

Rezoning Requests (not applications) – Made Against Draft Tweed Local Environmental Plan 2008

Property	Proposal	Land area	TLEP 2000 Zoning	Draft TLEP 2008 Zoning	Proposed Action	
<p>Lot 15 Section 3 DP 9025</p> <p>191 Kennedy Drive, Tweed Heads West</p>	<p>Proposed rezone from 2(a) to 2(b) for to achieve medium density development. Subject to ANEF restraint.</p>	<p>2959 M<sup>2</sup></p>	<p>2 (a)</p>	<p>R2</p>	<p><b>No Action:</b></p> <p>Requires detailed site, planning and policy context, traffic, economic and constraint mapping analysis</p> <p>Level of investigation and analysis is outside of the Comprehensive LEP process and requires a standard of supporting information ordinarily required for a rezoning application</p> <p><b>Response:</b></p> <p>Proponent to be advised that a rezoning application is required. Based on the scale of the proposal any application would be dealt with as part of the consolidated LEPS (housekeeping) LEP, which will commence by March of each Year commencing in 2011.</p>	

Property	Proposal	Land area	TLEP 2000 Zoning	Draft TLEP 2008 Zoning	Proposed Action	
<p>Lots 129 and 130 DP - 1039348</p> <p>Elrond Drive, West Kingscliff</p>	<p>Request to rezone to 2(c) Urban Expansion</p>	<p>Lot 129 = 5714 M<sup>2</sup> Lot 30 = 2.14 h</p>	<p>Lot 129 = 5(a) Lot 130 = 1(a)</p>	<p>RU2</p>	<p><b>No Action:</b></p> <p>Requires detailed site analyses, planning and policy context, traffic, density and constraint mapping analysis</p> <p>Level of investigation and analysis is outside of the Comprehensive LEP process and requires a standard of supporting information ordinarily required for a rezoning application</p> <p><b>Response:</b></p> <p>Proponent to be advised that a rezoning application is required. Based on the scale of the proposal any application would be dealt with as part of the consolidated LEPS (housekeeping) LEP, which will commence by March of each Year commencing in 2011.</p> <p>This site may also fall within the scope of any future locality plan for Kingscliff/Chinderah</p>	<p>The map displays land use planning zones. A legend in the top left corner identifies four categories: Urban Release Areas (red diagonal hatching), Existing Urban Areas (green diagonal hatching), Potential Urban Release Lands (yellow), and Potential Employment Lands (blue). The map shows a portion of the boundary between Chinderah and Kingscliff. A large blue area (Potential Employment Lands) is situated on the Chinderah side. To its east, a red hatched area (Urban Release Areas) and a green hatched area (Existing Urban Areas) are shown. Two specific sites are marked with black arrows and labels: '130//1039348' and '129//1039348', which are located within the green hatched area.</p>

Property	Proposal	Land area	TLEP 2000 Zoning	Draft TLEP 2008 Zoning	Proposed Action	
Lot 1 DP - 1088100  Fraser Drive, Banora Point	Request to enable 'shops' to be made permissible in zone in Shirewide LEP (draft 2008)	5457 M <sup>2</sup>	6(b)	RE2	<p><b>No Action:</b></p> <p>Requires detailed economic, traffic, and site constraint mapping analysis</p> <p>Level of investigation and analysis is outside of the Comprehensive LEP process and requires a standard of supporting information ordinarily required for a rezoning application</p> <p><b>Response:</b></p> <p>Proponent to be advised that a rezoning application is required. Based on the scale of the proposal any application would be dealt with as part of the consolidated LEPS (housekeeping) LEP, which will commence by March of each Year commencing in 2011.</p>	<p>The map displays land use planning zones for Banora Point. A legend in the top left corner identifies four categories: Urban Release Areas (red diagonal hatching), Existing Urban Areas (green diagonal hatching), Potential Urban Release Lands (yellow), and Potential Employment Lands (blue). A black arrow points to a specific lot labeled '1/1088100' within the Urban Release Areas. The map also shows a road network and the coastline. The text 'BANORA POINT' is visible in the lower right area of the map.</p>

Property	Proposal	Land area	TLEP 2000 Zoning	Draft TLEP 2008 Zoning	Proposed Action	
Lot 1 DP - 779976  Gray Street, Tweed Heads West	From 2(a) to a zone compatible with aircraft noise / ANEF restrictions	5.5 h	2(a)		<p><b>No Action:</b></p> <p>Detailed site analysis and strategic context investigation required</p> <p>Level of investigation and analysis is outside of the Comprehensive LEP process and requires a standard of supporting information ordinarily required for a rezoning application</p> <p><b>Response:</b></p> <p>Proponent to be advised that a rezoning application is required. Based on the likely scale of the proposal any application would be dealt with as part of the consolidated LEPS (housekeeping) LEP, which will commence by March of each Year commencing in 2011.</p>	<p>The map displays land use planning zones in Tweed Heads West. A legend in the top left corner identifies four categories: Urban Release Areas (red diagonal hatching), Existing Urban Areas (green diagonal hatching), Potential Urban Release Lands (yellow), and Potential Employment Lands (blue). The map shows a large area of Existing Urban Areas (green) and a smaller area of Potential Employment Lands (blue). A specific lot, labeled '1/779976', is highlighted in black and is located within the Potential Employment Lands area. Other areas of Urban Release Areas (red) are visible in the lower right portion of the map. The map is labeled 'TWEED HEADS WEST' and 'TWEED HEADS SOUTH'.</p>

Property	Proposal	Land area	TLEP 2000 Zoning	Draft TLEP 2008 Zoning	Proposed Action	
Lot 6 DP 10297  111 Kennedy Drive, Tweed Heads West	Proposed use of land for storage units – not permissible in current zone.	4048 M <sup>2</sup>	2(a)	R2	<p><b>No Action:</b></p> <p>Subject to prior LEP amendment (no.55), gazetted refused by Minister on the basis that a broader strategic context needed to be established</p> <p>Level of investigation and analysis is outside of the Comprehensive LEP process and requires a standard of supporting information ordinarily required for a rezoning application</p> <p><b>Response:</b></p> <p>Proponent to be advised that a rezoning application is required. Based on the scale of the proposal any application would be dealt with as part of the consolidated LEPS (housekeeping) LEP, which will commence by March of each Year commencing in 2011.</p>	<p>The map displays land use planning zones for Tweed Heads and Tweed Heads South. A legend in the top left corner identifies four categories: Urban Release Areas (red hatched), Existing Urban Areas (green hatched), Potential Urban Release Lands (yellow), and Potential Employment Lands (blue). The map shows a large area of Existing Urban Areas (green hatched) and a smaller area of Potential Employment Lands (blue) to the west. A specific lot, labeled '6/10297', is indicated by an arrow pointing to a small area within the Existing Urban Areas. The map also shows Urban Release Areas (red hatched) in the southern part of the area, labeled 'TWEED HEADS SOUTH'.</p>



Property	Proposal	Land area	TLEP 2000 Zoning	Draft TLEP 2008 Zoning	Proposed Action	
Lot 4 DP 747359  Upper Burringbar Road, Burringbar	Rezone for Rural Residential (RU5)	82.86 h	1(a)	RU2	<p><b>No Action:</b></p> <p>Requires detailed constraint mapping / strategic context analysis</p> <p>Level of investigation and analysis is outside of the Comprehensive LEP process and requires a standard of supporting information ordinarily required for a rezoning application</p> <p><b>Response:</b></p> <p>Proponent to be advised that a rezoning application is required. Based on the scale of the proposal any application would be dealt with as part of the consolidated LEPS (housekeeping) LEP, which will commence by March of each Year commencing in 2011.</p>	

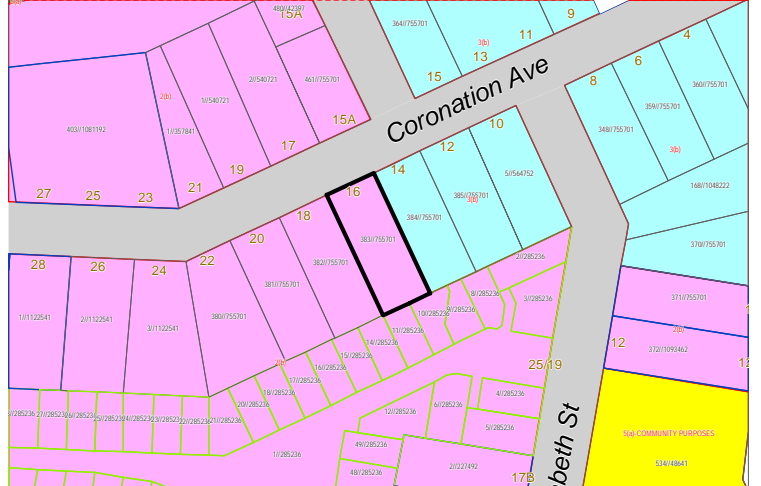
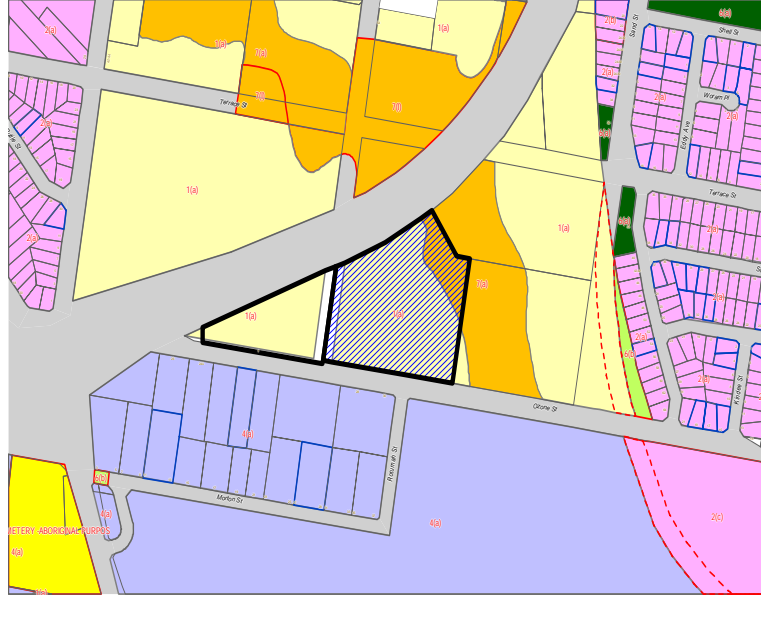
Property	Proposal	Land area	TLEP 2000 Zoning	Draft TLEP 2008 Zoning	Proposed Action	
Lot 2 DP 590220  O'Keefe's Quarry, No. 1	Rezone to 1(a) – Rural.	28.85 h	1(b2)	RU1	<p><b>No Action:</b></p> <p>Requires assessment of agricultural (soils) suitability, strategic planning context, and constraint mapping analysis</p> <p>Level of investigation and analysis is outside of the Comprehensive LEP process and requires a standard of supporting information ordinarily required for a rezoning application</p> <p><b>Response:</b></p> <p>Proponent to be advised that a rezoning application is required. Based on the scale of the proposal any application would be dealt with as part of the consolidated LEPS (housekeeping) LEP, which will commence by March of each Year commencing in 2011.</p>	

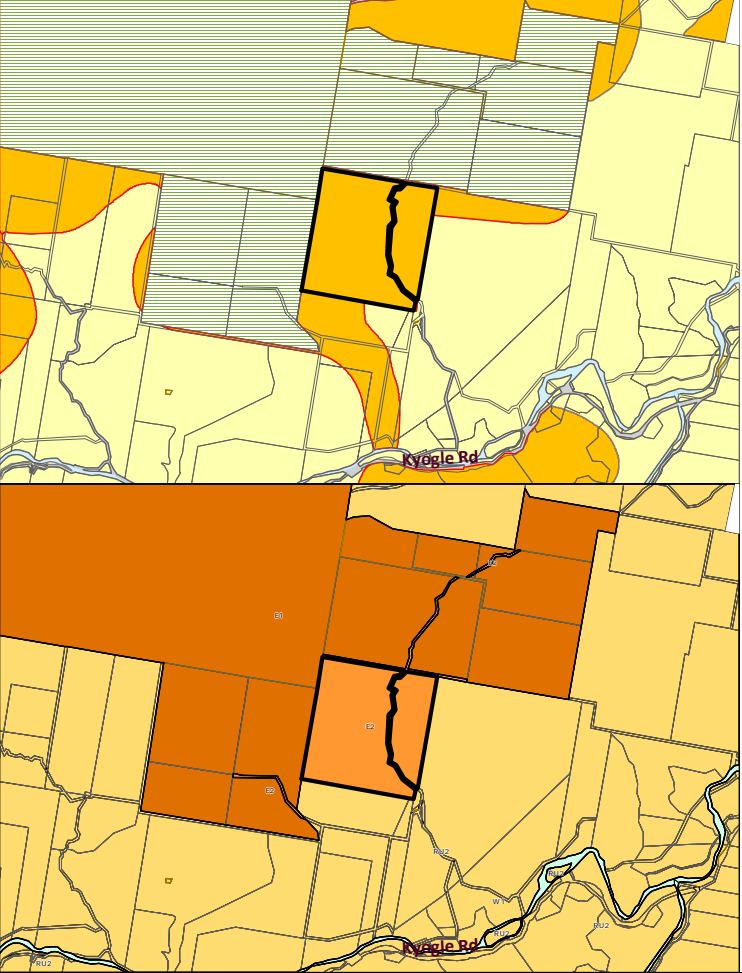
Property	Proposal	Land area	TLEP 2000 Zoning	Draft TLEP 2008 Zoning	Proposed Action	
Lot 4 DP 554401  Terranora Rd, Terranora	Rezone land to enable non-putrescible waste landfill within the quarry.	4.62 h	7(d)	RU2	<p><b>No Action:</b></p> <p>Requires detailed constraint mapping analysis and impact assessment (LES)</p> <p>Level of investigation and analysis is outside of the Comprehensive LEP process and requires a standard of supporting information ordinarily required for a rezoning application</p> <p><b>Response:</b></p> <p>Proponent to be advised that a rezoning application is required. Based on the nature and scale of the proposal an application would likely be dealt with as part of the consolidated LEPS (housekeeping) LEP, which will commence by March of each Year commencing in 2011. However, based on review of any rezoning application this could be a 'major' rezoning application in which case it will be pursued independently of the consolidated LEP process, but, will also commence in 2011.</p>	<p>The map displays various land use zones in the Terranora area. A legend in the top left corner identifies four categories: Urban Release Areas (red diagonal hatching), Existing Urban Areas (green diagonal hatching), Potential Urban Release Lands (yellow), and Potential Employment Lands (blue). The map shows these zones across several suburbs including Ambil Heights, Bilambil, Duroby, Bungalora, Terranora, and North Tumbulgum. A specific parcel, Lot 4 DP 554401, is highlighted with a black square and an arrow pointing to it from the label '4//554401'.</p>



Property	Proposal	Land area	TLEP 2000 Zoning	Draft TLEP 2008 Zoning	Proposed Action	
Lot 201 DP 1101907  112-122 Dry Dock Road, Tweed Heads South	Rezone 2(a), 6(b) and 3(b) to 6(b) to permit expansion of The Palms Village.	5.89 h	6(b)	RE2	<p><b>No Action:</b></p> <p>Requires detailed economic, traffic, density and constraint mapping analysis</p> <p>Level of investigation and analysis is outside of the Comprehensive LEP process and requires a standard of supporting information ordinarily required for a rezoning application</p> <p><b>Response:</b></p> <p>Proponent to be advised that a rezoning application is required. Based on the nature and scale of the proposal an application would likely be dealt with as part of the consolidated LEPS (housekeeping) LEP, which will commence by March of each Year commencing in 2011. However, based on review of any rezoning application this could be a 'major' rezoning application in which case it will be pursued independently of the consolidated LEP process, but, will also commence in 2011.</p>	<p>The map displays the Tweed Heads region, divided into Tweed Heads West and Tweed Heads South. A legend in the top left corner identifies four categories: Urban Release Areas (red hatched), Existing Urban Areas (green hatched), Potential Urban Release Lands (yellow), and Potential Employment Lands (blue). The property 201/1101907 is marked with a black square and labeled, situated within a red-hatched Urban Release Area. Other red-hatched areas are visible along the coast and inland. Green-hatched areas represent existing urban zones, and blue-hatched areas indicate potential employment lands.</p>

Property	Proposal	Land area	TLEP 2000 Zoning	Draft TLEP 2008 Zoning	Proposed Action	
Lot 2-8 DP 28597  Terranora Road, Terranora	Rezone 1(b) 1 to 2(c)	10066.72 M <sup>2</sup>	1(b1)	RU1	<p><b>No Action:</b></p> <p>Requires detailed traffic and constraint mapping analysis and strategic justification for variations to existing TLEP development standards</p> <p>Level of investigation and analysis is outside of the Comprehensive LEP process and requires a standard of supporting information ordinarily required for a rezoning application</p> <p>Proponent to be advised that a rezoning application is required. Based on the scale of the proposal any application would be dealt with as part of the consolidated LEPS (housekeeping) LEP, which will commence by March of each Year commencing in 2011.</p>	<p>The map displays land use designations for the Terranora area. A legend in the top left corner identifies four categories: Urban Release Areas (red diagonal hatching), Existing Urban Areas (green diagonal hatching), Potential Urban Release Lands (yellow), and Potential Employment Lands (blue). The subject property, labeled '2-8/28597', is situated within an Urban Release Area. The map also shows surrounding areas like 'BANDORAP' and 'CHINDER'.</p>

Property	Proposal	Land area	TLEP 2000 Zoning	Draft TLEP 2008 Zoning	Proposed Action	
Lot 383 DP755701  16 Coronation Ave, Pottsville	Rezone to commercial, bring forward recommendations for expansion of commercial zone to west as part of locality plan.(also included as submission to locality plan)		2(b) Directly adjoin 3(b).	R3	<b>Actionable Item:</b> This site is to be investigated through the locality plan process, any rezoning will be subject to the recommendations arising from an adopted Plan	
Lot 2 DP 1010771, Lot 1 DP 1127741.  Site adjacent (east) of existing BP Service Centre, Chinderah	Extension to BP service centre, Pacific Highway Chinderah. Rezone current Rural 1(a) and 7(a).	Site currently 1.65ha. Proposed site 4.01ha	1(a) and 7(a)	Part of new lot zoned for service centre	<b>No Action:</b> Requires detailed economic, traffic, environmental analysis  Level of investigation and analysis is outside of the Comprehensive LEP process and requires a standard of supporting information ordinarily required for a rezoning application  <b>Response:</b> Proponent to be advised that a rezoning application is required. Based on the nature and scale of the proposal an application would likely be dealt with as part of the consolidated LEPS (housekeeping) LEP, which will commence by March of each Year commencing in 2011. However, based on review of any rezoning application this could be a 'major' rezoning application in which case it will be pursued independently of the consolidated LEP process, but, will also	

Property	Proposal	Land area	TLEP 2000 Zoning	Draft TLEP 2008 Zoning	Proposed Action	
					commence in 2011.	
<p>Lot 67 DP 755754</p> <p>‘Tree Haven’ 186 Palmers Road Uki.</p>	<p>Rezone part of property from Environmental 71 to Rural 1(a) farmland proposed for exclusion</p> <p><b>The land owner has a conservation agreement with DECC over the entire site which safeguards the area of High Conservation Value and exempts 8.83ha of the site, the area with the dwelling. The applicant is requesting that exempted area be rezoned farmland to allow for small hobby farming at the site.</b></p>	<p>92.34ha, plus 8.83 ha proposed for exclusion</p>	<p>7(l)</p>	<p>E2</p>	<p><b>No Action.</b></p> <p><b>Council would require submission of a flora and assessment to ascertain if this rezoning was appropriate. Presumably, a great deal of this work would have been done as part of the conservation agreement with DECC. This is likely to be considered as a minor LEP amendment and could be undertaken as part of the first housekeeping of the LEP.</b></p> <p>Proponent to be advised that a rezoning application is required. Based on the scale of the proposal any application would be dealt with as part of the consolidated LEPS (housekeeping) LEP, which will commence by March of each Year commencing in 2011.</p>	

**TITLE: [PR-PC] Planning Reform Unit Work Program**

**ORIGIN:**

**Planning Reforms**

**FILE NO: GT1/LEP/2006 Pt10**

**SUMMARY OF REPORT:**

This report seeks Council's endorsement of the Planning Reforms work program 2009/2012 relating to the preparation of its strategic planning framework, and endorsement of service delivery improvement mechanisms relating to Fees and Charges for rezoning applications and DCPs.

As discussed in the report, Council received and noted a report on the work program at its meeting of 16 December 2008, which was followed by a Councillors workshop on the 24 February 2009.

Given the importance of having an effective strategic planning framework and the significance of the development pressures upon the Tweed Council to release further land it is essential that the Council endorses the work program 2009/2012 priorities, and enable Council Officers to continue to direct the necessary efforts into building that framework over the next 3 years.

**RECOMMENDATION:**

**That : -**

- 1. Council endorses the Planning Reforms - Work Program 2009/2012 identified as Tables 2-4 in this report, and**
- 2. That Council advertises the fees and charges identified within Table 6 & 7 of this report relating to rezoning applications and Development Control Plans in accordance with Section 610F of the Local Government Act, 1993, and**
- 3. Endorses the Service Delivery Strategies 1-3 identified in this Report relating to the management, cost, and preparation of rezoning applications and Short-term Development Control Plans.**



## REPORT:

### Report Background

On 16 December 2008 Council received and noted a report on the status of the Planning Reforms Units (PRU) work program. Council also resolved that a Councillors workshop be held.

A Councillors workshop was held on 24 February 2009 and provided a detailed overview of the PRU's current work program, the current round of grant application funding applications, key future strategic projects, the PRU's awareness of potential future investigation areas as raised by several landowners and developers, and the potential opportunities for improving the management and funding of strategic planning projects and land rezoning applications. Other important issues, such as, the need to maintain a manageable and deliverable work program and potential impacts on broader operational functions, such as, processing rezoning applications, were also discussed.

The workshop was preceded by individual presentations from the following five major development proponents:

1. Urban release - mixed residential / commercial development - "Rise" Bilambil Heights – Godfrey Mantle, Steve MacRae and Darryl Anderson Consulting.
2. Rezoning and redevelopment - bulky goods / light industrial / commercial development (expansion of existing Harvey Norman Centre), Enterprise Avenue, Tweed South – Darryl Anderson Consulting and Fulton Trotter Architects.
3. Greenfield development - mixed residential and commercial development, corner of Cudgen Road and Tweed Coast Road – Kingscliff Land Company and Planning Workshop Australia.
4. Tweed Employment Land Strategy 2009 - Pottsville employment land, including residential and retail – Heritage Pacific and Planit Consulting.
5. Tweed Employment Land Strategy 2009 'Airport Precinct' - bulky goods / light industrial / commercial precinct (including Boyds Bay Garden World) – Leisure Brothers and Planit Consulting.

In addition to the above presentations Councillors and Staff attended a site inspection with the owners of Gales Holdings on 26 February 2009 to discuss zoning, ecology and future redevelopment issues for their land at Chinderah, Cudgen and Kingscliff.

The presentations and site inspection were intended to provide Councillors with a 'bigger picture' view of the type, scale and mix of land-uses being considered. The extent of development pressure currently facing the Tweed Shire and the difficulties of managing the assessment of major redevelopment proposals, whilst still advancing a new strategic planning policy framework for the Shire was also highlighted by the presentations and site inspection.

The five presentations provided Councillors with a snapshot of the mix of uses and scale of individual development concepts being externally investigated and pursued by developers in the Tweed, however, it was acknowledged that the five concepts are not

representative of the overall scale of development under consideration by developers in the Shire; there are several other known major development concepts that were not presented.

The workshop also sought to provide the context of Council's recent strategic planning work, in particular its focus and project prioritisation, as it relates to the State Government's key regional strategic directions arising from the major overhaul of the NSW planning system announced by the Planning Minister in 2004. The workshop also provided the opportunity to illustrate how the current strategic planning projects achieve the Council's adopted policy directions and actions arising under its overarching strategic vision policy; *Tweed Futures 4/24*.

Council's current strategic planning approach aligns with the NSW Government's direction on responsible and sustainable growth management for the Tweed Shire that best serves the interests and needs of the present communities without compromising its ability to meet future needs, particularly through the under utilisation of land. The Tweed Urban Land Release Strategy and Employment Land Release Strategy 2009, as adopted by Council on 17 March 2009, is a significant component of the Council's overarching strategic policy framework and its recent adoption will significantly improve Council's ability to respond and manage the increasing demand for greenfield release of valuable and scarce land. These Strategies will be further underpinned by several key future planning projects that will be aimed at maximising social, economic, housing and infrastructure sustainability opportunities, and environmental and natural resource protection.

### **A Sustainable and Responsive Strategic Planning Framework**

Strategic land-use planning provides the fundamental control mechanism for the management and conservation of built and natural assets and it is used to inform a broad range of decision making activities both within and external to the Council, such as, future provision of roads, water and sewer, communications, electricity, schools, recreation, community and health facilities, and commercial decisions on property investment and development. The future planning of these activities is reliant on accurate information and robust policy frameworks that provide a clear direction and certainty over long periods of time. The greater the accuracy of forecasting and consistency in providing relative certainty the better equipped Council and other Agencies will be in their planning and delivery of the right infrastructure services, to the right communities, at the right the time, and the more certain the private sector will be about investing in the Tweed. Greater investment in the Tweed will lead to improvements in housing choice and availability, better social infrastructure services and networks, and greater employment opportunities and job security.

Council's strategic and forward planning framework is dependant on a clear link between the vision and actionable items in *Tweed Futures 4/24* and the current place based and long-term strategy planning being undertaken. With the adoption of several key locality plans and more recently the Tweed Urban Land Release Strategy and Employment Land Release Strategy 2009 Council's framework is establishing a clear linkage and is developing into one that can provide a high level of certainty, and with a regular policy maintenance and review program a robust and responsive framework can be sustained over the short, medium and long-term. More importantly, the strategic framework will ensure that Council does not loose its control and management over the future growth of

the Tweed and the protection of its natural environment; instead, it will proactively reinforce its governance role in these areas.

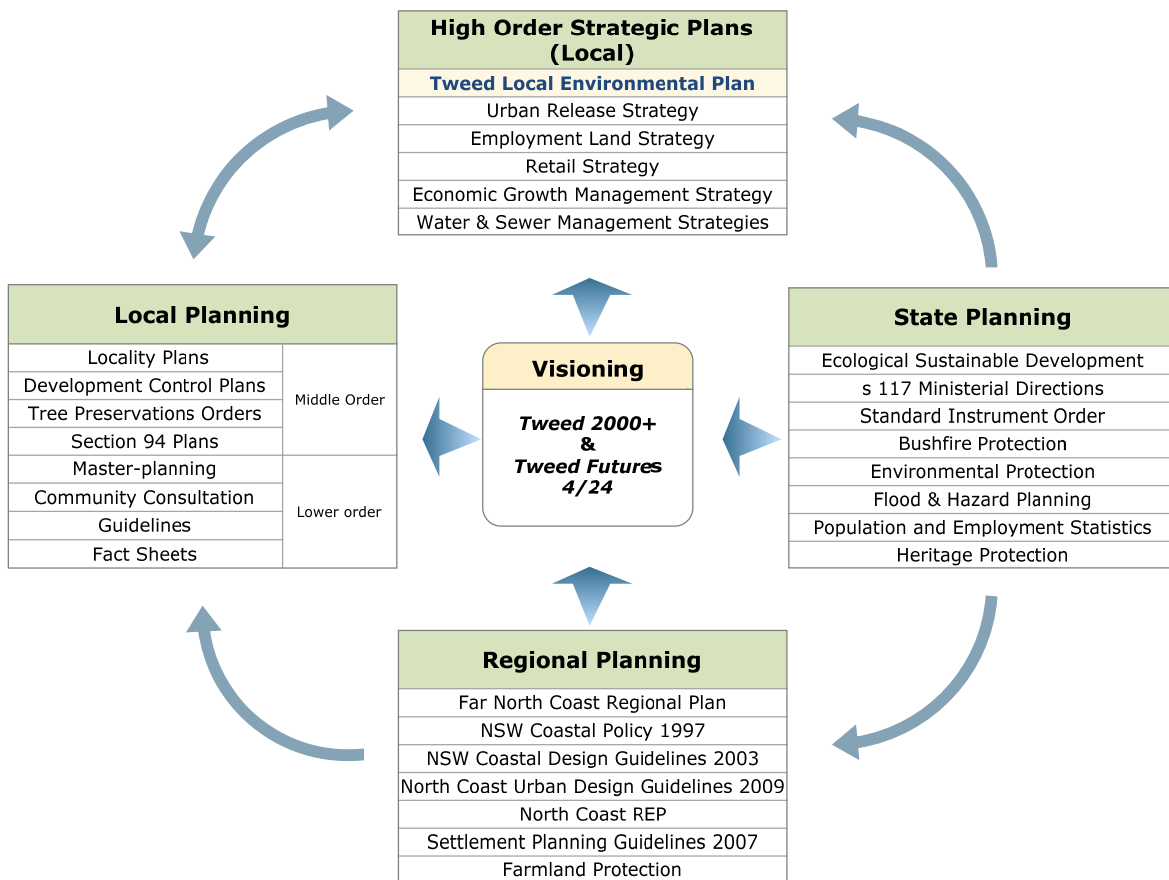
There is extensive policy direction provided at the State level through policies like the Far North Coast Regional Strategy, Settlement Planning Guidelines, the North Coast Regional Environmental Plan, Coastal Policy 1997 and Coastal Design Guidelines, that provide the area of Tweed with a Regional context and assist in directing the management of natural and built environments, and the growth of coastal villages, towns and rural hinterlands. The current strategic policy planning has taken the principles and objectives of these Policies and combined them with a bottom-up policy planning approach that has embraced community consultation and input to deliver a suite of strategies that relate specifically to the Tweed Shire.

### **Strategic Policies – Direction Interactions and Hierarchy**

The strategic framework is multi-tiered and generally speaking comprises predominantly of State and Local level policy. Federal policies, e.g. *Environmental Protection and Biodiversity Conservation Act*, may also apply.

Although the Far North Coast Regional Strategy and other notable State based policies like the Northern Rivers Farmland Protection Project play a significant role in shaping Council's planning framework, a broader discussion on State and Regional policy is beyond the scope of this report. Nevertheless, councils' draw on this overarching regionally broad based policy for strategic direction when preparing their individual local government area based strategies by filtering out objectives and actions relevant to their local areas and conditions. This process provides the basis from which local visionary and actionable policies, such as, the Tweed Shire Strategic Plan 2000+ and Tweed Futures 4/24 Strategic Plan are developed, in consultation with local communities.

The general policy and the interactions between the different tiers of policy are illustrated in the following diagram:



## Delivering the Strategic Framework

As highlighted at the Councillors workshop there is significant pressure on Council to respond to an increasing number of requests for major development proposals and greenfield land release, particularly along the coast and coastal hinterland. There is some assurance in recognising that this demand and Council's response to it are not new to the Tweed Shire.

Between 1981-1986 Tweed Shire's population increased by around 24% representing an annual population growth rate of approximately 4.7%. At the time Council responded with the *Tweed Shire Short-term Residential Development Strategy 1984* and *Tweed Shire Strategic Plan 1984*, and continued with a series of robust strategies including; the *Residential Development Strategy 1987* and later the *1991 strategy*. The 1984 Strategy provided a clear set of objectives that would promote and maintain a wide economic base for the Shire, to protect and enhance areas within the Shire of significant environmental value and to accommodate the Shire's population in a manner that would minimise the adverse impact of development on the environment.

The major task of all three generations of Strategy was to ensure that suitable land was available for urban growth, when needed, in the right locations. This is equally relevant and applicable to the 2009 Tweed Urban Land and Employment Land Release Strategies as it was to the then 1984, 1987 and 1991 Strategies. Likewise, the central concept for all of the Strategies, spanning 25 years of Tweed's forward planning, is the idea that some areas are more suitable for early release than others which may be more suitable for release in the longer-term, that it is important that residents have a choice of

land in a number of locations, while recognising that releasing too many areas at once will over stretch community resources and essential infrastructure, and may lead to under utilisation of the land leading to demand for even more release.

Council's adoption of the 2009 Tweed Urban Land and Employment Land Release Strategy 2009 builds on the long-term planning in the Tweed, representing a further responsible response to the current development pressures, and it is as equally important to the growth management of the Tweed today with an annual growth rate of approximately 2.2% as the previous three Strategies were during times of extraordinary growth. This Strategy also responds to and builds on the future directions for sustainable growth under the Far North Coast Regional Strategy.

Through its current strategic plans; *Tweed Strategic Plan 2000+* and *Tweed Futures 4/24* Council has recognised the need to underpin these broader strategies with a range of place responsive (locality based) planning controls and their preparation has coincided with the State Government's major overhaul of the NSW Planning System, which essentially reinforces and promotes the sustainable cities and villages concept already entrenched in Tweed's own strategic planning. These localised plans are as important to protecting and enhancing the local character and identity of Tweed's villages as is the Tweed Urban Land and Employment Land Release Strategy 2009 and Retail Policy 2005 in providing for longevity in the sustainable provision of urban land, the retention of significant agricultural and rural land and the protection of the Tweed's renowned exceptional natural environment.

To continue to achieve the objectives of developing a broad strategic framework under *Tweed Futures* it is essential that work on the policies continues through the 2009/2012 period.

This report seeks Council's endorsement to proceed and prioritise the following strategic planning policies through the 2009/2012 work program.

The following Tables provide an overview of the proposed work program. Many of the projects are subject to external influences that make accurate forecasting of preparation timeframes impossible, however, an attempt has been made to illustrate the necessary projects, their likely year of commencement and duration. An activity code schedule has also been included to guide Councillors on the process requirements for each project.

Table 1 – Activity Schedule (process requirements)

Activity	Code
Adoption by Council	A
Application assessment & review	AA
Consultation (workshops)	C
Drafting of Plan	D
Final Plan preparation	F
Gazettal by Minister	G
Public submission review	P
Public Exhibition	PE
Report to Council	R
Referral to Dept of Planning	RD
Requires amendment of Tweed LEP	T
LES preparation	L
Expert review necessary	X



**Tables 2-4 Work Program 2009/2012 - Estimated Project Delivery**

Table 2 - 2009/2010 Work Program

Ranking	2009/2010 Projects	Activity Code
<b>High order strategic Plans</b>	Draft LEP 2008 Stage 1	<ul style="list-style-type: none"> <li>F, G, P, PE, R</li> </ul>
	Draft Tweed Heads LEP	<ul style="list-style-type: none"> <li>Per the above for Draft LEP 2008 Stage1</li> </ul>
<b>Locality Based Plans</b>	Draft Tweed Heads "Cities Taskforce" Masterplan & DCP	<ul style="list-style-type: none"> <li>A, F, G P, PE, R</li> <li>Requires public exhibition with and forms the basis of the Draft Tweed Heads LEP</li> </ul>
	Draft South Tweed DCP (tied in with the Tweed Heads project above).	<ul style="list-style-type: none"> <li>Per the above</li> </ul>
	Draft Pottsville Locality Plan	<ul style="list-style-type: none"> <li>A, F, P, PE, R, RD, T</li> <li>Previously publicly exhibited</li> <li>Demonstrated need to respond to issues in relation to "supermarket" and village centre primacy</li> <li>Rezoning process through Tweed LEP 2008 (Stage 2)</li> </ul>
	Draft Hastings Point Locality Plan	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD, T</li> </ul>
<b>Development Control Plans</b>	New Draft DCP – Tree Preservation Orders	<ul style="list-style-type: none"> <li>A, D, P, PE, R, RD</li> <li>Draft LEP 2008 requires a DCP – Tree Preservation</li> </ul>
	New Draft DCP – Rural Tourism	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD</li> <li>Preparation of TDCP s A1 identified a need for a rural tourist development code</li> </ul>
	New Telecommunications Infrastructure DCP	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD</li> <li>Prepare in consultation with TEDC and investigations into new planning controls for master-planned estates</li> </ul>
	New Draft DCP - Biodiversity	<ul style="list-style-type: none"> <li>A, D, P, PE, R, RD</li> <li>Being prepared by NRM in consultation with PRU</li> </ul>
	Draft DCP - A1 (Hastings Point) Amendment Nos 2 & 3	<ul style="list-style-type: none"> <li>A, AA, C, D, P, PE, R, RD</li> </ul>
	New Draft DCP – Area E (Terranora)	<ul style="list-style-type: none"> <li>A, AA, C, D, P, PE, R, RD</li> <li>Process managed by PRU on behalf of landowner and proponents of a major mixed-use residential / commercial development.</li> </ul>
	Draft DCP (Master-planning)	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD,</li> <li>Required to support Tweed Urban and Employment Lands Strategy 2009 which requires master-planned development</li> </ul>
	Draft DCP (Urban Design)	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD</li> <li>To provide urban design guidelines for commercial and residential development</li> </ul>
	<b>Draft LEPs (Major)</b>	Draft LEP 69 – Seabreeze Estate
Draft LEP 85 – Pottsville Industrial		<ul style="list-style-type: none"> <li>A, AA, D, G, P, PE, R, RD, L</li> <li>Development proponents: Heritage Pacific through Planit Consulting</li> <li>involving Council land also</li> </ul>
<b>Draft LEP (Minor)</b>	Draft LEP 35 – Billabong caravan Park (expansion of existing site)	<ul style="list-style-type: none"> <li>A, AA, C, F, G, P, PE, R, RD</li> </ul>
<b>Review of existing policy documents</b>	Tweed Development Control Plan (TDCP) – All sections	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD</li> <li>Align Tweed DCP with the draft Tweed LEP 2008</li> <li>Project to commence following exhibition of draft LEP 2008</li> </ul>
	TDCP – s A1 – Residential and Tourist Code	<ul style="list-style-type: none"> <li>A, C, D, G, P, PE, R, RD</li> <li>Adopted 22 April 2008 and scheduled for a 12 month implementation review</li> <li>Include new courtyard/compact housing types</li> </ul>
	TDCP s A11 – Public Notification	<ul style="list-style-type: none"> <li>A, D, P, PE, R, RD</li> </ul>

Ranking	2009/2010 Projects	Activity Code
		<ul style="list-style-type: none"> <li>Draft LEP 2008 and adoption of TDCP s A1 alters public notification requirements and needs</li> </ul>
	TDCP s A10 – Exempt and Complying Development	<ul style="list-style-type: none"> <li>A, PE, R, RD</li> <li>To be repealed on gazettal of draft LEP 2008</li> </ul>
	TDCP s B11 – Seaside City	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD</li> <li>Amendment required to facilitate new housing type (coastal courtyard) – proposed by developer.</li> <li>Processed managed by PRU, but, DCP design work by proponent's Architect</li> </ul>
<b>Ongoing commitments</b>	Implementation of the Tweed Urban and Employment Land Release Strategies	<ul style="list-style-type: none"> <li>Industry contact and response management</li> <li>Awareness programs</li> <li>Review required following recommendations of Council's Flood Risk Management Strategy</li> </ul>
	Bilambil Heights ("Rise"), Cobaki Lakes and Kings Forest release areas	<ul style="list-style-type: none"> <li>Part 3A application assessment - strategic planning support and input to DAU application review and submission</li> </ul>
	Hastings Point – Young St appeal	<ul style="list-style-type: none"> <li>Strategic support – expert evidence and witness attendance</li> </ul>
	S 149 Certificates	<ul style="list-style-type: none"> <li>Process and mapping support</li> </ul>
	Cartography / GIS	<ul style="list-style-type: none"> <li>Map production – internal &amp; external</li> </ul>
	NSW Government Housing Monitor	<ul style="list-style-type: none"> <li>Data collection and reporting</li> </ul>
	Strategic Planning Policy	<ul style="list-style-type: none"> <li>Policy support guidance and interpretation – internal &amp; external</li> </ul>
	Development applications	<ul style="list-style-type: none"> <li>Urban design support and review of key applications</li> </ul>

Table 3 - 2010/2011 Work Program

Ranking	2010/2011 Projects	Activity Code
<b>High order strategic Plans</b>	Draft LEP 2008 Stage 2	<ul style="list-style-type: none"> <li>A, C, D, G, P, PE, R, RD</li> </ul>
<b>Locality Based Plans</b>	Draft Tyalgum Locality Plan	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD, T</li> <li>Draft plan prepared and submitted by local community in November 2008</li> </ul>
	Draft Kingscliff Locality Plan	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD, T</li> <li>Subject to funding approval</li> </ul>
<b>Shire-wide Plans</b>	Housing Affordability Strategy	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD, T</li> <li>Subject to funding approval</li> </ul>
	Housing Adaptability (seniors and aged housing) Strategy	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD, T</li> <li>Subject to funding approval</li> </ul>
	Local Growth Management Plan	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD, T</li> <li>Subject to funding approval</li> </ul>
	Rural Lands Strategy	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD, T</li> <li>Subject to funding approval</li> </ul>
<b>Development Control Plans</b>	Draft Employment lands (Business Parks) DCP	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD,</li> <li>To be informed by business parks background report prepared by TEDC</li> </ul>
	Draft DCP (Master-planning)	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD,</li> <li>Required to support Tweed Urban and Employment Lands Strategy 2009 which requires master-planned development</li> </ul>
	Draft DCP (Urban Design)	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD</li> <li>To provide urban design guidelines for commercial and residential development</li> </ul>
	Draft Densification and Re-development (urban infill) DCP	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD</li> <li>Identified need to provide guidance for infill development and higher density living arising from Council's Policy on developing existing zoned lands as a priority over Greenfield development</li> </ul>
<b>Draft LEPs (Major) – Private development proposals</b>	Subject to program capacity	<ul style="list-style-type: none"> <li>To be determined at end of 2010.</li> <li>Anticipate project management of a maximum two consultancy based major draft LEPs</li> </ul>

Ranking	2010/2011 Projects	Activity Code
Council originating plans	Draft LEP 76 – Heritage	<ul style="list-style-type: none"> <li>A, F, G, P, PE, R, RD, X</li> <li>Previously publicly exhibited and required substantial amendment</li> </ul>
<b>Draft LEP (Minor) – Private development proposals</b>	Subject to program capacity	<ul style="list-style-type: none"> <li>To be determined at end of 2010.</li> <li>Anticipate a maximum five minor draft LEPs to be managed through one combined draft LEP amendment</li> </ul>
<b>Review of existing policy documents</b>	Tweed Development Control Plan (TDCP) – All sections	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD</li> <li>Align Tweed DCP with any amendments arising through the draft Tweed LEP Stage 2</li> <li>Project to commence following exhibition of draft LEP</li> </ul>
	Tweed Futures – Strategic Plan	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R</li> <li>Review and up-date</li> <li>To commence end of 2011</li> </ul>
	TDCP – s A5 – Subdivision Manual	<ul style="list-style-type: none"> <li>A, C, D, G, P, PE, R, RD</li> <li>Align with current Planning requirements, legislative change, and urban design best practice and Tweed LEP 2008</li> </ul>
	TDCP s A4 – Advertising Signs Code	<ul style="list-style-type: none"> <li>A, D, P, PE, R, RD</li> <li>Align with SEPP 64, urban design best practice and precinct objectives of adopted locality specific plans</li> </ul>
<b>New major planning policy documents</b>	<ul style="list-style-type: none"> <li>Housing Affordability Strategy</li> <li>Housing Adaptability (seniors and aged housing) Strategy</li> <li>Local Growth Management Plan</li> <li>Kingscliff Locality Plan</li> <li>Rural Lands Strategy</li> </ul>	<ul style="list-style-type: none"> <li>Subject to grant funding</li> <li>Subject to 2009/2010 budget allocation</li> <li>Could commence tenders end 2010 with start-up early 2011</li> </ul>
<b>Ongoing commitments</b>	Refer Table 1 above	

Table 4 - 2011/2012 Work Program

Ranking	2011/2012 Projects	Activity Code
<b>High order strategic Plans</b>	Finalise Draft LEP 2008 Stage 2	<ul style="list-style-type: none"> <li>A, C, F, G, P, PE, R, RD</li> </ul>
	Complete Tweed Futures Review	<ul style="list-style-type: none"> <li>A, C, F, P, PE, R</li> </ul>
<b>Locality Based Plans</b>	Chinderah Locality Plan	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD, T</li> </ul>
	Fingal Locality Plan	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD, T</li> </ul>
	Mooball Locality Plan	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD, T</li> </ul>
	Chillingham Locality Plan	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD, T</li> </ul>
<b>Shire-wide Plans</b>	Finalise Plans commenced in 2010/2011 period	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD, T</li> <li>Subject to funding</li> </ul>
	TBA	Additional two projects, to be identified during 2010/2011
<b>Development Control Plans</b>	New Draft Landscaping DCP	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD</li> </ul>
	New Draft Heritage DCP	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD</li> </ul>
<b>Draft LEPs (Major) – Private development proposals</b>	Subject to program capacity	<ul style="list-style-type: none"> <li>To be determined at end of 2011.</li> <li>Anticipate project management of a maximum three consultancy based major draft LEPs</li> </ul>
<b>Draft LEP (Minor) – Private development proposals</b>	Subject to program capacity	<ul style="list-style-type: none"> <li>To be determined at end of 2011.</li> <li>Anticipate a maximum seven minor draft LEPs to be managed through one combined draft LEP amendment</li> </ul>

Ranking	2011/2012 Projects	Activity Code
Review of existing policy documents	Continuation of Tweed Development Control Plan (TDCP) review	<ul style="list-style-type: none"> <li>A, C, D, P, PE, R, RD</li> <li>The Tweed DCP needs to be aligned with any amendments arising through the draft Tweed LEP Stage 2</li> </ul>
	TDCP – s A1 – Residential and Tourist Code	<ul style="list-style-type: none"> <li>A, C, D, G, P, PE, R, RD</li> <li>Updated in 2009/2010 with new housing types</li> <li>Review the implementation of the new housing controls / previous amendments</li> <li>Review options for including commercial building and or urban tourist design controls</li> </ul>
New planning policy documents	TBA 2011/2012	<ul style="list-style-type: none"> <li>Subject to grant funding availability</li> </ul>
Ongoing commitments	Refer Table 1 above	

The work program 2009/2012 highlights the key strategic planning policies, maintenance schedule and operational functions of the Planning Reforms Unit, however, the program does not cover all facets of the Units daily operations or internal/external commitments. Councillors are advised that the Unit is operating at capacity and is unable to respond to large tasks or additional projects without impacting on current projects / operations. It is anticipated that the resource capacity will progressively improve from 2010/2011 onward with an ability to commence larger projects or a greater number of small projects from 2012. In the short-term the operational limitations associated with the development of a long-term forward planning framework will likely be noticed on projects originating from outside the Council.

### Short-term Impact Associated with the Work Program

As highlighted in the report to Council on 16 December 2009 and in earlier sections of this report, over the last several years Tweed Council has given priority to establishing a well informed strategic framework to support the creation of new development policies in-line with the statutory directions of the NSW Department of Planning's planning reforms legislation.

Tweed Council has made good progress in comprehensive strategic investigations, through documents such as *Tweed Futures*, the Tweed Urban Land and Employment Land Release Strategy 2009, Retail Policy 2005, Tweed Vegetation Management Strategy 2004, several locality plans and more recently with the draft Tweed City Centre and Shire-wide LEP 2008 (Stage 1).

The resourcing of our strategic planning is however being impacted upon by the pressures from external redevelopment. The Councillors workshop also highlighted several proposals that have major inconsistencies between the expectation and desire to develop and current State and Regional Planning Policy, as well as, Council's own strategic planning policy. These inconsistencies may be summarised, but, not limited to:

- development that is contrary to State Policy,
- surplus to the Tweed's short term population requirements (5-15 years)
- outside of current and proposed areas identified for urban purposes in Council's urban strategies,
- does not presently fit within the broader strategic context, or
- is not identified within the local growth management boundaries of the NSW Far North Coast Regional Strategy.

Based on the recommendation of 17 March 2009 in respect of the Tweed Urban Land and Employment Land Release Strategy 2009 the prior impracticalities of investigating and entertaining major greenfield development concepts, while at the same time developing appropriate land-use management strategies, has now been resolved, and a clear direction on the future sustainable growth management of the Shire has been set out through that Strategy and the Council's resolution to promote and encourage the optimum re/development of existing zoned land in preference to new greenfield land release. However, it is also realistic to expect that the Planning Reforms Unit will still be required in some capacity to service rezoning proposals from external development proponents.

A discussion and strategies for managing and limiting the impacts on external originating proposals is addressed further in this report, however, at this juncture it is relevant to highlight some important observations relating to land rezoning requests generally:

- Land rezoning operates under the provisions of the Environmental Planning and Assessment Act 1979, and is procedure based,
- Minor spot rezoning is generally resource intensive and often yields little or no community benefit, with many minor applications benefiting the immediate land-owner only,
- A high proportion of minor spot rezoning is submitted by way of letters of request and not in the prescribed form (application) or accompanied by the prescribed fee,
- Council originating LEP's, including the present draft Tweed LEP 2008, attract large numbers of spot rezoning requests,
- Large rezoning applications are often very resource intensive, but, can frequently provide a community or public benefit,
- The cost of resourcing rezoning applications is not adequately covered by the prescribed fee under Council's Fees and Charges and as such is ultimately borne by Council,
- There is currently no formal policy that enables the Planning Reforms Unit to engage independent consultancies to assist with the rezoning process at the applicant's cost,
- Rezoning applications are a legitimate and necessary ingredient for the maintenance and responsiveness of the LEP to current needs, ensuring its relevance and longevity as Council's primary strategic planning instrument.

Planning Reforms currently has twelve requests for spot rezoning and these have been received in anticipation by property owners that they would be included in the Draft Tweed LEP 2008, although some had been submitted prior to that process commencing also. In addition there is one request for rezoning of land at Seaside City made separately from the Draft LEP and seeking an independent rezoning, and one larger land rezoning application made by Metricon seeking an extension to a new housing development at Barnby Street, Murwillumbah. This latter application represents the only formal rezoning application (not request) made and submitted to Council that is not presently resourced.

Attachment 1 to this report provides a schedule of the twelve rezoning requests. With exception to one request which can be considered as part of the detailed locality planning process for Pottsville, there is insufficient detail, context or justification to proceed with any of these requests at this stage. In addition to the absence of necessary investigation and documentation to proceed with these requests no application fee has



been paid. Further, Councillors are reminded that the process agreed to between Tweed Council and the Director General of the Department of Planning is for Tweed to undertake its comprehensive LEP in two stages, with the first stage comprising a rollover of existing Tweed LEP 2000 provisions and any other Draft LEP amendments that were substantially commenced at the time of the agreement. None of the twelve requests fall into this category and could therefore only be considered as part of the Stage 2 DLEP process – subject to the necessary detail and fees being provided.

In respect of the Metricon rezoning application for Barnby Street there is insufficient capacity in the 2009/2010 work program to undertake this project, except in a project managing role. Metricon, through their consultant Jim Glazebrook and Associates indicated in late 2008 that they would be open to funding an independent consultant (managed by PRU) to undertake the rezoning process. Options for enabling progression of rezoning application processes, including fees and use of external consultants, is addressed below.

### **Service Delivery Options: Fees & Charges and Use of Consultants**

Council's Planning Reforms (strategic planning) Unit undertakes a variety of tasks linked to the preparation, maintenance and implementation of land-use planning policies. Since 2004 when the NSW Government embarked on a major overhaul of the planning system the complexity of planning based legislation and policy and the demands on councils to prepare new policies and realign existing ones to meet State and Regional objectives has increased dramatically. Tweed Shire has responded to these demands and like many councils has done so in a climate where the ability to resources match the additional work priorities has not been achievable, instead, normal operating functions, such as processing rezoning applications and preparing new DCPs, have been withheld or deferred while priority is given to the broader Organisational needs, which includes meeting the State Government deadline for the implementation of the Standard Order 2006 – comprehensive LEP.

However, notwithstanding the expansion of the work program and the need to deliver a robust strategic planning policy framework all but one of the rezoning applications is being managed along with most other operational commitments, and by 2011/12 the work program will have the capacity to include further major projects and applications. There are strategies however to enable and bring forward the processing of this and any other large rezoning application / DCP.

As discussed earlier, the twelve rezoning requests submitted prior to and during preparation of the Draft Tweed LEP 2008 (See Attachment 1) are not deemed suitable to proceed with at this stage. The strategies discussed below will allow the proponents of these rezoning requests to submit a rezoning application, with the necessary level of documentation and fees. The limitations with the short-term component of the works program would mean that those applications could not be managed before 2010/2011, however, this would also require a change in how applications are managed should all of those or additional applications be received. Strategies for the management of major and minor rezoning applications are addressed below.

To summarise there are several areas where operational functions are restricted and these include:

- The short-term inability to process large rezoning applications before 2010/2011 and the limited number that could be managed during that period, which may be need to be restricted to a maximum of two per year,
- The inability and appropriateness for Planning Reforms to undertake detailed investigations to satisfy legislative and policy requirements, site suitability analysis, detailed scientific / environmental / social and engineering studies, strategic planning justification and context, for private land-owner requested spot rezoning at Council's cost,
- The short-term inability to process minor rezoning applications before 2010/2011 and the limited number that could be managed during that period, which may be need to be restricted to a maximum of five.
- The short-term inability to prepare or amend DCPs before 2010/2011.
- Council's current significant shortfall in the cost recovery of managing all externally originating rezoning applications and preparation of new DCPs/amendments.

Three key strategies for improving service delivery and resourcing for rezoning applications and new DCPs/amendments, these are:

### **Strategy 1**

*Enable the Council/Applicant to elect to appoint an external consultancy to undertake the rezoning application/DCP, under the management of Planning Reforms, at the cost of the applicant.*

There is presently no formal process or protocol for either the Council or the Applicant to nominate the appointment an external consultancy to assist the Council in the assessment of rezoning applications. The benefit of establishing a process or mechanism to enable the use of external consultancies would permit the Planning Reforms Unit to maintain its commitment to existing work program priorities without deferring assessment and processing of large scale rezoning applications, most of which provide a degree of community or public benefit. Preparing a protocol that can be endorsed by Council would provide greater flexibility in how the works program is managed, would improve process transparency, and would provide an additional option and greater certainty to the development industry, which is critical to promoting new investment and ensuring the best and highest use of the Shire's stock of scarce urban lands.

This process would be an extension to the current practice of using external consultant's to prepare Local Environmental Studies to accompany rezoning applications, and should lead to shorter turnaround times and better outcomes for the built and natural environment.

It is recommended that this Strategy not be commenced until 2010/2011 and be restricted to a maximum of two major rezoning applications per year.

### **Strategy 2**

*Reduce the number of Draft LEP Amendments by combining applications (except large applications) into a single amendment to be commenced once each year.*

The current practice is to commence rezoning application processes individually as each application is received. This practice when dealing with several applications each year involves significant duplication of processes and resourcing. The Department of Planning has indicated with the introduction of the “standard” LEP that numerous minor LEP amendments should be consolidated with one ‘housekeeping’ styled LEP each year. This process would see any minor amendments arising by Council and/or externally dealt with collectively, while major rezoning applications continue independently. This is a logical approach to managing smaller applications and depending on the number of applications and ultimately the size of the overall amendment it could be sufficient to warrant appointment of an external consultancy to manage the process, further reducing the resource impact on Council.

It is recommended that this Strategy not be commenced until 2010/2011 and be restricted to a maximum of five minor rezoning applications per year.

### **Strategy 3**

*Increase the Fees and Charges schedule to capture full cost recovery for the Council's resourcing cost associated with rezoning applications and new DCPs/amendments originating externally.*

Under the Tweed Shire Council 08/09 Fees & Charges a rezoning application fee is \$2,275. Council does not currently have a prescribed fee for DCP preparation or amendment. The prescribed fee does not take into account the nature / size of the application proposal or respond to the procedural nature of applications, which is generally a multi-staged process.

Generally, only minor rezoning applications would be exempt from the need to prepare a Local Environmental Study (LES) and the preparation of an LES and an associated draft LEP amendment for a large land rezoning proposal can be an expensive and complex process often costing over \$100,000.00 (specialist study costs alone) and usually takes up to 2 years to complete; longer in some cases.

The proposed cost recovery fee arrangement below aims to achieve a long-term sustainable option that takes in to account a best value and quality assurance approach to service delivery.

To assist in determining an appropriate fee structure the rezoning fees and charges of other Council's and the structure of the rezoning processes were investigated. Based on those investigations and anecdotal evidence related to contract service costs for the preparation of LES' on several rezoning applications it is very clear that the current fee structure grossly under accounts for the cost of processing rezoning applications. Further, a review of the current practice for processing rezoning applications illustrated that Tweed's practices are out dated, unclear and contributing to the delay and uncertainty in processing.

Table 5 below illustrates the difference between councils in the way fees are charged and in particular it demonstrates how Tweed Shire's adopted application fee is comparatively low.

Table 5 – Fees &amp; Charges Comparison

Council	Initial Fee (Phase 1)	Rezoning Proceeds (Phase 2 & 3)	Additional Notes
Ballina	\$1,350	Applicant to pay full cost of LES preparation. \$110 per hour of Council staff time, plus the cost of an external peer review.	
Byron	P.O.A	P.O.A	All applications for LEP amendments and joint Byron LEP 1988 amendments / Development Applications and DCPs will be paid for by applicants in full. These costs include processing the application and Council's consultant's fees and administrative costs (30% of total cost).
Camden	\$2,205	\$5,513 minor proposal with no LES. \$16,538 for major proposal with no LES. Where LES is required applicant pays full cost plus 10% management fee	
Campbelltown		\$26,000 where no LES is required. \$36,000 where LES is required, a fee is required to cover the actual costs incurred in preparing an environmental study supporting a rezoning (POA)	
Canterbury	\$1,606 - \$3,202 dependant on site size	\$2,135 – \$3,202 dependant of site size plus the submission of LES, DCP and Masterplan where required.	Applicant to provide report detailing considerations of SEPPs, REPs and LEP, plus Section 117 directions
Clarence Valley	\$3,000	\$114.50 per hour after first 20hrs. Incidentals (advertisement etc) at cost. Full cost of any LES to be borne by the applicant	
Gosford	\$4,150	\$2,600 plus applicant to provide all required background material and assessment. Full cost of any LES to be borne by the applicant	
Lismore	POA	POA	Quotes at \$165 per hour + \$2,500 Commencement fee.
Liverpool	No fee	\$5,500 for minor proposal. \$21,000 for major proposal. Full cost of any LES to be borne by the applicant	Fee structure irrespective of whether an LES is needed.
Penrith	\$14,420 plus notification/ advertising costs	\$24,720 plus notification/advertising costs and full cost of any LES to be borne by the applicant	
Port Stephens	\$10,000	Minimum \$6,540 (cost increases for sizes greater than 1 hectare in size) plus cost of engaging expert consultants to review submissions. Applicant to provide LES at their cost.	
Wingecarribee	\$3,885 -	Applicant pays the full cost of the LES	

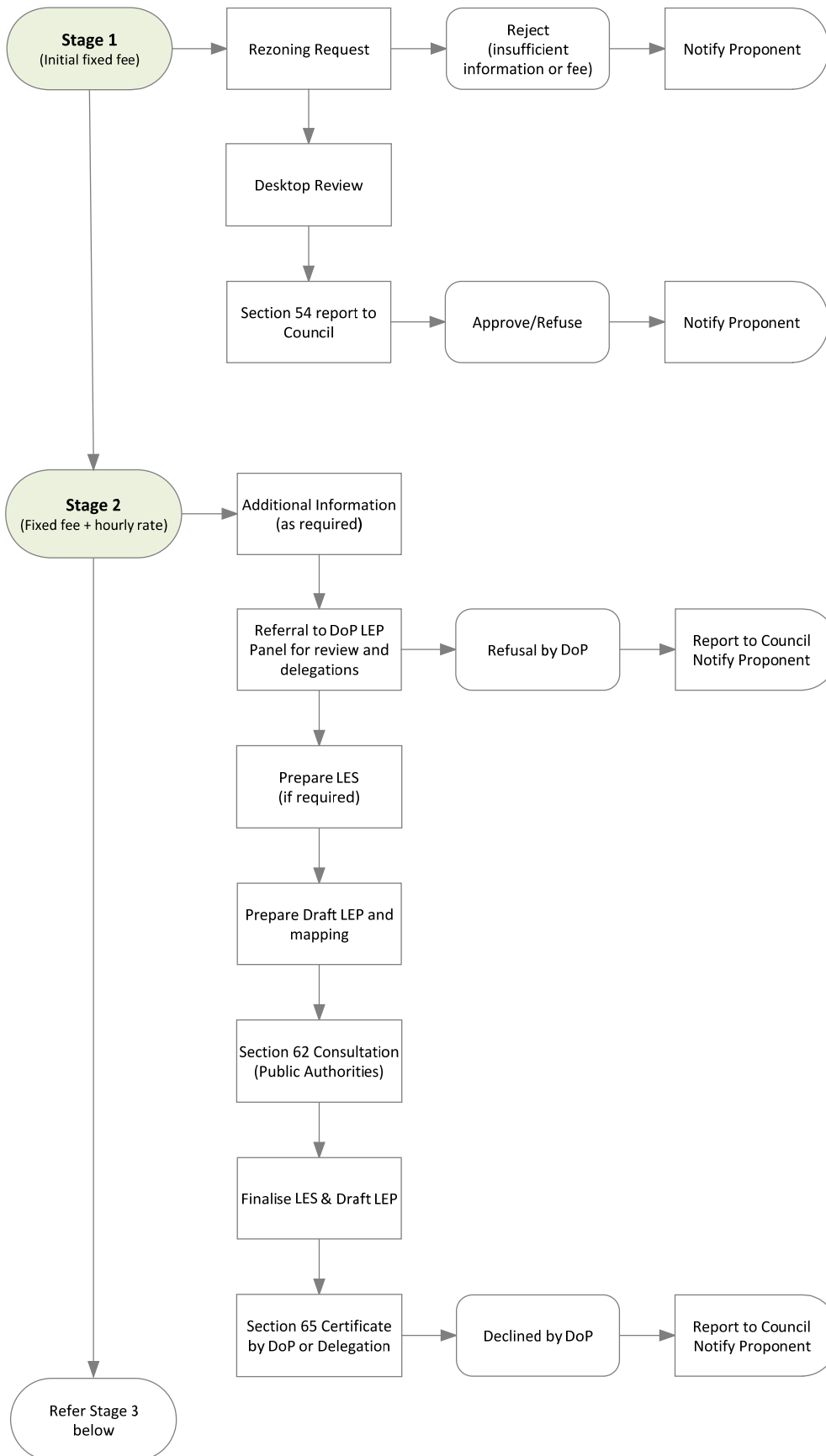
	\$25,150 dependant on the size of the proposal.		
Wollondilly	\$10,000 - \$15,000 dependant on the size of the proposal.	Applicant to pay full cost of preparation of draft LEP and any Local Environmental Study(s) deemed to be necessary by either Council or the Department of Planning plus 35% Project Management Fee	
Wollongong	\$8,000 - \$15,000 dependant on the size of the proposal.	Applicant pays the full cost of the LES.	
Wyong	\$3,000	\$12,000 plus \$120 (Professional) or \$75(Technical/Admin) per hour is payable by the proponent once staff time exceeds 100hrs)	
<b>Tweed</b>	\$2,275	Applicant pays the full cost of the LES	

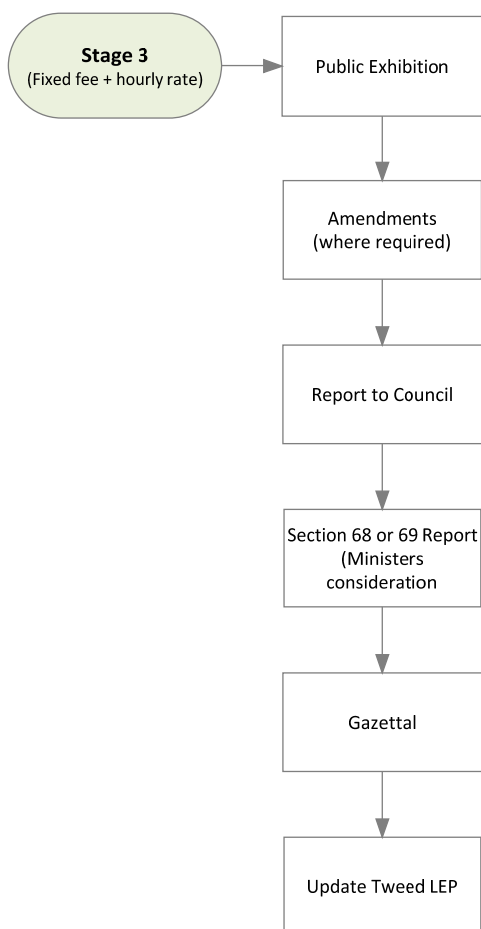
Based on the fees and process review it is recommended that Tweed adopt a staged fee structure as this more accurately reflects the staged process set out by the legislation, but, also because an application can either fail at any one of the stages or due to the time frame involved commercial or other interests can change leading to early termination. In either case it makes determination of a cancellation fee very difficult or as is often the case under the existing fee structure it means that Council has invested considerable non-recoverable cost resources with no benefit.

It is recommended that the following staged rezoning process option be adopted to support the fee structure proposed below. Councillors should note that the fee structure proposed relates to rezoning applications processed by the Planning Reforms Unit only, consultancy based fees will be determined through a tender invitation and submissions process that the applicant will need to agree to. However, the procedural process will apply irrespective of who is processing the application.

Rezoning Application Process - Diagram







Councillors should note that this process is based on current legislative requirements and is appropriate in the short-term, however, rezoning application processes are currently being reviewed by the Department of Planning and may be subject to change this year. Any amendments to the current legislation resulting in a need to amend the proposed rezoning application process detailed above will be reported to Council in due course.

Based on a review of rezoning fees and charges and the staged rezoning process above it is recommended that an amendment to Councils 2009/2010 Fees & Charges be endorsed in accordance with Table 6 below.

Table 6 – Proposed Rezoning Fees & Charges 2009/2010

Rezoning Fees			
	Stage 1	Stage 2	Stage 3
Anomaly (no increase in the developable capacity of the land)	\$1,000	\$1,500	\$1,000
Minor rezoning (no significant increase in developable capacity of the land and s. 72J applications or schedule 3 amendments)	\$1,500	\$3,000	\$1,750
All others	\$3,000	\$7,000 + \$95 per hour beyond 60hrs	\$5,000 + \$95 per hour beyond 40hrs
Council appointed and managed consultancy	An Applicant may elect to have an application processes by an external consultancy. The cost is to be determined by a Council Tender invitation and submission process and agreed to by		

	applicant + 20% administration fee.
Preparation of Local Environmental Study (where required)	Cost in addition to rezoning application processing and is to be determined by a Council Tender invitation and submission process and agreed to by applicant + 30% administration fee.

The fees in Table 6 above are consistent with other NSW councils and are premised on the applicant, not the community, being accountable for the full cost (including project management) of the rezoning application process.

#### Fees for preparation or amendment of a DCP.

Council currently does not have adopted fees that apply to either preparation of or amendment of a DCP. The need for preparation of a DCP or an amendment of a DCP is likely once an area of land is rezoned, or where an existing DCP restricts something that the developer wants to undertake. The fees proposed in Table 7 therefore only relate to the preparation of new DCPs arising from new or increased development potential originating from outside of the Council. Other DCPs originating from the Council, such as affordable housing or urban design guidelines for an existing area would be undertaken by the Planning Reform Unit as part of its normal operations.

The complexity of preparing a new DCP or an amendment will vary depending on the circumstances. It is therefore necessary for the Council to adopt a similar fee structure as that proposed in Table 6 for rezoning applications, as follows:

Table 7 – Development Control Plan – Proposed Fees and Charges 2009/2010

Development Control Plan Preparation or Amendment Fees	
Minor amendments (no significant increase in the developable capacity of the land)	\$3,000 + \$95 per hour beyond 15 hours
Major amendments	\$6,000 + \$95 per hour beyond 25hrs
New DCP	POA – subject to DCP requirements
Review of Applicant prepared DCP	\$15,000 for each review or prior POA by agreement for multiple reviews. + \$5,000 for public consultation and implementation
Council appointed and managed consultancy	Council may elect to have a DCP or amendment prepared by an external consultancy. The cost is to be determined by a Council Tender invitation and submission process and agreed to by the applicant + 35% administration fee.

#### **CONCLUSION:**

The Tweed has several very large urban release areas already identified and in some cases zoned, and although preliminary work has begun on a few it is likely to be several years before housing lots are widely available to the public throughout these areas. These existing areas include; Cobaki Lakes, Kings Forest, Bilambil Heights, Area E (Terranora) and Dunloe Park release areas, with an approximate population capacity of 39,000, which exceeds the Department of Planning's projected increase of 35,000 people over the next 25 years. The Tweed Urban and Employment Lands Release Strategy 2009 identifies additional land capacity above that current estimate of 39,000 and provides Council with a very strong position for the long-term sustainable growth management of the Shire.

Despite these existing release areas there is continual pressure on the Tweed Council to consider new major development concepts, to act on public requests for changes to the

Tweed LEP, and to process rezoning applications. In more extreme cases proponents are seeking the Council's support in lobbying the Minister for Planning to facilitate on their behalf more favourable policy changes to assist in progressing some major development concepts, in particular at Chinderah and Pottsville, has also been sought. All of these pressures are occurring at a time when the State Government is overhauling the NSW planning system, increasing the complexity of the legislation and policies, and imposing significant additional requirements on councils to undertake certain functions, such as, the comprehensive "standard" LEP.

Council's current strategic planning work is based on the State Government's policies and although requiring some minor amendments to their policies there is a clear and holistic strategic context necessitating the amendments, which are confined to the local growth management boundaries in the Far North Coast Regional Plan arising out of the Tweed Urban and Employment Lands Release Strategy 2009. Council's strategies will not necessitate any lobbying for change, but, will instead feed into and contribute to the review processes of the State Policy during its scheduled revision period. Council's strategies are also programmed along 5 year review periods and will similarly be updated to reflect best practice, but, particularly to respond to any changes brought about by; State Policy directions, population and demographic forecasting, climate change modelling, technologic advances in construction and design.

Tweed Council is in a fortunate position in that work on its strategic framework is well underway and it is essential that the commitment to the Planning Reforms work program 2009/2012 be maintained. However, as discussed earlier in this report an endorsement to continue with the Council's strategic planning program through the 2009/2012 work program will have an impact on the ability of the Planning Reforms Unit to undertake certain tasks. The adoption of the Tweed Urban and Employment Lands Release Strategy 2009 by Council has set a very clear direction for the future sustainable growth management of the Shire and in doing so has reduced the resource implications on the Planning Reforms previously arising from a need to consult with developers and landowners on a myriad of major development concepts despite their being contrary to State policy. The implications of continuing with the work program priorities is now predominantly limited to the short-term capacity to manage rezoning applications and the preparation of site or development specific DCPs.

As discussed in this report there are a number of strategies that can be implemented and that can increase the capacity of Planning Reforms to continue to process a limited number of rezoning applications. The measures provided in this report are likely to be effective in the short-term but are considered to be equally beneficial in the long-term, in particular, the full cost recovery for rezoning and DCP processes should improve the efficiency and accountability of the process, increase the Unit's overall work capabilities by capitalising on project management options, and enable the redirection of income (fees) into other community based projects.

From a governance stand point there is a strong case for Council to pursue its strategic planning framework through the 2009/2012 works program and to expedite the service delivery improvement mechanisms proposed as options 1-3 in this report.

#### **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Forward budget estimates may arise from Council's endorsement of the Planning Reforms work program as key strategic projects are taken up.

**POLICY IMPLICATIONS:**

This report seeks a clear direction and prioritisation of Council's strategic planning program and the associated Fees and Charges relating to rezoning applications and DCPs.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

*To view any "non confidential" attachments listed below, access the meetings link on Council's website [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au) or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. Table of Rezoning Requests Made Prior to and During the Preparation of Draft Tweed LEP 2008 Stage1 (ECM: 2027633)
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