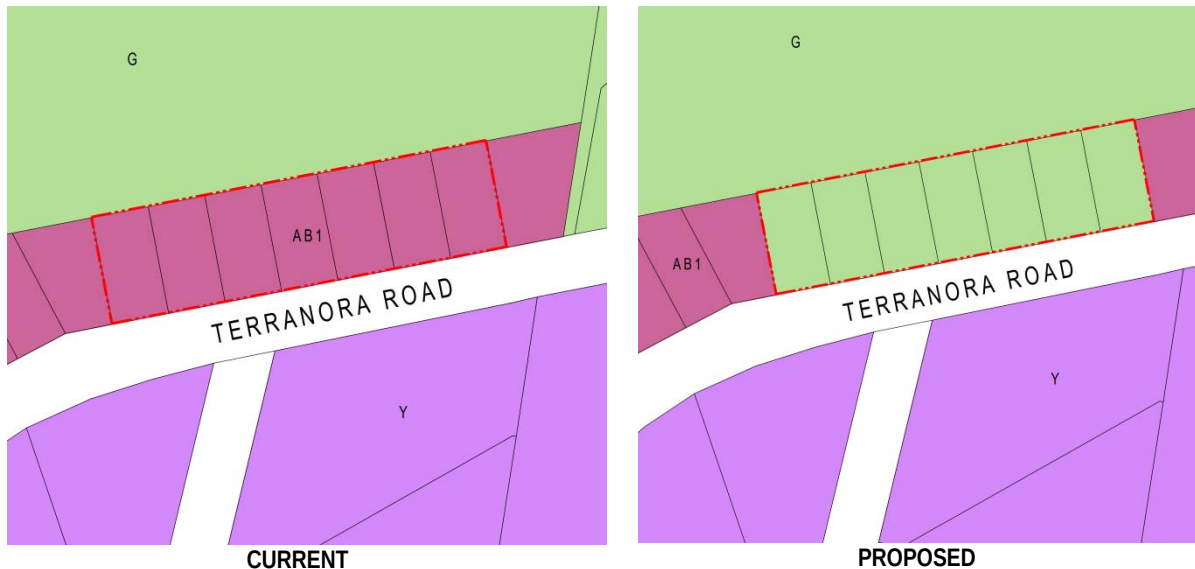
The site is zoned RU1 Primary Production under the Tweed LEP 2014. It is proposed to rezone this land to R2 Low Density Residential. Rezoning the land as proposed will remove the issue of the land not enjoying 'dwelling entitlements' and ensure low density urban development can be considered on the land.



Tweed Shire Council is currently processing a separate planning proposal to rezone four adjoining allotments, being No. 418 and 436-440 Terranora Road, Terranora to R2 Low Density Residential (Department Reference No. PP_2016_TWEED_001_00) (Appendix 3 –Planning Proposal for Adjoining Land). The subject proposal will ensure consistent land use zones and development outcomes for the area.

Minimum Lot Size

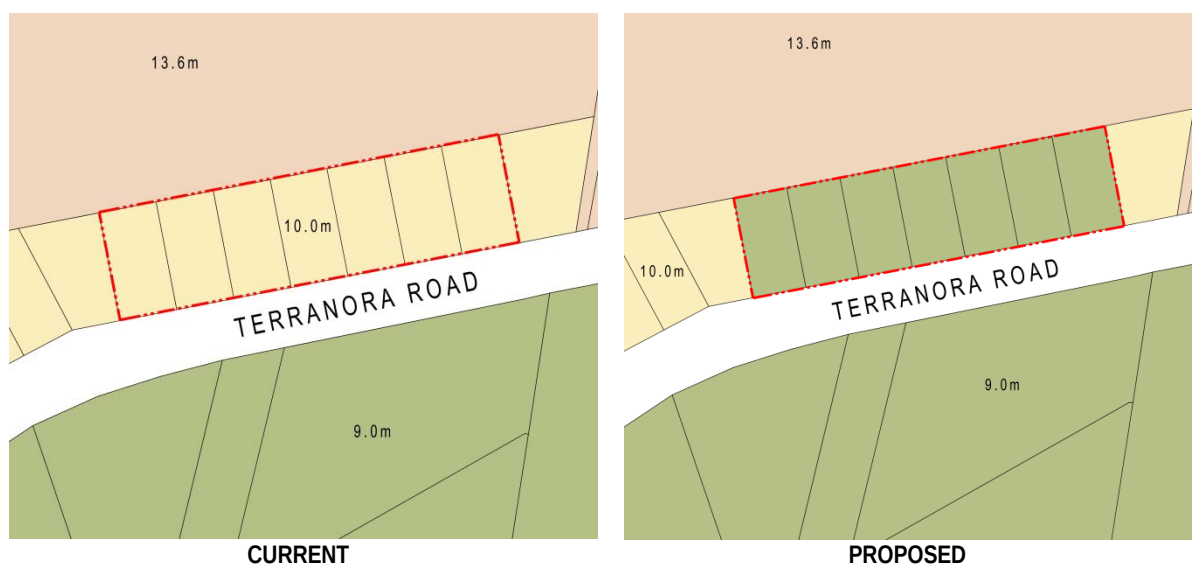
A minimum lot size of 450m² is proposed for the site which is compatible with the site attributes and surrounding urban character. A 450m² minimum lot size provision is equivalent to the existing minimum lot size requirement for the adjoining residential land to the North (Area E Release Area) and the proposed minimum lot size requirement for the adjoining residential land to the east and west, as proposed under PP_2016_TWEED_001_00.



Maximum Building Heights

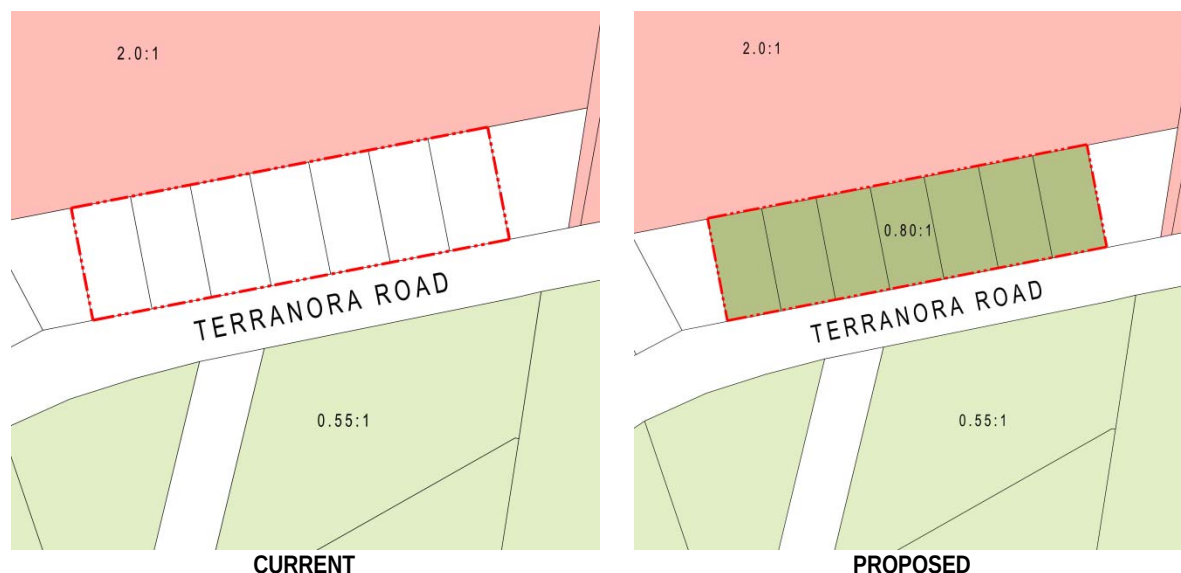
A maximum building height of 9m is proposed for the subject land.

The proposed maximum building height limit will provide flexibility in the design and form of urban development on the site, which is compatible with the site attributes and surrounding urban character. A 9m maximum building height provision for the site is equivalent to the proposed maximum building height requirement for the adjoining residential land to the east and west, as proposed under PP_2016_TWEED_001_00.



Floor Space Ratio

A maximum floor space ratio provision of 0.8:1 is proposed. This will provide flexibility in the design and form of urban development on the site and is equivalent to the proposed floor space ratio requirement for the adjoining residential land to the east and west, as proposed under PP_2016_TWEED_001_00.



Additional Commitments

The proposal also acknowledges the characteristics and constraints on the site and seeks to provide concept guidance for:

- Common property access and initial registration of right of carriage way to ensure continued safe operation of Terranora Road
- Land forming works on site; and
- Stormwater & services connections

The commitments can be captured through the use of:

- Registration of a right of carriage way on existing titles to secure land required for shared access; and
- Registration of Section 88E covenant which prevents future dwelling houses on the subject site until an adequate reticulated water, sewer, stormwater services and retaining walls are provided.
- The right of way and restrictions on the title will be registered prior to the LEP being made.

A concept plan showing the intended right of carriageway has been prepared and attached to this proposal (Appendix 1 - Map 12).

Part 3 - Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the result of any specific strategic study or report.

The site comprises seven privately owned allotments, each with an area less than 900m². The land is zoned RU1 Primary Production and is surrounded by either existing residential development or land zoned for residential development (Area E Release Area). The size of the site and surrounding land uses and zones remove any reasonable opportunity for undertaking agricultural activities on the land. Council has confirmed that none of the sites have a dwelling entitlement nor do they meet the current minimum lot size provisions for a dwelling under the Tweed LEP 2014. The land will therefore likely remain vacant and unused should it not be rezoned for residential purposes.

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

A 'Pre Gateway Review' of the site by the Department and the Northern Region Joint Regional Planning Panel has determined that there is merit for rezoning the land for urban purposes and have recommended that a planning proposal be processed to achieve the necessary rezoning.

The proposal represents logical infill development, consistent with the adjoining land uses. This planning proposal is the best means to enable low density residential development of the site.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub – regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Far North Coast Regional Strategy

The land is located outside of the Town and Village Growth Boundary (TVGB) under the Far North Coast Regional Strategy (FNCRS), however adjoins this growth boundary to the north.



A primary objective of the FNCRS is to contain future urban development within the TVGB. The FNCRS provides that a minor rounding off to the TVGB may be considered if it can be demonstrated to be warranted.

This proposal can be considered to be a minor rounding off of the TVGB, given that:

- The information supporting the planning proposal has confirmed that the land is not environmentally constrained. A Local Environmental Study is therefore not considered to be required in this instance.
- The land can be serviced via extensions and potentially minor upgrades to existing services (Appendix 4).
- The land is located within an existing residential area and is consistent with the regional settlement hierarchy.
- Rezoning the land for residential use to allow development of the site would not be inconsistent with the vision, land use strategy, policies, outcomes or actions of the FNCRS.

Draft North Coast Regional Plan

The Draft North Coast Regional Plan was publicly exhibited for 3 months and concluded on 2 June 2016. Once adopted this Plan will replace the FNCRS and will guide strategic planning across the North Coast over the next 20 years.

The Draft Plan includes a range of actions for considering LEP amendments. The key actions specific to this proposal relate to: identifying and protecting areas of high environmental values; focusing growth to the least sensitive and constrained areas; and providing sufficient housing supply.

Of particular note the Draft Plan contains a requirement that only minor and contiguous variations to urban growth areas in the coastal area will be considered. This is due to the coastal area's environmental sensitivity and the range of land uses competing for this limited area.

The proposal is consistent with the actions of the Draft Plan given that it will permit a new housing opportunity on land that is not significantly constrained and has no other private purpose use. The proposal is a minor rounding off of the urban growth boundary.

4. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Tweed Community Strategic Plan 2011/2021 (CSP)

The Tweed Community Strategic Plan 2011/2021 (CSP) creates a framework to implement Council's four-year Delivery Program and annual Operation Plan, which would align the community's aspirations with the development and implementation of necessary planning and resourcing required to achieve the long-term vision and deliver the outcomes.

Under the theme of People and Places, the CSP aims to promote the provision of a wide range of housing types in new and existing urban areas and to ensure the highest design standards for sustainability are used for buildings streetscapes and public spaces.

The planning proposal would facilitate additional housing in the locality consistent with the existing and future urban context. The proposed development standards will allow flexibility in design.

Tweed Urban and Employment Land Release Strategy 2009

The Tweed Urban and Employment Land Release Strategy (TUELRs) 2009 outlines an urban land release program for the Tweed Shire until 2031, with a focus on existing zoned and some greenfield development over the life of the Strategy. It was adopted by Council on 17 March 2009. This strategy has not been endorsed by the Department

Whilst the site sits outside any identified growth area, rezoning the land to enable residential use would be compatible and consistent with the adjoining land uses and is a logical rounding off to an existing urban area. The proposal is generally consistent with the principles of the Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

The proposal is consistent with the provisions of all applicable State Environmental Planning Policies (SEPPs) relevant to the site. The following SEPPs contain provisions which are particularly relevant to this proposal:

SEPP (Rural Lands) 2008

The Rural Planning Principles contained within the SEPP include considerations for rezoning proposals.

The Rural Planning Principles are as follows:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

The planning proposal recognises that the site is fragmented agricultural land that is surrounded by existing or future residential land. The site cannot be used for productive agricultural purposes and does not contain significant environmental values. Rezoning the land to enable residential use is consistent with the Rural Planning Principles under the SEPP.

SEPP 55 Remediation of Land

SEPP 55 provides a state wide planning approach to the remediation of contaminated land. This policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Contaminated land is constrained for certain types of development.

A site contamination investigation was undertaken in February 2015 which concluded that the site was suitable for the proposed residential land use. A copy of this report is provided under Appendix 7 – Detailed Site Investigation.

The proposal is consistent with the SEPP.

SEPP 71 Coastal Protection

SEPP 71 provides for the protection and consideration of matters relating to the NSW Coastal Zone. The site is mapped within the coastal zone but is located greater than 1km from the nearest waterways being the Tweed River and Terranora Inlet. As required under SEPP 71 the matters for consideration listed in clause 8 of the SEPP are to be taken into account when a draft local environmental plan is being prepared. As such the following comments are provided against the Clause 8 matters

Matters for consideration

The matters for consideration are the following:

- (a) the aims of this Policy set out in clause 2,*

This Policy aims:

- (a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and*

Any future residential development on the land generated by the proposed rezoning, will not impact the natural, cultural, recreational or economic attributes of the NSW coast.

It is discussed throughout this proposal that the privately owned vacant land does not contain ecological significance. It does not support and is not suited for public recreational purposes.

Considering the history of the site and surrounding context, it is unlikely that the land would contain any items of cultural significance. A Cultural Heritage Due Diligence Assessment for the site was conducted in 2012 which confirmed that no items of cultural significance are located onsite and that there is minimal potential that future works on the land to uncover or impact any buried items of cultural significance.

- (b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and*

The land does not front or provide access to any foreshore area.

- (c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and*

The site is located greater than 1km from any foreshore area. There is no opportunity for providing new foreshore access from the site.

- (d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and*

It is unlikely that this land would contain areas of cultural significance. It is highly modified and in an area that has been developed for residential purposes. A cultural assessment of the land, which has included a literature review, site inspection and liaison with local land councils has not identified any items of significance on the land.

- (e) to ensure that the visual amenity of the coast is protected, and*

The site is located in an existing urban area approximately 4.8km west of the NSW eastern coastline. Low density residential development on the land is consistent with the character and amenity of the local area.

(f) to protect and preserve beach environments and beach amenity, and

The proposal will not have any impact on beach environments or beach amenity, being located greater than 1km away from any beach or foreshore area.

(g) to protect and preserve native coastal vegetation, and

The land is generally cleared of vegetation, primarily consisting of grassland. Some mature vegetation occurs along the northern and western property boundaries, however this vegetation has not been mapped as being ecologically significant.

It is unlikely that the land would contain critical habitat or threatened species, populations or ecological communities, or their habitats.

(h) to protect and preserve the marine environment of New South Wales, and

Development on the site associated with any future dwelling/s or earthworks would have minimal potential to impact marine vegetation, due to runoff, etc. This is due to the location of the site, being setback more than 1km from any marine environment and that appropriate environmental management mechanisms can be installed during any future construction or operational stage.

(i) to protect and preserve rock platforms, and

No rock platforms will be impacted by the proposed rezoning.

(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and

The proposed rezoning will provide new housing opportunity without significantly impacting the natural environment. The proposal is in accordance with the principles of sustainable development.

(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and

The proposed rezoning and development standards for the site are consistent with the character of the area. The standards proposed for the land will provide for additional dwelling opportunity that is compatible with the natural scenic quality of the area.

(l) to encourage a strategic approach to coastal management.

The site is located in an urban area. Its rezoning provides a rounding off to the existing urban boundary. The proposal is consistent with the strategic planning for the Terranora locality.

(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,

The site has significant separation from the coastal foreshore and as such has no impact on access to the foreshore for pedestrian or persons with a disability. The site's separation from the coastal foreshore provides no opportunities for improvement of access to same.

(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,

The site's separation from the coastal foreshore provides no opportunities for improvement of access to same.

(d) the suitability of development given its type, location and design and its relationship with the surrounding area,

The proposal seeks to apply land use zones and development standards that are consistent with the surrounding urban land. Future dwelling design and site works will need to consider the relevant provision of SEPP 71 at development application stage.

(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,

The site is significantly separated from any coastal foreshore. Future low density residential development on the land would not overshadow the coastal foreshore. Terranora Road is the only public land within proximity to the site. This roadway does not offer any public vantage points (i.e rest areas, lookouts, parking bays etc) and only brief views over the site towards the Terranora Broadwater are provided from this roadway. Development of the site for low density residential purposes with building heights up to 9m, is consistent with the character and streetscape along this roadway.

(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,

The small vacant site is surrounded by existing or future residential development. Residential development on the site would be consistent with this scenic quality of the local area.

(g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,

The land is generally cleared of vegetation, primarily consisting of grassland. Some mature vegetation occurs along the northern and western property boundaries, however this vegetation has not been mapped as being ecologically significant.

It is unlikely that the land would contain critical habitat or threatened species, populations or ecological communities, or their habitats.

(h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats

The site does not contain any waterways or marine vegetation. The proposal is unlikely to have any impact upon fish or their habitat.

(i) existing wildlife corridors and the impact of development on these corridors,

There are no existing or established wildlife corridors over or adjoining the site. Rezoning the land to permit residential development will have no impact upon any wildlife corridors.

(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,

The site is not mapped as being subject to coastal hazards and located greater than 1km away from any foreshore area.

(k) measures to reduce the potential for conflict between land-based and water-based coastal activities,

Given the separation of the site and any foreshore area the proposal will not have any impact on water based coastal activities.

(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,

A cultural assessment of the land, which has included a literature review, site inspection and liaison with local land councils has not identified any items of significance on the land.

Measures to protect any unexpected findings of cultural significance can be installed at construction phase.

(m) likely impacts of development on the water quality of coastal waterbodies,

Any future development on the land has the potential to improve water runoff quality and quantity. Concept designs have been prepared for the land to confirm that water can be appropriately managed. This can be reviewed at the design and construction phase.

(n) the conservation and preservation of items of heritage, archaeological or historic significance,

A cultural assessment of the land, which has included a literature review, site inspection and liaison with local land councils has not identified any items of significance on the land. Measures to protect any unexpected findings of cultural significance can be installed at construction phase.

(o) *only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,*

The proposal will allow residential development on an alienated parcel of rural zoned land that has no agricultural significance. The proposal is consistent with the establishment of a compact town.

(p) *only in cases in which a development application in relation to proposed development is determined:*

(i) *the cumulative impacts of the proposed development on the environment, and*

N/A – this proposal is for the rezoning of the site.

(ii) *measures to ensure that water and energy usage by the proposed development is efficient.*

N/A – this proposal is for the rezoning of the site.

6. Is the planning proposal consistent with applicable Ministerial Directions (section 117 directions)?

The following section 117 Directions apply to this proposal:

- 1.2 Rural Zones; 1.5 Rural Lands; 2.1 Environment Protection Zones; 2.2 Coastal Protection; 2.3 Heritage Conservation; 2.4 Recreation Vehicle Area; 3.1 Residential Zones; 3.2 Caravan Parks and Manufactured Homes Estates; 3.3 Home Occupations; 3.4 Integrating Land Use and Transport; 4.1 Acid Sulfate Soils; 4.2 Mine Subsidence and Unstable Land; 5.1 Implementation of Regional Strategies; 5.3 Farmland of State and Regional Significance on the NSW Far North Coast; 6.1 Approval and Referral Requirements; 6.2 Reserving Land for Public Purposes

Of this list, the proposal is not consistent with the following section 117 Directions:

- 1.2 Rural Zones;
- 5.3 Farmland of State or Regional Significance on the NSW Far North Coast.

In each case the inconsistencies are considered to be minor and justifiable in terms of the criteria contained within the Direction. Inconsistencies have been documented in a Section 117 Direction checklist for this planning proposal contained in Appendix 2.

Section C – Environmental, social and economic impact.

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The land is generally cleared of vegetation, primarily consisting of grassland. Some mature vegetation occurs along the northern and western property boundaries. Council's vegetation mapping indicates that the site does not contain vegetation of significant ecological status or vulnerability.

It is unlikely that the land would contain critical habitat or threatened species, populations or ecological communities, or their habitats.

No further ecological assessment is required as part of this rezoning proposal.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Natural Hazards

The site is not subject to flooding, nor is it mapped as being bushfire prone.

The site is mapped within a Class 5 Acid Sulfate Soils area. Acid Sulfate Soils are not typically found in Class 5 areas. Works in a Class 5 area that are likely to lower the water table below 1 metre AHD on adjacent class 1, 2, 3 or 4 land will trigger the requirement for assessment and may require management. Acid Sulfate Soils are not a constraint for the site and can be reviewed at detailed design stage after the land has been rezoned.

The site slopes steeply to the north and comprises an existing retaining wall along the northern boundary. Preliminary site reviews have confirmed that reconstruction of this wall may be required along with new retaining structures to ensure stable building surfaces. The proposal has been supported with engineering plans that demonstrate that retaining wall structures can be contained within the site. Further review of these structures or an alternative design outcome can be investigated at development application stage.

Stormwater

Currently there is a 300mm diameter cross drainage culvert beneath Terranora Road which discharges onto Lot 6. There is a sag in Terranora Road adjacent to the site which directs overland flow from the external catchment onto Lot 5. This overland flow has defined a channel through Lot 5 which discharges into a gully north of the site.

A concept stormwater design has been prepared to identify how stormwater infrastructure can be provided onsite to manage flows across the site and also service future development (Appendix 4). This design is concept only. Further detailed design will be required at development application stage.

Cultural Significance

The land has been cleared and prior to being enclosed by residential development, was used as grazing land.

It is discussed throughout this proposal that the privately owned vacant land does not have ecological significance. It does not support and is not suited for public recreational purposes.

Considering the history of the site and surrounding context, it is unlikely that the land would contain any items of cultural significance. A Cultural Heritage Due Diligence Assessment for the site was conducted in 2012 which confirmed that no items of cultural significance are located onsite and that there is minimal potential for future works on the land to uncover or impact any buried items of cultural significance.

Considering the history of the site and surrounding context, this search is considered suitable to allow progression of the Planning Proposal.

Section D – State and Commonwealth interests.

9. Is there adequate public infrastructure for the planning proposal?

Traffic & Access

All of the lots have frontage to Terranora Road. Suitable access design is required to ensure functionality, safety and efficiency along this roadway are not compromised.

A concept driveway design has been prepared for the site. The design limits access to the site from two points of access. The two crossovers are connected by an internal service driveway that runs parallel to Terranora Road and would connect any future dwelling/s on the land.

A preliminary site layout and traffic impact assessment has been undertaken for the site and considers this concept driveway design. The assessment concludes that the proposed concept poses no significant traffic or transport impacts or safety risk.

To ensure that any future land purchaser is aware of this requirement for a shared driveway, a right of carriageway will be established on the title.

Sewerage

No reticulated sewerage service is currently connected to the site. There are existing services to the south east of the site and Area E, to the north, will also comprise trunk services in the future.

A preliminary servicing plan has been prepared to confirm that services can be extended into the site from the south east. The location of the existing services and indicative extension alignments are shown within the plan under Appendix 4. Council has indicated that services in the area are currently under stress and connection to these services may only be permitted on a temporary basis.

The plans also indicate that a gravity fed system could be installed to allow the site to connect to services within Area E, once these services exist. This would ensure appropriate sewerage service in the long term.

Water

A reticulated water main exists in Terranora Road at the frontage to the site and can be connected into the site to service any new dwelling/s.

Council is currently investigating options for alleviating strains on existing water supply services however has not considered that this issue should preclude rezoning the land.

Services delivery

To ensure that the land cannot be developed for dwelling houses independent of the delivery of shared services, retaining walls and access, the landowner has proposed to undertake the registration of a right of carriage for the common access driveway and to put in place a registered 88E restriction on title.

A concept easement plan has been prepared for exhibition purposes and is provided under Appendix 1 – Map 12.

This right of way and 88E restriction on the title will be registered on the title prior to the LEP being made. The proposed measures are sufficient to ensure the individual allotments cannot be sold following rezoning without any future buyer being aware of the requirement for shared services and access to be delivered on the site.

10. Has the planning proposal adequately addressed any social and economic impacts?

The proposal will provide for new housing opportunity on land that is surrounded by residential development and has no agricultural or ecological significance.

Visual Amenity and Scenic Impact

Terranora Road has a sign posted speed of 60km/h, with residential development predominantly aligning both sides of the roadway. The roadway does not offer any vehicular stopping points for viewing (i.e rest areas, lookouts, parking bays, etc). Only brief views over the site towards the Terranora Broadwater are provided from this roadway. Development of the site for low density residential purposes with building heights up to 9m, is consistent with the character and streetscape of existing residential development along this roadway.

The site currently has a maximum building height standard of 10m. All urban zoned land within the Area E release precinct has a maximum building height standard of 13.6m. This precinct adjoins the site to the north and includes residential land that fronts Terranora Road. This means that residential buildings which either adjoin the site or front Terranora Road can be established with building heights of up to 13.6m.

A proposed 9m building height for the subject site is consistent however with the maximum building height standard for the existing residential land located south of the site as well as the maximum building height standards proposed for the land immediately adjoining the site to the east and west (Refer to Appendix 3).

The proposed LEP building height provision is a maximum building height limit, not a minimum. Future development may not be able to be built to this height maximum due to site constraints. Providing a 9m building height limit will ensure a consistent height limit is established across the land and enable flexibility in design.

It is also noted that the maximum building height is measured from the existing ground level to the highest point of the building. Given the slope of the land, this means that any future building that is intended to have a height of 9m building height would need to be stepped down to ensure the development standard is not encroached.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The Gateway determination has not required consultation with State Government agencies.

Part 4 – Mapping

The following maps have been prepared to support this planning proposal and are contained in Appendix 1:

- Map 1 – Site Map
- Map 2 – Location Map
- Map 3 – Surrounding Land Uses Map
- Map 4 – Existing Zoning Map Tweed LEP 2014
- Map 5 – Proposed Zoning Map Tweed LEP 2014
- Map 6 – Existing Minimum Lot Size Map Tweed LEP 2014
- Map 7 – Proposed Minimum Lot Size Map Tweed LEP 2014
- Map 8 – Existing Maximum Building Height Map Tweed LEP 2014
- Map 9 – Proposed Maximum Building Height Map Tweed LEP 2014
- Map 10 – Existing Maximum Floor Space Ratio Map Tweed LEP 2014
- Map 11 – Proposed Maximum Floor Space Ratio Map Tweed LEP 2014
- Map 12 – Concept Right of Carriageway
- Map 13 – Farmland Protection Map
- Map 14 – Bushfire Prone Land Map

Part 5 – Community Consultation

It is proposed that this planning proposal will be exhibited in accordance with the Gateway determination and the terms of the Environmental Planning and Assessment Act 1979.

A minimum exhibition period of 14 days is required in accordance with the Gateway determination.

Exhibition of the proposal will include:

- A newspaper advertisement that circulates in the area affected by the Planning Proposal.
- Notification on the Department's website - planspolicies.planning.nsw.gov.au
- Hard copy display at the Department's Northern Region Office – Level 3, 49 Victoria Street, Grafton, NSW, 2460
- Provision of digital and hard copy to Tweed Shire Council for notification on its website and display

A review of all submissions will be undertaken after the exhibition period prior to the plan being progressed.

Part 6 – Project Timeline

The proposed timeline for completion of the planning proposal is as follows:

Plan Making Step	Estimated Completion
Revised Gateway Determination	August 2016
Public Exhibition Period (14 days)	August 2016
Submissions Assessment	September 2016
Legal Drafting	September 2016
Title registration	October 2016
RPA Decision to make the LEP Amendment	October 2016
LEP Notification	November 2016