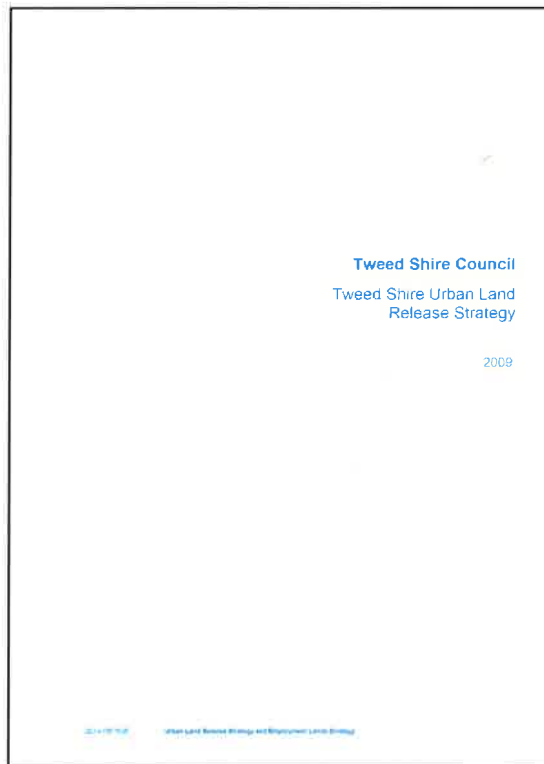


Mooball – Proposed Rural Village Release Rezoning History of Minimum 450m² Lot Sizes

1990's - The site has been identified since the early 1990's as a potential land release area within the Tweed Shire.

2009 - This identification was further highlighted when Council adopted its *Tweed Urban and Employment Land Release Strategy* in April, with the subject site identified for Short Term release.



PLAN/PROP.
 PN: 12959 + 12961
 TWEED SHIRE COUNCIL
 FILE No: ... PA 01/2007 PA 3
 DOC. No:
 REC'D: 12 JUN 2015
 ASSIGNED TO: IOWNSON, J.
 HARD COPY IMAGE

Source: Tweed Shire Urban Land Release Strategy 2009, Cover Page

Small Villages

A Small Village is a cluster of shops for daily shopping. It has more shops than a Neighbourhood Centre but does not have a supermarket. Small villages and other small local centres are serviced with bus stops, schools and small parks.

Small villages include Hastings Point, Uki, Fingal Heads, Tyalgum, Terranora, Cudgen, Mooball, Burringbar, Condong, Tumbulgum.

By 2031, Tanglewood and Kunghur (Nightcap) will also be small villages.

- ▶ 1–15 shops and services.
- ▶ Similar to village only smaller and without a supermarket.
- ▶ A small strip of shops and surrounding residential area within a 5 to 10 minute walk serving daily shopping needs.
- ▶ Typical dwelling range 50 - 750.
- ▶ Typical population range is 500 to 2000
- ▶ Medium density housing, including shop-top dwellings in and around the main street. Less than 10% of dwellings will be units.
- ▶ Local bus network.
- ▶ Access to pocket parks or small urban outdoor space.
- ▶ Governance body: local government.

Source: Tweed Shire Urban Land Release Strategy 2009, Cover Page 70

All investigation areas identified in this Strategy need to be designed to maximise the density yield of the land. It is expected that greenfield sites located in the more remote rural areas, such as Burringbar (Area 8), Mooball (Area 9), and West Murwillumbah (Area 2 and 3), will achieve a net density between 7 – 13 dwellings per hectare. In the areas of Kieval (Area 1), Seabreeze (Area 5 and 6), and Kings Forest (Area 4), the expected density is 10 – 15 dwellings per net hectare, whereas Dunioe Park Urban Release Area (Area 7), is expected to yield 12 – 18 dwellings per net hectare.

Source: Tweed Shire Urban Land Release Strategy 2009, Page 76

2009 - On the 21st of April, Council resolved that priority should be given to a rezoning of the land for urban purposes, in accordance with the Tweed Urban and Employment Lands Strategy.

14 [NOM] 5861 and 5867 Tweed Valley Way, Mooball

87
Cr P Youngblutt
Cr K Skinner

RESOLVED that Council gives priority to the advancement of a rezoning of properties at 5861 and 5867 Tweed Valley Way, Mooball

The Motion was Carried

FOR VOTE - Cr P Youngblutt, Cr K Skinner, Cr B Longland, Cr W Polglase
AGAINST VOTE - Cr D Holdom, Cr K Milne, Cr J van Lieshout

2011 - In late 2011 Council officers had prepared a Draft Planning Proposal which sought minimum lot sizes of 250m² and 450m². In Council's words, this was to 'encourage diversity in housing type and size, assisting with housing affordability'.

2012 - On the 13th of December the Council further resolved to send the proposed rezoning to the NSW Department of Planning for a Gateway Determination.

16 [PR-CM] PP10/0007 - Mooball Residential Development

747

Cr W Polglase
Cr P Youngblutt

RESOLVED that:

1. Planning Proposal PP10/0007 over Lot B in DP 419641, Lot 2 in DP 534493 and Lot 7 in DP 593200 be referred to the NSW Department of Planning and Infrastructure requesting a Gateway Determination under Section 56(1) of the Environmental Planning and Assessment Act 1979.
2. The Minister for Planning and Infrastructure be advised that a delegation of the Plan Making functions is not being sought in this instance: and
3. The Landowner/Proponent be advised that a Planning Agreement detailing the requirements for test pits and soil testing, in accordance with the Aboriginal Advisory Committees recommendation of 1 June 2012 being undertaken prior to any future development application over the land, and addressing the requirements for a standalone private waste water management system and associated licensing, is required in association with Planning Proposal PP10/0007 and confirmation of their participation in such an agreement and their funding thereof is to be provided prior to Recommendation 2 above taking effect

AMENDMENT

Cr K Milne
Cr G Bagnall

PROPOSED that this item be deferred to a Workshop to assist Councillors to understand the history and implications of the water management proposed in relation to sustainability objectives and Urban Release Strategy

The Amendment was Lost

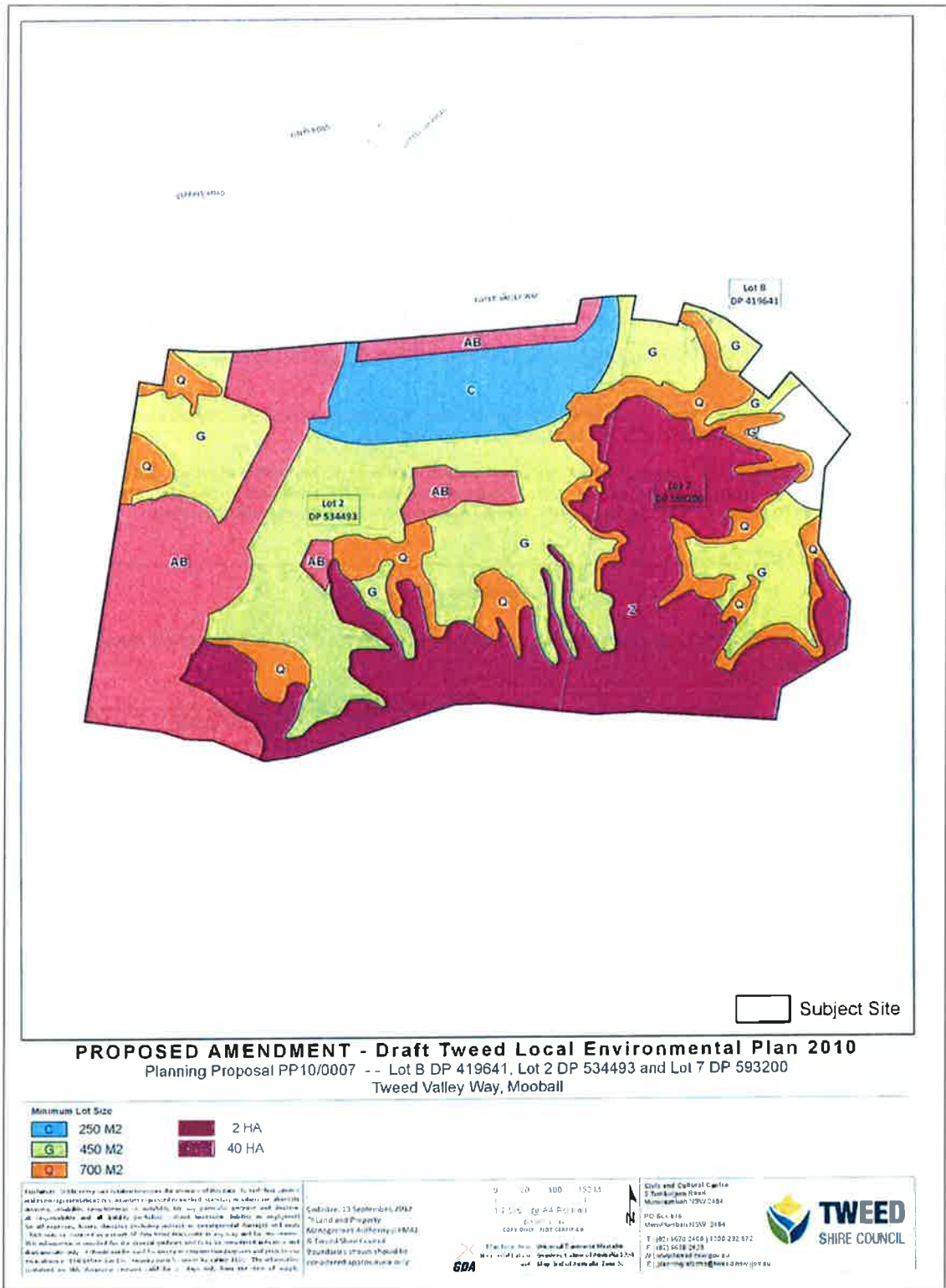
FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr B Longland

The Motion was Carried (Minute No 747 refers)

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne, Cr M Armstrong, Cr K Milne, Cr B Longland
AGAINST VOTE - Cr G Bagnall

Reference Minute Number 1 - Meeting 24/1/2013
Confirmation of Minutes:
Cr K Milne advised that her voting at Minute 747 Item 16 [PR-CM] PP10/0007 - Mooball Residential Development be amended to show her voting against the motion.

Source: Council Meeting Minutes, 13 December 2012



Source: Proposed Minimum Lot Size Map, Planning Proposal 2012

- 2013 - The Planning Proposal was submitted to the Department on 2nd of January.
- 2013 - It was later withdrawn on the 8th of March due to an objecting landowner whose land formed part of the proposal. The Master Plan was subsequently altered to minimize impact on adjoining land.
- 2013 - On the 21st of November Council resolved to amend the Planning Proposal to align with the revised Master Plan and subsequently submit the Planning Proposal to the Department.

AMENDMENT

Cr K Milne

Cr G Bagnall

RESOLVED that:

1. The Planning Proposal PP10/0007 relating Lot 2 in DP 534493 and Lot 7 in DP 593200 be updated to align with the preliminary subdivision layout illustrated in the Concept Master plan detailed within Figure 1 of this report;

2. The Planning Proposal, as amended in accordance with Resolution 1 above, be referred to the NSW Department of Planning and Infrastructure requesting a Gateway Determination under Section 56(1) of the *Environmental Planning and Assessment Act 1979*;

3. On receiving an affirmative Determination Notice all outstanding studies, to include Flood Impact Study (including cumulative impacts), Geotechnical and Slope Stability Assessment and Bushfire Hazard Assessment, and works be prepared and the Planning Proposal finalised, following which it is to be exhibited in accordance with the Determination or where there is no condition or a condition requiring a public notification less than 28 days, for a period not less than 28 days; and,

4. Following public exhibition of the Planning Proposal a report is to be submitted to Council at the earliest time detailing the content of submissions received and how those, if any, issues have been addressed.

5. Prior to any public exhibition of the Planning Proposal a Site Contamination Report demonstrating compliance with the provisions and requirements of State Environmental Planning Policy 55 - Remediation of Land, Clause 6, is to be prepared to Council's satisfaction.

6. Prior to any public exhibition of the Planning Proposals provisions are put in place to protect the existing agricultural land-use pursuits of Lot B and against noise complaints, protection of the existing Right of Way servicing Lot B and for the exclusive use of Lot B, provision of an adequate clear buffer to retain rural amenity for the life of Lot B as a rural Lot and Plan of how the buffer is to be maintained/managed and including during earthworks/construction phase.

The Amendment was **Carried**

Source: Council Meeting Minutes, 21 November 2013

2014 - The revised Planning Proposal was submitted to the Department on the 8th of April. Below are extracts from Council's written and adopted Planning Proposal.

Minimum lot size designation	Area (ha)
450 m ²	21.759
700 m ²	7.5463
1 ha	28.4118
5 ha	5.37

The lot sizes listed in Table 4 are identified as appropriate for the release area as:

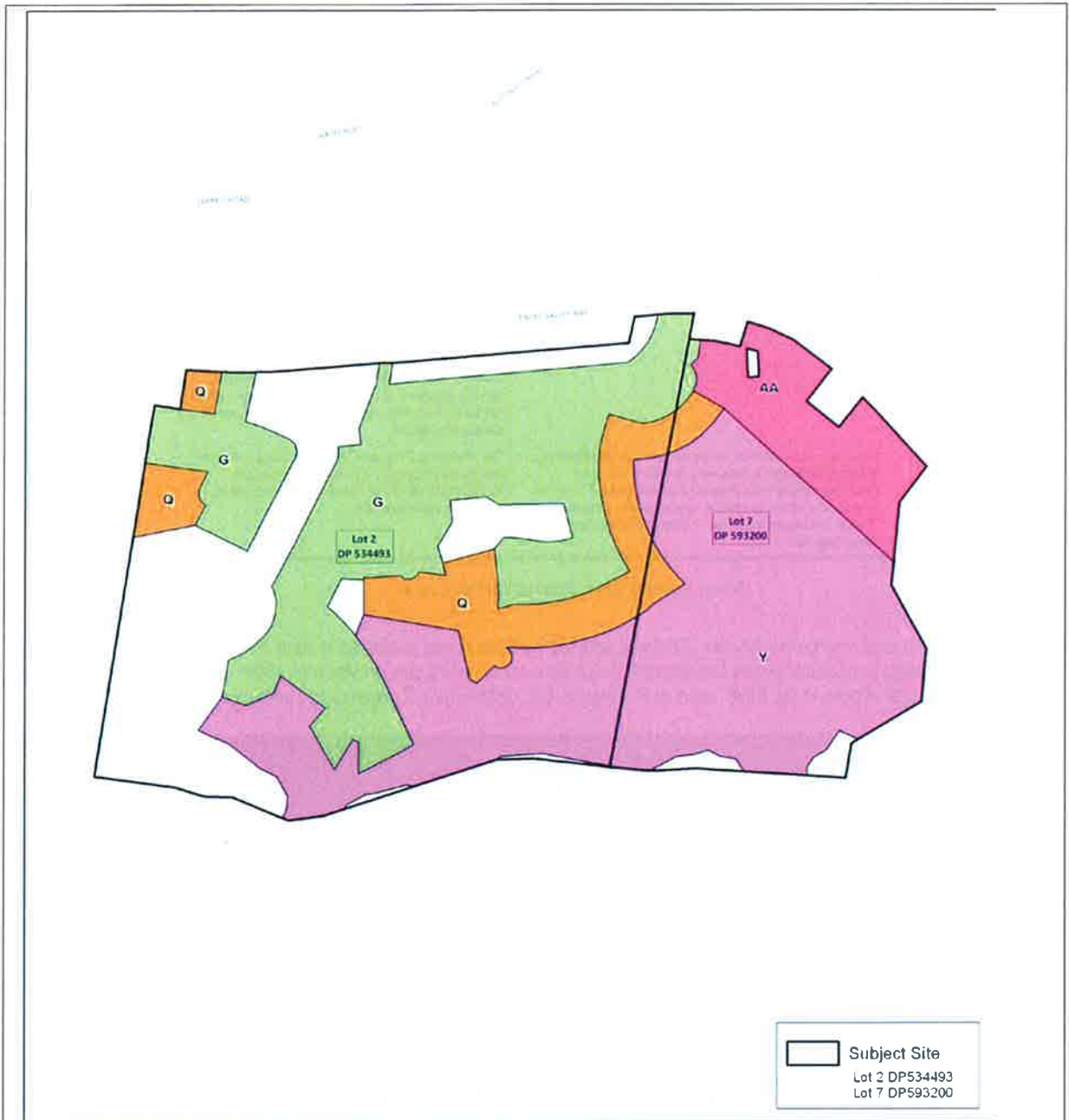
- The northern part of the site is adjacent to the existing village. A more compact urban form (resulting from increased densities) in this area supports a walkable community, the use of public transport services, and the efficient delivery of infrastructure;
- A variety of lot sizes encourages diversity in housing type and occupants; and
- Larger lot sizes are appropriate in areas where although there may be sufficient area for a dwelling, natural hazards (in particular bushfire hazard and steep terrain) are key constraints. The larger lot sizes enable housing to be provided whilst minimising the impact on environmentally sensitive areas.

These principles have resulted in the proposed lot sizes (Figure 7) as appropriate to ensure the potential for inappropriate development is minimised. Additional information regarding these factors is outlined below.

Source: Mooball Planning Proposal, April 2014, pg 9

Figure 7 illustrates the minimum sizes intended over the site in order to achieve compliance with relevant strategic policies.

Source: Mooball Planning Proposal, April 2014, pg 8



PROPOSED AMENDMENT - Draft Tweed Local Environmental Plan 2010
 Planning Proposal PP10/0007 -- Lot 2 DP 534493 and Lot 7 DP 593200
 Tweed Valley Way, Mooball

Minimum Lot Size

G 450 M2	Q 700 M2	Y 1 HA	AA 5 HA
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GDA Geographic Data Australia

TWEED SHIRE COUNCIL

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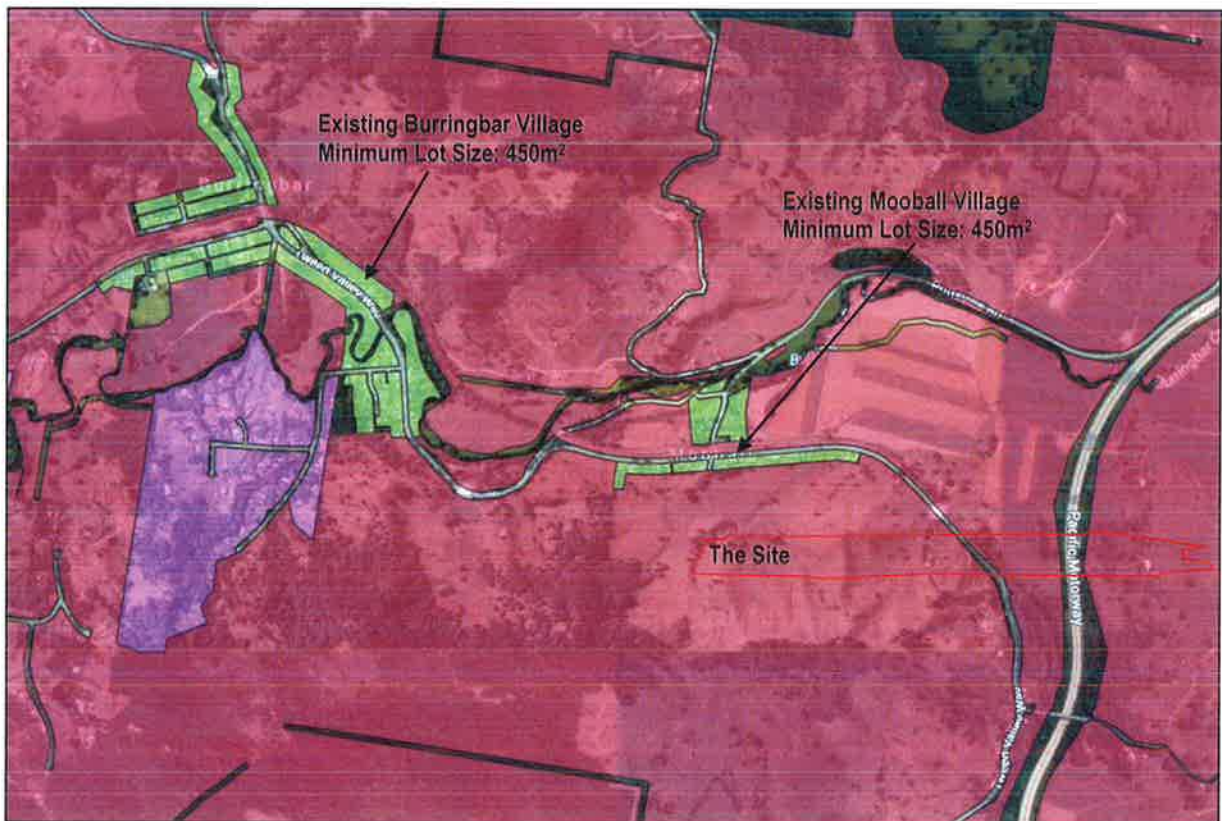
Figure 7 Proposed minimum lot sizes – Standard LEP Template

Source: Mooball Planning Proposal, April 2014, pg 12

Assessment against the Far North Coast Regional Strategy Aims and Actions relating to the preparation of a local environmental plan	
Action	Assessment
Local environmental plans will ensure that all new development reinforces existing urban and rural centres, towns and villages.	The site is situated adjacent to the existing Mooball village, and subsequently reinforces the village identity.
A land release staging program will be developed to ensure the orderly release of new housing.	The development will follow a structure of housing release to suit the current market conditions.
Where development or a rezoning increases the need for State infrastructure, the Minister for Planning may require a contribution towards the provision of such infrastructure.	The State Infrastructure Strategy for NSW 2012-2032 (Infrastructure NSW) does not identify any specific projects for the Tweed area.
Councils will plan for a range of housing types of appropriate densities, location and suitability that are capable of adapting and responding to the ageing of the population.	The proposed zoning includes provisions for a range of lot sizes including areas of minimum lot sizes of 450m ² to 700m ² (proposed Village zone) and a minimum of 1 hectare (for the Large Lot Residential zone). These lot sizes will ensure a range of housing types can be incorporated into the site. The range of lot sizes also provides varying degrees of density within the site, which will suit future adaptation to meet the needs of the ageing population.
Local government will consider a range of affordable housing strategies, including forms of low cost housing, suitable zonings and development controls to improve housing choice, and specific schemes. These strategies must be consistent with relevant State policies.	The Planning Proposal incorporates provisions that guide minimum lot sizes over the site, facilitating a range of housing choice to occur within the development.

Source: Mooball Planning Proposal, April 2014, pg 31

2014 - The Tweed Local Environmental Plan 2014 was adopted by Council and published in April 2014 at the time of the Mooball Planning Proposal being considered by the Department. It applies a minimum lot size provision of 450m² to the existing Mooball Village area and other rural villages in the Shire, such as Burringbar, Uki, Chillingham, Tyalgum and Tumbulgum.



Source: Lot Size Map, Tweed LEP 2014

2014 - A positive Gateway Determination was issued for the Planning Proposal on the 1st of May by the Department of Planning (Delegate of the Minister for Planning).

The Gateway Determination recognised the merit of the proposed lot sizes and consistency with the strategic planning framework. In this regard the determination specifically listed the lots sizes to be pursued over the site. Importantly, the Gateway did not list any site specific studies to be completed to justify compliance with the strategic planning framework / legislative requirements and conditioned that any additional studies deemed to be required by Council should not delay the finalisation of the LEP.

I, the Deputy Director General, Growth Planning and Delivery at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Tweed Local Environmental Plan (LEP) 2014 to enable the urban expansion of Mooball village by rezoning land from RU2 Rural Landscape and RU5 Village and changing minimum lot sizes ('MLS') at 5861 and 5867 Tweed Valley Way to:

- RU2 Rural Landscape with 5ha MLS
- R5 Large Lot Residential with 1ha MLS
- RU5 Village with 450m² and 700m² MLS; and
- E3 Environmental Management with no MLS

should proceed subject to the following variation and conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - Remove the proposed E3 Environmental Management zone and apply an appropriate alternative zone or defer the proposed conservation areas until the review of Standard Instrument Environmental Zones is complete; and
 - Remove all reference to provisions under superseded Tweed LEP 2000 and update references to Tweed LEP 2014.
2. The specialist site investigations and studies prepared to date are satisfactory for the purposes of public exhibition. All studies which have been prepared to inform the planning proposal should be exhibited with the planning proposal.
3. The completion of any further site specific studies as required by Council should not delay the finalisation of the LEP beyond the 12 month timeframe specified by the Gateway determination.

Source: Gateway Determination, May 2014

2014 - The Planning Proposal was placed on public exhibition from 30th July – 29th August. 33 public submissions were received, only 9 of which made specific reference to increasing the minimum 450m² lot size provision. 33 submissions represents approximately 10% of the current population of Mooball (ABS 2011).

One submission was from the Mooball Moovers, who represent as a Progress Association for Mooball. Their submission supported the Planning Proposal and indicated that the community rallying against the proposal had been organized by those not associated with the association.

2015 - The proponent was of the understanding that the final outstanding item before the rezoning could be completed was the finalisation of a VPA with Council for the provision of infrastructure services and additional Aboriginal testing.

The proponent was advised on the 11th of May by Council officers however that an increased lot size is being pursued across the site as a result of the public submissions. This includes increasing the minimum lot size to 700m²

Due to site constraints and servicing requirements, increasing the minimum lot size will not result in a modified subdivision layout. It will however result in larger dwellings being pursued on larger blocks, reducing housing and lifestyle choice and affordability. More importantly, however, increasing the lot size would result in approximately 50 less lots being delivered which is likely to make the delivery of all required services unviable.

Advice has been provided from the Department confirming that altering the minimum lot size would likely trigger an amendment to the Planning Proposal, an amended Gateway and require re-exhibition. The Department also noted that proposed changes appeared to be inconsistent with the Department's merit assessment and resolution and that such a request is likely to be heavily scrutinized given the apparent inconsistencies with the existing planning documents.

Image 1: Concept Master Plan in 2010



Legend

- - - - Subject Site Precinct A
Total Area: 78.99Ha

- ① **Internal Road Network**
Internal road network based on site constraints analysis to achieve minimum earthworks and increase the potential to retain existing vegetation
- ② **Residential Lots**
Residential lots with a minimum area of 600m²
- ③ **Public Open Space Recreation Park**
Community Park approx 7,500m². Location of Park to increase retention of ecologically significant vegetation, predominately flat land with 75% road frontage. Refer to POS Detail sheet for indicative embellishments and layout
- ④ **Environmental Conservation 1**
Conservation area associated with existing drainage line and riparian vegetation communities. Minimum of 25 metre buffer from drainage low flow point (50 metres total)
- ⑤ **Stormwater Treatment**
Potential location of Stormwater Treatment device (these fall outside of the 50 metre buffer to site drainage lines)
- ⑥ **Environmental Conservation 2**
Conservation area consisting of ecologically significant vegetation. 100 meter buffer from southern site boundary to be retained and revegetated
- ⑦ **Rural Landscape (Public Open Space)**
Area of unstructured public open space to include walking tracks and lookout points
- ⑧ **STP**
Location of Sewerage Treatment Plant and associated 800m exclusion buffer (-----)
- ⑨ **Existing Dwelling**
Existing Dwelling Lot approx 5,000m²
- ⑩ **Stormwater Easements**
Location of stormwater easement as directed by Hydrological Engineer based on existing site topography and proposed structure plan.
- ⑪ **Pedestrian Circulation**
Pedestrian circulation based on site topography analysis and internal Road Network

- ⊗ Primary Site Access - Vehicular
- ⊗ Secondary Site Access - Vehicular
- ⊗ Potential link to future development

0m 50m 200m 500m
Scale Bar 1:5000 at full size A3



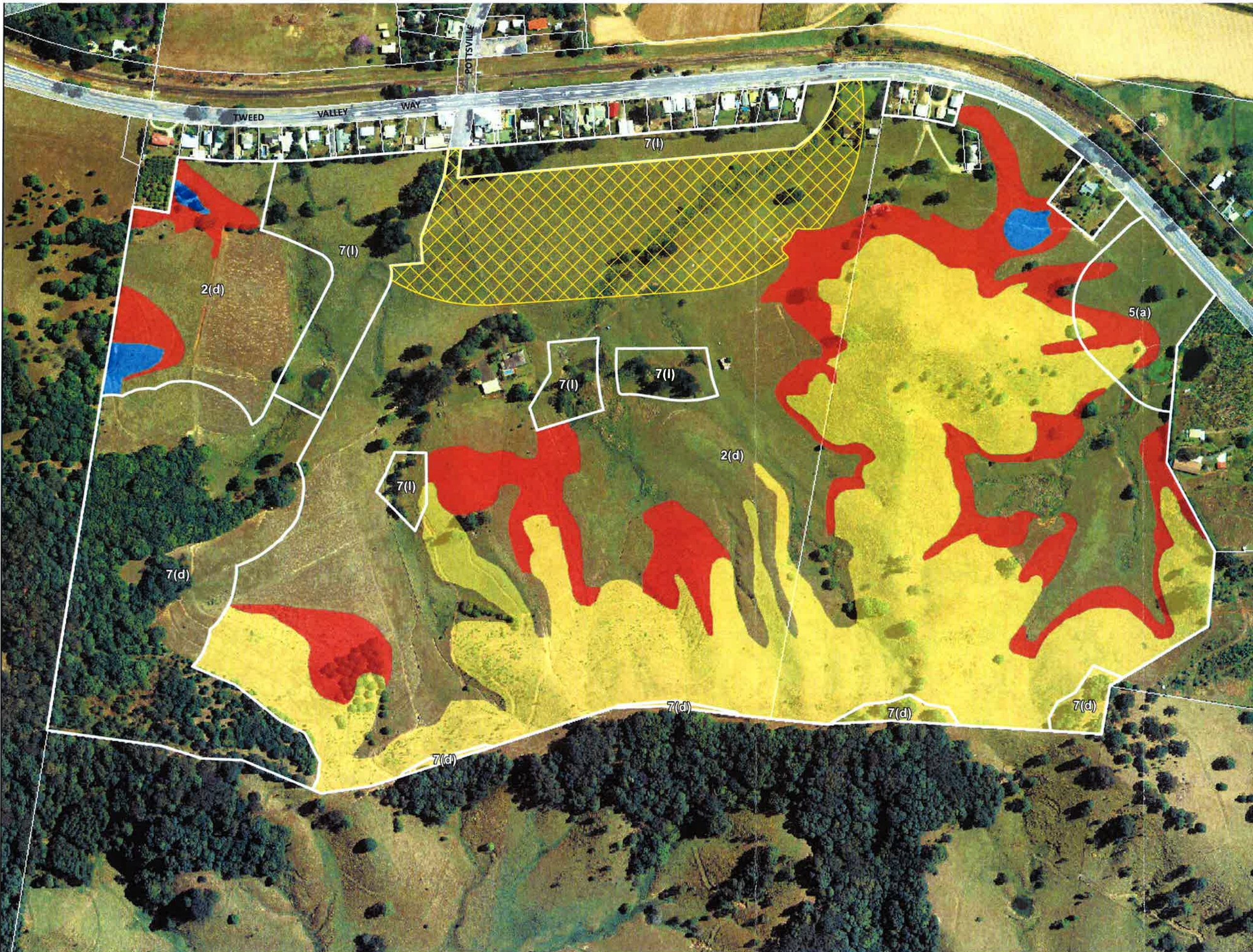
Image 2: TSC Proposed Minimum Lot Sizes in 2012

**MOOBALL
Planning Proposal
PP10/007**

Lot 2 DP 534493 and
Lot 7 DP 593200

Proposed Zoning

-  Minimum Lot Size 250 m²
-  Minimum Lot Size 1,200 m²
-  Minimum Lot Size 2,000 m²
-  Minimum Lot Size 2 Ha



SOURCE: Aerial imagery taken October 2009 by Fugro Spatial Pty Ltd

Aerial photography can be purchased online from Fugro Spatial Pty Ltd at <http://www2.fugroworld.com/>

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3 Tumbulgun Road
Murwillumbah NSW 2484
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Cadastral: 11 July 2012
Land and Property Management Authority (LPMA) & Tweed Shire Council
Boundaries shown should be considered approximate only

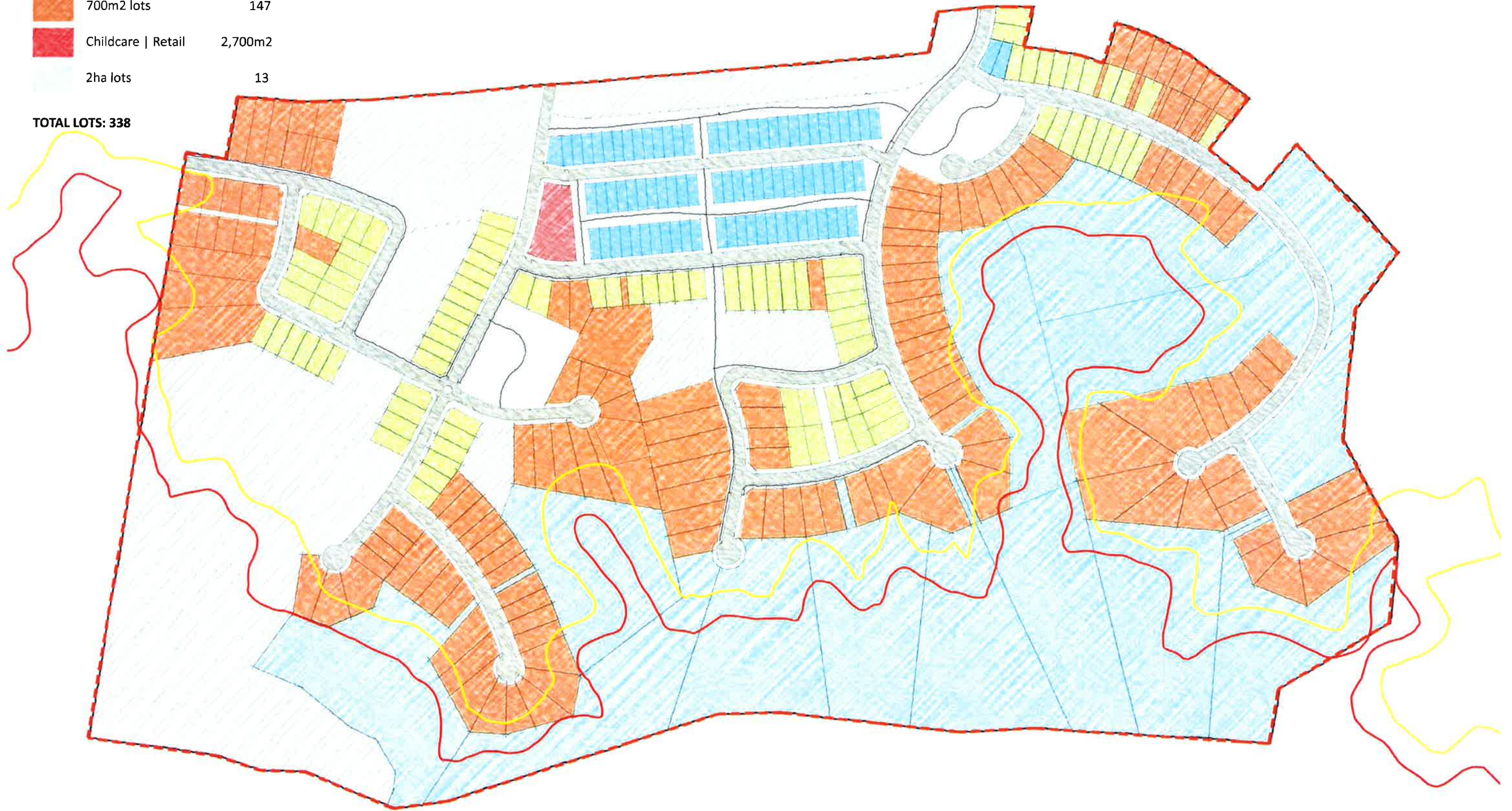


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Image 3: Revised Lot Layout to Match Council's Proposed Minimum Lot Sizes Under the 2012 Planning Proposal

	300m ² lots (10 x 30)	84
	450m ² lots Minimum width: 14m	94
	700m ² lots	147
	Childcare Retail	2,700m ²
	2ha lots	13

TOTAL LOTS: 338



**Image 4: Revised Concept Master Plan in 2013 to Remove all 250m² Blocks and Establish Buffers Around Adjoining Land.
Minimum Lot Size Retained at 450m²**



Legend

- - - - Subject Site Precinct A
Total Area: 78.99Ha
- ① **Internal Road Network**
Internal road network based on site constraints analysis to achieve minimum earthworks and increase the potential to retain existing vegetation
- ② **Public Open Space Recreation Park**
Community Park approx 7.500m². Location of Park to increase retention of ecologically significant vegetation, predominately flat land with 75% road frontage. Refer to POS Detail sheet for indicative embellishments and layout
- ③ **Environmental Conservation 1**
Conservation area associated with existing drainage line and riparian vegetation communities. Minimum of 25 metre buffer from drainage low flow point (50 metres total)
- ④ **Stormwater Treatment**
Potential location of Stormwater Treatment device (these fall outside of the 50 metre buffer to site drainage lines)
- ⑤ **Environmental Conservation 2**
Conservation area consisting of ecologically significant vegetation. 100 meter buffer from southern site boundary to be retained and revegetated
- ⑥ **STP Lot**
Location of Sewerage Treatment Plant and associated 80m exclusion buffer (*****)
- ⑦ **Existing Dwelling**
Existing Dwelling (Lot 13 in DP419641)
- ⑧ **Pedestrian Circulation**
Pedestrian circulation based on site topography analysis and internal Road Network
- Primary Site Access - Vehicular
- Secondary Site Access - Vehicular
- Potential link to future development
- 450m min lots (Min width: 13.85m)
- 700m min lots
- Childcare / Retail
- 2ha min lots
- 1A Rural
Including Existing Dwelling on Lot 13 in DP419641



Image 5: 2014 Lot Layout

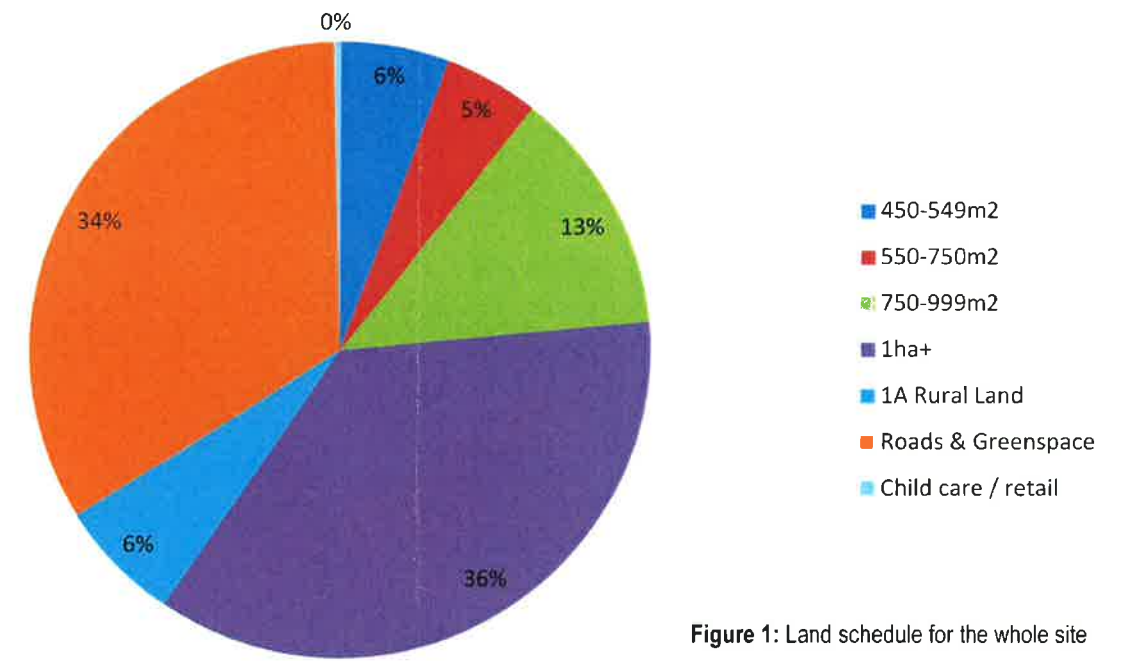
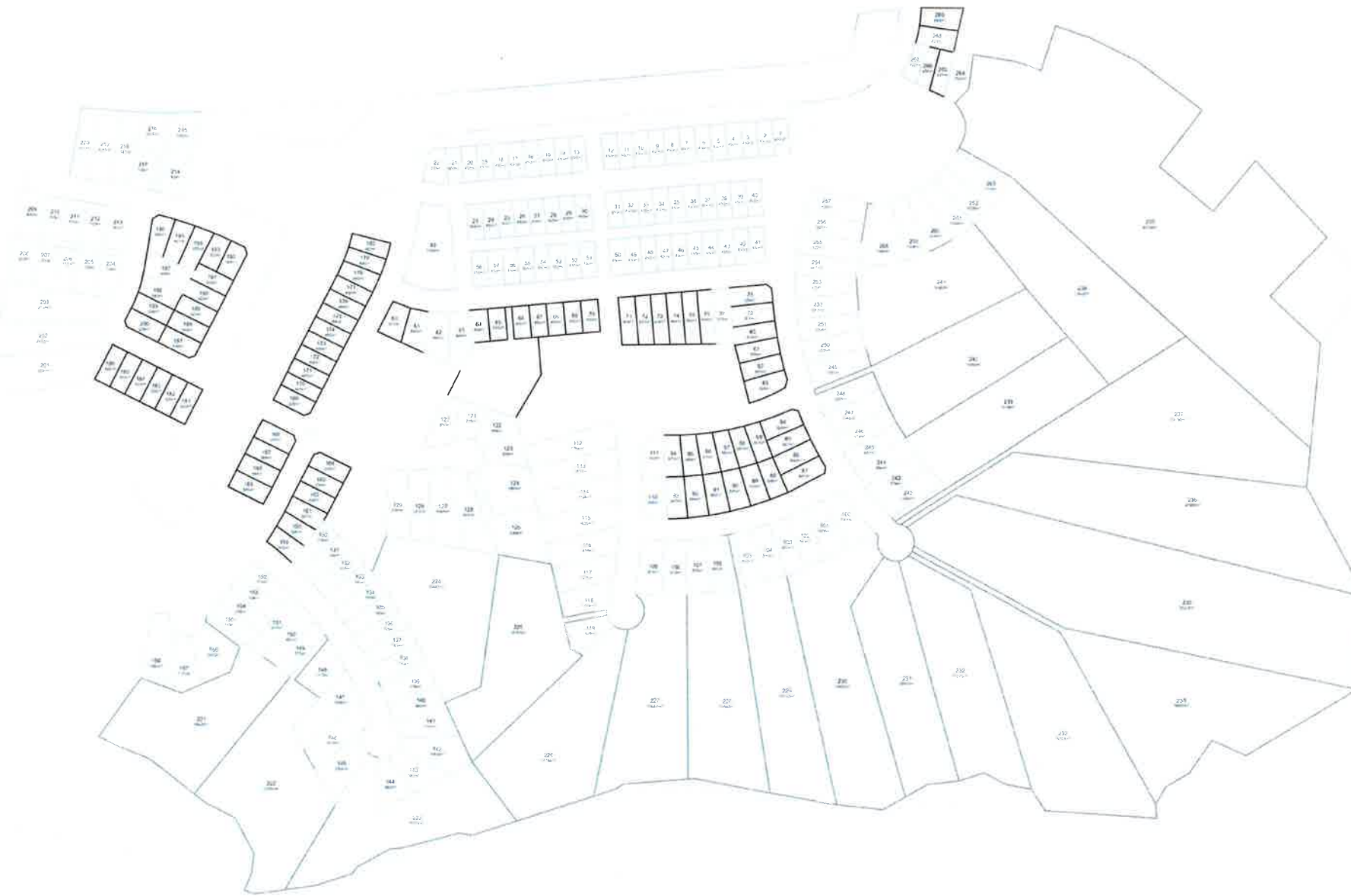


Figure 1: Land schedule for the whole site

Land Schedule

Land Schedule	Lots	Area	% of Total Site	% of Residential Land
Residential Land	450-549m ²	95	44,566 m ²	5.6%
	550-750m ²	62	39,680 m ²	5.0%
	750-999m ²	90	101,899 m ²	12.9%
	1ha+	21	285,588 m ²	36.1%
Child Care / Retail	1	2,700 m ²	0.4%	
Rural Land	1	50,314 m ²	6.4%	
Roads & Green Space	N/A	266,253 m ²	33.7%	
Total Site Area		791,000 m²	100.0%	

Dwellings Per Hectare
3.5 dwellings/ha

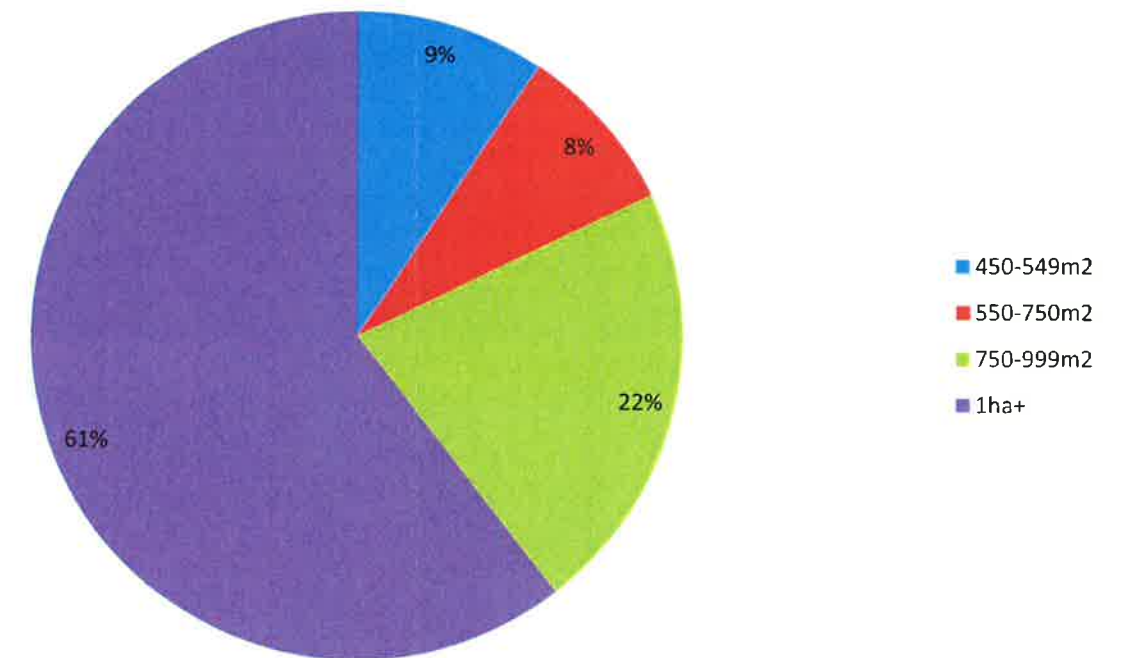


Figure 2: Land schedule for the residential area

PROJECT TITLE	MOOBALL CONCEPT MASTERPLAN
	LOTS SCHEDULE

REVISIONS	MOOBALL CONCEPT MASTERPLAN

SCALE: 1:40000 @ A1 1:80000 @ A3	DATE: MARCH 2015
DESIGN: JB	CHECKED: JB
DRAWN: MT	DRAWING NO: MOOBALL_01

Level 1, 2247 O'Connell Hwy
Melway North
P.O. Box 308, Melway Station QLD 4331
Telephone: 07 4334 1900
Fax: 07 4334 1997
planit@planitconsulting.com.au

NORTH

Image 6: Revised Subdivision Layout to Include Minimum 700m2 Lots

Increased Lot Sizes:

- Does not result in any change to the road or subdivision layout
- Results in larger lots that will incorporate larger, less affordable housing
- Results in 50 less allotments across the site, making the project unviable
- Does not create any urban transition between the village centre to larger residential land



PROJECT TITLE	MOOBALL CONCEPT MASTERPLAN (COUNCIL REQUESTED AMENDMENTS - 700m ² LOT MIN)
	LOTS SCHEDULE

REVISIONS	
-----------	--

SCALE: 1:2000 @ A1	DATE: MAY 2015
DESIGN: JB	CHECKED: AS
DRAWN: ZP	DRAWING NO: MOOBALL_02

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PLANIT CONSULTING

NOPI