

**Draft Tweed LEP Amendment Number 6**

**PLANNING PROPOSAL  
VERSION - FINAL**

Twin Towns – Club Banora  
Part Lot 2 DP 1040576 Leisure Drive Banora Point

May 2015

Council File PP11/0005

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# Introduction

## Purpose

On 25 August 2011 Council received a request from Darryl Anderson Consulting Pty Ltd on behalf of Twin Towns Services Club to prepare a Planning Proposal for the rezoning of Part Lot 2 DP 1040576 Leisure Drive, Banora Point.

At the time of the request, the site was zoned 6(b) Recreation zone under Tweed Local Environment Plan (LEP) 2000 and the request sought a rezoning in part to 3(b) General Business under Tweed LEP 2000.

On 4 April 2014 Tweed LEP 2014 was gazetted which resulted in a change in the classification of the zones across the Shire and caused the site to RE2 Private Recreation. The Planning Proposal therefore seeks to rezone the site to an equivalent business zone which would be the B2 Local Centre zone under Tweed LEP 2014.

This Planning Proposal presents an explanation of and strategic justification for the amendment to Tweed LEP 2014 in accordance with the Department of Planning and Infrastructure's (now the Department of Planning and Environment) *A guide to preparing planning proposals*, and *A guide to preparing local environmental plans*, and Clause 55 of the *Environmental Planning and Assessment Act 1979*. The Planning Proposal draws on a number of technical assessments of the site and surrounds attached to this proposal.

## Council resolutions and State determinations

On 21 March 2013 Council resolved that the proposal to rezone the site be forwarded to the Department of Planning and Infrastructure for a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979*.

On 23 April 2013 the Department of Planning and Infrastructure determined that the proposal to rezone the site proceed through a Gateway Determination, subject to conditions for consultation with the community and public authorities. The Gateway Determination can be seen in Attachment 7.

## Part 1 Objectives and intended outcomes

### Objective

To facilitate the rezoning of Part Lot 2 DP 1040576 (a total of approximately 30,000 m<sup>2</sup>), Leisure Drive, Banora Point to facilitate commercial / retail development comprising a supermarket of 3000 m<sup>2</sup> – 4000 m<sup>2</sup>, speciality shops of 1000 m<sup>2</sup> to 1500 m<sup>2</sup> and associated car parking.

### Intended outcome

The rezoning of Part Lot 2 DP 1040576, Leisure Drive, Banora Point from RE2 Private Recreation to B2 Local Centre under Tweed LEP 2014.

### Site context and setting

Lot 2 DP 1040576 is located on Leisure Drive, Banora. The property is currently known as 'Club Banora' which was constructed in the early 1980s and comprises an 18 hole golf course, licensed club (with a Gross Floor Area (GFA) of approximately 7000 m<sup>2</sup>), bowling greens, tennis courts, heated Olympic pool and wading pool and approximately 700 onsite car parks. 'Club Banora' occupies an area of approximately 60.1 hectares (see Figures 1 to 5).

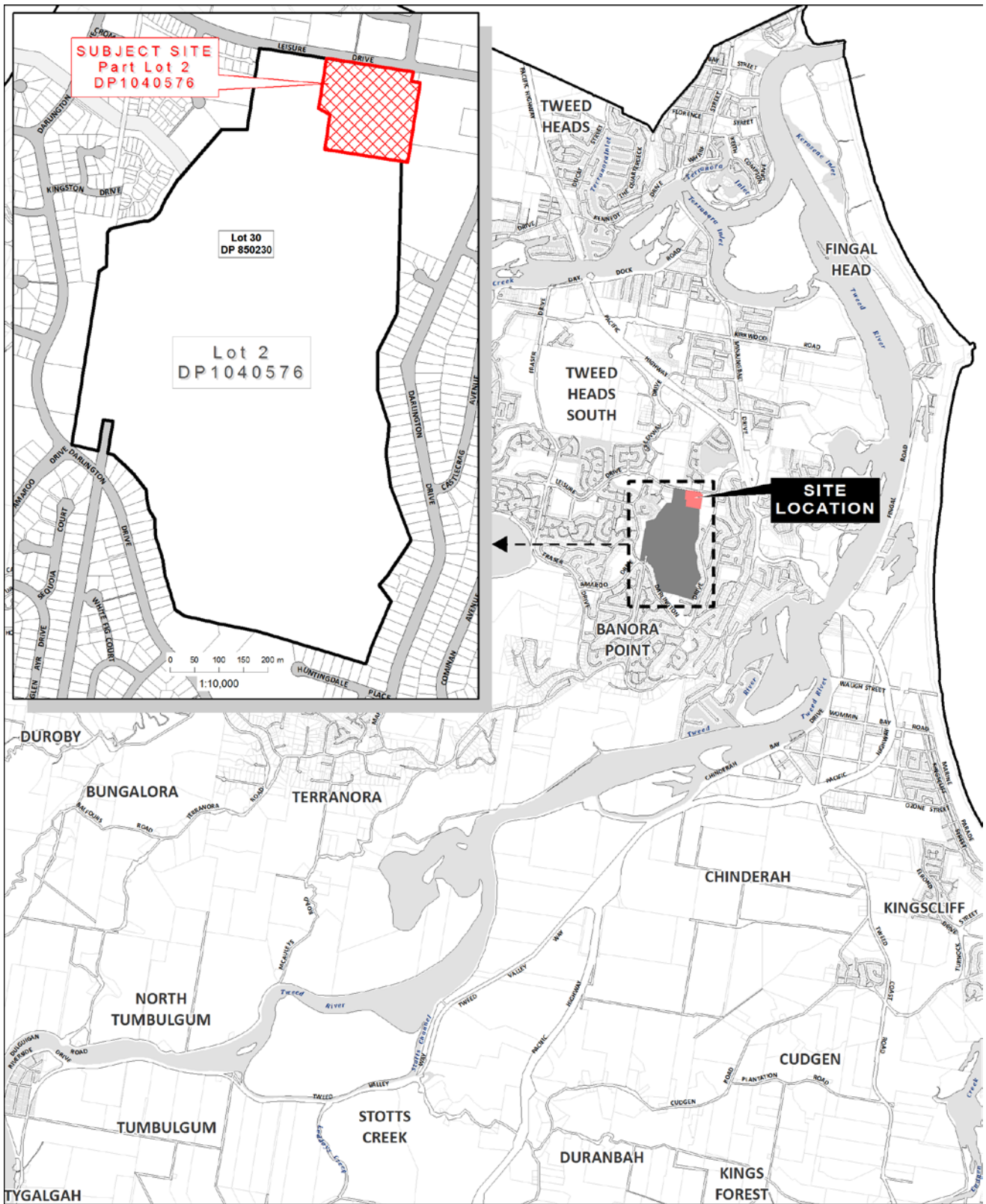
The subject site (part lot 2 only) is generally flat and is currently used for car parking, part of the bowling green and part of the licensed club. Bounding the site to the east is Banora Shopping Centre which is anchored by a Bi-Lo supermarket. The Banora Shopping Centre is zoned B2 Local Centre under Tweed LEP 2014. To the north of the site beyond Leisure Drive are residential dwellings, Winders Lodge Retirement Village, Banora Point Retirement Village and St James

Primary School. To the west are residential dwellings, Darlington Retirement Community and Banora Point High School.

Leisure Drive is the main east-west connector route through the surrounding area, and therefore has a significant amount of through traffic. The Pacific Highway is located to the north east of Club Banora. The Pacific Highway has recently undergone an upgrade (at Banora Point) resulting in a new 2.5 km segment of highway stretching from Barneys Point Bridge in the south to the Tweed Heads Bypass in the north. It provides a dual carriageway link between the existing Chinderah and Tweed Heads bypass.

The site is identified in the Far North Coast Regional Strategy 2006 – 2031 (FNCRS) as lying within a Town and Village Growth Boundary.

As discussed in Section 3C, the site is low lying, affected by the 1 in 100 year flood event, and the majority of the site lies within the 25-30 Australian Noise Exposure Forecast (ANEF) zone associated with the Gold Coast Airport at Coolangatta. For large storm events the golf course provides stormwater storage for the Banora Point area. In addition, the site has been identified as containing potential Class 2 Acid Sulfate Soil and has high ground water vulnerability.



**Locality Plan**  
 Planning Proposal -- PP11/0005  
 Lot 2 DP1040576;  
 Club Banora, Banora Point

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**Figure 1 – Site Locality Plan**



SOURCE:  
Aerial imagery was captured on  
6th to 9th May 2012 © AAM Pty Ltd

## Aerial Photo - taken May 2012

Planning Proposal - - PP11/0005  
Lot 2 DP1040576;  
Club Banora, Banora Point

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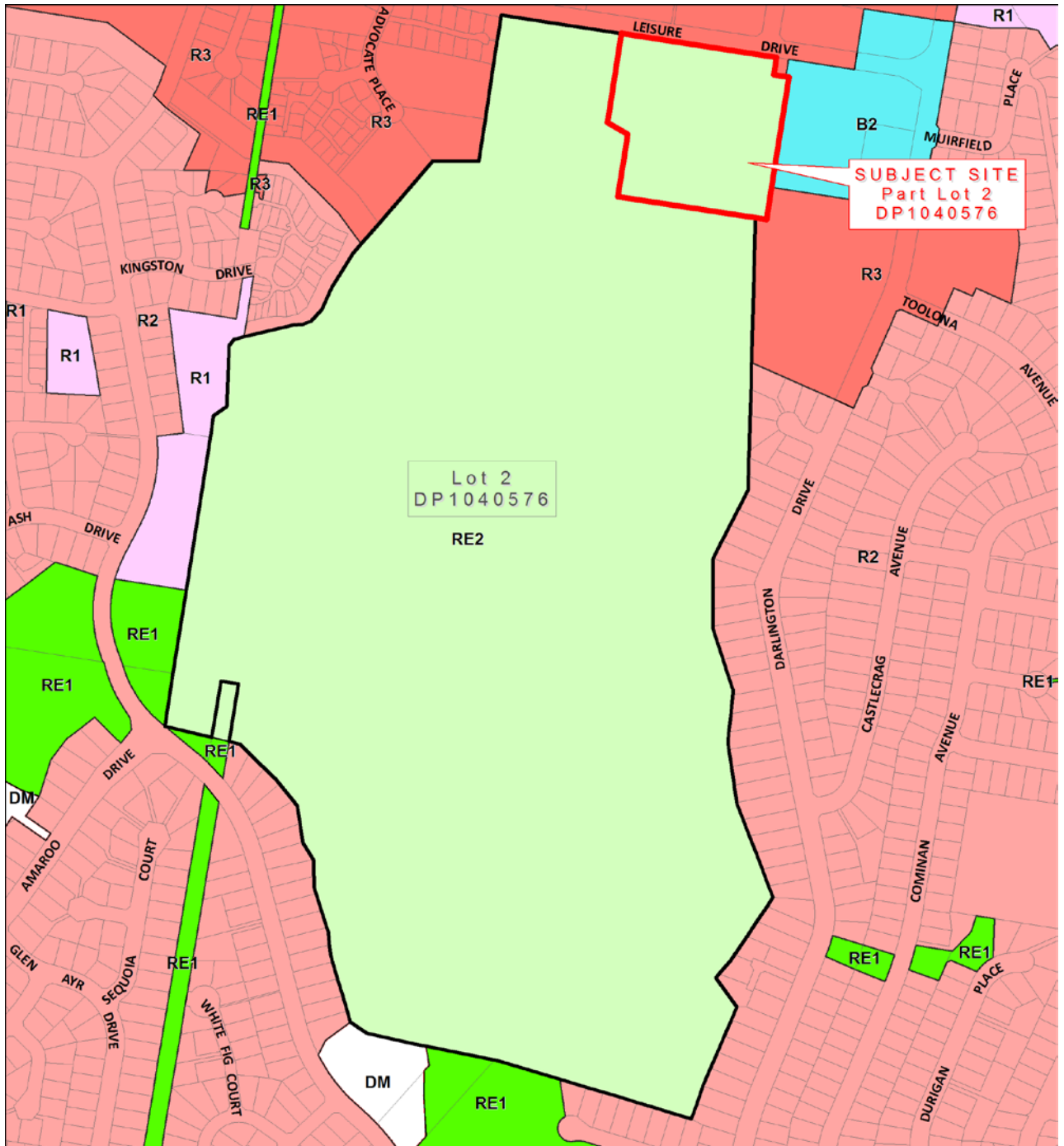


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**Figure 2 - Aerial View of the Site**



### Land Zoning - Tweed Local Environmental Plan 2014

Planning Proposal -- PP11/0005  
 Lot 2 DP1040576;  
 Club Banora, Banora Point

Tweed Local Environmental Plan 2014 LAND ZONING			
<b>B1</b> Neighbourhood Centre	<b>B5</b> Business Development	<b>R1</b> General Residential	<b>RU1</b> Primary Production
<b>B2</b> Local Centre	<b>B7</b> Business Park	<b>R2</b> Low Density Residential	<b>RU2</b> Rural Landscape
<b>B3</b> Commercial Core	<b>IN1</b> National Parks & Nature Reserves	<b>R3</b> Medium Density Residential	<b>RU5</b> Village
<b>B4</b> Mixed Use	<b>IN2</b> General Industrial	<b>R6</b> Large Lot Residential	<b>SP1</b> Special Activities
	<b>IN4</b> Working Waterfront	<b>RE1</b> Public Recreation	<b>SP2</b> Infrastructure
		<b>RE2</b> Private Recreation	<b>SP3</b> Tourist
			<b>W1</b> Natural Waterways
			<b>W2</b> Recreational Waterways
			<b>W3</b> Working Waterways
			<b>DM</b> Deferred Matter
			<b>MD</b> SEPP (Major Development) 2005
			<b>TCC</b> Tweed City Centre LEP 2012

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Figure 3 - Tweed LEP 2014 Zoning



## Planning controls – Present zoning Tweed LEP 2014

The site is currently zoned RE2 Private Recreation under Tweed LEP 2014, which commenced on 4 April 2014. The zoning of adjoining land is predominantly R2 Low Density Residential or R3 Medium Density Residential, and an area of B2 Local Centre adjoining the eastern boundary of the site, as shown in Figure 3.

This proposal seeks to rezone the subject site from RE2 Private Recreation to B2 Local Centre under Tweed LEP 2014. This zoning would be consistent with Banora Point Shopping Village which is adjacent to the site.

## Background

Club Banora states in its Planning Proposal request that due to significant changes in the club industry relating to poker machines, indoor smoking and increased taxation, the continued operation of Club Banora as a viable standalone entity in the Twin Towns Group it is not possible in the current format. The Club is in a financial predicament and therefore has decided to redevelop Club Banora to ensure its long term viability. As a result of this redevelopment it will have excess land that it considers is suitable for retail purposes.

The whole site will be redeveloped with the master plan for the site including the following:

1. A smaller Club building partly suspended over the existing lake with a GFA of 3,820 m<sup>2</sup>;
2. Function centre on the island;
3. Relocation of the tennis courts;
4. Relocation of the bowling greens;
5. A proposed sports club including gym, squash, billiards and table tennis;
6. A retail development adjacent to Leisure Drive (supermarket and specialty shops);
7. Reconfiguration of the existing car parking and access arrangements, and
8. Landscaping throughout the site.

All of the proposed development is permissible in the RE2 Private Recreation zoning except for the retail component.

In 2010, the proposal was being assessed as a (now repealed) Part 3A project under the *Environmental Planning and Assessment Act 1979* (EP&A Act). A formal Request for Authorisation of a Concept Plan was lodged with the Department on 2 March 2011 and the Executive Director of the Department, Mr Chris Wilson, advised on or about 25 March 2011 that he had agreed to the request and authorised the preparation of a Concept Plan but a formal letter would not be issued until after the State Election.

Twin Towns Services Club received a formal letter on 16 June 2011 advising that the Club Banora Concept Plan Authorisation was one of the projects cut from Part 3A because it had not reached the stage of Director General Environmental Assessment Requirements having been issued when Part 3A was repealed from the EP&A Act.

Twin Towns Services Club subsequently lodged a formal Planning Proposal request with Tweed Shire Council on 25 August 2011.

### Variations to the Planning Proposal request

The original master plan and attached Planning Proposal request for the site also included an aged care development with a GFA of approximately 11,000 m<sup>2</sup>.

Following internal consultation on the proposal, flooding was identified as a critical limiting factor for the aged care component under *Tweed Council's Flood Risk Management Policy (2007)*. As the site is flood prone the aged care units needed a refuge in place and permanent high level evacuation route. The proponent could not demonstrate a means of creating a permanent high level evacuation route from the subject site to land above the probable maximum flood.

In January 2013 the proponent amended the Planning Proposal request and removed the aged care units from the proposal and slightly increased the proposed B2 Local Centre zone from 23,139 m<sup>2</sup> to 30,000 m<sup>2</sup>.



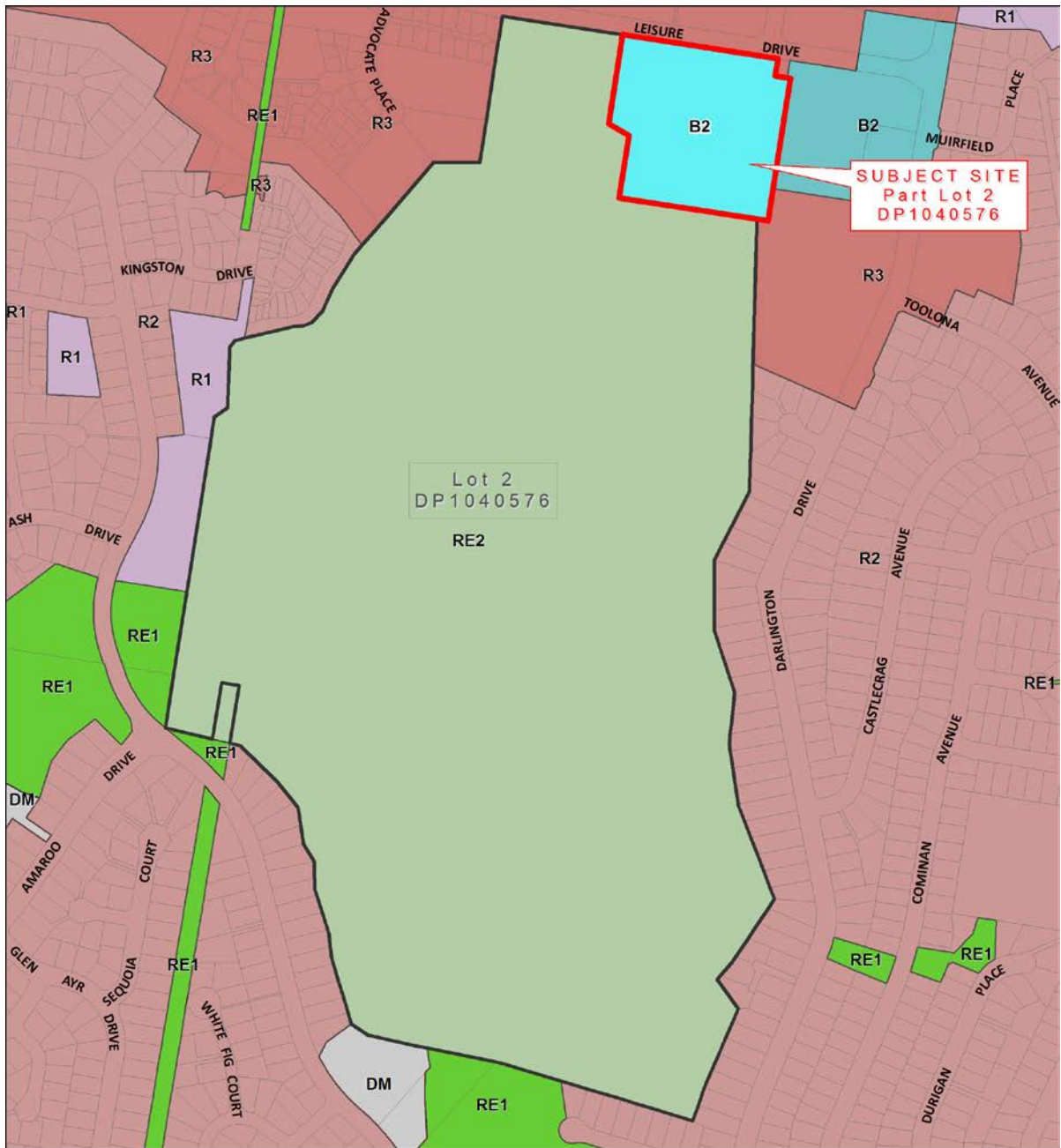
Figure 4: View looking north from southern boundary of proposed development towards Leisure Drive



Figure 5 – View looking west across the car park toward Club Banora entrance

## Part 2 Explanation of provisions

This planning proposal seeks an amendment of the Tweed LEP 2014 - Land Zoning Map in accordance with the proposed zoning map shown in Figure 6.



### Proposed Amendment - Tweed Local Environmental Plan 2014

Planning Proposal -- PP11/0005

Lot 2 DP1040576;

Club Banora, Banora Point

#### Tweed Local Environmental Plan 2014

##### LAND ZONING

<b>B1</b> Neighbourhood Centre	<b>B5</b> Business Development
<b>B2</b> Local Centre	<b>B7</b> Business Park
<b>B3</b> Commercial Core	<b>E1</b> National Parks & Nature Reserves
<b>B4</b> Mixed Use	<b>IN1</b> General Industrial
	<b>IN4</b> Working Waterfront

<b>R1</b> General Residential	<b>RE1</b> Public Recreation
<b>R2</b> Low Density Residential	<b>RE2</b> Private Recreation
<b>R3</b> Medium Density Residential	
<b>R5</b> Large Lot Residential	

<b>RU1</b> Primary Production	<b>W1</b> Natural Waterways
<b>RU2</b> Rural Landscape	<b>W2</b> Recreational Waterways
<b>RU5</b> Village	<b>W3</b> Working Waterways
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Figure 6 - Tweed LEP 2014 Proposed Zoning Amendment

## Part 3 Justification

### Section A Need for the planning proposal

#### ***Is the planning proposal a result of any strategic study or report?***

##### *Far North Coast Regional Strategy 2006*

The site is included in the Far North Coast Regional Strategy 2006 (FNCRS), and mapped as being within the Town and Village Growth boundary.

The FNCRS defines a hierarchy of centres with Tweed Heads being the major regional centre; Murwillumbah as a major town; Kingscliff, Bogangar, Hasting Point and Pottsville as a Coastal village; and Tumbulgum and Condong as the inland villages.

The Far North Coast Regional Strategy states: “*The Regional Strategy promotes a clear hierarchy of commercial centres consistent in scale and centrally located within each community. Major commercial development will be located within large centres. Other commercial development, which relates to the scale of the adjoining urban areas, will be located within the boundaries of towns and villages*”. The FNCRS however, does not define the difference between a large centre and other centres in terms of size.

Within the Tweed Shire, Tweed Heads as the major regional centre includes Tweed City Shopping Centre. Tweed City includes both a Coles, Woolworths, Big W, Kmart as well as speciality stores and is considered as a major district retail centre. The site occupies approximately 13.2 ha and has over 36,700 m<sup>2</sup> GFA, with access afforded to the site from both the north and south along Minjungbal Drive. As shown in Figure 7, Tweed City is approximately 1.8 km north of Banora Shopping Centre (SC).

Other shopping centres within the trade area of Banora include the following (refer to Figure 7):

- Banora Central Shopping Centre is located approximately 1 km west of Banora Shopping Village and includes a Coles Supermarket (2,800 m<sup>2</sup> GFA) and has a total GFA of 3400 m<sup>2</sup>.
- Tweed Heights Shopping Village is located approximately 1.4 km south west of Banora Shopping Centre and includes an IGA super market (200 m<sup>2</sup> GFA) and has a total GFA of 700 m<sup>2</sup>.
- Tweed Heads South is located approximately 1.5 km north of Banora Shopping Centre and includes an Aldi of approximately 1,350 m<sup>2</sup> GFA.

Adjacent to the proposed commercial area to the east is the existing Banora Shopping Centre and includes a Bi-Lo and several specialty shops and is approximately 2000 m<sup>2</sup> GFA. The development of Club Banora will provide direct competition with the Bi-Lo supermarket sited next to the site.



**Figure 7 – Proximity to Surrounding Retail Centres**

The proponent provided a detailed *Market Potential and Economic Impact Assessment* (Pitney Bowes, 2010). The assessment states that the major retail facilities will be a 3000 m<sup>2</sup> supermarket which is likely to be Woolworths and specialty shops at approximately 400 m<sup>2</sup> each:

*The retail facilities at Club Banora will play a predominantly convenience oriented role for trade area residents, but also that a small, targeted comparison good offer (apparel and household goods) is warranted to serve the needs of the retiree population.*

The assessment also stated the following in terms of trade area competition:

*Typically in Australia, a full-line supermarket of at least 3,000 sq.m is provided for every 8,000–9,000 persons. The Club Banora primary trade area sector alone currently includes over 19,500 persons, and is expected to grow solidly to exceed 24,000 persons by 2013. Such a catchment could support two full-line supermarkets within the main trade area in 2013, even allowing for a proportion of residents to be attracted to facilities located at higher order retail centres located beyond the trade area.*

*Both the existing supermarkets within the main trade area are relatively small in size. The Coles store is 2,800 sq.m, while the Bi-Lo store is slightly less than 2,000 sq.m. Typical*

*Coles or Woolworths full-line supermarkets are generally around 3,200 sq.m in size, with many being 3,800 sq.m or greater.*

The assessment states that with the projected population in the area including the proposed release area ('Area E'), 'Area E' trade expenditure will increase and at present the existing retail facilities are retaining only a very small proportion of the total available main trade area retail expenditure, due to their limited nature and extent. However, there will likely be only minor impacts in redirection of retail spending of full line supermarkets in Tweed City by less than 5%. The Assessment concludes:

*Generally, the levels of impact projected above (on retail facilities both within and beyond the main trade area) will not threaten the ongoing viability of existing retail centres or precincts in the area, or the future potential for expansion of retail facilities in the region. All facilities in the region would continue to trade viably after the opening of the proposed Club Banora retail centre.*

It is likely that there will be direct competition with other supermarkets; however, given the size of the proposed supermarket it is unlikely it will have a direct impact on the hierarchy of centres. The proposal is therefore consistent with the objectives of the Far North Coast Regional Strategy.

### Tweed Retail Principles

Following the preparation of a "Draft Tweed Retail Strategy" document by consultants Core Economics, and in conjunction with a determination of DA for extensions to the Tweed City shopping centre, Council resolved at its meeting of 16 November 2005 the following seven principles as a Retail Strategy for the Tweed Shire:

1. The character of existing towns and villages and the retail facilities they already have be protected.
2. Where appropriate, Council will support the incremental expansion of existing retail centres in such a way as not to threaten or fracture those existing centres, rather than building new ones.
3. Reinforce Tweed Heads south as the major district retail centre by encouraging the expansion and when Tweed's population demands that increased range and level of shopping.
4. Maintain and wherever possible enhance the special appeal of the retail centre of Murwillumbah and those village centres of similar style.
5. Limit the scale of new large scale retail centres in the coastal region to a level which caters for the majority of chore type shopping needs. This concept to reflect the need to reduce fuel consumption and to support sustainability within each centre through discouraging vehicle use and encouraging walking and cycling.
6. Council does not support the establishment of another district retail shopping centre, and
7. The retail concepts in these recommendations form the basis of locality plans in the Shire and any retail development applications which are submitted in the interim of these locality plans being prepared and approved by Council be assessed so that the above retail strategies are supported and not compromised.

An assessment of the seven principles follows:

	<b>Principle</b>	<b>Response</b>
1	The character of existing towns and villages and the retail facilities they already have to be protected.	The character of Banora will not be compromised by the development, a shopping village already exists next door and Club Banora will remain in operation in a smaller building located slightly further west on the same site.
2	Where appropriate, Council will support the incremental expansion of existing retail centres in such a way as not to threaten or fracture those existing centres, rather than building	The proposal is effectively an expansion of the existing Banora Shopping Village. It is not a completely new centre and is unlikely to fracture the existing centre.  However, it is likely to provide direct competition

	new ones.	with the Bi Lo super market and to a minor extent will remove retail expenditure from other centres. It is unlikely that the development will threaten the other centres due to a lack of specialty services and shops.
3	Reinforce Tweed Heads South as the major district retail centre by encouraging the expansion and when Tweed's population demands that increased range and level of shopping.	As stated in Section A – Tweed Heads includes over 46,700 m <sup>2</sup> GFA (including proposed extensions) and given the proposal is for a 3000 m <sup>2</sup> to 4000 m <sup>2</sup> supermarket and between 5 and 10 specialty shops it is unlikely to be a major competitor with Tweed Heads South. Some retail expenditure will be leaked to the proposal but this will unlikely affect the hierarchy of centres.
4	Maintain and wherever possible enhance the special appeal of the retail centre of Murwillumbah and those village centres of similar style.	This principle is not relevant to the proposal.
5	Limit the scale of new large scale retail centres in the coastal region to a level which caters for the majority of chore type shopping needs. This concept to reflect the need to reduce fuel consumption and to support sustainability within each centre through discouraging vehicle use and encouraging walking and cycling.	This proposal is not located in the commercial and retail centres of Tweed Heads and Tweed Heads South, but could be interpreted more broadly as being within the “coastal region”. However proposed development is limited in scale. The proposal will promote the concept of sustainability as it will be located within walking distance of several retirement villages and medium density residential development. Terranora Residential Release Area ‘E’ may also provide a level of sustainable trade in the longer term.
6	Council does not support the establishment of another district retail shopping centre.	The proposal will be part of an established Shopping village which will largely provide trade for the local community. It is not a district level centre.
7	The retail concepts in these recommendations form the basis of locality plans in the Shire and any retail development applications which are submitted in the interim of these locality plans being prepared and approved by Council be assessed so that the above retail strategies are supported and not compromised.	Noted. The above principles are largely supported and not compromised.

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

Rezoning is the only means of allowing a commercial development on this site. The part lot is currently within RE2 Private Recreation zone under Tweed LEP 2014 in which commercial / retail development is not permitted.

Accordingly, changes to the current zoning is required to enable the coordinated expansion of the Banora Point Shopping Village.

### ***Is there a net community benefit?***

In accordance with the criteria established for the assessment of Net Community Benefit in the Draft Centres Policy, The Right Place for Business and Services, and PS 06-005 and 015, an assessment of net community benefit has been undertaken against these criteria and is presented in Table 1 below. It should be noted that only criteria relevant to this proposal have been included.

Table 1 - Assessment of Net Community Benefit (Source Draft Centres Policy, 2009)

<b>Criteria</b>	<b>Compliance with Criteria</b>
<p>Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?</p>	<p>The proposal addresses land which has been identified as lying within the Town and Village Growth boundary within the Far North Coast Regional Strategy 2006 (FNCRS).</p> <p>The draft Centres Policy, while not Government Policy, identifies as Principal 1 that retail and commercial activity should be located in centres to ensure the most efficient use of transport and other infrastructure, proximity to labour markets, and to improve the amenity and liveability of those centres. The site is adjacent to an existing centre, Banora Shopping Village and will essentially be an extension to this centre. Leisure Drive is an established bus route linking this location with surrounding residential areas and other Tweed centres.</p> <p>Principle 2 of the draft Centres Policy also states that the planning system should be flexible enough to enable centres to grow and new centres to form. The proposal facilitates this principle by expanding the existing centre while at the same time not expanding too much to be in direct competition with the nearby district centre. The existing Bi Lo adjacent to the site has a GFA of 1,993 m<sup>2</sup>. With the additional proposed 3000 – 4000 m<sup>2</sup> supermarket and approximately 1000 to 1500 m<sup>2</sup> speciality stores. The total GFA of both centres will be approximately 5,993 to 7,493 m<sup>2</sup>. This centre will therefore be larger than any other local centre in the area with Banora Central Shopping Centre the closest at 3,400 m<sup>2</sup> GFA . However, it will not be as large as district centres such as Tweed City which has 36,700 m<sup>2</sup> GFA (or 46,700 m<sup>2</sup> when expanded) or Centro Tweed which has 18,600 m<sup>2</sup> GFA.</p>
<p>Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?</p>	<p>Yes</p> <p>The part lot would be rezoned from RE2 Private Recreation to B2 Local Centre, under Tweed LEP 2014. The rezoning will create an expectation that the area can be developed into a shopping centre. As discussed above this will essentially be expansion of the existing Banora Point Shopping Village. The land owners of the existing Banora Point Shopping Village may see the rezoning as either favourable or as direct competition and in keeping with these concerns, a DCP is to be prepared providing guidance on the maximum gross floor area of retail development and the desire to integrate with the existing adjoining retail development.</p> <p>It is likely the surrounding residents will see the development as favourable given it will provide more choice for retail services within walking distance or short bus ride, especially for senior citizens. However, in a regional context the proposal is not seen as having any real weight as precedence for further and inappropriate development.</p>



Criteria	Compliance with Criteria
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Tweed Shire Council has recently prepared its new shire-wide Standard Instrument LEP, which commenced on 4 April 2014. There are no relevant previous spot rezonings that could cumulatively establish a pattern of change that requires consideration.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	<p>Yes.</p> <p>The Planning Proposal will facilitate permanent employment generating activity. It will not result in a loss of employment generating lands.</p> <p>The Planning Proposal request reports that the proposed development, as sourced from the <i>Market Potential and Economic Impact Assessment</i> (Pitney Bowes Business Insights, 2010), the redevelopment of the shopping facilities will likely employ approximately 289 people. Allowing for an estimated 5% of the total increase as a result of reduced employment at existing retail facilities in the region, the net additional jobs for the area provided at the Club Banora retail development are estimated at 275.</p> <p>Pitney Bowes Business Insights also state that in terms of wages and salaries, the additional 275 permanent retail employees within the proposed retail development would earn an average annual wage of around \$28,000 (as sourced from the latest ABS average weekly earnings statistics). This represents an additional \$7.7 million in salaries and wages for the local region, directly as a result of the development.</p> <p>As the actual Banora Club is proposed to be redeveloped as well (under the RE2 Private Recreation zone), this is also likely to increase employment in the area in the short term in terms of construction and with no net loss of staff in the longer term in terms of operation of the new club facility.</p>
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	<p>No.</p> <p>It is proposed to zone the site for retail purposes. No residential dwellings currently exist on the site and it will not reduce the current supply of residential housing. The owners of the land do not seek to use the land for future residential purposes, and as such it is not considered that this will impact on the supply of residential land, housing supply or affordability.</p>

Criteria	Compliance with Criteria
<p>(a) Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site?</p> <p>(b) Is there good pedestrian and cycling access?</p>	<p>(a) The inclusion of the proposed development is likely to generate significant volumes of traffic on Leisure Drive, the surrounding road network and intersections. The TTM group (2013) completed a Traffic Impact Assessment for the proponent.</p> <p>The TTM group report analysed the impacts of each proposed land use. The report stated that the net increases in traffic generation due to the shopping centre will generate 616 additional trips during the PM peak hours due to the proposed development.</p> <p>The report concluded that the additional traffic generation will not impact on the performance of the Leisure Drive / Winders Place signalised intersection.</p> <p>The report stated that the Leisure Drive / Darlington Drive / Greenway Drive roundabout currently operates above RTA thresholds and will reach full saturation during 2013, regardless of traffic generated by the proposed development.</p> <p>TTM Group (March 2014) also prepared an addendum to the traffic impact assessment to consider mitigation options at the Leisure Drive / Greenway Drive / Darlington Drive roundabout. The following two mitigation options were considered.</p> <ul style="list-style-type: none"> <li>• Addition of approach lanes at the existing roundabout</li> <li>• Conversion of the existing roundabout to a signalised intersection</li> </ul> <p>From both the SIDRA and Aimsun models used by TTM it was revealed that <i>'the signalised intersection will not only provide limited benefits to the intersection, but will also require a considerable amount of area to implement.'</i></p> <p><i>'The existing road reserve is not likely to be sufficient to implement the required signal layout, likely requiring land resumptions from adjacent properties. Upgrades to the intersection would likely be very costly, requiring new infrastructure, relocation of existing services, and would cause considerable delays during a lengthy construction period. As a comparison, the ameliorated roundabout design could be implemented within the existing road reserves at a minimal cost and short timeframe, minimising service relocation and delays whilst providing measurable intersection improvements.'</i></p> <p>It is TTM's professional opinion that <i>'the ameliorated roundabout design represents the most appropriate approach to improving the performance of the Greenway Drive / Leisure Drive / Darlington Drive intersection.'</i></p> <p>The addendum report concluded that the addition of approach lanes at the existing roundabout was the most appropriate option.</p> <p>The full traffic assessment and addendum can be seen in Attachment 3.</p> <p>Internal comments from Council's Water Unit state there is no problem with water and sewer supply to the site.</p> <p>(b) Existing public infrastructure is capable of servicing the proposed site. There is good pedestrian and cycling access which the proposed development will encourage.</p>

Criteria	Compliance with Criteria
<p>(c) Is public transport currently available or is there infrastructure capacity to support future public transport?</p>	<p>(c) The site is accessed from the Pacific Highway via Darlington Drive and Leisure Drive and from Fraser Drive via Leisure Drive. Leisure Drive for the frontage of the site comprises a two and four lane distributor road which Council proposes to upgrade in the near future. Access to the site is currently provided at three locations from Leisure Drive and the existing shopping centre to the east also has two separate driveways to Leisure Drive.</p> <p>The proposal will facilitate rationalisation of existing access points and enable the main access to the Club Banora site to be located adjacent to Winders Place at which there is an existing signalised intersection. This will assist in improving traffic management and pedestrian safety and accessibility within the precinct generally.</p> <p>Leisure Drive is an established bus route linking this location with surrounding residential areas and other Tweed centres. Public transport to and from the proposed development is expected to increase substantially. An existing bus stop is located on Leisure Drive near the existing retail development, east of the intersection of Leisure Drive / Greenway Drive intersection. Concerns are raised that the upgrade of this 3 way intersection to a four way intersection will impact on the existing bus stop, which is located approximately 30m from the intersection. This bus stop may need to be re-located. These concerns will be further considered during the development application stage of the process.</p>
<p>Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating cost and road safety?</p>	<p>The site has good access to the arterial road network. In addition, the supermarket is within walking distance of local residents. Public transport is available on Leisure Drive and pedestrian and cycle access is available on the existing network.</p> <p>The location is considered appropriate for traffic generating developments because of the potential to moderate the demand for car travel, encourage multi-purpose trips and encourage trips by public transport.</p> <p>The proximity of the proposal to an existing commercial development will enable maximum use to be made of existing infrastructure and future investment in road and public transport improvements to be focussed in areas of need. This should result in a beneficial impact on greenhouse gas emissions, vehicle operating costs and road safety.</p>

Criteria	Compliance with Criteria
<p>Will the proposal impact on land that the Government has identified a need to protect (e. g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?</p>	<p>The Planning Proposal does not impact on land which is identified by State Government as being required to be protected. It is a filled and disturbed site with minimal environmental values.</p> <p>Some of subject site is flood affected in a 100 year ARI event based on Council's flood maps. The golf course at Club Banora provides flood storage in events larger than the 5 year average recurrence interval (ARI) with flood levels up to 1.84m AHD in the 100 year ARI event.</p> <p>A flood study (BMT WBM, July 2014) and concluded that only a minor loss of flood storage will occur due to the development. This is discussed in further detail in Section C of this report.</p> <p>A contamination assessment (HMC, June 2014) concluded the site is suitable for rezoning, subject to the further investigations as part of any future development application involving soil disturbance. The contamination assessment forms Attachment 5 of this report and is summarised in Section C.</p> <p>An Aboriginal cultural heritage assessment (Everick, July 2014) of the site concluded that the rezoning of the site would not be constrained by cultural heritage. The cultural heritage assessment forms Attachment 6 of this report and is summarised in Section C.</p>
<p>Will the LEP be compatible / complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?</p>	<p>Yes. The expanded retail area will be compatible with the existing commercial development and the club and golf course on two sides. It will not be a major impact on the residential development in the vicinity due to likely arrangements with car parking and building setbacks.</p> <p>The Planning Proposal is likely to include improvements to the public domain including new landscape treatments.</p> <p>There are potential impacts on adjacent land use from additional traffic and noise associated with retail activities, including night time activities such as late night shopping. It is considered that such amenity impacts can be managed during the more detailed planning process at the development assessment stage.</p>
<p>Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?</p>	<p>The economic assessment report states that negative impacts would be short to medium term with growth in retail expenditure such that there would be no threat on the overall viability of any other centre. Thus the added competition in terms of price, goods supplied and retail performance and service delivery is seen as positive and an important net community benefit consideration.</p> <p>There will be an initial transfer of retail expenditure and possibly jobs from existing centres which will be considerably less than the overall increase in expenditure and jobs from an integrated and synergistic development as proposed.</p>
<p>If a stand-alone proposal and not a centre does the proposal have the potential to develop into a centre in the future?</p>	<p>The site is adjacent to an existing centre and essentially forms an expansion to this centre. It is not a stand-alone proposal.</p>

Criteria	Compliance with Criteria
(a) What are the public interest reasons for preparing the draft plan?	(a) The public interest in proceeding is to provide additional local retail shopping opportunities in a densely populated part of Tweed Heads without undermining the primacy of other major centres.
(b) What are the implications of not proceeding at that time?	There is also public interest in the re-use of part of a large site that no longer is able to fulfil its function as a viable sporting and recreation based club. The upper floor of the existing club is not currently used and the building is no longer suited to its intended purpose. A large car park adjacent to the club is rarely full regardless of the events being hosted at the club.  (b) The community will make use of the existing Banora Shopping Village and Council may come under pressure to rezone other sites for retail use elsewhere in Banora. Club Banora will likely reconsider the services and facilities that it offers on this site and substantial parts of it may be closed and become disused to avoid maintenance costs. This may include the Olympic size swimming pool and bowling greens. In the longer term parts of the site may become derelict and unsightly.

## Section B Relationship to strategic planning framework

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

The Far North Coast Regional Strategy 2006-2031 (FNCRS) is the overarching framework that manages growth within the Far North Coast area, including the Tweed Local Government Area. The FNCRS identifies and promotes a settlement pattern that protects environmental values and natural resources while utilising and developing the existing network of major urban centres, reinforcing village character and requiring efficient use of existing services and major transport routes.

Among other things, the FNCRS aims to manage the region's projected population growth sustainably and protect the region's unique environmental assets, cultural values and natural resources. This is planned to occur through responsive future development that retains the regional identity and local character of the area and fosters opportunities for greater economic activity and diversification.

The following outcomes and actions as stated in the FNCRS as relevant to this planning proposal are:

- Economic development and employment growth will be facilitated by identifying suitable business and investment opportunities and providing employment lands to support these opportunities.
- The FNCRS promotes a clear hierarchy of commercial centres consistent in scale and centrally located within each community. Major commercial development will be located within large centres. Other commercial development, which relates to the scale of the adjoining urban areas, will be located within the boundaries of towns and villages, utilising existing commercial centres where possible, and integrated with the initial planning of new release areas.
- Local environmental plans (and other relevant planning provisions) will facilitate employment growth in regional and major town centres, appropriate home based employment, and local jobs in towns, villages and neighbourhood centres.
- The Department of Planning and Environment will work with local councils to ensure that sufficient employment land is identified to meet the requirements of the regional economy.

Rezoning the site for retail uses would assist in achieving the aims of the FNCRS by:

- The site being located in the identified Town and Village Growth Boundary of the Tweed region, within the existing urban footprint.
- Strengthening economic activity in the region, expanding retail uses and creating the opportunity for additional investment.
- Providing local employment opportunities for the region's employment target of an additional 32,500 new jobs by 2031.

***Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?***

The Tweed Community Strategic Plan 2011/2021 was adopted by Council on 14 December 2010. This plan, prepared with extensive community consultation, provides the overarching framework and vision for the Tweed for the next 10 years.

The plan is based on 4 key themes, Civic Leadership, Supporting Community Life, Strengthening the Economy, and Caring for the Environment. Within each theme are key objectives. The following is a summary of the relevant objectives within each theme and how the Planning Proposal complies with each objective.

Objective	Response
<b>Supporting Community Life</b>	
2.5.1 Encourage establishment of well-located centres to provide a wide range of mixed-use retail, commercial and community services, supported by high amenity public spaces, quality urban design and good access by public transport or bicycle.	The planning proposal will result in a zone that will include public domain improvements in a subsequent development application process. The site is adjacent to an existing retail development as well as a number of established urban areas such as the Banora Club itself, swimming pool and residential development. The site is well located to meet this objective.
<b>Strengthening the Economy</b>	
3.4.1 Ensure an adequate supply of industrial and commercial lands to promote employment and business opportunities.	The planning proposal will strengthen the supply of commercial land while at the same time creating additional opportunities for local residents surrounding Banora to have greater access to a greater range of retail services.
<b>Caring for the Environment</b>	
4.1.2 Protect, regulate and maintain natural assets (the coastline, coastal and inland waterways, biodiversity, bushland and scenic landscapes) for current and future generations.	The site is a cleared of vegetation and highly urbanised. The current site is a car park and Club Banora facilities including bowling greens.

***Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPPs)?***

This site is not subject to the application of *SEPP 14 Coastal Wetlands*, or *SEPP 26 Littoral Rainforest*.

The planning proposal is of a scale and nature that should not trigger the application of *SEPP (Major Development) 2007*.

The following SEPPs do apply to the subject site:

SEPP	Comments Assessment
<i>State Environmental Planning Policy (North Coast Regional Environmental Plan) 1988</i>	
– Clause 14 Wetlands or Fisheries Habitat	There are no mapped wetlands in close proximity to the site.
– Clause 31 Coastal Hazard Area	Site is not subject to Coastal Hazards.
– Clause 32A Coastal Lands	The site is subject to the <i>NSW Coastal Policy 1997</i> ; however the site is not located on a dune, beach or headland.
– Clause 39 – Retail, Commercial or Business Activities	The Planning Proposal is for the rezoning of land directly adjacent to land zoned B2 Local Centre in Tweed LEP 2014.
– Clause 40 – Principles for Urban Zones	The Planning Proposal will adopt the existing B2 Local Centre zone in Tweed LEP 2014.
– Clause 45 – Hazards	All relevant hazards are addressed below in this Planning Proposal. There are a number of hazards with potential to impact on the site. These relate to flooding, acid sulphate soil, land contamination and ANEF controls.
– Clause 45A – Flood Liable Land	As discussed above, some of the subject site is flood affected in a 100 year ARI event based on the Tweed Valley Flood Risk Management Study and Plan 2012. In addition, the golf course at Club Banora provides flood storage in events larger than the 5 year ARI with flood levels up to 1.84m AHD in the 100 year ARI event. Flooding is discussed further below. A flood study (BMT WBM July 2014) concluded that minor loss of flood storage will occur due to the development. It is considered the risk of flooding can be adequately assessed during the Development Application stage.
– Clause 47 – Principles for Commercial and Industrial Development	The Planning Proposal seeks to rezone land that is currently 6(a) Private Recreation to commercial land. The site is not isolated and is directly adjacent to existing retail uses and essentially provides an expansion to these uses.
– Clause 50 – Height Controls	The Planning Proposal will result in commercial development of a similar height to the surrounding commercial and business areas.
– Clause 58 – Servicing Urban Area	All necessary urban infrastructure is available in the immediate area, and will be at the cost of the developer dependent upon future expansion plans within the site boundaries.
<i>State Environmental Planning Policy No. 44 – Koala Habitat</i>	The subject land does not contain any Koala habitat areas and therefore this Policy is not applicable.
<i>State Environmental Planning Policy No. 55 – Remediation of Land</i>	A contamination assessment (HMC, June 2014) concluded the site is suitable for rezoning, subject to the further investigations as part of any future development application involving soil disturbance. The contamination assessment forms Attachment 6 of this report and is summarised in Section C.

SEPP	Comments Assessment
<p><i>State Environmental Planning Policy No. 71 – Coastal Protection</i></p>	<p>The site is located within the Coastal Zone. Clause 8 of the SEPP sets out the relevant matters that should be considered in the preparation of a LEP. Matters relevant to the Planning Proposal are:</p> <ul style="list-style-type: none"> <li>– The suitability of the development given its type, location and design and its relationship with the surrounding area.</li> <li>– The site is suitable for general business purposes as a result of the predominant use of the site for retail purposes, and the limited environmental values of the site.</li> </ul> <p>The Planning Proposal is located adjacent to an existing centre designated for commercial development, and is well serviced by transport and infrastructure services.</p>
<p><i>State Environmental Planning Policy (Major Development) 2005</i></p>	<p>The Major Development SEPP applies to State significant projects and those to which Part 3A (now repealed) applied.</p> <p>The site is not affected by any Major Development criteria nor does the development proposed trigger any state significance.</p>

***Is the planning proposal consistent with applicable Ministerial Directions (s117 Directions)?***

Consistency with the relevant section 117 Ministerial Directions is assessed in Table 3 below:



**Table 3: Consistency with section 117(2) Ministerial Directions (A summary of key provisions only has been provided)**

Application	Objective	Response
<b>1. Employment and Resources</b>		
<b><u>1.1 Business and Industrial Zones</u></b>		
Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary)	(a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	Consistent  The site is adjacent to an existing centre, Banora Point Shopping Village which will essentially be an extension to this centre. The Planning Proposal will facilitate permanent employment generating activity. It will not result in a loss of employment generating lands.  The Planning Proposal reports that the proposed development, as sourced from the <i>Market Potential and Economic Impact Assessment</i> (Pitney Bowes, 2010), the redevelopment of the shopping facilities will likely employ approximately 289 people. Allowing for an estimated 5% of the total increase as a result of reduced employment at existing retail facilities in the region, the net additional jobs for the area provided at the Club Banora retail development are estimated at 275.
<b><u>1.2 Rural Zones</u></b>		
Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary)	The objective of this direction is to protect the agricultural production value of rural land.	This Planning Proposal does not affect any rural zones.

### **1.3 Mining, Petroleum Production and Extractive Industries**

<p>Applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <p>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</p> <p>(b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p>	<p>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p>	<p>The B2 Local Centre zone within Tweed LEP 2014 prohibits extractive industries and mines and is subject to the overriding provisions of State Environmental Planning Policies, in particular <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>.</p> <p>By rezoning the lots to the B2 Local Centre zone of the Tweed LEP 2014, it does not take away any additional rights for mining, petroleum or other extractive activities that were originally there (as these activities are also prohibited under the prohibitions outlined above).</p> <p>Mining is subject to the controls of the <i>SEPP Mining, Petroleum Production and Extractive Industries 2007</i>.</p>
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### **1.5 Rural Lands**

<p>This direction applies when:</p> <p>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</p> <p>(b) A planning proposal to which clauses (a) and (b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p>	<p>(a) protect the agricultural production value of rural land,</p> <p>(b) facilitate the orderly and economic development of rural lands for rural and related purposes.</p>	<p>This proposal does not affect any rural zoned land.</p>
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## **2. Environment and Heritage**

### **2.1 Environment Protection Zones**

<p>A LEP shall include provisions that facilitate the protection and conservation of environmentally sensitive areas and shall not reduce the environmental protection standards that apply to the land.</p>	<p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p>	<p>The site is cleared of native vegetation and does not impact on environmental protection zones or land identified for environmental protection purposes.</p>
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## **2.2 Coastal Protection**

Direction applies when a relevant planning authority prepares a Planning Proposal that applies to land in the coastal zone.

The objective of this direction is to implement the principles in the *NSW Coastal Policy 1997*.

The site is located within the coastal zone. The site is subject to the *NSW Coastal Policy 1997*; however the site is not located on a dune, beach or headland. The site is located within an urban area and is not subject to ocean waves. There are no significant erosion, coastal process threats or hazards to the site and it is more than 100 m from a sensitive coastal location.

## **2.3 Heritage Conservation**

A planning proposal must contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The site contains no identified heritage items under Tweed LEP 2014. An Aboriginal cultural heritage assessment of the site (Everick, July 2014) concluded that the rezoning of the site would not be constrained by cultural heritage. The cultural heritage assessment forms Attachment 6 of this report and is summarised in Section C.

## **3. Housing, Infrastructure and Urban Development**

### **3.4 Integrating Land Use and Transport**

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances travelled,

Adequate services exist within the locality. This has been addressed in other sections within this planning proposal. In addition Banora provides for a range of health facilities including aged care. In addition Club Banora plans to redevelop the site to provide up to date facilities including new bowling greens , tennis courts swimming pools. These community services would be sufficient to service the site.

The site has good access to the arterial road network. In addition, the supermarket is marketed to local residents within walking distance. Public transport is available on Leisure Drive and pedestrian and cycle access is available on the existing network.

The location is considered appropriate for traffic generating developments because of the potential to moderate the demand for car travel, encourage multi-purpose trips and encourage trips by

	<p>especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>	<p>public transport.</p>
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**3.5 Development Near Licensed Aerodromes**

<p>This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome</p>	<p>(a) to ensure the effective and safe operation of aerodromes, and</p> <p>(b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and</p> <p>(c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p>	<p>The site of the proposal is within the 20 – 25 ANEF Contour associated with the Gold Coast Airport at Coolangatta.</p> <p>For commercial development purposes, where the ANEF is above 30 then AS2021 interior noise level requirements apply; however, the proposal is within the 20 – 25 ANEF Contour.</p> <p>Clause 7.9 (development in areas subject to aircraft noise) of Tweed LEP 2014 states that:</p> <p><i>‘(3) Before determining a development application for development to which this clause applies [development on land that is in an ANEF contour of 20 or greater and which the consent authority considers is likely to be adversely affected by aircraft noise], the consent authority:</i></p> <p><i>(a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and</i></p> <p><i>(b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS2021t—2000, and</i></p> <p><i>(c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021—2000.’</i></p> <p>The proposal during the detailed design phase will need to consider acoustics as part of a future development application.</p>
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## 4. Hazard and Risk

### 4.1 Acid Sulfate Soils

This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning.

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

The site is identified on Tweed LEP 2014 Acid Sulfate Soils map as containing class 2 potential acid sulfate soils. The LEP contains provisions (Clause 7.1) to regulate works undertaken on and in proximity to acid sulfate soils. The site has been filled in the past, but details are not known at this stage.

Subsurface excavation may be required as part of the development (for instance underground car parking), however the exact location of any additional excavation is unknown. It is recommended a Development Application provide further investigations once the locations of excavation areas are known. Further investigation may be required at development application stage, at which time any acid sulfate soils identified may be managed in accordance with the Acid Sulfate Soil Manual.

The Gateway Determination notes that inconsistencies with the Ministerial Directions on acid sulfate soils are of minor significance.

### 4.3 Flood Prone Land

This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land

(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and  
(b) to ensure that the provisions of LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

As discussed above, a small area of the site is affected in a 100 year ARI event. In addition, the golf course at Club Banora provides flood storage in events larger than the 5 year ARI with flood levels up to 1.84 m AHD in the 100 year ARI event. A flood study (BMT WBM, June 2014) concluded that minor loss of flood storage will occur due to the development. It is considered the risk of flooding can be adequately assessed during the Development Application stage.

The Planning Proposal is justifiably inconsistent with this direction as the proposal will rezone recreational zoned land to business. However, given the site is already highly developed any potential future flooding issues can be dealt with under the development assessment process.

The Gateway Determination notes that inconsistencies with the Ministerial Directions on flood prone land are of minor significance.

#### **4.4 Planning for Bushfire Protection**

Applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) to encourage sound management of bush fire prone areas.

The site has not been identified as bushfire prone.

### **5. Regional Planning**

#### **5.1 Implementation of Regional Strategies**

Planning proposals must be consistent with a regional strategy released by the Minister for Planning.

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

The site is contained within the Town and Village Growth Boundary of the FNCRS. The Planning Proposal is consistent with the Regional Strategy.

### **6. Local Plan Making**

#### **6.1 Approval and Referral Requirements**

In summary, this Direction provides that a LEP shall minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or Public Authority, not contain these provisions unless Council has obtained approval from the relevant Authority and not identify development as designated development unless certain prerequisites can be met

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

The Planning Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.

**6.3 Site Specific Provisions**

A LEP that amends another environmental planning instrument in order to allow a particular development proposal shall either allow that land use to be carried out in the zone that the land is situated on or rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already existing or allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal planning instrument being amended.

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

The Planning Proposal seeks to zone a portion of the site consistent with the requirements of the B2 Local Centre Zone as defined in Tweed LEP 2014. It does not seek to include additional uses beyond what is permitted within the land use table.

The Planning Proposal does not contain or refer to schematic drawings.

## Section C Environmental, social and economic impact

### ***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?***

No. The site has been extensively disturbed as part of existing land use activity as a car park and development, which has resulted in expansive hard paved areas and cleared areas.

Council's Vegetation Management Plan mapping identifies the site as mainly highly modified and disturbed. Subsequently it is highly unlikely that development proposed under this Planning Proposal will impact on critical habitat or threatened species.

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

Any application for development of the site will be assessed in accordance with Council's existing procedures, guidelines and DCP, and any approval will likewise require appropriate consideration of potential adverse environmental impacts on the site or adjoining land and water bodies. It is expected that future development of the site will improve on the current site management practices, improve the local drainage regime and provide appropriate buffering to adjoining land.

#### Flooding

A small area of the site is subject site is flood affected in a 100 year ARI event based on Tweed Council Flood Study In addition, the golf course at Club Banora provides flood storage in events larger than the 5 year ARI with flood levels up to 1.84m AHD in the 100 year ARI event.

A flood study (BMT WBM, June 2014) assessed the impact on the regional flooding in the catchment wide model developed as part of the Tweed Valley Flood Study and Tweed Valley Flood Risk Management Study. This TUFLOW 2D/1D hydraulic model utilises a 40m cell size and was used to simulate both a catchment dominated (rainfall dominated) and an ocean dominated (storm surge) with and without the proposed development. BMT WBM calculated flood impacts by subtracting the existing case peak flood levels from the developed case peak flood levels. The flood impact assessment results indicate that the developed case flood levels are within  $\pm 0.01\text{m}$  of the base case peak flood levels, which is the limit of accuracy of the flood model. This level of accuracy reporting is accepted engineering practice for assessments using hydrodynamic 2D flood models.

The impacts on the peak water level indicate there is a small area within the vicinity of the lake in which minor  $< 25\text{mm}$  are predicted, but these are contained within the property boundary.

The flood impact assessment found that the proposed re-development on the site at Club Banora will not have significant off site impacts on peak flood levels based on the modelling undertaken.

The Gateway Determination noted that any inconsistency with the Ministerial Direction on flood prone land is of minor significance.

Further assessment during the detailed design of any future development will need to quantify the scale and nature of any impact and recommend mitigation measures against these impacts.

#### Acid sulfate soils

The site is identified as containing potential Class 2 Acid Sulfate Soils, and therefore any future development on the site will require development consent for any works which will occur below the surface. The site is also identified as having high ground water vulnerability. However, acid sulphate soils are not considered to be a prohibitive issue for this proposal as the site has already been filled.

The Gateway Determination notes that inconsistencies with the Ministerial Directions on acid sulfate soils are of minor significance.



## Contamination

A Preliminary Site Investigation was undertaken by HMC Environmental Consulting (June 2014) pursuant to *State Environmental Planning Policy No. 55 – Remediation of Land*. The assessment found:

*'A review of available information, and a detailed site inspection indicated that potentially contaminating activities have occurred both on the site and off-site. The use of agrichemicals on the bowling greens and practice putting green within the footprint of the part of the site proposed for retail purposes is considered a potentially contaminating activity. As the bowling greens and the practice putting green are currently in use and, as no re-development involving earthworks is proposed as part of this development application, it is recommended that further investigation be undertaken for future re-development applications. Adequate area is available on the site for any required soil stockpiling or other associated remediation works.*

*An off-site service station was also identified as a potential source of groundwater contamination from petroleum hydrocarbons. Although the groundwater gradient has not been determined a groundwater monitoring program was completed with a sample collected from a temporary groundwater bore installed on the north-eastern part of the site. Laboratory analysis of a collected sample recorded very low concentrations of volatile and semi-volatile petroleum hydrocarbons. The results were all below the Groundwater Investigation Level for fresh waters and drinking water and the Health Screening Level as nominated in Schedule B1 Guideline on Investigation Levels for Soil and Groundwater National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013).'*

The report concluded:

*In relation to potential site contamination associated with current and former land use and, based on the information provided within this report, a site inspection carried out on 6 May 2014, it is concluded that Lot 2 DP 1040576 Leisure Drive, Banora Point is suitable for the proposed rezoning for commercial purposes subject to:*

- 1. Further investigation of the use of agrichemicals on the bowling greens, practice putting green and outdoor play area including soil sampling and laboratory analysis for potential contaminants of concern including heavy metals and organochlorine and organophosphorus pesticides/herbicides to occur with any future development application for the re-development of the site where soil disturbance or earthworks are proposed in the vicinity of the current and former bowling greens and practice putting green. The investigation shall occur following the closure of the bowling greens and practice putting green and prior to earthworks in this area.*
- 2. Any future development application for the re-development of the site where earthworks or other soil disturbance is proposed to include investigation of reported asbestos containing material (ACM) in drainage pipes previously used around the perimeter of the bowling greens. The ACM is to be located and removed to an approved landfill facility by a licensed contractor in accordance with Workcover NSW requirements.*

The full Preliminary Site Investigation forms Attachment 5 of this report.

## **How has the planning proposal adequately addressed any social and economic effects?**

The proponent has provided a detailed *Economic Impact Assessment* (Pitney Bowes Business Insights, September 2010) containing a review and detail of the potential benefits of the proposal in response to a specific request from Council to address the potential impacts of the proposed development on existing centres and retail precincts in accordance with existing local, regional and State strategies which emphasise the need to support existing centres and not detract from existing retail precincts. The full copy of the assessment forms Attachment 4 of this report.

The Economic Impact Assessment concluded the following in terms of trade expenditure:

*‘Once trading commences, the proposed Club Banora centre will also result in a redirection of retail spending from facilities beyond the main trade area, especially those provided at Tweed Heads South, and to a lesser extent, Centro Tweed. Retail facilities at these two locations are currently estimated to be achieving sales of around \$425 million.*

*Most of this impact on the retail facilities at these two locations would be on the full-line supermarket offers provided at these centres. In percentage terms though the likely order of impact on the various supermarket facilities provided at Tweed Heads South and Centro Tweed would be minor, generally well below 5%. Generally, the levels of impact projected above (on retail facilities both within and beyond the main trade area) will not threaten the ongoing viability of existing retail centres or precincts in the area, or the future potential for expansion of retail facilities in the region. All facilities in the region would continue to trade viably after the opening of the proposed Club Banora retail centre.’*

The assessment also stated that the redevelopment of the shopping facilities will likely employ approximately 289 people. Allowing for an estimated 5% of the total increase as a result of reduced employment at existing retail facilities in the region, the net additional jobs for the area provided at the Club Banora retail development are estimated at 275.

Pitney Bowes also state that in terms of wages and salaries, the additional 275 permanent retail employees within the proposed retail development would earn an average annual wage of around \$28,000 (as sourced from the latest ABS average weekly earnings statistics). This represents an additional \$7.7 million in salaries and wages for the local region, directly as a result of the development.

The ability of this site to complement employment generating opportunities in the Tweed is seen as providing a net social benefit with no adverse social impacts identified.

In addition, social, economic and environment issues are addressed in the Net Community Benefit Analysis contained in Part 3, Section A.

#### Cultural heritage

An Aboriginal cultural heritage assessment (Everick Heritage Consultants, July 2014) was undertaken pursuant to the Council guideline *Planning Proposal Process and Procedure – Amending a LEP*. The assessment included searches of the relevant heritage registers and a site visit with Site Officers from the Tweed Byron Local Aboriginal Land Council. The assessment found that:

- *No Aboriginal objects or places registered on the AHIMS database were identified within the project area.*
- *No Aboriginal Objects or Places were identified during the survey.*
- *The possibility of isolated Aboriginal Objects being located within the project area cannot be totally ruled out. However, it is considered highly unlikely that scientifically or culturally significant Aboriginal cultural deposits remain within the project area.*

The cultural heritage assessment concluded that the rezoning of the site would not be constrained by cultural heritage, subject to appropriate mitigation in the unlikely event that material of heritage significance was to be encountered at the site.

The full cultural heritage assessment forms Attachment 6 of this report.

## Section D State and Commonwealth interests

### ***Is there adequate public infrastructure for the planning proposal?***

#### Traffic

The Planning Proposal proposes the following changes in terms of traffic:

- The Leisure Drive / Winders Place intersection is currently a signalised 3 way intersection to the east of the development site. The proposed development would shift the eastern existing access into this intersection to form a 4 way signalised intersection.
- Pedestrian connection to the development from surrounding areas is enabled by a number of existing facilities. The signalised intersection of Leisure Drive and Winders Place provides pedestrian phases to enable safe road crossing. Footpaths surrounding the site will remain as part of the redevelopment.
- The development proposes to include 207 bicycle spaces to be placed around the site to suit demand. This provision meets council's requirement for bicycle parking.
- Provide internal connectivity to adjoining car park.

TTM Group (2013) conducted a traffic impact assessment for the development.. It is noted the assessment included the aged care facility, which has since been removed from the proposed development (see Part 1). The assessment concluded the following.

- Vehicular access to the development will be retained on Leisure Drive. Council plans to widen Leisure Drive to 4 lanes between Winders Place and Eucalyptus Drive but the timeline is currently unknown.
- Council had planned upgrades to form the Fraser Drive and Kirkwood Road link by approximately 2015.
- The proposed site will be large enough to comply with Councils car parking standards. Site access designs and locations are to comply with the relevant Council and authority guidelines.
- Proposed site servicing arrangements achieve compliance with Council and Australian Standards requirements.
- The performance of the Leisure Drive / Winders Place signalised intersection remains acceptable under TMR's GARID thresholds and will not need further works.
- The Leisure Drive / Greenway Drive / Darlington Drive roundabout operates above the guideline's threshold and will reach full saturation during 2013 under background growth, regardless of traffic generated by the proposed development.
- All other intersections affected by the proposed development have acceptable performance under GARID.

The proposal to change Leisure Drive / Winders Place intersection and widen Leisure Drive along the site frontage and provide connectivity to the adjoining retail site are consistent with previous discussions with Council staff and are supported in principle.

At the request of Council, TTM Group (March 2014) prepared an addendum to the traffic impact assessment to consider mitigation options at the Leisure Drive / Greenway Drive / Darlington Drive roundabout. The following two mitigation options were considered.

- Addition of approach lanes at the existing roundabout
- Conversion of the existing roundabout to a signalised intersection

The addendum concluded that addition of approach lanes at the existing roundabout was the most appropriate option.

On 23 April 2014 Council staff wrote to Darryl Anderson Consulting Pty Ltd on behalf of Twin Towns Services Club to advise that the Leisure Drive / Greenway Drive / Darlington Drive roundabout would require the additional approach lanes to facilitate the proposed development of the site. The upgrade would be a condition of consent attached to a development application for the site, with all costs borne by the proponents.

The full traffic assessment, addendum and response letter from Tweed Shire Council form Attachment 3 of this report.

#### Water

The subject land is serviced by existing 150 mm diameter and 250 mm diameter water mains within the Leisure Drive frontage and appropriate services can be provided from these mains subject to detailed design.

#### Sewer

The subject land is serviced by an existing gravity sewer main and sewer pump station/rising main in the Leisure Drive frontage. The subject land can be serviced by this infrastructure, subject to detailed design.

Connection to Council's reticulated waste water treatment system should be possible and is not considered a constraint to development of the site.

#### Power

The subject land is serviced by existing underground power in the Leisure Drive frontage and sufficient capacity is available to service the land subject to formal consultations with Essential Energy.

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

Consultation with the public authorities identified in the Gateway Determination was undertaken during the public exhibition period of the planning proposal. The authorities consulted and the issues raised are outlined below:

- Gold Coast Airport Pty Ltd (in relation to S117 Direction 3.5 – Development Near Licensed Aerodromes)  
No response was received from Gold Coast Airport Pty Ltd at the time of finalising this report.
- Commonwealth Department of Infrastructure and Transport (S117 Direction 3.5 – Development Near Licensed Aerodromes)

The Commonwealth Department of Infrastructure and Transport has no substantial comment to make but wished to raise Council's awareness in relation to the National Airports Safeguarding Framework. The Framework was agreed by the Commonwealth, State and Territory governments in May 2012 and is intended to provide guidance to State/Territory and local government decision makers, airport operators and developers about aviation impacts on land use planning.

Land-use planning and management is an effective means to ensure that the activities nearby airports are compatible with aviation. Appropriate land use planning around airports can minimise the population affected by aircraft noise. Compatible land-use planning and management is also a vital instrument to ensure that the gains achieved by the reduced noise of the latest generation of aircraft are not offset by further residential development around airports.

The rezoning site is within the ANEF 2031, 20 – 25 ANEF Contour. Clause 7.9 and Table 2.1 of Tweed LEP 2014 provide that development for the purposes of commercial buildings is acceptable unconditionally within contours less than 25 ANEF.

The rezoning is intended to facilitate commercial development only (ie. retail shops) and therefore is not inconsistent with current land use planning controls for the area and accordingly is not inconsistent with the National Airport Safeguarding Framework.

In addition to the above responses, NSW Roads and Maritime Services requested the following additional information:

- The SIDRA model for Winders Place/Leisure Drive intersection and the development access to Leisure Drive.
- Projected traffic flows and estimated traffic distribution accessing the proposal through the Winders Place signals.
- Model outputs consistent with NSW standards. TMR's GARID is not applicable in NSW.

This information has since been provided by the proponent and reviewed by Council's engineers who are satisfied that the traffic issues at the site can be adequately resolved during the development application stage.

## Part 4 Mapping

Maps have been inserted throughout the proposal consistent with their function.

## Part 5 Community consultation

On 23 April 2013 the then Department of Planning and Infrastructure determined that the proposal to rezone the site proceed through a Gateway Determination, subject to conditions for consultation with the community and public authorities.

Public exhibition and consultation was subsequently undertaken in accordance with the conditions of the Gateway Determination. The Gateway Determination can be viewed in Attachment 7 of this report.

The Planning Proposal was publicly exhibited for a minimum of 28 days from 21 October 2014 to 21 November 2014 and 147 notifications were mailed to adjoining landowners resulting in 9 submissions.

The issues raised by the submissions received during the public exhibition are detailed below:

### **Issue 1 – Increased Traffic and Capacity Constraints/Pedestrian Safety**

A submission was received regarding concerns about increased traffic, capacity of the surrounding road network and pedestrian safety. The Traffic Assessment (TTM, October 2013) and a letter from TTM dated 19 March 2014 in relation to the intersection of Greenway Drive/Leisure Drive/Darlington Drive.

The October 2013 report contains the following conclusion in relation to development traffic:

*“The development trip generation results in relative minor impacts to the operation of surrounding intersections when compared to intersection performance given growth in background traffic volumes.*

*The performance of the Leisure Drive / Winders Place signalised intersection remains acceptable under TMR's GARID thresholds and will not need further works.*

*The Leisure Drive / Darlington Drive / Greenway Drive roundabout operates currently above the guideline's threshold and will reach full saturation during 2013 under background growth alone. The roundabout will require ameliorative works, but as this degree of saturation is not caused by the development, no burden should be placed on the developers. Substantial queuing at the roundabout is confirmed in all scenarios by the Paramics Model.*

*The Paramics Model confirms that the traffic along Leisure Drive should not be greatly impacted by the development, with minimal impacts at the surveyed intersections.*

*Both development access options considered are viable solutions to increase accessibility an expanded Club Banora site. The addition of a southern leg to the existing Leisure Drive / Winders Place signalised intersection however creates an opportunity for the integration of*

*access between the existing Banora Shopping Village and the proposed retail portion of the development.”*

The TTM letter of 19 March 2014 also proposed improvements to the intersection of Leisure Drive, Darlington Drive and Greenway Drive to improve efficiency and safety.

In summary, the proposed intersection improvements, signalisation of a fourth leg of the Winders Place/Leisure Drive intersection and rationalisation of vehicular access points to Club Banora (and potentially the Banora Point Shopping Village site) will improve pedestrian safety and traffic efficiency generally. In addition, the existing street network has the capacity to accommodate additional traffic, as demonstrated in the above referenced Traffic Assessments.

## **Issue 2 – Flooding and Drainage**

In July 2013, BMT WBM prepared a Flood Impact Assessment addressing both local and regional flooding events. The summary of the report is reproduced as follows:

*“The re-development at Club Banora (Leisure Drive, Banora Point) is proposed. The site is located in Tweed River catchment and flooding on the site can be caused by either regional scale flooding in the Tweed River and Terranora Broadwater or localised flooding coming from rainfall on surrounding urban areas. The urbanised areas on relatively steep catchments are responsible for shorter duration flash flooding than the regional flooding. A diversion channel and bund prevents the majority of flows from entering the property into the golf course. Flow is directed around the site in both the east (which drains to Lake Kimberly) and to the west (which drains to Terranora Broadwater).*

*To undertake an assessment of the local short duration flooding the existing WBNM models were cut-down and refined to provide higher resolution representation of the localised flooding. A 2D/1D TUFLOW model with a 5m cell size was developed. The 2 hour design storm was found to provide the highest flow entering the site over the bund and this was used for the flood impact assessment.*

*The base case model was updated to represent the proposed re-development. The development is not at detailed design stage and to represent the development, the elevation with the proposed development area was raised to a minimum 2.5m AHD, above this elevation the area is reduced by 80% to account for potential buildings. The 5year, 20 year and 100 year Average Recurrence Interval flood events were simulated for the existing and developed case scenarios. Flood impacts were calculated by subtracting the existing case peak flood levels from the developed case peak flood levels. For all three design events the model predicted no significant off site impacts.*

*To assess the impact on the regional flooding the catchment wide model developed as part of the Tweed Valley Flood Study and Tweed Valley Flood Risk Management Study was utilised. This TUFLOW 2D/1D hydraulic model utilises a 40m cell size and was used to simulate both a catchment dominated (rainfall dominated) and an ocean dominated (storm surge) with and without the proposed development. As per the local flooding the flood impacts were calculated by subtracting the existing case peak flood levels from the developed case peak flood levels. No significant off site impacts were predicted.*

*The flood impact assessment found that the proposed re-development on the site at Club Banora as per the details outlined in the report will not have off-site impacts on the peak flood levels based on the modelling undertaken.”*

In summary, the report demonstrates that the proposed rezoning and future development of the site will not have off site impacts in regional and local flooding events.

## **Issue 3 – Cultural Heritage**

A submission was received regarding Aboriginal cultural heritage and potential impacts from the any future development of the site. Everick Heritage Consultants Pty Ltd prepared an Aboriginal Cultural Heritage Due Diligence Assessment to accompany the rezoning application and found that:

*As part of a desktop study, Everick undertook searches of the relevant heritage registers. Search results returned on 28 April, 2014 of the OEH Aboriginal Heritage Information*

Management System ('AHIMS') also contain no record of sites within the Project Area. There are no Indigenous places within the Project Area listed in other heritage registers.

The Project Area is within the area administered for Aboriginal cultural heritage purposes by the Tweed Byron Local Aboriginal Land Council ('Tweed Byron LALC'). A cultural heritage survey with Site Officers from the Tweed Byron LALC was undertaken on 27 May 2014. During the survey, no Aboriginal objects or places were identified. The Project Area can be characterised as highly disturbed. Due to the level of disturbance, consultation with the Tweed Byron LALC should consist of a meeting to provide advice of the project works in the Project Area. Everick does not consider further investigation necessary in the Project Area."

In summary, the subject land does not have cultural heritage values which would be an impediment to proceeding with the rezoning.

#### **Issue 4 – Site Contamination**

A submission was received regarding site contamination and potential impacts on future development of the site. The Preliminary Site Investigation Report prepared by HMC Environmental Consulting Pty Ltd states:

*A review of available information, and a detailed site inspection indicated that potentially contaminating activities have occurred both on the site and off-site. The use of agrichemicals on the bowling greens and practice putting green within the footprint of the part of the site proposed for retail purposes is considered a potentially contaminating activity.*

*As the bowling greens and the practice putting green are currently in use and, as no re-development involving earthworks is proposed as part of this development application, it is recommended that further investigation be undertaken for future re-development applications. Adequate area is available on the site for any required soil stockpiling or other associated remediation works.*

*An off-site service station was also identified as a potential source of groundwater contamination from petroleum hydrocarbons. Although the groundwater gradient has not been determined a groundwater monitoring program was completed with a sample collected from a temporary groundwater bore installed on the north-eastern part of the site. Laboratory analysis of a collected sample recorded very low concentrations of volatile and semi-volatile petroleum hydrocarbons. The results were all below the Groundwater Investigation Level for fresh waters and drinking water and the Health Screening Level as nominated in Schedule B1 Guideline on Investigation Levels for Soil and Groundwater National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013).*

*The report concluded:*

*In relation to potential site contamination associated with current and former land use and, based on the information provided within this report, a site inspection carried out on 6 May 2014, it is concluded that Lot 2 DP 1040576 Leisure Drive, Banora Point is suitable for the proposed rezoning for commercial purposes subject to:*

- 1. Further investigation of the use of agrichemicals on the bowling greens, practice putting green and outdoor play area including soil sampling and laboratory analysis for potential contaminants of concern including heavy metals and organochlorine and organophosphorus pesticides/herbicides to occur with any future development application for the re-development of the site where soil disturbance or earthworks are proposed in the vicinity of the current and former bowling greens and practice putting green. The investigation shall occur following the closure of the bowling greens and practice putting green and prior to earthworks in this area.*
- 2. Any future development application for the re-development of the site where earthworks or other soil disturbance is proposed to include investigation of reported asbestos containing material (ACM) in drainage pipes previously used around the perimeter of the bowling greens. The ACM is to be located and removed to an approved landfill facility by a licensed contractor in accordance with Workcover NSW requirements."*

In summary, the report confirms that contamination is not a constraint to the proposed rezoning.

## **Issue 5 – Impacts on golf course and inadequate Consultation with Club Members**

A submission raised concerns about the impact the planning proposal would have on the existing golf course. While the current proposal involves land predominantly occupied by car park, it is outside the scope of this planning proposal to determine or assess any potential changes to adjoining land co-linked to the site.

Claims that Twin Towns Services Club has not informed its members of the intention to rezone the subject land are a matter for the club. Council in preparing the planning proposal has consulted with the community about the proposed changes to the zoning of a part only of the entire Club Banora property and the issues raised have been addressed in this report.

## **Issue 6 – Need for Additional Retail Facilities and Size of Rezoning Area**

A submission raised concerns about the potential impacts on the existing retail facilities within the area and questioned the need for the proposed extent of the B2 Local Centre zone. The Market Potential and Economic Impact Assessment (Pitney Bowes, September 2010) included an assessment of likely impacts on existing retail facilities. Relevant extracts are reproduced below:

### *“5.1 Nature of likely impacts*

*The Club Banora retail development is likely to result in a range of economic impacts. From a trading point of view, some impacts are likely to be experienced by competitive retailers in the region, and this will be considered later in this report.*

*On the other side of the equation, it is clear that the proposed centre would result in a range of economic benefits, particularly for nearby residents and workers. These key positive impacts include the following.*

- Choice and convenience for trade area residents and workers: The provision of retail facilities at Club Banora would benefit local residents, tourists and workers by meeting their convenience shopping needs (eg. for a weekly grocery shop, the purchase of medication and/or reading materials, or a place to socialise away from home/work), without requiring travel to facilities provided at other retail facilities in the area. The Woolworths supermarket anchoring the centre would be the only store to represent the brand within the main trade area, providing local residents with greater choice, and encouraging price competition.*
- Reduced costs, travel times and escape expenditure: Currently within the main trade area, there are only two supermarket facilities, both relatively small. The proposed full-line supermarket at Club Banora would provide a comprehensive supermarket shopping option which is conveniently located for the growing local population. The proposed Club Banora development will reduce the need for residents to travel beyond the main trade area, resulting in time and fuel cost savings for the local residents and retaining retail expenditure and jobs in the immediate local area.*
- Additional Employment: Once fully operational, the proposed Club Banora retail facilities would be likely to employ around 289 people. Allowing for an estimated 5% of the total increase to be as a result of reduced employment at existing retail facilities in the region, the net additional jobs for the area provided at the Club Banora retail development are estimated at 275 (refer Table 5.1).  
*In terms of wages and salaries, the additional 275 permanent retail employees within the proposed retail development would earn an average annual wage of around \$28,000 (as sourced from the latest ABS average weekly earnings statistics). This represents an additional \$7.7 million in salaries and wages for the local region, directly as a result of the development.**

*In addition to the jobs created once the proposed retail facility is operational, the construction phase of the project would also generate employment opportunities for the region (refer Table 5.2). The estimated cost of construction of the proposed Club Banora Centre is \$16 million. By utilising the appropriate ABS Input/Output multipliers (last produced in 1996/97) and a deflated cost of construction of \$9.8 million (i.e in 1996/97 dollars), it is estimated that the construction period would create around 68 jobs. A further 109 jobs could be expected to be generated on the basis of supplier induced multiplier effects from this period. These*



numbers represent full-time equivalent jobs, which may include both full-time and part-time positions. The additional ongoing retail jobs in the centre proper as previously outlined (275), will result in a further 261 jobs in the broader community based on ABS Input/Output Multipliers.

**Table 5.1**  
Club Banora - Estimated Future Additional Employment Levels

Type of Use	Estimated Employment Per '000 sq.m	Club Banora	
		GLA (sq.m)	Employment (persons)
Supermarket	50	3,800	190
Specialty Shops	60	<u>1,650</u>	<u>99</u>
<b>Total Centre<sup>1</sup></b>		<b>5,450</b>	<b>289</b>
<b>Net Increase<sup>2</sup></b>			<b>275</b>

1. Excludes non-retail components.

2. Net increase includes an allowance for reduced employment levels at impacted centres, estimated at 5% of the total increase

Source : Pitney Bowes Business Insight

**Table 5.2**  
Club Banora - Estimated Future Additional Employment Levels\*

Original Stimulus	Estimated Capital Costs (\$M) <sup>1</sup>	Direct Employment	Supplier Employment Multiplier Effects	Total	Job Years <sup>2</sup>
Construction of Project	16	68	109	178	
Centre Employment <sup>3</sup>		<u>275</u>	<u>261</u>	<u>535</u>	
<b>Total</b>		<b>343</b>	<b>370</b>	<b>713</b>	

\* Employment totals include both full-time and part-time work

1. Adjusted by inflation and productivity to 1996/97 Dollars

2. Indicates the estimated number of jobs over the life of the construction project plus ongoing multiplier effects, for the equivalent of one year

3. Indicates the estimated number of net additional ongoing jobs as a result of the proposed development

Source : Australian National Accounts: Input-Output Tables 1996-97; Pitney Bowes Business Insight

As highlighted, a number of significant economic benefits can be expected to flow directly from the development of the proposed Club Banora retail centre. Against these positive impacts, the question of likely trading impacts on other retailers within the surrounding region also needs to be considered.

## 5.2 Considerations of broad trading impacts

The following sub-section of this report presents an indicative projection of the anticipated impacts of the proposed Club Banora development on competing retail facilities in the region. Such projections must be considered as indicative, on the basis that it is very difficult to predict with certainty the precise impact on any one retailer or any one centre that will result from any change to the retail structure serving a particular area or region.

The impacted centre has a number of possible actions which it may be able to take, for example, which may mitigate or eliminate the extent of the impact. Expansions and improvements may be undertaken at other centres and locations throughout the region, and all of these factors can change the nature of the impact.

Table 5.3 below presents an assessment of the likely order of trading impact for the existing retail floorspace within the defined trade area. The table highlights the following for both 2009/10 and 2012/13, as well as the projected changes over that period:

The available retail expenditure generated by the trade area population.

The estimated sales volumes for the existing and proposed additional retail facilities within the trade area.

The consequent estimated escape expenditure from the trade area, directed to retail facilities located beyond the trade area boundary. Clearly evident from this analysis is the fact that the existing retail facilities within the trade area, which are very limited in scale and nature, currently account for a relatively small proportion of the available retail expenditure that is generated by trade area residents –approximately one-quarter.

Further, even though the proposed additional facilities to be provided at the Club Banora site would clearly increase the volume of available retail expenditure that is retained within the trade area, more than 60% of the total available retail expenditure would still be likely to escape to retail facilities located outside the trade area. This will be the case because the total provision of retail facilities within the trade area, even after the addition of the proposed development at the Club Banora site, would still be quite limited given the available main trade area population.

**Table 5.3**  
Club Banora - Trading Impact Assessment, 2010-2013\*

	2009/10	2012/13	Change	
	\$M	\$M	\$M	%
<b>Part 1A : Estimated Retail Spending Market (With Club Banora)</b>				
Main TA Residents Spending	275.8	301.1	25.3	9.2%
Net Escape Resident Spending	<u>208.2</u>	<u>187.9</u>	<u>-20.4</u>	<u>-9.8%</u>
Est. Retail Sales to Main TA Retailers	67.6	113.2	45.6	67.5%
<b>Part 1B : Calculation of Main TA Retail Sales (With Club Banora)</b>				
Club Banora	0.0	43.8	43.8	n.a.
Other Trade Area Retailers	<u>67.6</u>	<u>69.4</u>	<u>1.8</u>	<u>2.6%</u>
Est. Retail Sales to Main TA Retailers	67.6	113.2	45.6	67.5%
<b>Part 2A : Estimated Retail Spending Market (Without Club Banora)</b>				
Main TA Residents Spending	275.8	301.1	25.3	9.2%
Net Escape Resident Spending	<u>208.2</u>	<u>224.3</u>	<u>16.1</u>	<u>7.7%</u>
Est. Retail Sales to Main TA Retailers	67.6	76.8	9.2	13.6%
<b>Part 2B : Calculation of Main TA Retail Sales (Without Club Banora)</b>				
Club Banora	0.0	0.0	0.0	0.0%
Other Trade Area Retailers	<u>67.6</u>	<u>76.8</u>	<u>9.2</u>	<u>13.6%</u>
Est. Retail Sales to Main TA Retailers	67.6	76.8	9.2	13.6%
<b>Part 3 : Est. Sales Impact of Development on Other Trade Area Retailers (2013)</b>				
• Projected Sales Post Club Banora				2.6%
Compared with Current Sales (2010)				
• Projected Sales Post Club Banora				-9.7%
Compared with Projected Sales Pre Exp. (2013)				

\*Constant 2009/10 dollars & including GST  
Source : Pitney Bowes Business Insight

*Table 5.3 commences with an estimation of the likely sales volumes which will be achieved by retail traders within the Club Banora main trade area (Part 1A), following the addition of the proposed development. The total level of retail sales in the trade area is projected to increase by some \$45.6 million between 2010 and 2013, from \$67.6 million to \$113.2 million. The components of this growth include:*

*Forecast growth in the main trade area retail spending market of \$25.3 million*

*A decrease in the level of resident net escape spending of \$20.4 million, which would currently be directed to facilities beyond the trade area, as a result of the new facilities.*

*Part 1B of the table then presents projected sales for the Club Banora shopping centre in 2013, which are estimated at \$43.8 million. Total retail sales for other trade area retailers are projected to increase by \$1.8 million (or 2.6%) in 2013, even with the Club Banora development commencing trade.*

*On the same basis, part 2 of the table then illustrates the expected outcomes, assuming the Club Banora development does not proceed. In this instance, the total volume of retail sales in the main trade area is projected to increase by some \$9.2 million between 2010 and 2013, from \$67.6 million to \$76.8 million.*

*Part 3 of the table then summarises the potential impact of the Club Banora development on existing retailers within main trade area, by comparing their post-development projected sales with:*

- *2010 estimated sales, and*
- *Sales projections for these retailers assuming the Club Banora development does not proceed.*

*These comparisons illustrate the following:*

*Projected sales levels for existing retailers throughout the trade area in 2013, assuming that the Club Banora development goes ahead, would be on average 2.6% higher than the current estimated 2009/10 sales.*

*As compared with the sales volume which all other retailers in the main trade area are projected to achieve in 2013 if the Club Banora development does NOT proceed, the post-development sales volume would be on average 9.7% lower.*

*The results of these calculations demonstrate our view that the Club Banora development would in all likelihood have some trading impacts on other retailers currently provided throughout the main trade area. These impacts are an estimated average for all retail facilities within the main trade area, with some retail centres likely to be impacted more than others based on their offers, their competitive situations in relation to the proposed Club Banora development and their tenant mix.*

*Most importantly however, the analysis shows that at present the existing retail facilities are retaining only a very small proportion of the total available main trade area retail expenditure, due to their limited nature and extent. In other words, there is ample available retail expenditure for the existing facilities to continue to trade successfully, and for appropriate new facilities to be added within the trade area. Given these circumstances, and notwithstanding our assessment above which shows some expected trading impacts on existing facilities, it is quite possible in these circumstances that there may be virtually no trading impacts experienced by existing facilities within the trade area.*

*Once trading commences, the proposed Club Banora centre will also result in a redirection of retail spending from facilities beyond the main trade area, especially those provided at Tweed Heads South, and to a lesser extent, Centro Tweed. Retail facilities at these two locations are currently estimated to be achieving sales of around \$425 million.*

*Most of this impact on the retail facilities at these two locations would be on the full-line supermarket offers provided at these centres. In percentage terms though the likely order of impact on the various supermarket facilities provided at Tweed Heads South and Centro Tweed would be minor, generally well below 5%.*

*Generally, the levels of impact projected above (on retail facilities both within and beyond the main trade area) will not threaten the ongoing viability of existing retail centres or precincts in the area, or the future potential for expansion of retail facilities in the region. All facilities in the region would continue to trade viably after the opening of the proposed Club Banora retail centre.”*

## **Issue 7 – Relationship to Banora Point Shopping Village**

A submission was received regarding the potential association of development on this site with the adjoining Banora Point Shopping Village. While the submission “is generally supportive of the rezoning”, three points which were raised for further consideration:

### *Scale of rezoning*

*“The scale of the rezoning site be reduced to 2.4 Ha (the scale originally proposed). This will ensure the precinct does (sic) become a district shopping centre. The revised boundaries should exclude the main Club Banora buildings.”*

The original proposal received by Council included an aged care facility to be zoned RE2 Private Recreation, with the remainder of the site being commercial and retail development with associated carpark zoned B2 Local Centre; however, the aged care facility was subsequently removed. In doing so, the overall area of the site was reduced; however, the area of B2 was increased to cover the entire site, covering an area of approximately 3.0 hectares, compared to the previous 2.4 hectares of B2 zoned land.

The increased area of B2 Local Centre zoned land has been included to provide greater flexibility in the design of any future shopping centre, particularly in terms of accommodating adequate car parking and service and delivery facilities, together with integration with the adjoining Banora Point Shopping Village.

The additional land area to be zoned B2 will not result in a “district centre” as the final development proposal will need to justify the scale, design and integration of the actual shopping centre, including a further Retail Assessment, if necessary which demonstrates compliance with Council’s Retail Strategy.

It is proposed to modify Council’s DCP by limiting the gross floor area for any future development on the site to 5,000 square metres, but this could be varied if justified in an economic impact assessment as part of any development proposal.

### *Request for concept plan showing integration with adjoining shopping village*

The submission requested that a new concept plan indicating a high level of integration with the adjoining Banora Point Shopping Village be included in Council’s planning report.

The rezoning, as proposed, will provide an additional area of land zoned B2 which is contiguous with the existing Banora Point Shopping Village (which is also zoned B2) and therefore will provide an opportunity for improved access to and servicing of, the existing Shopping Village.

It is proposed that this matter be addressed through the provisions of guiding principles in the site specific requirement in the DCP; subsequently, any concerns regarding the integration with the Banora Point Shopping Village can be properly addressed at the detailed design stage and in the preparation of the Development Application and Statement of Environmental Effects.

### *Refusal if integration cannot be achieved*

The submission proposes that if the planning authorities consider that an integrated outcome is not possible, then the rezoning should be refused.

While integration with adjoining retail development is seen as a positive outcome, and will be addressed in the DCP to be prepared for the site, until such time as a development proposal is received either through pre-DA lodgement meetings, or once a development application is received, it

is not possible to mandate how new development on this site can be integrated with the existing Banora Point Shopping Village.

Any concerns regarding the integration with the Banora Point Shopping Village can be properly addressed at the detailed design stage and in the preparation of the Development Application and Statement of Environmental Effects.

## Part 6 Project Timeline

The following project timeline represents both activities completed and projected.

Project timeline	
Benchmark	Anticipated Deadline
• Anticipated commencement date (date of Gateway Determination)	23 April 2013
• Anticipated timeframe for the completion of required studies	exhibited
• Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	exhibited
• Commencement date for public exhibition period	21 October 2014
• Completion date for public exhibition period	21 November 2014
• Dates for public hearing (if required)	N/A
• Timeframe for consideration of submissions	12 December 2014
• Timeframe for the consideration of a proposal post exhibition	30 January 2015
• Anticipated date RPA will make the plan (if delegated)	May 2015
• Anticipated date RPA will forward to the department for notification (if delegated)	May 2015

## Summary and conclusions

The planning proposal involves the rezoning of Part Lot 2 DP 1040576 currently zoned RE2 Private Recreation to B2 Local Centre under Tweed LEP 2014. The planning proposal is supported.

The rezoning will facilitate commercial/retail development comprising a supermarket, speciality shops and a car park.

In conjunction with this rezoning, it is proposed to undertake a major redevelopment of the facilities in the remainder of 'Club Banora' property. The redevelopment of 'Club Banora' is permissible with consent under the RE2 Private Recreation zoning. While the redevelopment is not part of this planning proposal, the development as a whole will need to be considered.

The site is currently known as 'Club Banora' which was constructed in the early 1980's and comprises an 18 hole golf course, licensed club (with a GFA of approximately 7000 m<sup>2</sup>), bowling greens, tennis courts, heated Olympic pool and wading pool and approximately 700 onsite car parks. 'Club Banora' occupies a site of approximately 60.1 hectares.

The site is identified in the *Far North Coast Regional Strategy 2006 – 2031* as being within a Town and Village Growth Boundary.

The proposal will facilitate the expansion of the existing Banora Shopping Centre. The master plan for the development presents conceptual elements that integrate with the existing shopping centre adjacent to the site. Notwithstanding this there will be additional competition and resulting loss of trade to existing retailers, at least initially. The economic assessment undertaken suggests that there will be some impact on the existing Banora Shopping Village and other centres as a consequence of the development. However, the Planning Proposal will facilitate employment generating activity and will not result in any loss of employment generating lands.

It is proposed to modify Council's DCP by limiting the gross floor area for any future development to 5,000 square metres, but this can be varied if justified in an economic impact assessment for any development proposal.

The site is low lying and in part affected by the 1 in 100 year flood event, and the majority of the site lies within the 25-30 ANEF zone. For large storm events the golf course provides storage for the Banora Point area. The site has been identified as containing potential Class 2 Acid Sulfate Soils and high ground water vulnerability. Potential sources of contamination were identified at the site, which would require further investigation as part of any future development application.

The planning proposal is accompanied by specialist reports and studies which support the proposed rezoning. Issues concerning the scale of the future shopping centre and integration with the Banora Point Shopping Village can be properly addressed through inclusion of site-specific requirements in the Tweed DCP 2008, and at the detailed design stage and in the preparation of the Development Application and Statement of Environmental Effects.

In summary, it is considered that the issues raised in the submissions do not warrant the rezoning not proceeding.

The Planning Proposal complies with the high level strategic provisions, and through the provision of detailed documentation at the Development Application stage, is expected to have the ability to comply with detailed provisions pertaining to the site.

## ATTACHMENTS

1. Council Reports - 7 May 2015, and 21 March 2013
2. Flood Assessment (BMT WBM, June 2014)
3. Traffic Impact Assessment and addendum (TTM, 2013 and March 2014)
4. Market Potential and Economic Assessment (Pitney Bowes Business Insight, September 2010)
5. Preliminary Site Investigation (HMC, June 2014)
6. Aboriginal Cultural Heritage Due Diligence Assessment (Everick Heritage Consultants, July 2014)
7. Gateway Determination
8. Information Checklist

**Attachment 1: Council Report - 7 May 2015**

## Attachment 2: Flood Impact Assessment



### **Attachment 3: Traffic Impact Assessment, Addendum**

## Attachment 4: Market Potential and Economic Assessment

## Attachment 5: Preliminary Site Investigation (Contamination)

## Attachment 6: Aboriginal Cultural Heritage Due Diligence Assessment

## Attachment 7: Gateway Determination

## Attachment 8: Information Checklist

**INFORMATION CHECKLIST**

**STEP 1: REQUIRED FOR ALL PLANNING PROPOSALS** (under s55 (a)-(e) of the EP&A Act)

• Objectives and intended outcome	✓	• Explanation of provisions	✓
• Mapping (including current and proposed zones)	✓	• Justification and process for implementation (including compliance assessment against relevant Section 117 Direction/s)	✓
• Community consultation (agencies to be consulted)	✓		

**STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS**

PLANNING MATTERS OR ISSUES	TO BE CONSIDERED	N/A	PLANNING MATTERS OR ISSUES	TO BE CONSIDERED	N/A
<b>Strategic Planning Context</b>			• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)		✓
• Demonstrated consistency with relevant Regional Strategy	✓		• Sea level rise		✓
• Demonstrated consistency with relevant Sub-regional, Strategy		✓	<b>Urban Design Considerations</b>		
• Demonstrated consistency with or support of relevant DG endorsed local strategy		✓	• Existing site plan (buildings, vegetation, roads, etc)	✓	
• Demonstrated consistency with Threshold Sustainability Criteria		✓	• Building mass/block diagram study (changes in building height and FSR)		✓
<b>Site Description / Context</b>			• Lighting impact		✓
• Aerial photographs	✓		• Development yield analysis (potential yield of lots, houses, employment generation)	✓	
• Site photos / photomontage	✓		<b>Economic Considerations</b>		
• Traffic and Transport Considerations	✓		• Economic impact assessment	✓	
• Local traffic and transport	✓		• Retail centre hierarchy	✓	
• TMAP		✓	• Employment land	✓	
• Public transport	✓		<b>Social and Cultural Considerations</b>		
• Cycle and pedestrian movement	✓		• Heritage Impact	✓	
<b>Environmental Considerations</b>			• Aboriginal archaeology	✓	
• Bushfire hazard		✓	• Open space management		✓
• Acid Sulfate soils	✓		• European archaeology		✓
• Noise impact		✓	• Social & cultural impacts	✓	
• Flora and/or fauna	✓		• Stakeholder engagement	✓	
• Soil stability, erosion risk. Sediment control, landslip assessment, and subsidence		✓	<b>Infrastructure Considerations</b>		
• Water quality		✓	• Infrastructure servicing and potential funding arrangements	✓	
• Stormwater management		✓	<b>Miscellaneous / Additional Considerations Undertaken</b>		
• Flooding	✓		• Structure and Staging		✓
• Land/site contamination	✓		• Aboriginal Cultural Heritage Due Diligence	✓	
			• Flora and Fauna		✓
			• Bushfire		✓
			• Traffic	✓	
			• Geotechnical / Engineering		✓
			• Stormwater Management	✓	
			• Contaminated Land and declaration	✓	



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