

| Number of submissions (of 36 total) | Summary of issues | Response |
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| Flooding | | |
| 30 | <ul style="list-style-type: none"> ■ Submitters note that flooding is a long standing problem for Mooball. They are concerned that having urban development upstream will result in increased surface water runoff and flow rate to existing residents and downstream in the catchment. They are also concerned about the impact flooding will have on probability of landslip and erosion. Submitters do not feel flooding has been properly addressed in the Planning Proposal documents. ■ One submitter notes that increased frequency of flooding will have a negative economic impact on the cane fields, as well as blocking connection roads for the community. ■ One submitter notes that the flooding data used for assessment was generic and not suitable to be applied to the location. ■ One submitter has noted that there is only one drain in Mooball and feels there should be more. ■ One submitter is concerned about the impact of potential flooding on downstream Acid Sulfate Soils present under agricultural land use. ■ Submitters are concerned the increased flood risk will impact on their insurance premiums. | <p>As per the NSW Government's 'A guide to preparing planning proposals' the intent of a Planning Proposal is to demonstrate the strategic merit of the proposal proceeding to the next stage of the plan-making process. The intent of the Planning Proposal is not to provide detailed design information.</p> <p>To-date, the Planning Proposal has been supported by the preparation of an Engineering Report, which concludes that the rezoning can be supported as there are suitable engineering designs for earthworks, roadworks, stormwater drainage and others. This study has been reviewed by Council's technical specialists as satisfactory and no issue with the data utilised has been raised. Council officers (and the submitted study) acknowledge that the development of the site will increase the volume of surface water runoff and flow rates, however these impacts can be suitably addressed through engineering solutions which will be specified within any development proposal. At present, the Engineering Report details <i>'retention of stormwater will be provided to compensate for the increased runoff caused by the proposed development to ensure a 'zero impact' on the downstream recipients is maintained.'</i></p> <p>Accordingly, Council's technical officers are satisfied that the Planning Proposal does not contain any flooding prohibitions that cannot be managed or mitigated during the subsequent development processes, being Development Application, Construction Certificate and Subdivision Certificates.</p> <p>Notwithstanding and further to the above, Council at its meeting of 21 November 2013 resolved that, amongst others, a Flood Impact Study be submitted for the Planning Proposal. This requirement is discussed further elsewhere within this report.</p> <p>Following public exhibition, a Flood Impact Assessment was prepared by the proponent. The Assessment concluded the site filling of the proposed flood-affected lots will meet minimum freeboard requirements for the designated flood event. It also concludes that flood storage improvements are required, being a combination of compensatory cutting and improved conveyance.</p> <p>Future development applications for the site will be required to address the provisions of the Tweed Development Control Plan 2008, particularly Sections A3 - Development of Flood Liable Land and A5 - Subdivision</p> |

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| | | <p>Manual. In this regard, the primary controls of relevance will require flood prone areas of the site to be filled to the design flood level of 12.7m AHD. Accordingly, portions of the site will require filling, which may be up to 1.7m in height, significantly less than the 12m quoted within a number of the submissions received.</p> <p>The final earthworks plan and accompanying design strategy which will detail specifics such as the size and location of stormwater detention areas, size and frequency of drainage infrastructure, specific cut and fill requirements will be submitted as part of a future development application, and subject to further public exhibition processes under the DCP 2008.</p> <p>Flood insurance terms, conditions and premiums are determined by the insurance industry. Flooding is a very costly natural disaster which affects a relatively small percentage of insured properties, and high premiums compared to other forms of risk are likely. While insurers base their assessment of properties on flood maps produced by Council, Council has no influence over the determination of flood insurance products or its premiums.</p> <p>In conclusion, the flooding matters raised within the public exhibition period are not considered to require modification or refusal of the Planning Proposal. Whilst the site is identified as flood prone and the specific flood impacts and mitigation methods for the site are not known, it is not the role of a Planning Proposal to do so. The Planning Proposal is required to contain sufficient information to demonstrate that relevant environmental, social, economic, and other site specific matters have been identified, sufficiently demonstrate that any impacts can be managed or mitigated, as well as demonstrate strategic merit and compliance with relevant statutory considerations. The Planning Proposal has identified flooding as a likely environmental effect and has submitted an Engineering Report and Flood Impact Assessment accordingly. The Engineering Report and Flood Impact Assessment concludes that appropriate engineering solutions are available to facilitate the rezoning of the site. Council officers agreed with these findings.</p> <p>Recommendation: No further amendment or action required.</p> |
| <p>Rural Nature</p> | | |

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| 32 | <ul style="list-style-type: none"> ■ Submitters note the rural lifestyle and agricultural land use of the surrounding area and that existing residents have chosen to reside in Mooball for this reason. They are concerned that the development will not be in keeping with the rural area and will result in land use and lifestyle conflict between existing and future residents of Mooball. They feel that Mooball, as a small village, is not suitable for intense residential development. ■ Submitters feel the lot size is too small to be in keeping with the rural nature. They note that the current Rural Villages Strategy states that the minimum size for residential lots is 600 m², while the Planning Proposal is for 450 m². They also note the increase in building height from 10 m to 13.6 m is inconsistent with the Rural Villages Strategy. ■ Farming submitters want to be able to continue to utilise their rural agricultural land unimpeded. One submitter gave the example that he will continue to burn cane prior to harvest. Another submitter notes that under Council's Tweed Subdivision Manual - DCP Section A5.E.4, the minimum buffer requirement for agricultural pesticide use is 80 m, but is concerned that there are no buffers to immediately adjacent rural lands under current cultivation. ■ Submitters note that the visual impact of the development is also not in keeping with the rural outlook of the area. ■ Submitters recommend social amenities be provided along with the development, such as a community hall, sports field and green space. ■ One submitter is concerned that light pollution from street light and noise ambiance from increase vehicle usage will ruin the rural ambience of the area. | <p>Settlement character</p> <p>The Far North Coast Regional Strategy acknowledges that the region's settlements have a distinct character as a result of the surrounding natural and cultural environment. It also acknowledges the character of the region should evolve to reflect demands such as the need for employment, services and housing.</p> <p>The Strategy expects this to be applied at the local level through desired character statements that include provisions (through a development control plan) that ensures new development enhances the desired character.</p> <p>Council's Rural Villages Strategy, specific to the rural villages throughout the Shire, should assist significantly in establishing the desired character of Mooball. It is important to recognise, however, that the Rural Villages Strategy is still in a plan preparation phase, comprises a strategy as opposed to a 'locality plan' and is yet to be endorsed by Council.</p> <p>The existing development standards within the LEP 2014 for RU5 Village zoned lots within Mooball are:</p> <ul style="list-style-type: none"> ■ Land zoning – RU5 Village ■ Minimum lot size – 450m² ■ Maximum building height – 13.6m ■ Maximum floor space ratio – 2:1. <p>These development standards are also adopted within the majority of the Shire's rural villages, and were subject to public consultation through the development of the LEP.</p> <p>With the exception of maximum building height, the Planning Proposal applies these development standards to the northern part of the site closest to Tweed Valley Way. The proposed maximum building height is 10m.</p> <p>However, Mooball's existing development form is significantly different to the Tweed LEP 2014's development provisions. In this regard, it is not uncommon for variation between development standards and the actual development form. Accordingly, the existing development form of the Mooball village has been distilled as follows:</p> |

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| | | <ul style="list-style-type: none"> ■ Lot sizes – in keeping with a historical rural character and acknowledging the flood constraints of the village, lot sizes are predominately 700m² to 1,000m² on the southern side of Tweed Valley Way, and predominately greater than 1,000m² on the northern side of Tweed Valley Way. Though existing lot sizes as small as 518m² are present, the resulting dwelling on lots below 700m² in size often straddles two lots, creating a larger overall lot size in the vicinity of 1,000 - 1,200m². ■ Building height – dwellings within the village footprint are predominately single storey, though several two storey dwellings are located throughout. ■ Floor space ratio – existing floor space ratios within the village predominately fall within the 0.2:1 to 0.4:1 range for residential development, whilst commercial based sites such as the Victory Hotel are closer to 0.7:1. A number of dwellings are supported by ancillary sheds, the floor area of these sheds contribute to the overall gross floor area of development and therefore the floor space ratio of the site. <p>Based on the above findings and allowing for appropriate flexibility to cater for the variety of scenarios possible, development standards of the area adjacent to Tweed Valley Way that best facilitate development that is consistent with the current character of the Mooball village are as follows:</p> <ul style="list-style-type: none"> ■ Land zoning – RU5 Village ■ Minimum lot size – 700m² ■ Maximum building height – 10m ■ Maximum floor space ratio – 0.5:1 (except for key commercial sites, where 0.8:1 should apply) <p>Population growth expectations</p> <p>Character also needs to be considered in context with population growth expectations. Council settlement policy identifies approximately 40 ha of the site within the Tweed Urban and Employment Land Release Strategy 2009 as being 'potential urban area'. The Strategy notes the population within the Council area is expected to grow to approximately 120,000 people by 2031 resulting in a demand for approximately 1,350 ha of urban land throughout the Council area.</p> <p>The Planning Proposal will provide urban land that will provide a contribution to the dwelling targets required to be achieved by Council in fulfilling the</p> |

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| | | <p>settlement and housing outcomes of the Far North Coast Regional Strategy.</p> <p>The region's population is also aging. The Far North Coast Regional Strategy identifies the proportion of people aged 65 years and over is expected to double by 2031. The ability to provide a variety of housing options that acknowledge this demographic shift and maintain the ability for people to 'age-in-place' should not be overlooked.</p> <p>The public exhibition version of the Planning Proposal identified 21.8444 ha of land to be subject to a minimum lot size of 450m². A minimum lot size of 450m² over this area results in a theoretical lot yield of 485 lots, compared to a minimum lot size of 700m² over this area resulting in a theoretical lot yield of 312 lots. This of course excludes land requirements for road and open space.</p> <p>The preservation of rural character is not limited to the requirement of a minimum lot size. Building design characteristics and subdivision design contribute towards settlement character. These aspects can be implemented within a development control plan and assessed through development applications.</p> <p>Other issues</p> <p>The overall design of the proposed development, in particular the prominent hill located in the eastern part of the site, will have specific regard to protecting the visual amenity of the site, particularly when viewed from areas located outside of the site. The following provisions help in achieving this:</p> <ul style="list-style-type: none"> ■ The provision of larger lot sizes in this area as shown on the Minimum Lot Size Map (also refer to discussion under 'slope stability' for additional context) ■ The application of Clause 5.9(9) of the LEP 2014, which may require a permit for the clearing of trees within the R5 Large Lot Residential zone under Section A16 of the DCP. <p>Design responses extrapolated from the NSW DPI 'Living and Working in Rural Areas' have been incorporated into the design of Concept Masterplan in order to mitigate any potential for land use conflict upon the site. The removal of the rural land from the site will not impact on the agricultural production capabilities of the area, as the site is not classified as 'prime agricultural land'. Further, a 100 m agricultural buffer from the existing banana plantation on an adjoining allotment is possible to be incorporated in future development sites by virtue of the prescribed minimum lot size in the eastern part of the site.</p> |

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| | | <p>Environmental conservation zones are also proposed along the southern and western boundaries.</p> <p>The development is located adjacent to Tweed Valley Way which provides direct access to the social amenities available at Burringbar and Murwillumbah. Burringbar provides a community hall, pre-school, sports club and playing fields. The subregional centre of Murwillumbah provides high order amenities.</p> <p>Conclusion</p> <p>The rural character issues raised through the submission process are reasonable issues. The majority of submissions noting rural character as an issue reinforce the community's expectations for Mooball's future direction as a village.</p> <p>In the absence of an endorsed Rural Villages Strategy though, regard should be given to the minimum lot size for rural villages within the LEP (being 450m²). Therefore, any change in minimum lot size for the area adjacent to Tweed Valley Way should be closer to the existing size (450m²) rather than the prevailing size (700m²).</p> <p>Recommendations: Adjust minimum lot size map by substituting area allocated for minimum 450m² lots, with minimum 550m² lots.</p> <p>Adjust minimum lot size map by substituting south eastern corner of the site allocated for minimum 1 ha lots, with minimum 3 ha lots.</p> |
| Contaminated Land | | |
| 22 | <ul style="list-style-type: none"> ■ Submitters note that the location of the development was historically used for banana production that applied toxic pest control chemicals. They are concerned about the land being contaminated and earthworks for the development resulting in contaminated runoff and airborne contaminants. They are also concerned about the impact of contaminated land on the future residents of the development. ■ Submitters do not feel the contaminated land testing has been sufficient nor wide spread enough. They note that existing assessments were based | <p>As per the NSW Government's 'A guide to preparing planning proposals' the intent of a Planning Proposal is to demonstrate the strategic merit of the proposal proceeding to the next stage of the plan-making process. The intent of the Planning Proposal is not to provide detailed design information.</p> <p>The Planning Guidelines 'Managing Land Contamination (Department of Urban Affairs and Planning, and Environmental Protection Authority (1998)) states four investigation stages in identifying and managing contaminated lands:</p> |

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| | <p>on 2 acre lots, but the Planning Proposal has reduced lot size below this level. Submitters do not feel contaminated land has been adequately addressed in the Planning Proposal.</p> <ul style="list-style-type: none"> ■ Submitters question whether the EPA guidelines have been followed to protect residents' health, present and future. ■ One submitter notes that Mooball previously had a mineral sand processing plant, and that potentially radiated residue sand was used as fill locally. They are concerned about the health impacts of the radiation, noting elevated cancer levels locally. They feel a more detailed contaminated land assessment is required to target radiation levels. | <ul style="list-style-type: none"> ■ Stage 1 – Preliminary Investigation ■ Stage 2 – Detailed Investigation ■ Stage 3 – Remediation Action Plan ■ Stage 4 – Validation and Ongoing Monitoring <p>The Guidelines' expectation for a rezoning application, which is considered to be equivalent to the process of a planning proposal, is outlined in section 4.1 of the Guidelines. SEPP55 requires the consideration of a report on preliminary investigation.</p> <p>To date, the Planning Proposal has been supported by the preparation of a Stage 1 Preliminary Site Assessment, and a Stage 2 Detailed Investigation. Additional comment has been provided by the proponent (dated 7 November 2014) on the adequacy of soil sampling, and the requirement to submit a Stage 3 Remedial Action Plan and a Stage 4 Validation and Ongoing Monitoring Report.</p> <p>Sampling and analysis conducted as part of the Stage 1 assessment was preliminary in nature, and conducted to establish if significant broadscale land contamination was present. The Stage 1 assessment identified:</p> <ul style="list-style-type: none"> ■ arsenic was the only compound detected in surface soils with concentrations above the residential land use criteria. ■ no broadscale contamination over the site. <p>The Stage 1 assessment recommends that further detailed investigations be undertaken before the site is redeveloped, however these investigations should not delay further steps to develop the site.</p> <p>The assessments have been reviewed by Council's technical officers and are considered acceptable for this stage of the development process. Council officers also note that matters raised within the assessments can be addressed at the development application stage.</p> <p>Notwithstanding, at Council's meeting dated 21 November 2014, Council resolved that a Site Contamination Report, demonstrating compliance with the requirements of SEPP55, be prepared to Council's satisfaction.</p> <p>The guide 'Managing Land Contamination – Planning Guidelines SEPP 55- Remediation of Land' requires applicants to consider contamination issues when rezoning land, and be satisfied the land is suitable for the proposed, or</p> |

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| | | <p>can be remedied to such. The guide expects this outcome to be achieved through a preliminary investigation (a Stage 1 investigation). As noted above, both a stage 1 and stage 2 investigation have been completed. The additional comment (dated 7 November 2014) also notes that as the surface soil sampling results did not show a statistical arsenic concentration exceeding the Tier 1 screening criteria, there was no requirement to undertake further depth soil sampling to 150mm.</p> <p>In conclusion, the assessments provided by the proponent, along with additional information provided following public exhibition do not warrant amendment of the Planning Proposal.</p> <p>Recommendation: No further amendment or action required.</p> |
| Slope Stability | | |
| 20 | <p>Submitters note that the development area has steep slopes, greater than 18 degrees. They note the constraints for slopes greater than 14 degrees and the influence of the slopes on erosion, drainage and bushfire and are concerned how development on the slopes may impact on the water table and cause landslip. They are concerned that development on the steep slopes may impact on their properties.</p> | <p>As per the NSW Government's 'A guide to preparing planning proposals' the intent of the Planning Proposal is to demonstrate the strategic merit of the proposal proceeding to the next stage of the plan-making process. The intent of the Planning Proposal is not to provide detailed design information.</p> <p>A Planning Proposal is required to consider the implications of risk. This is reinforced through the Far North Coast Regional Strategy, and in particular threshold sustainability criteria ("<i>Land use conflicts, and risk to human health, are avoided</i>"). This is expected to be achieved by avoiding physically constrained land.</p> <p>To date, the Planning Proposal has been supported by a Broadscale Geotechnical and Slope Stability Assessment. Field work, site preparation work, and laboratory testing associated with the assessment was carried out in accordance with the relevant Australian Standards and the former Queensland State Planning Policy 1/03 'Mitigating the Adverse Impacts of Flood, Bushfire and Landslide'. The assessment makes a number of conclusions including the following:</p> <ul style="list-style-type: none"> ■ Cutting and filling be limited to areas less than 25% slope ■ Areas less than 15% slope can accommodate slab-on-ground, areas exceeding 15% slope should accommodate a combination of slab-on- |

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| | | <p>ground, split level or pole type home, whilst areas exceeding 25% slope should accommodate pole type homes only.</p> <ul style="list-style-type: none"> ■ A detailed slope stability assessment be undertaken, once final cut and fill levels are known ■ Surface and subsurface drainage will be critical to consider in maintaining site stability ■ The southern part of the site (the hill area) could be stabilised subject to further analysis, and this area is considered suitable for residential development. <p>The proponent also identified land greater than 15% and 25% via mapping.</p> <p>Notwithstanding, at Council's meeting dated 21 November 2013, Council resolved that a Geotechnical and Slope Stability Assessment be prepared to Council's satisfaction. In response to this resolution, the proponent has not provided additional information on the basis of the Assessment providing sufficient guidance to limit the footprint of future urban development, reflected in the zone boundaries.</p> <p>Land use conflict and risk avoidance can be avoided through the proposed land use controls, as follows:</p> <ul style="list-style-type: none"> ■ Proposed zoning of the steep slope area. <ul style="list-style-type: none"> Based on the permitted zones and the attributes of this area, the most appropriate zone is considered to be R5 Large Lot Residential. This zone is intended to cater for development that provides for residential housing within a rural setting. ■ Proposed minimum lot size of the steep slope area. <ul style="list-style-type: none"> Adjusting the minimum lot size of the south eastern corner of the site from 1 ha, to 3 ha, will facilitate development to avoid physically-constrained land (note that this part of the site is constrained by overland flow paths and undulating topography which will influence future dwelling positions). ■ Discussion of removing Clause 4.2A provisions <ul style="list-style-type: none"> Clause 4.2A of the Tweed LEP 2014 enables land that is connected to reticulated water and sewage systems to be subdivided to as low as 0.4 hectares, notwithstanding the minimum lot size prescribed on the Lot Size Map. This provision is not considered appropriate to the R5 land within the |

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| | | <p>proposal as the minimum lot sizes applied are directly linked to the constraints and topography of the land, as opposed to accessing essential services.</p> <p>It is also relevant to note the proponent can take advantage of Clause 4.6 of the Tweed LEP 2014. Clause 4.6 enables development standards (such as minimum lot size) to be varied provided the proponent satisfies Council that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>It is expected that, following re-zoning, during the development application stage, the final cut/fill levels for building pad construction would be reviewed and analysed by geotechnical specialist for conformation with slope stability requirements.</p> <p>In conclusion, the information already provided is sufficient to determine development standards influenced by slope and stability (land zoning and minimum lot size). Adjustment of the south eastern corner of the site from 1 ha to 3 ha will allow development to respond to the characteristics of the site.</p> <p>Recommendation: Adjust minimum lot size map by substituting south eastern corner of the site allocated for minimum 1 ha lots (refer to Figure 1), with minimum 3 ha lots.</p> |
| Earthworks | | |
| 15 | <ul style="list-style-type: none"> ■ Submitters are concerned about the impact of earthworks required to raise the development by 12 m to be above the flood affected zone. ■ They are concerned about the impact of the changed landscape on flooding, as well as the visual impact of the increased ground level, which they feel will be compounded by the height of buildings. | <p>Earthworks will be required for the development to be compliant with the provisions of the Tweed DCP Section A3 – Development of Flood Liable Land.</p> <p>A Flood Impact Assessment prepared by the proponent, following public exhibition, identifies the location on site of the compensatory fill area, and a typical section through the site showing existing and proposed ground levels. The Assessment demonstrates:</p> <ul style="list-style-type: none"> ■ Changes to ground level between the open channel and the developable |

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| | | <p>part of the site are facilitated through batters rather than retaining walls</p> <ul style="list-style-type: none"> ■ The difference between the existing ground level, and the proposed ground level where dwellings would be located, is a maximum of approximately 1.7 metres. ■ The width of the open channel is over 50 metres <p>Maximum building heights for the development are proposed to be similar to the existing village footprint.</p> <p>In conclusion, development standards, site location (in context with the existing village footprint) and the extent of earthworks combine to result in the development having negligible visual impact upon the existing village.</p> <p>Recommendation: No further action or amendment required for Planning Proposal.</p> |
| Sewage Treatment Plant | | |
| 20 | <ul style="list-style-type: none"> ■ Submitters are concerned about the proximity of the Sewage Treatment Plant (STP) to homes. The note that Mooball has a new STP at one entry point to Mooball and the location of the additional STP will be just 1 km away at the other entry point. They note that the site access is dangerous as it is located in a 90 km speed zone. ■ Submitters feel the 80 m buffer proposed in the planning proposal is insufficient and not in keeping with Council regulations. Submitters quote Council's Subdivision Manual, Tweed DCP Section A5.E.8 for Sewerage Treatment Works Buffer, which states '400 m between any current or proposed primary and secondary process units of any Sewerage Treatment Plan and the nearest boundary of any allotment for housing.' ■ Submitters in close proximity to the proposed STP are concerned about visual amenity, noise and air quality, access, and the potential requirement to be forced to connect to reticulated sewerage. They are also concerned about the impact from connecting the STP to the residential development requiring earthworks on their properties. ■ One submitter notes that there is an underground telecommunications | <p>A Planning Proposal is required to consider the implications of infrastructure servicing. This is reinforced through the Far North Coast Regional Strategy, and in particular:</p> <ul style="list-style-type: none"> ■ Threshold sustainability criteria (<i>"Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way"</i>) ■ Aims and actions relating to the preparation of a LEP (<i>"Planning for urban land must be integrated with the supply of relevant infrastructure and transport provision"</i>) <p>Reticulated sewerage infrastructure will be required to service the development.</p> <p>The proponent has supplied a Voluntary Planning Agreement which advises that the wastewater treatment plant will be located on the site. The Sirex Water and Sewerage Strategy, supporting the Planning Proposal, notes the plant will consist of membrane bio-reactor (MBR) and advanced water treatment (AWT) plant and storage.</p> |

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| | <p>easement running through the STP property which prevents building over the easement. This would restrict the layout of the STP.</p> <ul style="list-style-type: none"> Submitters object to the location of the STP. | <p>Odour and noise emissions from the plant will be a relevant consideration for existing and future residents. The buffer noted in Section A5.E.8 of the Tweed DCP Subdivision Manual is a recommended buffer. If the preferred location of the plant results in a buffer less than the noted minimum distance of 400m, the recommendations of Council's Environmental Health Unit should be addressed (being the provision of additional assessments addressing both odour and noise emissions). These studies should be undertaken at the time of a development application, when the exact location of the plant is known.</p> <p>The position of underground services should be considered as part of the siting of the wastewater treatment plant. If the preferred location of the plant is over telecommunications infrastructure, potential may exist for relocation of the infrastructure to another part of the site.</p> <p>In conclusion, the location of the sewerage treatment plant is not considered to warrant amendment of the Planning Proposal.</p> <p>Recommendation: No further action or amendment required for Planning Proposal.</p> |
| Transport Infrastructure | | |
| 19 | <ul style="list-style-type: none"> Submitters are concerned about the impact on transport infrastructure. They note that there is no regular public transport to accommodate new residents' need to travel outside the area for work. They also note that there is no direct access to the motorway. Submitters are concerned about the increased traffic on local roads, specifically on Pottsville-Mooball Road and Tweed Valley Way. Submitters are concerned about the access to the development and to the STP. | <p>To-date, the Planning Proposal has been supported by the preparation of a Traffic Impact Assessment. An indication of the traffic generation potential of the development proposal is provided by reference to the Roads and Traffic Authority's 'Guide to Traffic Generating Developments'. The traffic implications of development proposals primarily concern the effects that any additional traffic flows may have on the operational performance of the nearby road network. Those effects can be assessed using the SIDRA program which is widely used by the RTA and local Councils for this purpose.</p> <p>The Traffic Impact Assessment's capacity analysis using SIDRA indicates that the Tweed Valley Way / Pottsville-Mooball Road intersection will operate satisfactorily for the foreseeable future with the proposed development traffic, with minimal delays and vehicle queuing on all approaches and movements. The assessment also concluded that the existing road system is able to cater for the traffic demands of the proposed urban development and that the proposed internal road network and open space provisions facilitate safe and</p> |

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| | | <p>efficient travel paths for pedestrians and cyclists.</p> <p>The existing Tweed Valley Way / Pottsville-Mooball Road all movements intersection will continue to be used as access to the site. A left-in / left-out only intersection is also proposed at the eastern end of the Tweed Valley Way frontage.</p> <p>This assessment has been reviewed by Council's technical specialists as satisfactory and no issue with the data utilised has been raised. Council officers (and the submitted assessment) acknowledge that the development of the site will increase the traffic generated, however these impacts can be suitably addressed through engineering solutions (such as intersection upgrading) which will be specified within any development proposal.</p> <p>Mooball is currently serviced by limited public transport services. Brunswick Valley Coaches operates a daily country bus service on weekdays connecting to Burringbar and Murwillumbah (Route 645). From Murwillumbah there is a service running multiple times daily to Tweed Heads. Parsons Bus and Coach provide bus services connecting Mooball with Murwillumbah (616/618) and school bus services connecting Mooball with Murwillumbah and Pottsville on school days (616). The proposal is likely to increase the demand for public transport services and subsequently enhance the viability of those services in the future. However, the provision of additional public transport is beyond the scope of a planning proposal.</p> <p>In conclusion, traffic issues are not considered to warrant amendment of the Planning Proposal.</p> <p>Recommendation: No further action or amendment required for Planning Proposal.</p> |
| Social Impact of Population Increase | | |
| 17 | Submitters note that there is a limited police presence in Mooball. They are concerned about the social impact of the population increase from high density low cost housing, including the potential increase in crime. | <p>Part C of the Planning Proposal requires Council to demonstrate how the Planning Proposal has adequately addressed social effects.</p> <p>The provisions planned for the site, such as land zoning, minimum lot size and maximum floor space ratio are unlikely to contribute towards the cost of</p> |

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| | | <p>housing or an increase in crime.</p> <p>A general increase in population may increase the demand for police presence and subsequently enhance the viability of additional presence within Mooball. However, this is beyond the scope of the planning proposal, and in conclusion potential social impact is not considered to warrant amendment of the Planning Proposal.</p> <p>Recommendation: No further action or amendment required for Planning Proposal.</p> |
| Employment | | |
| 19 | <ul style="list-style-type: none"> ■ Submitters note the limited employment opportunities available in Mooball, with residents driving some distance to larger towns for employment. They do not feel Mooball has enough employment to accommodate the scale of the development and population growth. ■ Some submitters do not want the support services proposed to accompany the development, as they would rather commute and retain the rural lifestyle. ■ One submitter feels that the development will not result in additional jobs for small local businesses for construction. The submitter notes it is likely to be less expensive to bring construction personnel in from larger companies in cities. Another submitter is concerned about what will happen to local residents and outlying villages after development when jobs related to the development decrease. | <p>A Planning Proposal is required to consider land for employment purposes. This is reinforced through the Far North Coast Regional Strategy, and in particular Threshold sustainability criteria (<i>“Provide regional/local employment opportunities to support the Far North Coast’s expanding role in the wider regional and NSW economies”</i>).</p> <p>The site is directly adjacent to the village’s existing commercial footprint (dominated by the hotel), and there is potential under legislative provisions to extend the commercial footprint south into the site if warranted by demand in the future.</p> <p>Mooball is currently considered a Small Village under the 2009 Tweed Shire Urban Land Release Strategy and Employment Lands Strategy. This designation remains unaffected by the planning proposal.</p> <p>In conclusion, employment generation is not considered to warrant amendment of the Planning Proposal.</p> <p>Recommendation: No further action or amendment required for Planning Proposal.</p> |
| Insufficient Consultation | | |

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| 15 | Submitters do not feel consultation has been adequate, nor do they feel the 28 day period for submissions is sufficient. | <p>The NSW Government requires that the proposal is publicly exhibited for 14 days for low impact proposals and 28 days for all other planning proposals.</p> <p>The Gateway Determination dated 1 May 2014 resolved that a public exhibition period of 28 days was required.</p> <p>Public consultation of the Planning Proposal was conducted from 30 July 2014 to 29 August 2014 (a total of 31 days).</p> <p>Clause 58 of the <i>Environmental Planning & Assessment Act 1979</i> addresses issues in respect of Council undertaking further community consultation as a consequence of submissions, reports during community consultation or any other reason. Clause 58 also states that further community consultation is not required, unless the Minister so directs in a revised Gateway Determination. For the Minister to issue a revised Gateway Determination, the planning proposal would need to be varied (either part 1 – intended outcomes, or part 2 – explanation of provisions).</p> <p>Following public consultation:</p> <ul style="list-style-type: none"> ■ The proponent developed, and gave to Council a Voluntary Planning Agreement, and a Flood Impact Assessment. ■ Council also developed a response to the information request issued by NSW Rural Fire Service. (The RFS advised, in response, they have no objection to the Planning Proposal). <p>These documents do not result in the planning proposal being varied, and as such it is up to Council to determine if these documents should be exhibited to assist in the LEP's finalisation and drafting. Consultation of a non-statutory nature would be appropriate in this case to demonstrate Council values the community's feedback.</p> <p>However, any potential changes to the provisions (that is, part 2, which could occur through new land zonings, building heights, minimum lot size or varying the land to which the planning proposal relates) would result in the planning proposal being varied. A revised planning proposal would need to be issued back to NSW Planning & Environment. The Minister would therefore be responsible for determining if additional public consultation would be required.</p> |

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| | | <p>In conclusion, amendments to Parts 1 or 2 of the Planning Proposal will require re-exhibition in accordance with legislative requirements. Amendment to other provisions, or the exhibition of information development following public exhibition may be conducted at Council's discretion, however it is not a statutory requirement.</p> <p>Recommendation: If the planning proposal is to be varied, undertake public consultation if directed by the Minister.</p> <p>If the planning proposal is not varied, undertake non-statutory consultation to assist in finalisation and drafting of LEP.</p> |
| Information Used | | |
| 21 | <ul style="list-style-type: none"> ■ Submitters feel that the Planning Proposal provided information that is out of date and unreliable. ■ Submitters feel the population growth predictions are not correct and the development is over development based on incorrect predictions. One submitter notes that the area for development is close to double what the figures stated in the 2009 land for urban release were. ■ One submitter feels there was insufficient information in the Planning Proposal about the development itself, such as underground power, planting of local flora, use of building materials (type of water tanks, driveways, roofing etc.) they feel is required to maintain the rural streetscape and consistency. ■ Submitters request a public enquiry into the Planning Proposal process, as they do not feel Council should make decisions on out of date and unreliable information. ■ One submitter notes the Concept Masterplan states that 'public open space' is an area of unstructured public open space including walking tracks and look out points, while public open space in the Planning Proposal is residential minimum lots of 1 ha. | <p>The NSW Government Gateway Determination dated 1 May 2014 resolved that the specialist site investigations and studies prepared to date are satisfactory for the purposes of public exhibition.</p> <p>Further, as per the NSW Government's 'A guide to preparing planning proposals' the intent of the Planning Proposal is to demonstrate the strategic merit of the proposal proceeding to the next stage of the plan-making process. The planning proposal is required to contain enough information to demonstrate that relevant environmental, social, economic, and other site-specific matters have been identified.</p> <p>Considering the intent of the document, the Mooball Residential Development Planning Proposal appropriately identifies relevant environmental, social, economic, and other site specific matters as requiring further consideration in subsequent stages.</p> <p>Detailed aspects of development (for instance power, planting of local flora, building materials) are aspects that are normally considered as part of a development application.</p> <p>Submitters have the ability to request a public hearing under clause 57 of the <i>Environmental Planning and Assessment Act 1979</i>. It is recommended a public hearing is not necessary in this instance, given the resolutions on the level of information within the Gateway Determination, along with the ability for further information to be provided as part of the development application process (refer to the earlier discussion).</p> |

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| | | <p>In conclusion, it is considered the information supplied by the proponent is generally suitable and does not warrant amendment of the Planning Proposal.</p> <p>Recommendation: No further action or amendment required for Planning Proposal.</p> |
| Tweed Valley Tourism | | |
| 16 | <p>Submitters note that Mooball is the first town of the Tweed Shire that is visible to tourists on the Tweed Valley Way scenic drive. They are concerned about the impact of the development on tourism of Tweed Valley. Submitters feel that Mooball will be known for its two STPs and housing development instead of its current rural village reputation.</p> | <p>The scope of a Planning Proposal is contained in the NSW Government's 'A guide to preparing planning proposals'. It does not require Council to assess the impact of development on the tourism industry.</p> <p>In conclusion the matter of potential impact is beyond the scope of a Planning Proposal.</p> <p>Recommendation: No further action or amendment required for Planning Proposal.</p> |
| Property Values | | |
| 4 | <p>Submitters are concerned about the impact of development on the value of their rural properties, as well as the ability to sell their properties.</p> | <p>The scope of a Planning Proposal is contained in the NSW Government's 'A guide to preparing planning proposals'. It does not require Council to assess the impact of development on property prices.</p> <p>In conclusion the matter of potential impact of the development on property values is beyond the scope of a Planning Proposal.</p> <p>Recommendation: No further action or amendment required for Planning Proposal.</p> |
| Location of Secondary Access | | |

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| 3 | <ul style="list-style-type: none"> ■ Submitters are concerned about parking for the Victory Hotel being used as the secondary access to the development. They note this location is also the location of the school bus pick-up / drop-off. They are concerned about the safety of children crossing roads with increased traffic. ■ Submitters note that the secondary access is within an area of flooding, and also has very poor visibility to oncoming traffic. ■ Submitters want to know where new Hotel parking will be, as they do not feel parking on the street is a safe option. | <p>A Planning Proposal is required to consider risk avoidance. This is reinforced through the Far North Coast Regional Strategy, and in particular Threshold sustainability criteria (“<i>land use conflicts, and risk to human health and life, are avoided</i>”). The Regional Strategy expects this will be achieved by demonstrating a safe evacuation route for flooding purposes.</p> <p>In relation to flood access, the proponent has prepared a Flood Impact Assessment. This assessment has not been exhibited, however the assessment demonstrates the eastern access into the site will be subject to compensatory fill to achieve necessary flood immunity.</p> <p>All future allotments can achieve high level road evacuation to land above the probable maximum flood level in accordance with section A3.2.6 of the Tweed DCP 2008.</p> <p>In relation to traffic, the proponent has prepared a Traffic Impact Assessment. The Traffic Impact Assessment analyses the traffic impact of the development upon the surrounding road network and assumes 250 dwellings will be located on the site.</p> <p>The assessment does not address issues in relation to intersection sight distances, however assessment of sight distances is accommodated for within section A5 of the Subdivision Manual.</p> <p>The secondary access is located in public road reserve, and does not rely on the use of private property. Parking associated with the Victory Hotel will need to be contained on other properties.</p> <p>In conclusion, the information provided in respect to the secondary access is not considered to warrant amendment of the Planning Proposal.</p> <p>Recommendation: No further action or amendment required for Planning Proposal.</p> |
| School Capacity Insufficient | | |
| 2 | <p>Submitters are concerned about the impact on surrounding schools, as they note the current capacity is insufficient to address the population increase.</p> | <p>A Planning Proposal is required to consider quality and equity in services. This is reinforced through the Far North Coast Regional Strategy, and in particular Threshold sustainability criteria (“<i>Quality health, education, legal,</i></p> |

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| | | <p><i>recreational, cultural and community development and other government services are accessible”).</i></p> <p>No previous studies have been undertaken on the impact of the development on surrounding schools. The closest schools to the site are Burringbar Public School and Crabbes Creek Public School, both approximately 3 km from the site.</p> <p>The closest secondary schools to the site are Murwillumbah High School, Wollumbin High School and Mullumbimby High School, between 20 km and 25 km from the site.</p> <p>The Far North Coast Regional Strategy sustainability criteria requires educational services to be available and accessible. Mooball is connected with Murwillumbah, Burringbar and Crabbes Creek via bus services.</p> <p>In conclusion, the matter of potential impact on the school system is beyond the scope of the Planning Proposal. This matter will be addressed by the Department of Education and Communities as part of their monitoring of demand for future educational facilities.</p> <p>Recommendation: No further action or amendment required for Planning Proposal.</p> |
| Bushfire | | |
| 7 | <ul style="list-style-type: none"> ■ The NSW Rural Fire Service (RFS) notes that the Planning Proposal and reports do not address the specific requirements of S117 Direction 4.4 'Planning for Bush Fire Protection'. The RFS requires a S117 Report be submitted and included in public consultation of the Planning Proposal. ■ The RFS requests a bushfire report be submitted that identifies the proposal's compliance or non-compliance with the requirements of 'Planning for Bush Fire Protection 2006'. The RFS also requests the bushfire report be included in public consultation of the Planning Proposal. ■ One submitter is concerned that future residents may plant trees at the boundary of their property, thus increasing the fire risk. They request that a legally-binding stipulation be included in the sale of the properties that | <p>A Planning Proposal is required to consider the implications of a potential bushfire hazard. This is reinforced through the:</p> <ul style="list-style-type: none"> ■ Far North Coast Regional Strategy, and in particular: <ul style="list-style-type: none"> ▶ Threshold sustainability criteria (<i>“land use conflict, and risk to human health and life, are avoided”</i>) ▶ Aims and actions relating to the preparation of a LEP (<i>“local environmental plans will zone areas subject to high hazard to reflect the capabilities of the land”</i>) ■ State Environmental Planning Policy (North Coast Regional Environmental Plan), and in particular clause 45 – hazards |

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| | <p>prevents revegetation that would result in an increased fire risk to their property.</p> <ul style="list-style-type: none"> ■ One submitter does not feel that the Planning Proposal makes allowance for the impact to the NSW RFS. They note the RFS do not maintain a presence in the area and with the nearest service located 20 minutes away in Murwillumbah. They are also concerned about the adequacy of the current fire mains, as the water pressure fluctuates in the area. The submitter feels these issues are a risk to life and property. ■ One submitter notes the existing vegetation is identified as Bushfire Prone Category 1 and requires a 100 m buffer, they are concerned this has not been catered for in the Planning Proposal. | <ul style="list-style-type: none"> ■ Section 117 Direction 4.4 – Planning for Bushfire Protection. <p>The proponent identified areas of potential bushfire hazard in its Request for Planning Proposal, derived from Council mapping.</p> <p>Regard has been given to Planning for Bushfire Protection 2006 along with Clause 4.4 of the Section 117 Directions. In particular:</p> <ul style="list-style-type: none"> ■ Setbacks from future building envelopes are provided to account for the provision of asset protection zones. ■ Consideration has been given to minimise the amount of exposure given to bushfire hazard areas, by the development accommodating perimeter roads and reserve areas where possible ■ Bushfire protection measures are contained within the overall development and do not rely on adjoining properties ■ Any potentially inappropriate uses on the site would be subject to a consent application under the LEP 2014 or LEP 2000 ■ The likelihood of combustible materials on the site is very low, but notwithstanding items such as covenants can play a role if necessary to ensure such items are not kept on site. <p>NSW Rural Fire Service have also provided comment to Council via letter dated 5 December 2014. The comment advises the RFS has no objection to the Planning Proposal. It also advised:</p> <ul style="list-style-type: none"> ■ A future subdivision development application will be required to comply with the 'specifications and requirements' of Planning for Bush Fire Protection 2006. ■ The concept residential subdivision plan is not endorsed as part of their advice. <p>In conclusion, the information supplied in regard to bushfire hazard is not considered to warrant amendment of the Planning Proposal.</p> <p>Recommendation: No further action or amendment required for Planning Proposal.</p> |

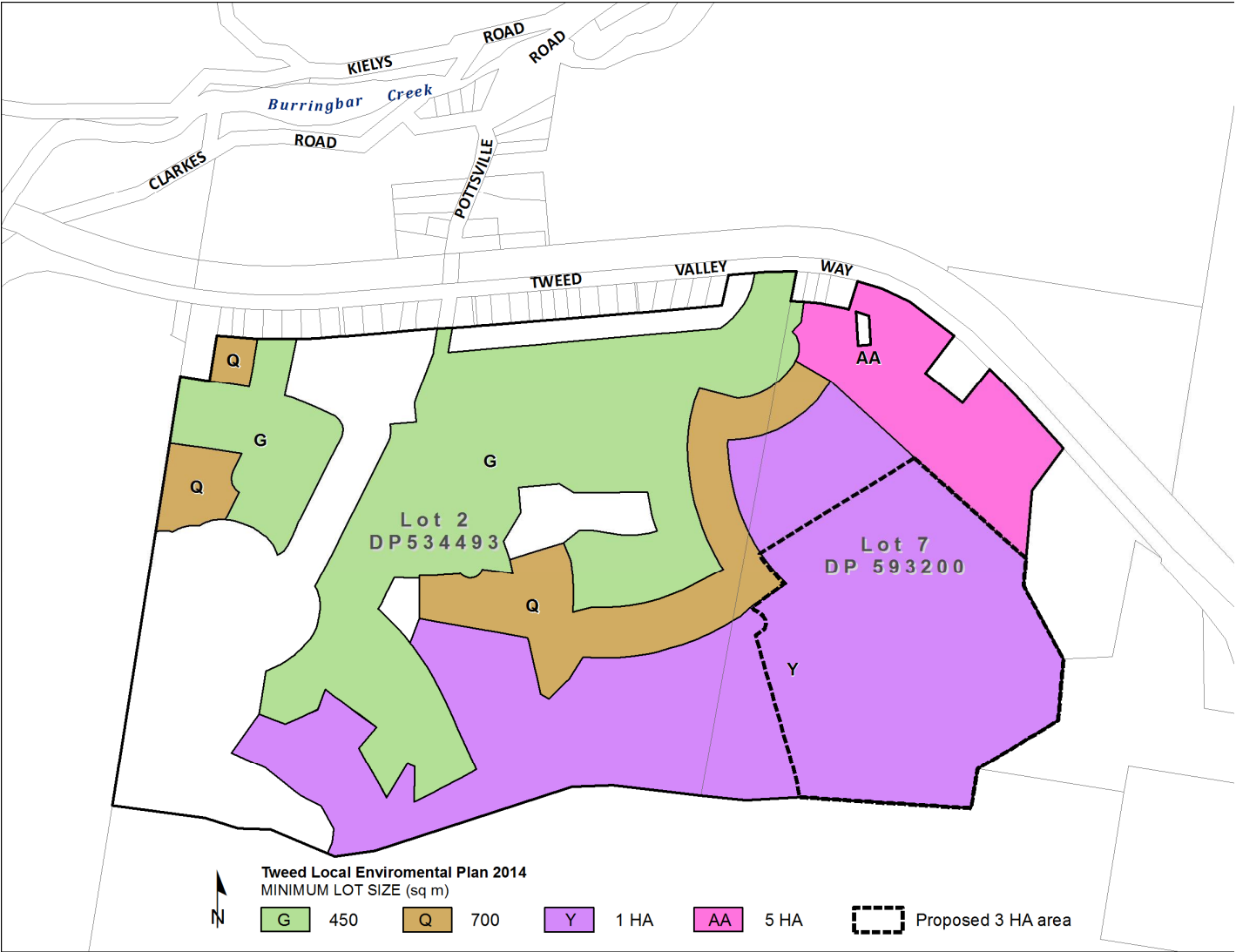
| Number of submissions (of 36 total) | Summary of issues | Response |
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| Environment | | |
| 3 | <ul style="list-style-type: none"> ■ The Office of Environment and Heritage (OEH) notes the Planning Proposal's recommendation for a wildlife corridor on steep slopes traversing the southern boundary of the site. The OEH recommends that the deferred area as shown on Figure 5 of the Planning Proposal be extended east to include this corridor, rather than zoning it R5 Large Lot Residential. ■ One submitter feels that the vegetation on the boundary of their property being listed as not having environmental significance is a matter of opinion, as native animals use the area. ■ Submitters feel that the old growth trees should be kept to provide habitat for native fauna. | <p>The intent of the Planning Proposal is to demonstrate the strategic merit of the proposal proceeding to the next stage of the plan-making process. This includes the resolution of zoning matters.</p> <p>An independent review of environmental zones within five local government areas on the Far North Coast, including Tweed Shire Council, recommended draft criteria to the Minister for Planning for applying the E2 Environmental Conservation zone and the E3 Environmental Management zone in affected Standard Instrument LEPs. The Minister for Planning is yet to finalise this review.</p> <p>A study prepared by the proponent (Preliminary Review of Terrestrial Flora and Fauna Values) identified the vegetation along the southern boundary as being very tall eucalypt open forest to woodland (<i>E. Pilularis</i> and mixed eucalypt species). The attributes of the area adjacent to the site's southern boundary do not appear to satisfy any of the draft criteria within the review of environmental zones. On this basis, and at this point in time with regard to the status of the environmental zones review, the most appropriate zoning for this area is considered to be R5 Large Lot Residential.</p> <p>Areas of environmental significance over the site (in this instance, areas marked as 'Deferred Matter') may be captured through other means as enabled under the LEP's suite of available zones. It is understood this is addressed elsewhere by Council in a discussion on whether to make the plan.</p> <p>Recommendation: No further action or amendment required for Planning Proposal.</p> |
| Deferred Studies | | |
| 5 | <p>Submitters note that a number of assessments such as flooding, management of steep land, soil contamination and bushfire are to be deferred. Submitters consider it inappropriate to rezone the land until the assessment is completed.</p> | <p>To-date, the Planning Proposal has been supported by an Engineering Report, Water and Sewerage Strategy, Ecological Report, Traffic and Access Assessment, Contamination Site Assessment, Geotechnical and Slope Stability Assessment, Cultural Heritage Assessment, and Visual Analysis.</p> <p>At Council's meeting dated 21 November 2013, Council resolved that all</p> |

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| | | <p>outstanding studies, to include a Flood Impact Study, Geotechnical and Slope Stability Assessment and Bushfire Hazard Assessment, be finalised.</p> <p>In its Gateway Determination dated 1 May 2014, NSW Planning & Environment resolved that the specialist site investigations and studies prepared to date are satisfactory for the purposes of public exhibition.</p> <p>Since public exhibition, the additional issues have been addressed as follows:</p> <ul style="list-style-type: none"> ■ Flood impact assessment: It concluded the site filling of the proposed flood-affected lots will meet minimum freeboard requirements for the designated flood event. It also concludes that flood storage improvements are required, being a combination of compensatory cutting and improved conveyance. ■ Geotechnical and slope stability: The proponent has not provided additional information on the basis of existing assessments providing sufficient guidance to limit the footprint of future urban development, reflected in the zone boundaries. ■ Bushfire hazard: Specific issues relating to potential bushfire hazard areas were raised by NSW Rural Fire Service during the submission period. Following further evaluation of the Planning Proposal, the RFS advised they have no objection to the Planning Proposal (refer to the subheading 'Bushfire' within this report for further details). <p>The additional reports have been reviewed by both Council officers and its consultant, who consider that no additional information is required to facilitate the Planning Proposal, and additional information can be considered at the development application stage.</p> <p>The information already provided for geotechnical purposes is sufficient to determine development standards influenced by slope and stability (land zoning and minimum lot size). Adjustment of the south eastern corner of the site from 1 ha to 3 ha is recommended to allow development to respond to the topographical characteristics of the site.</p> <p>Recommendation: No further amendment or assessment required (flooding and bushfire). Refer to the section 'slope stability' for specific</p> |

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| | | recommendation on geotechnical and slope stability. |
| Creek Flow and Water Quality | | |
| 14 | <ul style="list-style-type: none"> ■ Submitters note that the area for development is known to contain significant underground water and natural springs. They are concerned about the impact on underground water. ■ Submitters are also concerned about the impact on the local creek flow and water quality, as they feed the local dams. | <p>The Far North Coast Regional Strategy requires development to protect and enhance biodiversity, air quality, heritage, and waterway health. This will be measured by maintaining or improving existing environmental conditions for water quality that is consistent with</p> <p>An Engineering Report has been prepared by the proponent. The report proposes various stormwater treatment systems to ensure that water quality within downstream recipients is not compromised, including:</p> <ul style="list-style-type: none"> ■ Implementation of the latest Water Sensitive Urban Design (WSUD) principles ■ Conventional in ground pipe, directed through landscaped nutrient stripping areas, and overland flow drainage system catering for the minor and major drainage respectively ■ Retention of existing water courses where necessary. <p>Water quality matters are considered as part of the development application process – refer to Section A5 – Subdivision Manual and Development Design Specification D7 – Stormwater Quality, within the Tweed DCP 2008. The proponent will be required to demonstrate compliance with these objectives.</p> <p>In regard to groundwater:</p> <ul style="list-style-type: none"> ■ The proponent does not state that they intend to extract groundwater to service the development. If this was intended in the future, a separate approval process (an Application for a Groundwater Licence, lodged with NSW Department of Primary Industries) is required to be submitted for assessment under the <i>Water Act 1912</i>. ■ Section A5.5.6 of the Subdivision Manual states that new rural residential development must not be reliant on groundwater ■ Sections A5.7.4 and A5.E.10 of the Subdivision Manual also place further controls on activities (particularly on site sewerage systems) that have the potential to impact on groundwater bores. |

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| | | <p>These triggers within the DCP enable future development applications to be assessed with respect to groundwater matters and in conclusion it is considered the information is sufficient for Planning Proposal purposes.</p> <p>Recommendation: No further action or amendment required for Planning Proposal.</p> |
| Lot B Rooster Noise | | |
| 2 | <p>Submitters are concerned that the Land Use Conflict Risk Assessment (LUCRA) report uses a simplistic and flawed approach. They note that noise from roosters is heard at the closest residence. They do not feel an adequate buffer has been applied between the existing agricultural land use and proposal to protect the Right of Way for Lot B.</p> | <p>A Land Use Conflict Risk Assessment (LUCRA) is a system developed by NSW Department of Primary Industries (DPI) to identify and assess the potential for land use conflict to occur between neighbouring land uses. A risk assessment guide factsheet, prepared by DPI, assists the industry in developing and assessing LUCRAs.</p> <p>The risk assessment guide outlines four key steps that are required for undertaking a LUCRA, being:</p> <ol style="list-style-type: none"> 1. Gather information about proposed land use change and associated activities 2. Evaluate the risk level of each activity 3. Identify risk reduction management strategies 4. Record LUCRA results. <p>The proponent has prepared a LUCRA report. Sections 2 and 3 of this report follow the steps outlined in the risk assessment guide.</p> <p>The LUCRA identifies a buffer of 19 metres being required from Lot B to the development. The Planning Proposal proposes a buffer of 50 metres from Lot B to the development, and in conclusion the distance to the nearest existing residential areas is considered sufficient to avoid land use conflict.</p> <p>Recommendation: No further action or amendment required for Planning Proposal.</p> |

| Number of submissions (of 36 total) | Summary of issues | Response |
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| Location of Power Poles | | |
| 1 | <p>One submitter wants to know about the positioning of poles to provide electricity to the development. They are concerned they will be located within their property's buffer zone.</p> | <p>As per the NSW Government's 'A guide to preparing planning proposals' the intent of a Planning Proposal is to demonstrate the strategic merit of the proposal proceeding to the next stage of the plan-making process. The intent of the Planning Proposal is not to provide detailed design information.</p> <p>A requirement of the Far North Coast Regional Strategy is that Councils are to liaise with energy providers, and make provision for any regional electricity infrastructure corridors that may be required.</p> <p>Information on Essential Energy's website indicates there are no planned regional electricity infrastructure corridors that will affect the site.</p> <p>The Tweed DCP 2008, in particular Sections A5.3.4 and A5.4.13 of the Subdivision Manual, account for the provision of electricity supply to the development, and in conclusion the DCP facilitates consideration of these issues as part of the development application process.</p> <p>Recommendation: No further action or amendment required for Planning Proposal.</p> |



Source: Tweed Shire Council 2015

Figure 1 Minimum lot size with proposed 3 hectare area indicated