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## Memo

**Date** 22 August 2014  
**To** Stuart Russell, Tweed Shire Council  
**Copy** Pieter Van der Linde  
**From** David Kretchmann  
**Ref** 2176503A-PLA-MEM-001 RevE  
**Subject** PP 13/0004 Wooyung Environmental Subdivision Request for Planning Proposal  
Strategic Merit of submission

Parsons Brinckerhoff has undertaken a review of the strategic merit of the Request for Planning Proposal (the Proposal) prepared by Wooyung Properties Pty Ltd in relation to land described as Lot 1 in DP779817 and Lot 1 in DP408972.

The structure of this memo is as follows:

- Section 3 – documentation of the areas of concern
- Section 5 – appraisal of the Proposal with respect to an existing development consent
- Section 7 and Appendix A – recommendations split into opportunities (areas in which the proponent could consider modifying their proposal) and threats (additional information requirements, or fatal flaw risks that are best avoided by the proponent)
- Appendix B – a reference table listing the areas of concern per dwelling
- Appendix C – a complete assessment of the Proposal against relevant policy
- Appendix D – supporting correspondence
- Appendix E – vegetation types within the study area
- Appendix F – Proposal site plan.

In undertaking this assessment, it is assumed the development consent 88/640 granted in 1988 for a 500 bed tourist resort on both lots remains current. Parsons Brinckerhoff reserves the right to review the advice contained in this correspondence if it is subsequently found this development consent no longer has effect.

### 1. Basis of this review

The review has some regard to section 4.1 of Council's Guideline 'Plan Making (local environmental plans)' with an objective to *'ascertain whether the proposed LEP amendment has the requisite justification... to enable the Council to determine whether it should resolve to prepare a planning proposal'*.

The following tasks have been undertaken to achieve this objective:

- Site inspection of part of the property
- Assessment of the material contained within the Proposal (including appendixes and other supporting documentation) against the relevant policy and regulatory framework.
- Ecological assessment of the Proposal.

## **2. Documents reviewed to establish strategic merit**

A review of the proposal's strategic merit has been undertaken using a 'top-down' approach. The following documents have been assessed:

- Statutory documents, being:
  - ▶ Section 117 Directions
  - ▶ State Environmental Planning Policies
  - ▶ Supporting documents to statutory documents (particularly the NSW Coastal Design Guidelines)
- Non statutory documents, being:
  - ▶ Far North Coast Regional Strategy
  - ▶ Northern Rivers Farmland Protection Project
  - ▶ Tweed Urban and Employment Land Release Strategy
- The Guide to Preparing Planning Proposals (Department of Planning & Infrastructure, 2012).

Regard has been given to the abovementioned documents, as they form part of the material that NSW Planning & Environment will consider in their own assessment of any future Planning Proposal.

Other documents considered were:

- Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*
- *Threatened Species Conservation Act 1995*
- Tweed Development Control Plan 2008
- Correspondence from the (former) Department of Planning dated 15 February 2011 and the (former) NSW Planning & Infrastructure dated 10 April 2014
- The document 'Wooyung Planning Proposal and surrender of existing consent' provided by the proponent at the Inception Meeting.

The review identified a number of areas of concern that will affect the ability of the proposed development to demonstrate strategic merit. These items are documented in section 3.

## **3. Assessment of the areas of concern**

This section summarises the areas of concern resulting from the review of the current proposal. Note that this assessment does not consider the potential impacts and implications of the development consent issued in 1988 for a tourist resort.

### 3.1 Settlement and housing

Risk rating for outcome to Planning Proposal proceeding: Critical (ie. the concern could result (by itself) in a refusal at a Gateway determination)

This area of concern is relevant to Question 3 of NSW Planning & Infrastructure's Guideline 'A Guide to Preparing Planning Proposals' (the Guide), being *'is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies?)'*

NSW Planning & Environment advised their correspondence dated 15 February 2011 was issued on the basis of identifying inconsistency with the following parts of the Far North Coast Regional Strategy (FNCRS):

- Environment and natural resources (chapter 4) – addressed in other parts of this memo through related policy
- Natural hazards (chapter 6) – generally of minor significance (refer to the assessment checklists in Appendix A)
- Settlement and housing (chapter 7) – addressed in this section.

Refer to Appendix C for a copy of the Department's correspondence dated 15 February 2011 and their subsequent email clarification issued 10 April 2014.

#### Land use strategy

The site is located within the Coastal Zone area of the FNCRS, and is applicable to the Planning Proposal in its entirety. The Coastal Zone designation includes areas of high biodiversity (such as significant vegetation, estuaries, coastal wetlands and lakes) and important natural resources, which at a regional scale have been subject to significant growth pressure. Chapter 7 of the FNCRS intends there to be no further urban or rural residential development in the Coastal Zone outside of areas identified within a Town and Village Growth Boundary or an approved land release strategy.

Note that the Coastal Zone designation considers different aspects to coastal issues identified under SEPPs or Section 117 Directions (refer section 3.5 for discussion on these aspects).

Council also has an Urban and Employment Land Release Strategy which plans the release of additional land to meet the expected population growth over the next 10 to 15 years. The Urban and Land Release Strategy has not been approved by NSW Planning & Environment. The site itself or the Wooyung area generally, has not been identified as a future development area within either the FNCRS or the Urban and Land Release Strategy. As a consequence the proposed development is inconsistent with the growth expectations within both documents.

#### Definitions

The land use that the proponent seeks to make permissible is 'dwelling-houses' under the Tweed Local Environmental Plan 2000, which would directly translate to 'dwelling house' under the Tweed Local Environmental Plan 2014.

The dwelling house definition enables the permanent use of the dwelling as a place of residence. However, if the dwellings were to be defined under the 'tourist and visitor accommodation' land use, the questions relating to consistency with the settlement expectations of the FNCRS are unlikely to be as critical.

Verbal feedback from the proponent at the site inspection indicated dwellings will be individually owned and will be used on an ad-hoc, or as required basis by those residents (similar to a 'holiday house').

### 3.2 Dwellings within the SEPP26 (Littoral Rainforest) area

Risk rating for outcome to Planning Proposal proceeding: Critical (ie. the concern could result (by itself) in a refusal at a Gateway determination)

This area of concern is relevant to Question 5 of the Guide, being 'is the planning proposal consistent with applicable State Environmental Planning Policies' and in particular SEPP No. 26 – Littoral Rainforests.

#### SEPP background

The aim of SEPP26 is to provide a mechanism for the consideration of applications for development that is likely to damage or destroy littoral rainforest areas with a view to the preservation of those areas in their natural state. Development is not prohibited by SEPP26.

Areas mapped as Littoral Rainforest under SEPP26, and land within a 100 m buffer zone around mapped SEPP26 areas (unless that area is mapped as a SEPP14 (Coastal Wetlands) area) are considered to be environmentally sensitive areas of State significance.

Part of the eastern portion of the site is mapped as a SEPP26 area with dwellings 19 to 24 planned directly within this area, and a further five dwellings (14, 15, 17, 18 and 25) are planned partly within this area, or within the 100 m SEPP26 buffer zone. Partial clearing of the mapped SEPP26 area for the dwelling locations (along with access to and from the dwellings and associated infrastructure) will be required. This will result in direct impacts to mapped SEPP26 areas and buffer zones.

The proponent seeks to offset the clearing through undertaking revegetation of approximately 40 ha of the site.

Parsons Brinckerhoff is not aware of any previous developments where legal clearing of a SEPP26 area has occurred for dwellings.

#### Relevance of previous Departmental comments to this Proposal

Correspondence from the (former) Department of Planning dated 15 February 2011 stated the provisions of Clause 8N of the Environmental Planning and Assessment Regulation 2000 (the EP&A Regulation) were applicable to the proposal at that time. Initial investigations indicate Clause 8N of the EP&A Regulation cannot be used to preclude approval of the project, as Part 3A of the *Environmental Planning and Assessment Act 1979* (the trigger for Clause 8N) has since been repealed.

Refer to Appendix C for a copy of the correspondence.

#### Assessment

Based on the information in the Proposal, the vegetation impacts resulting from direct housing removal within the dwelling envelopes will comprise approximately 1.3789 ha of SEPP26 area (including the 100 m buffer zone to the SEPP26 area) to accommodate the proposed housing footprints.

The position of dwellings 19 to 24 (and to a lesser extent, dwellings 14, 15, 17, 18 and 25 within the 100 m buffer area) indicates attempts to avoid impacting the SEPP26 areas have not been made. SEPP26 states that "...Council shall not consent to an application ...unless it is satisfied, if the application is to erect a

building ... that there is no place outside the area to which this Policy applies on which the development might suitably be located". Within the Proposal, the proponent has stated "development of the cleared areas has been considered by the proponent and rejected as unsustainable and unreasonable, due primarily to flooding impacts and substantial loss of development values. It is not realistic or economically responsible".

No information is contained within the Proposal that demonstrates:

- How existing environmentally sensitive areas of State significance are protected and conserved
- Whether the impact of the development upon the environmentally sensitive areas of State significance is appropriate
- If additional studies or site analysis have been undertaken (and if so, the outcomes of those additional studies) that prove there is no place outside the SEPP26 area which is suitable to accommodate dwelling envelopes 14, and 19 to 25.

The ability of the revegetation area to accurately offset the littoral rainforest that is to be removed is likely to be called into question by the Office of Environment and Heritage, as the risk of the revegetation not fulfilling its purpose is high due to the following factors:

- The potential unsuitability of the suggested site to develop and sustain a littoral rainforest community more commonly occurring within a site containing specific edaphic elements. (see Figure 3.1)
- The lack of a specific revegetation strategy with measurable, achievable and timely performance criteria.

Figure 3.1 indicates the mapped areas of all SEPP26 Littoral Rainforests in the Council area – note the proximity of these areas in close proximity to the foreshore.



Source: Tweed Shire Council 2014

**Figure 3.1 Location of SEPP26 Littoral Rainforests – Fingal Head, Tweed Heads South (left image), Cudgen Lake, Cabarita Beach (middle image) and Wooyung (right image)**

#### **Application of controls within SEPP26 areas**

These activities are deemed to be designated development (high impact development). The implications of a proposal being considered designated development are commonly encountered at the development application stage, the implications being that a development application must be accompanied by an environmental impact statement (EIS) and be placed on public exhibition for public comment. Note that:

- There are no thresholds (such as a minimum area to be cleared) or performance based solutions to avoid an EIS if a SEPP26 area is to be cleared – an EIS to accompany a development application is mandatory
- Council is the consent authority for development applying to SEPP26 littoral rainforests and the concurrence of the Director-General of Planning and Environment is required.

An EIS would need to contain:

- Thorough discussion on measures taken to avoid and mitigate the impacts to SEPP26 Littoral Rainforests
- A comprehensive offset strategy to compensate for the impacts (most likely using the BioBanking methodology as the proposed revegetation is unlikely to be suitable as an offset in this regard).

### **Mitigating the impact – reducing the impact on the SEPP26 area**

An obvious method of reducing the impact on the SEPP26 area would be to relocate dwellings 14 and 19 to 25 to the west of that area. However, this area is identified as being flood affected. From a flooding and hydraulic perspective, the following is of relevance in assessing the practicality of this option further:

- Section A3.6.3 of the Tweed Development Control Plan 2008 enables residential development on flood liable land, provided the habitable areas of all residential buildings are at a level not less than Council's adopted minimum floor level for development.
- The flood velocities and depths are low, inferring that the flood affected area is more about floodplain storage rather than active waterway / conveyance. The low velocities and depths, and the significant width of the floodplain, also indicates that any impact of relocated dwellings 14 and 19 to 25 may have on the floodplain should be minimal. Access/egress to the dune / foreshore area could then be carefully managed, mitigating the amount of clearing of the littoral rainforest area.

This has not been tested as the BMT WBM flood study was undertaken on the previous master plan.

To minimise the development footprint of any relocated dwellings on the floodplain, careful consideration should be given to design parameters that raise the habitable areas above the flood planning level.

- Another issue requiring further investigation is the location of any low flow channel or creeks in relation to the littoral rainforest boundary and relocated dwellings. The design of the dwellings will need to be sympathetic to the micro-topography of the area in which they are situated, so that they do not have adverse effects on adjacent sensitive ecosystems such as any low-flow channels or creeks.

In our opinion, moving the dwellings west will impact the floodplain due to earthworks required to provide safe access / egress. Whether the impact of these earthworks are shown to be significant (i.e. impacting adjacent properties) or minimal (contained within the property), or can be offset within the property boundary is currently unknown.

### **3.3 Koala habitat protection**

Risk rating for outcome to Planning Proposal proceeding: High (ie. the concern requires further investigation in order for the risk to be adequately addressed)

This area of concern is relevant to Question 5 of the Guide, and in particular SEPP No. 44 – Koala Habitat Protection. Koalas are listed as a Vulnerable species under Commonwealth environmental law.

SEPP44 seeks to protect Koala habitat by requiring a plan of management for all developments in core Koala habitat. The habitat mapping within the Tweed Coast Koala Habitat Study (Biolink, January 2011) indicates part of the site is likely to be considered core Koala habitat. The site contains Primary Koala Habitat (which is likely to directly translate to core Koala habitat under the definitions of SEPP44) and approximately 200 ha of primary Koala habitat remains within the Council area (Biolink, January 2011). Dwellings 3 to 7 and dwelling 9 are located within primary Koala habitat which is known to contain Swamp Mahogany (*Eucalyptus robusta*) which is a preferred koala forage species.

Dwellings 8 and 10 appear to be located close to mapped primary Koala habitat.

A high level review of the proposed development indicates 1.4189 ha of Koala habitat (SEPP44, listed threatened species under EPBC Act & TSC Act) will need to be removed.

The proposed management of the removal and subsequent offsetting of Koala habitat will need to be dealt with sufficiently in a Koala Plan of Management.

### **3.4 Threatened species and ecological communities**

Risk rating for outcome to Planning Proposal proceeding: Critical (ie. the concern could result (by itself) in a refusal at a Gateway determination)

This area of concern is relevant to Question 7 of the Guide, being “*is there any likelihood that critical habitat or threatened species, populations or ecological community, or their habitats, will be adversely affected as a result of the proposal?*”

Relevant Acts in this regard also include the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), and the Threatened Species Conservation Act 1995 (TSC Act).

Based on the information provided in the proposal, the vegetation impacts will include 4.5768 ha of total vegetation clearing for housing footprints, which includes:

- 1.5081 ha of the EPBC Act listed Critically EEC Littoral Rainforest and Coastal Vine Thickets of Eastern Australia
- 2.4626 ha of habitat for EPBC Act listed threatened plant species
- 3.9656 ha of TSC Act listed EECs (includes Littoral Rainforest, Coastal Cypress Pine, and Swamp Sclerophyll Forests)
- 2.7312 ha of habitat for TSC Act listed threatened plant species
- 4.5768 ha of habitat for TSC Act listed threatened animal species.

Note that compared to other dwelling envelopes, dwelling envelopes 1, 11 and 12 are not as constrained by TSC Act listed threatened animal species habitat.

Threatened plant and animal species listed under the EPBC Act and the TSC Act are known to exist on site from previous ecological surveys that have been conducted. The Tweed Vegetation Management Strategy maps Endangered Ecological Communities (EECs) on site and these areas of vegetation are present where dwellings are proposed.

The impacts to EECs are likely to be 'significant' considering the restricted nature of these communities in the Council area. The development would likely be a 'controlled action' under the EPBC Act due to likely significant impacts on the EPBC Act listed Littoral Rainforest and Coastal Vine Thickets of Eastern Australia Critically EEC.

A Species Impact Statement would also likely be required due to a likely 'significant' impact on EECs listed under the TSC Act including:

- *Littoral Rainforest in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions* (also an EPBC Act listed Critically EEC) – highly restricted distribution with only 102 ha remaining within the Council area (according to the Tweed Vegetation Management Strategy (TVMS))
- *Coastal Cypress Pine Forest in the New South Wales North Coast Bioregion* – highly restricted distribution with a total area of approximately 29 ha remaining within the Council area (according to the TVMS)
- *Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions* – there is less than 350 ha of native vegetation attributable to this community on the Tweed lowlands.

Threatened plant species including *Archidendron hendersonii*, *Cryptocarya foetida*, and *Acronychia littoralis* are known to exist on the site. Threatened animal species (including the Wallum Froglet, Eastern Osprey, Black-necked Stork, Little Lorikeet, Koala, Eastern Bentwing-bat, Little Bentwing-bat, Baccari's Freetail-bat and Greater Broad-nosed Bat) are known to exist on site or directly adjacent to the site. Impacts to these species are likely to be significant.

### 3.5 Coastal protection

Risk rating for outcome to Planning Proposal proceeding: Moderate (ie. the concern is unlikely to result in refusal at a Gateway determination if not actioned, but should be addressed further)

This area of concern is relevant to:

- Section 117 Directions (particularly 2.2 Coastal Protection)
- SEPP No. 71 – Coastal Protection.

Dwellings 14 to 25 are planned along the coastline. The beach adjacent to the site is a publicly accessible area via a walkway connecting it to Tweed Coast Road.

The Section 117 Directions requires a planning proposal to ensure development is consistent with the NSW Coastal Design Guidelines. The following parts of the NSW Coastal Design Guidelines are relevant:

- Part 1.6 New Coastal Settlements: Villages and Hamlets
- Part 2 Design Principles.

#### **Part 1.6 New Coastal Settlements: Villages and Hamlets**

According to Part 1.6 of the Coastal Design Guidelines, the desired future character of villages and hamlets are to be located according to a regional and local strategy that avoids creating ribbon development along the coast and considers ecological qualities, settlement types, separation between settlements, transportation, employment opportunities and population capacity. New settlements should also be developed with careful consideration for landform and views from public areas.



Potential areas of concern are:

- The need to consider ecological qualities (particularly SEPP26 areas) in locating individual dwellings
- The maintaining of the integrity of the site's 'edge' to the foreshore. The number and location of pathways through foreshore vegetation are restricted to ensure the ecological integrity is not degraded, and foreshore vegetation is not removed to create views

Consequences of this development could include clearing of additional vegetation to facilitate additional points of access to the foreshore, or enhancing of view corridors from dwellings to the beach

- The design of the dwellings (for instance building height, materials, bulk and scale) insofar as they do not detract from the existing views into the site from the adjacent beach.

The maximum building height proposed by the proponent is not provided within the Proposal, however artists impressions (provided separately by the proponent) of the view from public areas (in this instance Wooyung Beach), indicate the second level and third (top) level of the dwellings closest to the beach will be visible.

The height of residential buildings should be one to two storeys, however three storey buildings may be appropriate where visual prominence from a public area is not as apparent.

- The requirement to preserve water quality, relevant as on-site treatment and disposal of wastewater.

The assessment and issuing of licences for treatment and disposal is handled separately under the *Water Industry Competition Act 2006* however the minimisation of impacts on water quality is also referenced within the Coastal Design Guidelines. The Groundwater Quality & Impact Assessment (prepared by the proponent in response to the development consent) appears to focus more on the impacts and mitigation strategies required for other parts of that consent, particularly lake excavation and filling for the islands.

As a consequence, some additional information is recommended to confirm that on-site wastewater treatment and disposal can be undertaken without adverse impacts to groundwater is recommended.

Relocation of dwellings outside of the SEPP26 littoral rainforest area is likely to decrease the impact of built form on the landscape when viewed from the beach.

## Part 2 Design Principles

NSW Planning & Environment advised their correspondence dated 15 February 2011 was also issued on the basis of inconsistency with the locational criteria listed in Part 2 of the Coastal Design Guidelines. According to the locational criteria, Part 2 establishes that it is advisable not to develop on land which is affected by sea level rise, in close proximity to estuarine systems, in areas supporting littoral habitat, subject to flooding, or on acid sulfate soils. NSW Planning & Environment advised the land appears to be all these things, and as such would not be consistent with the locational criteria set out in this part.

Based on information contained within the proposal and the Tweed LEP 2014:

- The impact of the proposed development on acid sulfate soils is likely to be low, given the excavation required for the dwellings is likely to be minimal. The Tweed LEP 2014 acid sulfate soils mapping indicates the site does not contain any Class 1 acid sulfate soils (Class 1 being areas where the LEP is triggered for any work whether excavation or filling).
- The Tweed Development Control Plan (DCP) 2008, Part B25 indicates dwellings 14 to 25 are partially or wholly located within the 2100 hazard line. The DCP does not prohibit additional dwellings within the 2100 hazard line, however requires proponents to demonstrate compliance with a range of criteria,

including application of the precautionary principle for development that may pose serious or irreversible environmental damage

- SEPP71 Coastal Protection mapping has identified the following areas as sensitive coastal locations:
  - ▶ A very thin wedge of land in the site's south eastern corner
  - ▶ A 100 m wide area adjacent to the southern boundary that contains dwellings 9 and 10
- The impact of the proposed development on littoral rainforest habitat is an area of concern. Further discussion is contained in section 3.2
- An assessment of the proposed development with respect to estuarine systems and flooding has concluded the impacts are currently of minor significance (refer Appendix B). However, potential relocation of dwellings 14 to 25 may require further consideration of estuarine systems and flooding impacts.

### 3.6 Environmental protection zones

Risk rating for outcome to Planning Proposal proceeding: High (ie. the concern requires further investigation in order for the risk to be adequately addressed)

This area of concern is relevant to Question 6 of the Guide, being *"is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)"* and in particular 2.1 – Environmental Protection Zones.

Under the Tweed Local Environmental Plan 2014, part of the site is shown on the Land Zoning Map as being a 'Deferred Matter' pending the outcomes of the Northern Councils Ezone Review. Under the Tweed Local Environmental Plan 2000, the area shown as 'Deferred Matter' is zoned 7(a) Environmental Protection (Wetlands and Littoral Rainforests).

Six dwellings (dwellings 19 to 24) are planned within the 7(a) zone.

The Direction states that a Planning Proposal that applies to land in an environmental protection zone must not reduce the environmental protection standards that apply to the land.

Objectives for the 7(a) zone include:

- To identify, protect and conserve significant wetlands and littoral rainforests
- To prohibit development which could destroy or damage a wetland or littoral rainforest ecosystem.

Dwelling houses are prohibited in the 7(a) zone.

No information is contained within the Proposal that documents how identified environmentally sensitive areas are protected and conserved.

### 3.7 Reservation of land for public purposes

Risk rating for outcome to Planning Proposal proceeding: Moderate (ie. the concern is unlikely to result in refusal at a Gateway determination if not actioned, but should be addressed further)

This area of concern is relevant to Question 6 of the Guide, and in particular 6.2 – Reserving Land for Public Purposes.

The proponent intends to dedicate the central part of the site which will eventually extend the Billinudgel Nature Reserve into the site.

Direction 6.2 requires that a Planning Proposal may not contain a provision reserving land for certain public purposes unless the approval of the relevant public authority and the Director-General has been obtained. There is no evidence contained within the Proposal demonstrating consent to dedicate public land has been obtained.

## 4. Comparative merit

### Mechanism to use the existing consent

The site has an existing consent for a tourist resort. A core aspect of the proponent's submission relies on the position that the impact of the tourist resort, were it to be established on site, would be substantially greater than what is now proposed through this Proposal. Comparative merit (between the two proposals) is used as part of justifying the reasonableness of this Proposal.

Our preliminary review of the ability to use the justification of comparative merit indicates Question 8 of the Guide is the only opportunity in which comparative merit could reasonably be considered. Question 8 is *“are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?”*

According to the Guideline, Question 8 is intended to address other environmental effects that are unique to a particular Planning Proposal that may not already be addressed in the strategic planning framework, such as informal guidelines, codes or policies.

It is unlikely Question 8 was drafted with the intent to consider the instance of comparative merit. However in answering the question, it is reasonable to consider the question of 'what are the likely environmental effects if the Planning Proposal were not to proceed', given:

- the potential significance of those impacts when compared to this proposal
- the overarching objects of the Environmental Planning and Assessment Act 1979 which include environmental protection.

### Dwellings within the SEPP26 (Littoral Rainforest) area

In terms of SEPP26 impacts, the development consent issued in 1988 may have less of an impact to mapped SEPP26 areas than the development outlined in the proposal, given the fragmentation of the vegetation and the potential for edge effects. Of note:

- It is likely the proposed development will result in a reduction of habitat quality and patch size and this will add to the direct and cumulative impacts of the proposal
- The alteration of habitat mosaics and alteration of large core unmodified habitats are likely to result in edge effects, habitat fragmentation, and barrier effects which can cause habitat degradation and simplification. The distance of edge effect influence can vary, with the extent of edge effects having been recorded greater than 1 km from an edge (Forman et al. 2000) and stopping as little as 50 m from an edge (Bali 2000, 2005)
- Assuming a minimal 50 m edge effect, approximately half of the vegetation on site would become degraded to some extent by edge effects as a result of the proposal
- Furthermore, many species are known to avoid areas of human activity resulting in indirect habitat loss (Caro 2005; Rogala et al. 2011; Whittaker & Knight 1998). Human habitation of the site (including

people having household pets such as cats and dogs) will act with edge effects to reduce the quality of the remaining habitat.

## **5. Development consent 88/640 issued in 1988 – does its modification result in a superior planning outcome?**

Council has requested advice as to whether the development consent 88/640 could be modified to result in a superior planning outcome, to that currently tabled as part of the Proposal. Modifications to consents are generally provided for under section 96 of the Environmental Planning and Assessment Act 1979.

Creating a superior planning outcome could be viewed from a number of angles. The most relevant angles, though, are:

1. The actual process that results in a superior planning outcome
2. What the actual superior planning outcome is (for example, a vision, principles, or a design outcome).

Both aspects are briefly discussed below.

### **5.1 The process of creating a superior planning outcome**

The proponent has tabled their concerns of the potential outcome of using the modification process enabled under section 96, stating it “is legally unable to be confined to requested modifications, and that there is an unacceptable risk of unsolicited amendment of the consent by Council in a s96 process such that the consent would be even more challenging to implement”.

It is possible these concerns are due to the effects of clause (3) under section 96 of the EPA Act, that allows Council, as the consent authority for a development application, to take into consideration a range of matters in conducting its assessment of a modification (for example, environmental planning instruments including the Tweed LEP 2014 and SEPPs).

Council should also note that if the development consent were to be modified, it may exempt the proponent from the assessment and approval process of the EPBC Act – refer

<http://www.environment.gov.au/resource/prior-authorisation-and-continuing-use-exemptions-sections-43a-and-43b>. Legal opinion should be obtained to confirm if this exemption is available to the proponent.

### **5.2 The actual outcome**

#### **5.2.1 Relevant strategic guidance**

The Tweed LEP 2014 provides a strategic framework for assessment and measurement of environmental outcome for development. Clause 1.2 states the aims of the LEP and the following subclauses are of most relevance (with key words underlined for emphasis):

- 1.2 (2)(c) to promote responsible sustainable management and conservation of Tweed’s natural and environmentally sensitive areas and waterways visual amenity and scenic routes, built environment, and cultural heritage.
- 1.2(2)(g) conserve or enhance the biological diversity, scenic quality and geographical and ecological integrity of Tweed.
- 1.2(2)(i) to conserve or enhance areas of defined high ecological value

- 1.2(2)(j) to provide special protection and suitable habitat for the recovery of Tweed coastal Koala.

Any amendment of the development consent that results in achievement of the abovementioned aims could result in a superior planning outcome.

### **5.2.2 Issues relevant to strategic guidance**

The Planning Proposal indicates a considerable reduction in the quantum of the site disturbance footprint, but introduces impacts into site ecosystems that were previously not impacted, in particular the littoral rainforest area.

An argument that a reduction in environmental impacts in one ecosystem compensates for introducing greater impacts into other sensitive ecosystems is problematic, as it introduces value judgements about the relative merits of each ecosystem type.

Aerial photography of the site indicates that it was mostly cleared in 1944 and much of the ecosystems on the site are now regrowth. There is potentially scope for further enhancement of the ecological values of the site's ecosystems.

### **5.2.3 Suggested outcomes that may result in a superior planning outcome**

Using the aims of the Tweed LEP 2014 as a guide, the following outcomes should be sought:

- Sustainable management – the proponent produces an environmental management plan and rehabilitation plan that demonstrates how the sustainable management objectives will be met
- For each of the six distinct ecosystems types, the proponent demonstrates how ecological values and biodiversity will be conserved or enhanced
- Koalas – prepare a Koala Plan of Management for the site that supports the recovery of the coastal koala

Conserving and enhancing ecological values does not need to be limited to straight land offsets for cleared areas. Options might include:

- Replanting and establishment of new habitat (obviously)
- Works or planting that improve connectivity and fauna movement or protects breeding areas
- Improving the quality of remaining habitat by:
  - ▶ Weed and pest and feral eradication and control programs
  - ▶ Removing or limiting activities that currently impact on the ecological values (e.g. off road vehicle and trespass access)
  - ▶ Fencing of sensitive areas and controlling the impacts of movement (e.g. board walks in sedgelands)
  - ▶ Improved flushing of marine habitat and water retention and quality improvement of terrestrial wetlands
- Protection of values by enhancing adjoining dependent habitat (e.g. estuarine habitat protected by establishing swamp oak buffers)
- Research and sponsorship – sponsor programs that support the whole ecosystem of the region, not just on the property.

## **6. Conclusions**

### **Critical risks**

1. Wooyung is not proposed for additional development activity within the Far North Coast Regional Strategy, or in Council policy such as the Tweed Urban and Employment Land Release Strategy or Tweed Local Environmental Plan 2014.
2. The Proposal proposes development within ecologically sensitive areas of State significance (SEPP26 littoral rainforest, plus the 100 m buffer areas to the SEPP26 littoral rainforest). An Environmental Impact Statement would be required to support a development application (if a Planning Proposal were to be made). Although not part of the Planning Proposal's scope, pursuing the development through a Planning Proposal may also trigger approvals at a Commonwealth level (ie. controlled action under the *Environment Protection and Biodiversity Conservation Act 1999*) which in itself could result in refusal of the proposal.
3. Parsons Brinckerhoff is not aware of any previous developments where legal clearing of a SEPP26 area has occurred for dwellings.
4. The development issued in 1988 may have less of an impact to mapped SEPP26 areas than the development outlined in the current proposal, given the fragmentation of the vegetation and the potential for edge effects.
5. The ability of the proposed offset area to recreate the littoral rainforest that is to be removed would be called into question by the Office of Environment and Heritage, as the likelihood of the revegetation failing is high.

### **Other risks**

6. If ecologically significant matters were to be resolved, there are a range of 'secondary' issues, such as development within Koala habitat, coastal areas, and mitigation of other site constraints such as flooding, bushfire hazard, groundwater and acid sulfate soils that would need to be addressed.
7. Any modification of the 1988 development consent would require Council (as the consent authority) to take into consideration a range of contemporary planning and environmental matters (for example, the Tweed LEP 2014 and SEPPs).

### **Opportunities**

8. The 1988 development consent is likely to result in greater site impacts than the Proposal, taking into account the impacts of the 1988 development consent on other attributes such as hydrology, acid sulfate soils, visual impact and external traffic generation.

On this basis when compared with the 1988 development consent, the Proposal has a degree of strategic merit.

9. If the 1988 development consent were to be modified, it may exempt the proponent from needing to consider the EPBC Act assessment and approval process. The proponent should obtain legal option to confirm if this exemption is available.
10. A superior planning outcome could be achieved by modifying the 1988 development consent, having regard to the aims of the Tweed LEP 2014.

11. Cleared and disturbed areas are located throughout the site and are the most appropriate areas for development from an ecological perspective. The cleared area in the south eastern corner of the site may be appropriate for development, however note this area is adjacent to a wetland (marked as Coastal floodplain sedgelands, rushlands and forblands within the Ecological Impact Assessment).
12. Vegetated parts of the site outside of the SEPP26 (Littoral Rainforest) area may be appropriate areas for dwelling envelopes, but only once efforts to locate dwelling envelopes within cleared area, and disturbed areas are exhausted. In pursuing dwelling envelopes within vegetated parts of the site outside of the SEPP26 area, offsetting the vegetation types that are lost from the site must form part of the solution. Using the case of the Coast Cypress Pine forest as an example, offsetting Coast Cypress Pine will be a difficult task as there is only a limited amount of this vegetation type left in the Council area (29 ha according to the Ecological Impact Assessment).

As noted in section 5.3.3 of the Ecological Impact Assessment, an off-site offset is likely to be required in addition to any revegetation attempted by the proponent on site.

13. Dwelling envelopes 14, and 19 to 25 are located within SEPP26 littoral rainforest. Moving these dwelling envelopes to the west would significantly reduce the impact upon the SEPP26 littoral rainforest (even if they were to remain within the 100 m buffer area), but may introduce additional risks of flooding inundation.

## 7. Recommendations

Recommendations are formulated on the basis of

- 'Opportunity'-type recommendations, which are intended to encourage the proponent to consider alternative approaches to aspects of their Proposal, which would assist in delivering an appropriate development outcome over the site.
- 'Threat'-type recommendations, which are intended:
  - ▶ To prompt the proponent to develop additional information that will assist in delivering an appropriate development outcome over the site, or
  - ▶ To highlight critical risks that are considered fatal flaws, to the extent that avoiding the risk is the recommended option in order to deliver an appropriate development outcome over the site.

Table A.1 contains the recommendations developed as part of the strategic assessment.

If you have any queries in regard to this advice, please contact me on (07) 3854 6975.

Yours sincerely



**David Kretchmann**  
Senior Planner

**Table A.1 Recommendations**

Opportunities (when implemented by the proponent)	Threats (when implemented by the proponent), or additional information requirements
<b>Settlement and housing</b>	
<p>1. The dwelling component of the development should be defined under the ‘tourist and visitor accommodation’ group term under the Tweed LEP 2014.</p> <p>Under the Standard Instrument LEP, ‘tourist and visitor accommodation’ is “a building or place that provides temporary or short-term accommodation on a commercial basis...”</p>	<p>No recommendations.</p>
<p>Advice on recommendation:</p> <p>A definition under the ‘tourist and visitor accommodation’ group term should be considered if possible from the point of view of compliance with Chapter 7 of the FNCRS. Justification for defining the dwellings under the ‘tourist and visitor accommodation’ group term relates to the likelihood (following discussion with the proponent at the inception meeting) that the dwellings will be used on an ad-hoc basis.</p> <p>Defining the dwelling component as ‘tourist and visitor accommodation’, results in the locational attributes of this proposal being less dependent on demonstrating consistency with the intended settlement pattern within the FNCRS.</p> <p>A helipad is also planned as part of the Proposal. It is recommended Council consult with the proponent to ensure all land uses intended by the proponent (including the term ‘helipad’) are included within the Planning Proposal.</p>	
<b>Dwellings within the SEPP26 (Littoral Rainforest) area, and Environmental protection zones</b>	
<p>2. Dwelling envelopes should be located within the following areas on site according to the following hierarchy in order of priority:</p> <ul style="list-style-type: none"> <li>a) Cleared areas, or disturbed areas (vegetation types A and H within the Ecological Impact Assessment.</li> <li>b) Vegetation type F (Swamp Oak swamp forest of the coastal lowlands of the North Coast, within the Ecological Impact Assessment) should then be considered for dwelling envelopes.</li> <li>c) Vegetation type D (Paperbark swamp forest of the coastal lowlands of the North Coast, within the Ecological Impact Assessment) should then be considered for dwelling envelopes</li> </ul>	<p>5. No dwelling envelopes should be located within the SEPP26 (Littoral Rainforest) area.</p>



Opportunities (when implemented by the proponent)	Threats (when implemented by the proponent), or additional information requirements
<p>d) Vegetation types B and E (Coast Cypress Pine shrubby open forest of the North Coast Bioregion, and Swamp Mahogany swamp forest of the coastal lowlands of the North Coast, within the Ecological Impact Assessment) should then be considered for dwelling envelopes.</p> <p>3. Where proposed dwelling envelopes are located within vegetated parts of the site outside of the SEPP26 (Littoral Rainforest) area (in this instance vegetation types A, B, D, E or F within the Ecological Impact Assessment), the vegetation types impacted by the dwelling envelopes must be offset on the site, or elsewhere on a legally secured site in accordance with OEH requirements.</p> <p>4. Areas immediately to the west of the SEPP26 littoral rainforest area (whether within or outside of the 100 m buffer area) should be considered for current dwelling envelopes 14 and 19 to 25. Flood modelling should be updated to determine the ability to locate houses within this area. Alternative building designs should also be considered to help reduce the impact on any future earthworks in the area and raise habitable room levels above relevant flood planning levels.</p>	
<p>Advice on recommendations:</p> <ul style="list-style-type: none"> <li>■ The Ecological Impact Assessment identifies: <ul style="list-style-type: none"> <li>▶ Vegetation types A and H as being cleared or subject to previous disturbance, and should be the priority focus areas</li> <li>▶ Vegetation type F (swamp oak forest) has previously been subject to ground disturbance as a result of grazing activities. This vegetation type is in good condition throughout and where possible, areas of weed infestation within this vegetation type should be identified for dwelling envelopes</li> <li>▶ Relative to other vegetation communities on the site, a significant amount of vegetation type D (Paperbark swamp forest) is located elsewhere within the Council area and therefore there is higher potential for compensatory planting to be effective in revegetating this vegetation community. This vegetation type is in good condition throughout and where possible, areas of weed infestation within this vegetation type should be identified for dwelling envelopes</li> <li>▶ Limited amounts of vegetation types B and E (Coast Cypress Pine shrubby open forest, and Swamp Mahogany swamp forest) remains within the Council area. As a result, revegetation of these vegetation types on site, or elsewhere within the Council area will be difficult to achieve. This vegetation type is in good condition throughout and where possible, areas of weed infestation within these vegetation types should be identified for dwelling envelopes</li> </ul> </li> <li>■ Relocation of dwellings outside of the SEPP26 littoral rainforest area will also reduce the impact of built form upon the landscape when viewed from the beach, and will also assist in demonstrating consistency with coastal hazard issues within the Tweed DCP 2008 and SEPP71.</li> </ul>	
<p><b>Koala habitat protection</b></p>	

Opportunities (when implemented by the proponent)	Threats (when implemented by the proponent), or additional information requirements
No recommendations.	6. An investigation to identify the presence of core Koala habitat on site will help to validate dwelling envelopes 3 to 10 and 13 as viable dwelling envelopes.
<p>Advice on recommendation: Part of the aims and objectives of SEPP44 is to encourage the inclusion of areas of core koala habitat in environmental protection zones. The provision of a comprehensive study of the site will help to validate the selected sites, or suggest alternative locations.</p>	
Threatened species and ecological communities	
No recommendations.	7. A Species Impact Statement to identify the presence of threatened species will help to validate dwelling envelopes 3 to 10 and 13 as viable dwelling envelopes.
<p>Advice on recommendation: Overall compliance with Question 7 of the Guide to Preparing Planning Proposals is reliant on such an investigation being carried out. All native vegetation on the site is listed as an endangered ecological community.</p>	
Coastal protection	
No recommendations (requirements are addressed if dwelling envelopes are removed from SEPP14 littoral rainforest area).	8. The existing groundwater study should be updated to confirm that the treatment and disposal of wastewater on-site can be undertaken without consequential impact to the groundwater.
Reservation of land for public purposes	
9. The proponent should approach OEH (the public authority responsible for the acquisition of the land that is intended to be revegetated) and obtain their concurrence for such an acquisition.	No recommendations.
Development consent 88/640	
10. The proponent should consider making an application to modify the 1988 development consent to achieve a development outcome over the site. 11. The proponent should consider implementing some of the following outcomes as	No recommendations.

Opportunities (when implemented by the proponent)	Threats (when implemented by the proponent), or additional information requirements
<p>part of the development:</p> <ul style="list-style-type: none"> <li>a) Undertaking works or planting that improve connectivity and fauna movement or protect breeding areas</li> <li>b) Improving the quality of remaining habitat on site by:               <ul style="list-style-type: none"> <li>i) Weed, pest and feral eradication and control programs</li> <li>ii) Removing or limiting activities that currently impact on the ecological values (e.g. off road vehicle and trespass access)</li> <li>iii) Fencing sensitive areas and controlling the impacts of movement (e.g. board walks in sedgelands)</li> </ul> </li> <li>c) Protecting the critical values of the site by enhancing adjoining dependent habitat (e.g. estuarine habitat protected by establishing swamp oak buffers)</li> <li>d) Research and sponsorship – sponsor programs that support the whole ecosystem of the region, not just on the property.</li> </ul>	
<p>Advice on recommendations:</p> <ul style="list-style-type: none"> <li>■ A modification of the development consent requires Council to consider contemporary planning and environmental policy (a scenario which may be unpalatable to the proponent). However, this approvals pathway may in turn exempt the proponent from the assessment and approval process of the EPBC Act. The proponent should obtain legal option to confirm if this exemption is available.</li> <li>■ Irrespective of the chosen approvals pathway (modifying the development consent, or a Planning Proposal), the proponent will need to demonstrate consistency with the Tweed LEP 2014.</li> </ul>	

**Table B.2 Critical matters identified in strategic assessment**

Area of concern	Dwelling																									
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	
Settlement and housing																										
Dwellings within the SEPP26 (Littoral Rainforest) area <sup>1</sup>																										
Koala habitat protection																										
Threatened species and ecological communities																										
■ EPBC Act threatened ecological communities <sup>2</sup>																										
■ EPBC Act threatened plant species <sup>3</sup>																										
■ EPBC Act threatened animal species <sup>4</sup>																										
■ TSC Act threatened ecological communities <sup>5</sup>																										
■ TSC Act threatened plant species <sup>6</sup>																										
■ TSC Act threatened animal species <sup>7</sup>																										
Coastal protection																										
Environmental protection zones																										
Reservation of land for public purposes	Applies across site																									

Notes:

- 1) Dwellings 14 and 25 are part within the mapped SEPP26 area and 100m buffer zone, dwellings 19 – 24 are within the mapped SEPP26 area, dwellings 15, 17 and 18 are within the 100 m buffer zone.
- 2) The EPBC Act listed Critically Endangered ecological community Littoral Rainforest and Coastal Vine Thickets of Eastern Australia is present.
- 3) EPBC Act listed plants including *Acronychia littoralis* (Endangered) and *Cryptocarya foetida* (Vulnerable) are known to exist in these areas based on the info provided in the Proposal.
- 4) Known Koala habitat areas.
- 5) Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions (dwellings 3, 4, 6, 8, 10, & 13); Littoral Rainforest in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions (dwellings 3, 14 – 25); Coastal Cypress Pine Forest in the New South Wales North Coast Bioregion (dwellings 4, 5, 7, 9, 11).

6) TSC Act listed plants including *Acronychia littoralis* (Endangered), *Archidendron hendersonii* (Vulnerable), and *Cryptocarya foetida* (Vulnerable) are known to exist in these areas based on the info provided in the Proposal.

7) TSC Act listed animals (including Wallum Froglet, Eastern Osprey, Black-necked Stork, Little Lorikeet, Koala, Eastern Bentwing-bat, Little Bentwing-bat, Baccari's Freetail-bat and Greater Broad-nosed Bat) are known to exist on or directly adjacent to the site based on data held by the Office of Environment and Heritage.

## Appendix C1

### Planning Proposal PP13/0004 - Wooyung Environmental Subdivision

#### Questions to consider when demonstrating justification of a Planning Proposal

Question	Answer/Comments
1 Is the planning proposal a result of any strategic study or report?	No
2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Yes. The proponent's Request for Planning Proposal identifies the key objective is to amend the LEP. Assuming the existing development approval cannot be changed to effect the proponent's request, a Planning Proposal is the best way to achieve the objectives.
3 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?	No. The Planning Proposal is currently inconsistent with sections 4, 6 and 7 of the Far North Coast Regional Strategy 2006. Refer to Appendix C4 for further details.
4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?	No. The Planning Proposal is inconsistent with the aims and objectives of the Tweed Vegetation Management Strategy 2004 (TVMS).  The TVMS aims to minimise the impact of new development on significant natural areas ... through appropriate planning controls, identify and protect natural areas with high ecological, scenic or cultural value, and retain and improve the condition of the Tweed's natural assets for future generations.  Areas of the site are mapped as 7(a). The TVMS amends the 7(a) Environmental Protection Zone boundaries under the Tweed LEP 2000, and combined all zone 7 areas into a single zone called the 7(a) Environmental Protection (Significant Natural Vegetation/Wildlife Habitat) Zone.  All vegetation on the site is mapped in the TVMS as 'High Ecological Sensitivity' and 'Very High Ecological Status' - the highest rankings for ecological values in the Council area. The TVMS aims to protect areas such as the site in question, not allow for development to occur on it.
5 Is the planning proposal consistent with applicable State Environmental Planning Policies?	No. The Planning Proposal is currently inconsistent with SEPP No.26, SEPP No. 44 and SEPP No. 71. Refer to Appendix C3 for further details.
6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?	No. The Planning Proposal is currently inconsistent with Section 117 Directions 2.1, 2.2 and 6.2. It is also inconsistent with Section 117 Directions 4.1, 4.3 and 6.3, but those inconsistencies are considered to be of minor significance. Refer to Appendix C2 for further details.

## Appendix C1

### Planning Proposal PP13/0004 - Wooyung Environmental Subdivision

#### Questions to consider when demonstrating justification of a Planning Proposal

	Question	Answer/Comments
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?	<p>Yes.</p> <p>Threatened plant and animal species listed under the EPBC Act and/or Threatened Species Conservation Act (TSC Act) are known to exist on site from previous ecology surveys that have been conducted. Threatened ecological communities listed under the EPBC Act and TSC act make up most of the vegetation on the site, including the areas where houses are proposed.</p> <p>The development would require a 7-part test and likely a Species Impact Statement (SIS) under the TSC Act and significance assessments and referral under EPBC Act. A significant impact to listed threatened species and ecological communities would be likely as a result of the development.</p>
8	Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	<p>Yes.</p> <p>According to the Guideline, this question is intended to address other environmental effects that are unique to a particular Planning Proposal that may not already be addressed in the strategic planning framework, such as informal guidelines, codes or policies. There are no additional guidelines, codes or policies over and above those captured through other questions.</p> <p>However, this Planning Proposal is unique in that if it were not to proceed, the consequential environmental effects are likely to be significantly greater as it would enable the existing consent 88/640 (for a tourist resort including a lake system) to be enacted upon. The environmental effects listed in Part 1 of the proponent's Request for Planning Proposal are generally appropriate.</p> <p>In our opinion, Question 8 is the only question that could be construed in any way to address the issue of comparative merit, to the proponent's advantage.</p>
9	Has the planning proposal adequately addressed any social and economic effects?	<p>Yes.</p> <p>The Planning Proposal is unlikely to have any significant social or economic impacts.</p>
10	Is there adequate public infrastructure for the planning proposal?	<p>Yes.</p> <p>No additional public infrastructure needs to be augmented to the site</p>

Appendix C2

Planning Proposal PP13/0004 - Wooyung Environmental Subdivision

Section 117 Directions

Direction	Is the Direction applicable?	Is it compliant (Yes, No, N/A)?	If no, why is it non-compliant?	Recommendations to achieve compliance
1.1 Business and Industrial Zones	No	N/A	N/A	N/A
1.2 Rural Zones	No	N/A	N/A	N/A
1.3 Mining, Petroleum Production and Extractive Industries	No	N/A	N/A	N/A
1.4 Oyster Aquaculture	No	N/A	N/A	N/A
1.5 Rural Lands	Yes	Yes	N/A	N/A
2.1 Environment Protection Zones	Yes	No	<p>The Direction states that the Planning Proposal that applies to land in an environmental protection zone must not reduce the environmental protection standards that apply to the land.</p> <p>Objectives for the 7(a) zone include prohibiting development which could destroy or damage a wetland or littoral rainforest ecosystem. Dwelling houses are prohibited, particularly ones that are proposed to be built on a wetland and littoral rainforest.</p> <p>No information is contained within the Request for Planning Proposal that documents how environmentally sensitive areas are protected and conserved.</p>	<p>1) Remove proposed dwellings, and access to those dwellings, out of the Environmental Protection zone.</p> <p>or</p> <p>2) Undertake a specific study that gives consideration to the objectives of the Direction. This study should not be reliant on revegetation as the only solution that gives consideration to the Direction.</p>
2.2 Coastal Protection	Yes	No	<p>Dwellings are planned along the coastline. Although the dwellings along the coastline are unlikely to be visible from any public space, the NSW Coastal Design Guidelines are still relevant (through the SEPP and Direction). The visual impact of the buildings in respect to the coast requires further consideration, but in particular the dwellings' bulk, scale and height as a group.</p> <p>The Guidelines also require buildings to achieve environmental sustainability and ecological sensitivity for water and land resources. From the information submitted it is unclear as to whether the site can adequately support on-site wastewater treatment and disposal.</p>	<p>Ensure that documentation submitted as part of the Planning Proposal considers the design impact of the dwellings with respect to the coast. This will require some desktop assessment of visual impact based on the elevations and perspectives provided by the proponent).</p> <p>Some additional information to establish the site can support on-site treatment and disposal should also be provided.</p>
2.3 Heritage Conservation	Yes	Yes	N/A	N/A
2.4 Recreation Vehicle Areas	No	N/A	N/A	N/A
3.1 Residential Zones	No	N/A	N/A	N/A
3.2 Caravan Parks and Manufactured Home Estates	No	N/A	N/A	N/A
3.3 Home Occupations	No	N/A	N/A	N/A
3.4 Integrating Land Use and Transport	No	N/A	N/A	N/A
3.5 Development Near Licensed Aerodromes	No	N/A	N/A	N/A
3.6 Shooting Ranges	No	N/A	N/A	N/A
4.1 Acid Sulfate Soils	Yes	No, but inconsistency is of minor significance	<p>The objective of the Direction is "to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils".</p> <p>Any excavation associated with the development is likely to be minor (eg. dwelling house footings) given the site is already low.</p>	
4.2 Mine Subsidence and Unstable Land	No	N/A	N/A	N/A



Appendix C2

Planning Proposal PP13/0004 - Wooyung Environmental Subdivision

Section 117 Directions

Direction	Is the Direction applicable?	Is it compliant (Yes, No, N/A)?	If no, why is it non-compliant?	Recommendations to achieve compliance
4.3 Flood Prone Land	Yes	No, but inconsistency is of minor significance	Although the Planning Proposal seeks to amend the LEP to permit additional land uses, there is no change in zoning sought at this time. - (6a) Development may impact the floodway as dwellings are shown to be immediately adjacent to, or just within the flood extent (based on work done by BMT WBM in 2009). - (6b & 6c) It is unlikely the minimal development will cause impacts to other properties. However, changes in climate change policy or requirements under the Floodplain Manual or Coastal Zones may require a re-working of the flood model's climate change scenario. - (6d) the 2009 BMT WBM report indicates that significant capital is required to provide evacuation management / routes - however, any capital work undertaken would benefit most of the Tweed Coast and not just this particular development. - (6e) the Planning Proposal should enable development to be carried out, only through a development application. - (8) The WBM BMT study provided does not specifically make reference to the NSW floodplain manual.	Prior to public exhibition a Gateway Determination should require the: - Revision of the flood study to reflect proposed development. - Reference to, or a statement of compliance with NSW flood manual. - Revision of mapping to show extent of dwellings against extent of climate change 100 yr flood scenario, as development is adjacent to flood area (especially Sites 11, 12 and 13 on the western side, and probably all dwellings on the eastern side). The existing flood model indicated 100yr + climate change is 3.7 m AHD - all dwellings must be above this plus freeboard.
4.4 Planning for Bushfire Protection	Yes	Yes	N/A	N/A
5.1 Implementation of Regional Strategies	Yes	Refer to Appendix C4 for further details.		
5.2 Sydney Drinking Water Catchments	No	N/A	N/A	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	N/A	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	N/A	N/A
5.8 Second Sydney Airport: Badgerys Creek	No	N/A	N/A	N/A
5.9 North West Rail Link Corridor Strategy	No	N/A	N/A	N/A
6.1 Approval and Referral Requirements	No	N/A	N/A	N/A
6.2 Reserving Land for Public Purposes	Yes	No	The proponent's Request for Planning Proposal identifies that long term preservation of the central part of the site "will be ensured by its dedication as public land, as an extension to the adjoining Nature Reserve" (under the heading SEPP 71 - Coastal Protection). Clause 12 of the EP&A Reg 2000 requires a planning proposal may not contain a provision reserving land for certain public purposes.	The public authority responsible for the acquisition of the land (in this instance, OEH) must notify of their concurrence to the inclusion of this provision within the planning proposal.
6.3 Site Specific Provisions	Yes	No, but inconsistency is of minor significance	The site zonings under the Tweed LEP 2014 (being RU2 Rural Landscape) and the Tweed LEP 2000 (being 7(a) Environmental Protection (Wetlands and Littoral Rainforest)) prohibit the proposed use. In addition, it would be inappropriate to rezone parts of the site to allow the proposed use to occur for the reason this would be inconsistent with other strategic documents, in particular the Far North Coast Regional Strategy which designates the site and surrounding area as Coastal Area. An addition to Schedule 1 of the Tweed LEP 2014 is appropriate in this instance.	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	No	N/A	N/A	N/A

For Direction 4.4 - Note that a detailed bushfire hazard assessment is to be completed following a Gateway determination

Appendix C3

Planning Proposal PP13/0004 - Wooyung Environmental Subdivision

State Environmental Planning Policies

SEPP	Is it applicable?	Is it compliant (Yes, No, N/A)?	If no, why is it non-compliant?	Recommendations to achieve compliance
SEPP No. 1 - Development Standards	No	N/A	N/A	N/A
SEPP No. 4 - Development without Consent and Miscellaneous Complying Development	No	N/A	N/A	N/A
SEPP No. 6 - Number of Storeys in a Building	No	N/A	N/A	N/A
SEPP No. 14 - Coastal Wetlands	No	N/A	N/A	N/A
SEPP No. 19 - Bushland in Urban Areas	No	N/A	N/A	N/A
SEPP (Penrith Lakes Scheme) 1989	No	N/A	N/A	N/A
SEPP No. 21 - Caravan Parks	No	N/A	N/A	N/A
SEPP No. 22 - Shops and Commercial Premises	No	N/A	N/A	N/A
SEPP No. 15 - Multiple Occupancy of Rural Land	No	N/A	N/A	N/A
SEPP No. 26 - Littoral Rainforests	Yes	No	<p>An EIS has not been prepared.</p> <p>SEPP 26 seeks to protect coastal rainforests (littoral rainforests) by requiring development consent for development in or adjacent to mapped coastal rainforest areas.</p> <p>In the EIS, the planned revegetation will be considered as part of the proposed development, sort of like an upfront compensatory measure, and this will work in the proponent's favour. However, it will not lessen the impact of removing the littoral rainforest that is currently there.</p>	<p>1) Remove proposed dwellings out of the areas marked as SEPP 26. or 2) An EIS would need to be prepared. The impacts are likely to be on:</p> <ul style="list-style-type: none"> <li>• SEPP26 area</li> <li>• Endangered ecological communities listed under NSW and Commonwealth legislation</li> <li>• Known habitat for a number of threatened plant and animal species listed under NSW and Commonwealth legislation.</li> </ul> <p>The EIS is likely to determine that there is a “significant impact”. Revegetation is generally not considered acceptable to justify removal of a mature stand of vegetation. The ability of the revegetation area to accurately recreate the littoral rainforest that is to be removed may be called into question by the OEH (usually a landscape architect will design a planting program) as the likelihood of the revegetation failing is high. Removing a good quality mature patch of vegetation and replacing it with inferior man-made revegetation is generally not looked upon favourably by the OEH or Commonwealth Department of Environment, particularly for endangered ecological community like Littoral Rainforest. If the vegetation was not part of a SEPP26 area and not part of an endangered ecological community and didn't provide habitat for a range of threatened species, then the outcome would probably be different. The littoral rainforest will be viewed as irreplaceable by the OEH and Council.</p>
SEPP (Kurnell Peninsula) 1989	No	N/A	N/A	N/A
SEPP No. 29 - Western Sydney Recreation Area	No	N/A	N/A	N/A
SEPP No. 30 - Intensive Agriculture	No	N/A	N/A	N/A
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	No	N/A	N/A	N/A
SEPP No. 33 - Hazardous and Offensive Development	No	N/A	N/A	N/A
SEPP No. 21 - Caravan Parks	No	N/A	N/A	N/A
SEPP No. 36 - Manufactured Home Estates	No	N/A	N/A	N/A
SEPP No. 39 - Spit Island Bird Habitat	No	N/A	N/A	N/A
SEPP No. 41 - Casino/Entertainment Complex	No	N/A	N/A	N/A

Appendix C3

Planning Proposal PP13/0004 - Wooyung Environmental Subdivision

State Environmental Planning Policies

SEPP	Is it applicable?	Is it compliant (Yes, No, N/A)?	If no, why is it non-compliant?	Recommendations to achieve compliance
SEPP No. 44 - Koala Habitat Protection	Yes	No	SEPP 44 seeks to protect koala habitat by requiring a plan of management for all developments in core koala habitat. The Tweed Coast Koala Habitat Study (Biolink, January 2011) indicates part of the site is likely to be considered core koala habitat. The site contains Primary Koala Habitat - approximately 200ha of primary koala habitat remains within the Council area (Biolink, January 2011). Houses 3 to 7, and house 9 are located within primary koala habitat which contains 6 <i>Eucalyptus robusta</i> trees.  Houses 8 and 10 appear to be located close to mapped primary koala habitat, but are identified through the proponent's Schedule of flora as not containing any koala habitat trees.	An investigation is required to identify the presence of core Koala habitat on site. Core Koala habitat is defined as 'an area of land with a resident population of Koalas, evidenced by attributes such as breeding females (females with young) and recent sightings of and historical records of a population'. If the site is core Koala habitat, a Koala Plan of Management will be required for the site which will deal with the removal of the 6 habitat trees. In the Koala plan of management, there must be mitigation measures proposed to the satisfaction of the OEH and Council.  Removal of the 6 trees will not be a critical concern, but it will need to be dealt with in the Koala plan of management.
SEPP No. 47 - Moore Park Showground	No	N/A	N/A	N/A
SEPP No. 50 - Canal Estates	No	N/A	N/A	N/A
SEPP No. 5 - Housing for Older People or People with Disability	No	N/A	N/A	N/A
SEPP No. 15 - Rural Land-Sharing Communities	No	N/A	N/A	N/A
SEPP No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	No	N/A	N/A	N/A
SEPP No. 55 - Remediation of Land	Yes	Yes (see comments on right)	SEPP 55 seeks to provide for a statewide planning approach to the remediation of contaminated land. Based on our high level review of two particular contamination specific reports prepared for the site by the then consultant (Environmental Analysis Laboratory (ELS)), prepared in April 2009: "Phase 2 (Detailed) Contaminated Land Assessment" and "Groundwater Quality Investigation and Impact Assessment Report", ELS did not report any significant contamination or any critical conclusions or recommendations that would preclude the site being used for residential purposes.  The previous consultant applied the most conservative available guidelines at the time of the investigation, and the reported values of anthropogenic contaminants (originating from historical activities at and adjacent the site) were within the acceptable limits. An initial screening of the reported data against the current NEPM 2013 guidelines indicated the reported concentrations would still be acceptable.	
SEPP No. 59 - Central Western Sydney Regional Open Space and Residential	No	N/A	N/A	N/A
SEPP No. 60 - Exempt and Complying Development	No	N/A	N/A	N/A
SEPP No. 62 - Sustainable Aquaculture	No	N/A	N/A	N/A
SEPP No. 64 - Advertising and Signage	No	N/A	N/A	N/A
SEPP No. 65 - Design Quality of Residential Flat Development	No	N/A	N/A	N/A
SEPP No. 71 - Coastal Protection	Yes	No	Refer to applicable Section 117 Direction	
SEPP (Housing for Seniors or People with a Disability) 2004	No	N/A	N/A	N/A
SEPP (Building Sustainability Index: BASIX) 2004	No	N/A	N/A	N/A
SEPP (Development on Kurnell Peninsula) 2005	No	N/A	N/A	N/A
SEPP (Major Development) 2005	No	N/A	N/A	N/A
SEPP (Sydney Region Growth Centres) 2006	No	N/A	N/A	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	No	N/A	N/A	N/A

**Appendix C3**  
**Planning Proposal PP13/0004 - Wooyung Environmental Subdivision**  
**State Environmental Planning Policies**

SEPP	Is it applicable?	Is it compliant (Yes, No, N/A)?	If no, why is it non-compliant?	Recommendations to achieve compliance
SEPP (Miscellaneous Consent Provisions) 2007	No	N/A	N/A	N/A
SEPP (Infrastructure) 2007	No	N/A	N/A	N/A
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	No	N/A	N/A	N/A
SEPP (Rural Lands) 2008	Yes	Yes (see comments on right)	<p>Part of the site is zoned RU2 Rural Landscape under the Tweed LEP 2014. Of this land, part of it is designated suitable for grazing (but not for cultivation) whilst the remainder is designated unsuitable for agriculture. The area designated suitable for grazing is a contiguous area adjacent to Wooyung Road, generally correlating with the cleared part of the site.</p> <p>Council's draft Rural Land Strategy does not make any specific recommendations on a minimum land size needed to support rural land uses. However, the footprint of the development upon the areas identified as 'suitable for grazing' means there is low potential for the proposal to adversely affect the ability for future grazing.</p> <p>Additional consideration also needs to be undertaken to ensure that the land is capable of supporting wastewater treatment and disposal.</p>	
SEPP (Western Sydney Employment Area) 2009	No	N/A	N/A	N/A
SEPP (Exempt and Complying Development Codes) 2008	No	N/A	N/A	N/A
SEPP (Western Sydney Parklands) 2009	No	N/A	N/A	N/A
SEPP (Affordable Rental Housing) 2009	No	N/A	N/A	N/A
SEPP (Urban Renewal) 2010	No	N/A	N/A	N/A
SEPP (Sydney Drinking Water Catchment) 2011	No	N/A	N/A	N/A
SEPP (State and Regional Development) 2011	No	N/A	N/A	N/A

Note: SEPP (State and Regional Development) is currently not applicable. But if the use is designated for tourist purposes, the SEPP does then become applicable.

**Appendix C4**  
**Planning Proposal PP13/0004 - Wooyung Environmental Subdivision**  
**Far North Coast Regional Strategy 'Assessment**

Part of the Regional Strategy		Does the project affect achieving the Regional Strategy's outcomes (Yes/No)?	Comments	Recommendations to achieve compliance
1	'A region of villages'	No	The region's composition and identity as a series of villages remains unaffected by the project.	N/A
4	Environment and natural resources	Yes	<p>Protection of areas of high biodiversity value and productive natural resources from development pressures is a major outcome of the FNCRS. Those parts of the Region with environmental, landscape and agricultural production values are shown as 'Environmental Assets and Rural Land' on the Regional Strategy Map. Wooyung (including the site) is mapped as 'Environmental Assets and Rural Land'. These areas are protected from urban development other than appropriately planned rural residential development. This land classification comprises (among other things) land with State or regional environmental and/or biodiversity conservation significance. The FNCRS is intended to ensure Local Environmental Plans protect these areas from future urban and rural residential development. Urban development will be directed away from areas considered important for conservation.</p> <p>The project adversely affects the outcomes listed in Chapter 4, which in overall terms are to protect areas of high biodiversity value from development pressures.</p>	See specific recommendations with respect to the Section 117 Directions or SEPPs.
5	Cultural heritage	No	Cultural heritage investigations have been undertaken by the proponent. The site has cultural significance to the indigenous population. Whilst additional studies need to be carried out, the investigations do not identify that development should be prohibited as a result of the development	Proponent to continue to engage with LALC to ensure interests are taken into consideration.
6	Natural hazards	Yes	<p>Specific principles need to be consistent with floodplain manual and coastline management plan, being any filling of land below the 1% year flood.</p> <p>Note that no Compensatory actions are listed for flood prone land, indicating that avoidance of risk is required rather than to be mitigated.</p>	At the development application stage, documentation that addresses the principles and recommendations of these policies, manuals, plans etc should be supplied for detailed assessment. However, it would be expected that all items are achievable and manageable given the information contained in the Planning Proposal.
7	Settlement and housing	Yes	<p>Chapter 7 deals with the promotion of a compact settlement pattern which protects environmental values and natural resources whilst utilising and developing the existing network of major urban centres, reinforcing village character, and requiring efficient use of existing services.</p> <p>Council has an Urban and Land Release Strategy which plans the release of additional land to meet the expected population growth over the next 10 to 15 years. The Urban and Land Release Strategy has however not been approved by NSW Planning and Infrastructure. Notwithstanding, the site, nor the Wooyung area, is not considered to contribute to this growth.</p> <p>The making of 'dwelling houses' as being subject to permissible development, has an impact on achieving the intended outcomes of Chapter 7. In effect, it enables the permanent settlement of the site.</p>	Proposed permissible development should be 'tourist accommodation' under the Tweed LEP 2000, or 'eco-tourist facility' under the draft LEP 2012. The shift towards making this land use permissible results in the locational attributes of this proposal not being drawn into a discussion on why a new settlement is located outside of an existing urban area, proposed future urban release, or employment lands.
8	Settlement character and design	No	<p>Chapter 8 deals with maintaining existing community character whilst ensuring appropriate design standards.</p> <p>The Wooyung community is generally defined by the existing caravan park, and provides a limited range of convenience facilities for guest use. The proposal will consist of a self-contained private development and will be accessible only to paying guests.</p> <p>The proposal is unlikely to compromise achieving of outcomes listed in Chapter 8.</p>	N/A
9	Economic development and employment growth	No	The Regional Strategy provides for smaller scale tourism, including environmental based tourism, outside of prime tourism areas such as Tweed Heads and Kingscliff. The project provides 25 dwelling houses which are intended to be used on an ad-hoc basis by visitors.	N/A
10	Water and energy resources	No	On-site water supply and wastewater treatment and disposal will be required for the project. The impacts of these can be addressed at the development application stage.	N/A
11	Regional transport	No	The Regional Strategy is unaffected by the project	N/A



Contact: Sally Munk  
Phone: 02 9228 6145  
Fax: 02 9228 6540  
E-mail: sally.munk@planning.nsw.gov.au

Mr Steven Smith  
Senior Planner  
Landpartners Limited  
PO Box 1134  
Lismore NSW 2480

DEVELOPMENT-GENERAL.

TWEED SHIRE COUNCIL	
FILE No:	LN: 10209
DOC. No:	
REC'D:	18 FEB 2011
ASSIGNED TO:	MICHEL, R
HARD COPY	<input type="checkbox"/>
IMAGE	<input checked="" type="checkbox"/>

Dear Mr Smith

**Proposed 26 Lot Subdivision at Wooyung Road, Wooyung**

I refer to the proposed 26 lot subdivision at Wooyung Road in Wooyung, Tweed Shire. The Department has reviewed the information and plans provided. It is arguable whether the project meets the criteria for major development under *State Environmental Planning Policy (Major Development) 2005*. Furthermore, the current proposal is prohibited under the *Tweed Local Environmental Plan 2000*.

The Department is not willing to support any proposal for residential development on the site until an appropriate rezoning has occurred. As the site is partly within an environmentally sensitive area of State significance (ESASS), being within a SEPP26 Littoral Rainforest, and partly in a sensitive coastal location, being 100 metres from the ocean, the provisions of Clause 8N of the *Environmental Planning and Assessment Regulation 2000* apply and the Minister is precluded from approving the project in its current form.

The site is significantly constrained by a range of significant issues relating to access, flooding, bushfire, threatened species, SEPP26 littoral rainforests, wetlands and coastal processes.

With respect to the current proposal, the Department does not support it for the following reasons:

- Part of the proposed development area is on that part of the site closest to the beach, which is an ESASS and is the most ecologically important and environmentally sensitive part of the site;
- The proposed lot sizes and layout are out of character with the rural setting, being non-contiguous and significantly smaller than traditional rural residential subdivisions in the Tweed local government area. Lot sizes are unlikely to be large enough to accommodate on-site sewage management infrastructure; and,
- The development is inconsistent with the *Far North Coast Regional Strategy* and the NSW Coastal Design Guidelines.

It would be preferable for any development of the site to be located on the cleared area of land in the north of the site. I therefore recommend that you review your proposal in light of the above advice.

Should you wish to discuss any of the above matters, please contact Sally Munk, Senior Environmental Planner, Metro and Regional Projects North, on 02 9228 6145 or via email at [sally.munk@planning.nsw.gov.au](mailto:sally.munk@planning.nsw.gov.au).

Yours sincerely,

15.2.11

Chris Wilson  
Executive Director, Major Projects Assessment

cc. Tweed Shire Council

NOTE

Relates to  
PF5980/200 Pt 4  
ECM: 27843515

Lot 1 Dp 779817  
440 Wooyung Road,  
Wooyung

Kretchmann, David

---

From: Tamara Prentice <Tamara.Prentice@planning.nsw.gov.au>  
Sent: Thursday, 10 April 2014 12:10 PM  
To: Kretchmann, David  
Cc: Jim Clark; Luke Blandford  
Subject: Re: Wooyung proposed subdivision

Hi David,

Thank you for your enquiry.

The *Far North Coast Regional Strategy (FNCRS)* guides the long term planning for the Far North Coast, including the Tweed Shire Council LGA. The intent of the policy is to provide certainty to land owners as to the general locations future development will and will not be considered, and to ensure adequate protection is in place for natural or other resource lands.

The primary inconsistency with the FNCRS is with Chapter 7 relating to settlement and housing. This chapter includes that, in order to protect fragile and vulnerable areas and ecosystems, there would be no further urban or rural residential development in the coastal zone outside of areas identified within a Town and Village Growth Boundary or approved land release strategy. For your information Tweed Shire Council do not currently have an approved land release strategy, nor is this land within a Town and Village Growth Boundary.

The other site constraints including flooding, bushfire, SEPP 26 Littoral Rainforests, wetlands, and the proximity to the ocean and being a mapped environmentally sensitive area will result in further inconsistencies with the FNCRS including with Chapter 4, Environment and Natural Resources and 6, Natural hazards.

The Minister has issued a direction under section 117 of the *Environmental Planning and Assessment Act 1979* requiring that a planning proposal must contain provisions that give effect to, and are consistent with, the NSW Coastal Design Guidelines.

The Coastal Design guidelines includes a broad brush definitional approach to determining what 'type' of development is being proposed. This development most closely aligns with a new coastal settlement, either village or hamlet. Part 1.6 of the Guidelines relates to the location of new settlements and determines that they should be located in accordance with a local or regional strategy, with respect to the ecological limits of the site and its context and with consideration of the inter-connectivity of the site and its location within the urban, visual and environmental environs.

Part 2 of the guidelines relates to design principles. The locational considerations set out in the precursor to this Part establishes that it is advisable not to develop on land which is affected by sea level rise, in close proximity to estuarine systems, in areas supporting littoral habitat, subject to flooding, or on ASS. This land appears to be all these things, and as such would not be consistent with the locational criteria set out in this part.

I hope this is of some assistance in your work. Should you have any further questions please feel free to contact me on the information provided below.

Yours faithfully

Tamara Prentice

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>>> "Kretchmann, David" <dkretchmann@pb.com.au> 4:19 PM 7/04/2014 >>>  
Hi there

We're doing a preliminary assessment of a proposed development at Wooyung (within Tweed Shire) for Tweed Shire Council. The purpose of our assessment is to establish if Council can support the preparation of a planning proposal over the site. The site is Lot 1 in DP779817 and Lot 1 in DP408972.

Council have provided us with a letter dated 15 February 2011 (attached), where Planning & Infrastructure stated it did not support the submission made at the time. One of the reasons listed in the letter was the development was *"inconsistent with the Far North Coast Regional Strategy and the NSW Coastal Design Guidelines"*.

I would like to get some more background as to why it was deemed the development was inconsistent with the Regional Strategy and the Coastal Design Guidelines. The reason is, if it is decided to progress this particular development forward to preparing a planning proposal, we will at least have some common insight as to what those reasons were in 2011 for non-support. Council can then work with their proponent to address these areas of concern prior to any further submission.

Could someone have a look at the above query and come back to me with some advice?

Regards

Dave

---

**David Kretchmann**  
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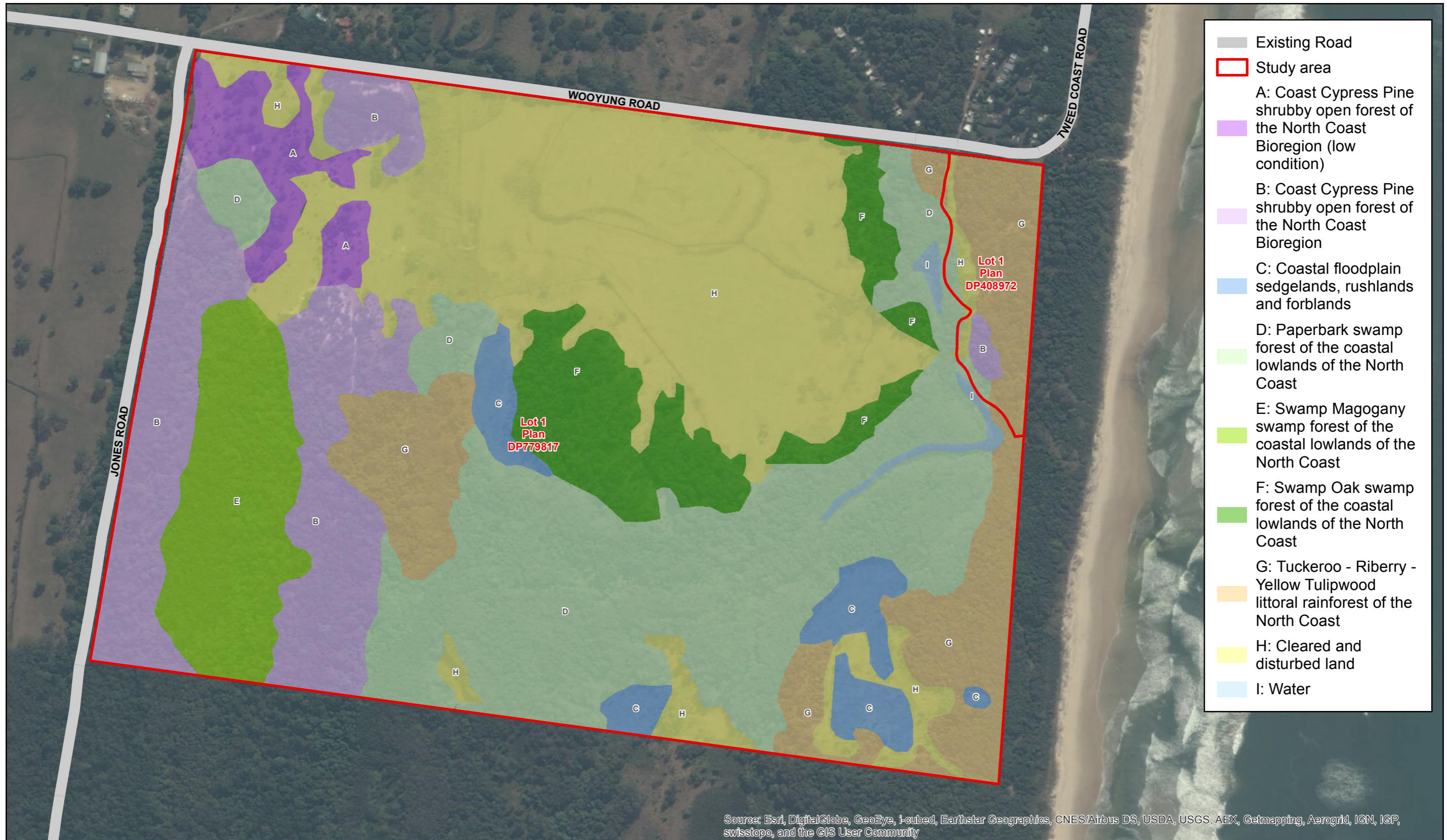
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Data source: Ecology assessment by PB, digitised by PB

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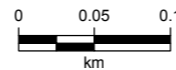


Map no: 2176503A\_GIS\_F002\_C1

Author: AM

Approved by: -

Date: 30/07/2014



1:5,000

Scale ratio correct when printed at A3

Coordinate system: GCS GDA 1994

**Ecology Assessment**  
**Figure 3.2** Vegetation types within the study area  
 (Lot 1 DP 779817 and Lot 1 DP408972 Wooyung Road, Wooyung)

**Figure 4** planning proposal site plan

