

**Draft Tweed LEP Amendment Number 26**

**PLANNING PROPOSAL**  
**Version - FINAL**

**Housekeeping Review of Development Standards**

September 2019

Council File PP17/0001

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## **Abbreviations**

The Code	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 - Part 3B Low Rise Medium Density Housing Code
The DCP	Tweed Development Control Plan 2008
DPIE	NSW Department of Planning, Industry and Environment
The LEP	Tweed Local Environmental Plan 2014
LRMD housing	Low Rise Medium housing as defined in the Code, being: Dual Occupancy, Manor Houses, and terraces
MLS	Minimum lot size
R2	Low Density Residential zone under the LEP
RFB	Residential Flat Buildings
RU5	Village zone under the LEP

## Introduction

### Purpose of the Planning Proposal

This planning proposal seeks to make amendments to Tweed Local Environmental Plan 2014 (the LEP) to:

- Define where Low Rise Medium Development housing (LRMD) will occur in the R2 Low Density Residential and RU5 Village zones, and
- Incorporate building heights for the town centre Area 'E' (currently in Tweed Development Control Plan 2008) as detailed in Part 2 'Explanation of Provisions' in this proposal.

### Process for amending the LEP

Preparation of a planning proposal initiates a process established by the NSW Department of Planning, Industry and Environment (DPIE) known as the 'Gateway' process for the making or amendment of Local Environmental Plans.

The steps in the process are summarised in Table 1 below, with the opportunity for the proposal to be revised as it progresses through the Gateway process.

Stage	Explanation
Planning Proposal	Council has prepared a document explaining the effect of and justification for the making, or amending of the LEP. Once endorsed by Council, the planning proposal is submitted to the DPIE for consideration.
Gateway	<p>We are at this stage.</p> <p>A Gateway version of the planning proposal was forwarded to the DPIE on 12 January 2018.</p> <p>The DPIE as a delegate for the Minister for Planning determines whether the planning proposal should proceed.</p> <p>In response to receipt of the planning proposal the DPIE issued a 'Gateway determination' dated 8 August 2018.</p> <p>The Gateway determination stipulates requirements, amendments, additional investigations required, government agencies that must be consulted and the duration of public exhibition, apart from other matters that may be required.</p> <p>This planning proposal incorporates the requirements of the Gateway determination and seeks DPIE approval to place the proposal on public exhibition.</p>
Community consultation	With all additional investigations completed and the original planning proposal revised, the planning proposal is publicly exhibited.
Assessment	Submissions received during public exhibition are considered and the planning proposal revised as appropriate prior to Council resolving whether to proceed and forward the proposal to DPE to have the amendment to the LEP finalised or request the Minister to determine that the matter not proceed.
Drafting	Once returned to DPIE, Parliamentary Counsel prepares a draft local environmental plan to amend Council's LEP.
In effect	Once agreed by Council, the amending plan is published in the Government Gazette and the amended LEP becomes effective.

**Table 1: Summary of Gateway Process**

## Structure and content of this planning proposal

This Planning Proposal presents an explanation of and strategic justification for amendment of the LEP in accordance with the Department of Planning and Environment's document 'A guide to preparing planning proposals', and 'A guide to preparing local environmental plans', and is structured in accordance Section 3.33 of the *Environmental Planning and Assessment Act 1979*, as summarised in Table 2.

Part	Title	Explanation
1	<b>Objectives or intended outcomes</b>	A statement of the objectives and intended outcomes of the proposed instrument
2	<b>Explanation of provisions</b>	An explanation of the provisions that are to be included in the proposed instrument
3	<b>Justification</b>	The justification for those objectives, outcomes and the process for their implementation
4	<b>Mapping</b>	Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies
5	<b>Community consultation</b>	Details of the community consultation that is to be undertaken on the planning proposal
6	<b>Project timeline</b>	The anticipated time timeline to amend the local environmental plan

**Table 2: Structure of this Planning Proposal**

## Council resolutions and State determinations

Council, at its meeting of 7 December 2017 resolved that:

1. *The planning proposal for housekeeping review of development standards be submitted to the NSW Department of Planning and Environment for a Gateway Determination, in accordance with s56 of the Environmental Planning and Assessment Act 1979;*
- 1A *Prior to referring the planning proposal under Item 1 above the planning proposal is to be amended to specifically and clearly state within the opening to Part 1 – 'Objectives or intended outcomes' that the maximum building height measured in storeys for all land regulated by Tweed Local Environmental Plan 2014 is three storey, except where specifically varied by an existing endorsed planning control, as illustrated in Table 1 to the Planning Proposal.*
2. *The Minister for Planning and Environment or his delegate be advised that Tweed Shire Council is not seeking plan making delegations for this planning proposal;*
3. *Following receipt of the Gateway Determination the planning proposal be publicly exhibited in accordance with the Gateway Determination and a further report is to be submitted to Council detailing the content of submissions received and any proposed amendment(s);*
4. *Council undertakes a similar housekeeping review in relation to building heights to include storeys for Tweed City Centre Local Environmental Plan 2012 at the earliest opportunity, and*
5. *A review of the building heights in the Tweed Development Control Plan 2008, Section B19 'Bogangar/Cabarita Beach Locality Plan', and the 'town centre' height controls in*

*B24 'Area E Urban Release Development Code' be undertaken with community consultation at the earliest time.*

While Council has resolved to include consideration a review of the building heights in the Tweed Development Control Plan 2008, Section B19 'Bogangar/Cabarita Beach Locality Plan', this has not occurred at this time and is therefore not considered in this planning proposal.

### **Gateway Determination**

In correspondence dated 8 August 2018 a Gateway Determination was received which determined the actions to be undertaken prior to community consultation and agency consultation.

The Gateway Determination is summarised below; the full version can be seen in Appendix 1.

#### ***Gateway Determination (Planning proposal (Department Ref: PP.2018.TWEED.001. 00): to make housekeeping amendments to the Tweed Local Environmental Plan2014.***

The Deputy Secretary, Planning Services at the DPE has determined that this planning proposal should proceed subject to the following:

1. *"The planning proposal is to be updated prior to community consultation to:*
  - a. *remove all written and mapped references to building heights in storey or storey-based controls;*
  - b. *remove all references to amendments to clause 4.6;*
  - c. *remove all references to changes to Kingscliff height of building provisions;*
  - d. *remove comments that relate to the amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 being a metropolitan-focused document;*
  - e. *amend the proposed provision in the planning proposal to introduce a minimum lot size for medium-density housing in the low-density zone to include manor houses in addition to the other types of medium density housing listed;*
  - f. *change references to reflect the numbering within the amended Environmental Planning and Assessment Act 1979; and*
  - g. *update the project time line to allow 12 months for completion.*
  - h. *Provide a quantitative analysis to assess the impacts of the proposal on housing diversity and supply as follows:*
    - i. *the total area of land currently zoned R2 Low Density Residential in the local government area;*
    - ii. *the number of lots eligible for dual occupancy and manor houses/multi dwelling housing under the Low Rise Medium Density Housing Code in the R2 Low Density Residential zone, taking into account the SEPP exclusions; and*
    - iii. *the number of multi-dwelling housing and dual occupancy developments approved in the R2 Low Density Residential zone in the local government area in the last five years;*
2. *After being updated in accordance with condition (1), the planning proposal is to be submitted to, and approved by, the Department prior to community consultation and agency consultation.*

3. *Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:*
  - a. *the planning proposal must be made publicly available for a minimum of 28 days; and*
  - b. *the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing local environmental plans(Department of Planning and Environment 2016).*
  - c. *Council is to write to all affected landowners providing notice of the proposal and public exhibition in regard to the proposed changes to minimum lot size.*
  
4. *Consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the Act. The NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.*
  
5. *A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).*
  
6. *The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.”*

While this planning proposal seeks to incorporate these requirements, items 3c, and 5 were queried and the DPIE has advised that the Gateway determination will not be altered.



6.

## **Part 1 Objectives or intended outcomes**

This planning proposal seeks to:

1. Incorporate amendments listed in the Gateway Determination dated 8 August 2018; which includes but is not limited to the following objectives and intended outcomes:
2. Amend the LEP to align height of buildings in metres consistent with heights specified in Tweed Development Control Plan 2008 (the DCP) section B24 Draft Area 'E' Urban Development Code, and
3. Amend the LEP to provide density and minimum lot size provisions for Low Rise Medium Density Housing (Dual Occupancy, Manor Houses, and Terraces) in the R2 Low Density Residential and RU5 Village zones, consistent with provisions in the DCP.

## Part 2 Explanation of provisions

The intended outcome of this planning proposal is to:

- Incorporate building heights for Area 'E' Village Centre precinct currently contained in the DCP into the LEP, and
- Incorporate density and minimum lot size requirements for LRMD development in the R2 Low Density Residential and RU5 Village zones, currently contained in the DCP into the LEP.

### 2.1 Alignment of building heights in Area 'E' – based on Tweed DCP 2008

This planning proposal seeks to amend the LEP to include building height controls for the Area 'E' Village Centre currently contained within the DCP as described below.

Current and proposed height control (metres)	
LEP 2014 (Current)	Adopted DCP (Proposed for inclusion into LEP 2014)
13.6	15.0

This amendment, as seen in Appendix 2 will be carried out through changes to the Height of Building Map of the LEP.

Council's approach to establishing development standards such as height of building controls is through preparation of locality or site specific plans.

Development of plans such as the Area 'E' DCP require extensive community consultation, application of contemporary urban design principles and practices, consideration of the broader strategic context, and consideration of social and environmental factors to deliver strategies and plans which are then used to update the DCP or LEP.

Area E lies on the southern foreshore of the Terranora Broadwater on the south-western boundary of Banora Point, and approximately six kilometres from Tweed Heads.

The boundaries of Area 'E' and the proposed village centre can be seen in Appendix 2a, and 2b.

### 2.2 Review of minimum lot size controls in the R2 Low Density Residential and RU5 Village zones

This planning proposal seeks to amend the LEP to establish where LRMD Development can occur in the R2 Low Density Residential and RU5 Village zones.

This will be achieved by bringing the existing controls for dual occupancy and other types of medium density housing contained in the DCP in to the LEP and apply these controls to LRMD development in the R2 and RU5 zones.

## **Why is an amendment to the LEP required?**

The need for this amendment has primarily arisen from the recent amendment of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Code) to include a LRMD Housing Code which allows one and two storey dual occupancies, manor houses (a form of residential flat building) and terraces (a form of multi dwelling housing) to be carried out under a fast track complying development approval as 'complying development' in all residential zones where some form of medium density development is permissible with consent.

The provisions of the Code are a significant departure from the current development standards for low density housing in Tweed Shire, and could lead to an increase in medium density development in zones identified for low density housing and a change to the character of long established low density residential areas.

While these areas have allowed for some forms of LRMD housing, the character of these areas has been that of low density development; however, that is not to say that over time, with regeneration of housing, an increase in LRMD housing and related change in local density should not occur.

The amendment to the Code would also mean that instead of requiring a development application to be assessed by Council, any LRMD development which was applied for as complying development under the Code could occur without Council involvement.

Residential zones in the LEP and impacted by the Code include:

- R1 General Residential;
- R2 Low Density Residential;
- R3 Medium Density Residential, and
- RU5 Village.

While the objectives of the R1 and R3 zones are to provide a variety of housing types, including housing in a medium density environment, the R2 and RU5 zones seeks to provide the housing needs of the community within a low density residential environment and therefore medium density development is inconsistent with the objectives and established character of these zones, which have long been regulated through current and historic controls supporting low density development in the DCP.

In addition, the Tweed currently does not have sufficient public transport and infrastructure (water and sewer provision) to accommodate such a significant and wide spread change.

### ***Lot size implications***

Under the Code (section 3B.8), it would be possible in the R2 and RU5 zones for dual occupancy housing to be constructed on allotments of not less than 12 metres wide and an area of either not less than 400m<sup>2</sup> or the minimum lot area specified for dual occupancies in the LEP, whichever is greater.

The Code also establishes a minimum lot size of 600m<sup>2</sup> for manor houses and terraces, with frontages of not less than 15 and 18 metres respectively.

Currently, the LEP does not have a minimum lot size requirement for dual occupancy development or other types of LRMD housing, but does provide a minimum lot size for subdivision of 450m<sup>2</sup> within the R2 and RU5 zones.

Under the DCP, dual occupancy housing requires a minimum of 900m<sup>2</sup> and all forms of multi dwelling housing have a minimum lot size requirement of 1350m<sup>2</sup> equivalent to 450m<sup>2</sup> per dwelling.

The Code allows for dual occupancy housing to occur on allotments as small as 400m<sup>2</sup>, and manor houses and terraces on allotments of not less than 600m<sup>2</sup> in all residential and village zoned land unless the LEP is amended as proposed in this planning proposal.

This planning proposal seeks to restrict the locations where LRMD housing can occur in the R2 and RU5 zones by introducing minimum lot size development standards for LRMD into the LEP, allowing the provisions of the Code to apply only in the R1, and R3 zones.

### **Current Tweed LEP 2014 provisions**

#### ***Dual occupancies***

LRMD is not defined in the LEP, but Dual Occupancy development is defined as:  
*“2 dwellings on one lot of land, but does not include a secondary dwelling”*

Dual Occupancy housing (attached and detached) are permissible with consent in the R1, R2, R3 and RU5 zones.

It is proposed that there be no change to the permissibility of Dual Occupancies.

#### ***Multi Dwelling Housing***

While Terraces are not defined in the LEP, they are classified as a type of Multi Dwelling Housing, which is defined in the LEP as:

*“3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.”*

Multi Dwelling Housing is permissible with consent in the R1, R2, R3 and RU5 zones.

It is proposed that there be no change to the permissibility of Multi Dwelling Housing.

#### ***Residential Flat Buildings***

Likewise, ‘Manor House’ is not defined in the LEP; however the Code defines a manor house as:

*“a residential flat building containing 3 or 4 dwellings, where:*

*(a) each dwelling is attached to another dwelling by a common wall or floor, and*

*(b) at least 1 dwelling is partially or wholly located above another dwelling, and*

*(c) the building contains no more than 2 storeys (excluding any basement).”*

While Residential Flat Buildings (RFB) are prohibited in the R2 Low Density Residential and RU5 Village zones under the LEP, Manor Houses, which are a small scale type of RFB, are permissible under the Code where multi-dwelling housing is permissible.

No change is proposed to the permissibility of Residential Flat Buildings.

### **Current Tweed DCP 2008 provisions**

The DCP provides guidance on the design and location of Dual Occupancies, Town Houses and Row Houses (Terraces).

The requirements of the DCP have been consistently applied by Council to maintain the character of the low density and village zones, allowing higher densities closer to the 'B' zones (neighbourhood and local centres, commercial, business and mixed use zoned land) and permit higher densities and diversity in the R1 and R3 zones.

#### ***Dual occupancies***

The DCP currently requires that:

- *“Dwellings and development must be consistent with the scale and character of surrounding dwellings or as envisaged through an adopted concept plan, locality plan, design statement / covenant and the like.”, and*
- *“Dual occupancy development on R1 General Residential, R2 Low Density Residential, and RU5 Village zoned land must be located:*
  - *on sites with a minimum area of 900m<sup>2</sup>, or*
  - *on a minimum area of 500m<sup>2</sup> if the land is within the low density residential zone and within 300 metres of a business zone.”, and*
  - *on a minimum area of 450m<sup>2</sup> if the land is within the R3 Medium Density Residential zone.*

#### ***Town houses***

Town Housing is the development of 3 or more dwellings on an allotment. Town Houses occur throughout the Shire within residential areas on larger lots consistent with the scale and character of low density residential areas.

The DCP stipulates that in the R2 zone a minimum lot size of 1350m<sup>2</sup> applies:

- i. With dwellings at a density of no greater than 1 dwelling per 450m<sup>2</sup>, and
- ii. If the site is within 300m of a business zone then a density of 1 dwelling per 250m<sup>2</sup>.

### **Translation of DCP provisions in to the LEP**

The Code (Clause 3B.1) states that the erection or alteration of, 1 or 2 storey, attached or detached, dual occupancy, manor house or multi dwelling housing (terraces) can be complying development under the Code where medium density housing is currently permissible with consent in the LEP.

This development might occur under the Code as complying development on allotments as small as 400m<sup>2</sup> for dual occupancies, and 600m<sup>2</sup> for manor houses and multi-dwelling housing (terraces), unless there is a minimum lot size specified within the LEP, in which case the LEP would establish the appropriate MLS.

This planning proposal seeks to amend the LEP to reinforce current requirements of the DCP and to limit where dual occupancy, multi-dwelling housing, manor houses, terraces, and semi-detached dwellings (LRMD housing) can occur. This will be achieved by establishing the MLS for all types of LRMD housing development in the R2 and RU5 zones of:

- 450m<sup>2</sup> per dwelling, and
- 250m<sup>2</sup> per dwelling for lots within 300 metres of a 'business zone'.

It is proposed that the current development density controls for dual occupancies and town houses in the DCP be maintained and included in the LEP as provisions for dual occupancy, multi-dwelling housing, manor houses, terraces, and semi-detached dwellings only in the R2 and RU5 zones.

It is not proposed to transfer these provisions to the R1 and R3 zones, but to allow the SEPP to apply in these zones.

### **Area affected and Implications**

While this planning proposal seeks to establish local provisions which define where the LRMD provisions of the Code will apply, should the LEP not be amended prior to 31 October 2019, then the provisions of the Code would apply to Tweed Shire until such time as the local provision can be included in the LEP.

In determining the extent of properties in the R2 and RU5 zones which may be affected by this amendment to the LEP (that is, those properties that would have the development potential enabled by the Code SEPP removed by this planning proposal), the following categories of allotments have been differentiated:

- Dual occupancies:
  - Allotments 400m<sup>2</sup> - 500 m<sup>2</sup> (within 300 metres of a 'business zone')
  - Allotments 400m<sup>2</sup> - 900m<sup>2</sup> (everywhere else)
- Manor houses and terraces:
  - Allotments 600m<sup>2</sup> - 750 m<sup>2</sup> (within 300 metres of a 'business zone')
  - Allotments 600m<sup>2</sup> - 1350m<sup>2</sup> (everywhere else)

A comparison table showing the MLS and equivalent density in square metres per dwelling can be seen below.

### **Distinction between development and subdivision provisions**

A distinction must be clearly understood between planning provisions for development and planning provisions for subdivision.

The Code allows LRMD (dual occupancy) as complying development on allotments down to 400m<sup>2</sup> but is silent on the MLS for subdivision, while the LEP currently allows subdivision which creates allotments not less than 450m<sup>2</sup>.

While it might be possible to construct a dual occupancy on an allotment less than 450m<sup>2</sup> on all R2 or RU5 zoned land under the LEP, Torrens Title subdivision would not be permitted unless the parent allotment was an area of at least 900m<sup>2</sup> and the resultant allotments were at least 450m<sup>2</sup> per dwelling, or the parent allotment was at least 500m<sup>2</sup> if within 300 metres of a 'business' zone and the resultant allotments were at least 250m<sup>2</sup> per dwelling.

It is not the intention of this planning proposal to prevent strata subdivision from occurring under other provisions of the LEP.

<b>Low Rise Medium Density Housing</b> <b>Comparison of SEPP and DCP In the</b> <b>R2 Low Density Residential and RU5 Village zones</b>			
<b>MEDIUM DENSITY HOUSING</b>			
<b>Housing type</b>	<b>Minimum lot size and equivalent housing density</b>		
	<b>The Code</b> State Policy (For Complying Development)	<b>DCP</b> (Status quo) (What Council is seeking through the Planning proposal)	
	<b>All R2 and RU5 zoned land</b>	<b>Within 300 metres of a 'business' zone</b>	<b>Everywhere else</b>
<b>Dual Occupancy</b>  (2 dwellings)	<b>400 m<sup>2</sup></b>  (200 m <sup>2</sup> per dwelling)	<b>500 m<sup>2</sup></b>  (250 m <sup>2</sup> per dwelling)	<b>900 m<sup>2</sup></b>  (450 m <sup>2</sup> per dwelling)
<b>Manor House</b>  (3 or 4 dwellings)	<b>600 m<sup>2</sup></b>  (200 m <sup>2</sup> for 3 dwellings) (150 m <sup>2</sup> for 4 dwellings)	<b>750-1000 m<sup>2</sup></b>  (250 m <sup>2</sup> per dwelling)	<b>1350-1800 m<sup>2</sup></b>  (450 m <sup>2</sup> per dwelling)
<b>Terraces</b>  (3 or more dwellings)	<b>600 m<sup>2</sup></b>	250 m <sup>2</sup> per dwelling	450 m <sup>2</sup> per dwelling

## Number of allotments potentially affected by changes to the SEPP – Dual Occupancies

As requested in the Gateway Determination, a quantitative review of the potential impact of excluding application of the lot size provisions in the Code from the R2 zone in certain locations has been undertaken; transferring the current dual occupancy and multi-dwelling housing controls contained in the DCP into the LEP is summarised in Table 1.

Allotments wholly or partially zoned R2 Low Density Residential	Number
<b>Entire R2 zone</b>	
Total area of R2 zone	<b>2,125ha</b>
Total allotments	<b>19,327</b>
• LEP 2000	16
• LEP 2012	212
• LEP 2014 (Subject of this planning proposal)	19,099
<b>Within 300 metres of a 'business' zone (400m<sup>2</sup> - 500m<sup>2</sup> and 600m<sup>2</sup> - 750m<sup>2</sup>)</b>	
Allotments where changes in this proposal would stop the Code applying	<b>1642</b>
<b>Elsewhere (400m<sup>2</sup> - 900m<sup>2</sup> and 600m<sup>2</sup> - 1350m<sup>2</sup>)</b>	
Allotments where changes in this proposal would stop the Code applying	<b>8624</b>
Total	<b>10266</b>

**Table 1: Summary of properties within the R2 Low Density Residential zone which may be affected by the SEPP**

## Number of allotments potentially affected by changes to the SEPP – Manor houses and Terraces

### *R2 Low Density Residential*

While the Code prescribes a MLS of 600m<sup>2</sup> for Manor Houses and Terraces, the DCP is silent on both, referring only to Town Houses (as a form of multi-dwelling housing) at a scale and character commensurate with low density housing, with a density of 250m<sup>2</sup> per dwelling within 300 metres of a 'business' zone and 450m<sup>2</sup> per dwelling elsewhere.

However, under the Code a 3 or 4 dwelling Manor House could be located on a lot of 600m<sup>2</sup>, whereas the same development under the DCP would be required to occupy 450m<sup>2</sup> per dwelling or a lot area of 1350 or 1800m<sup>2</sup> respectively.

While every effort has been made to ascertain the number of affected properties, an assumption has been made that all of multi-dwelling properties will contain at least 3 dwellings and as such require a property area of at least 1350m<sup>2</sup>.



### ***Properties within 300 metres of a 'business' zone'***

Within the 300 metres surrounding 'business' zones, the Code is consistent with a MLS of 600m<sup>2</sup>; however, the DCP has long established a density of 250m<sup>2</sup> per dwelling for multi dwelling housing.

Applying the same assumption of three dwellings per property, this would equate to a MLS for three dwellings of not less than 750m<sup>2</sup>.

As such, given that a manor house could comprise 3 or 4 dwelling and no upper limit is established for terraces, to calculate the number of properties likely to be affected by restricting the use of the Code in the R2 and RU5 zones, it has been assumed that 3 dwellings would be the minimum and as such, a MLS of 750m<sup>2</sup> within 300 metres of a 'business' zone and 1350m<sup>2</sup> everywhere else would apply.

### ***RU5 Village***

Rural villages in the Tweed have a distinctive low density rural character typically surrounded by farmland. The Tweed Rural Villages Strategy 2016 established a framework for the preparation of locality plans for each of the rural villages, and while local communities supported further growth and development, this must be done within the context of the existing nature of the villages and protect the low density nature of development.

Community consultation conducted during preparation of the Rural Villages Strategy clearly identified as a high priority that new housing has to be in character, particularly where visible from the village. Medium density development is not a character feature of rural villages in the Tweed.

The RU5 Village zone contains approximately 1,425 allotments covering an area of 438 hectares spread through 8 villages scattered across rural Tweed. 764 allotments (53.6%) are less than 1000m<sup>2</sup>, 566 (39.7%) are less than 5000 m<sup>2</sup>.

Approximately 696 properties have been identified where changes in this proposal would stop the Code applying.

### **Number of allotments potentially affected by changes to the SEPP – R2 and RU5 zones**

A total of 10962 properties have been identified as 'affected' in the R2 and RU5 zones. Due to multiple ownerships such as Housing NSW, a total of 10,013 letters were sent to affected landowners.

### **Dual occupancy and multi-dwelling approvals**

In addition, the Gateway Determination required statistics on the number of multi-dwelling and dual occupancy developments approved in the R2 zone in the past five years; available statistics are presented below.

<b>Dual occupancy and multi-dwelling approvals since 2013 in R2 zone</b>	
Annual breakdown (approximation)	Total
2013=8; 2014=12; 2015=9; 2016=19; 2017=11; 2018=0.	59

### **Deferral to commencement of SEPP (LRMD Housing Code)**

Prior to commencement of the LRMD Code on 6 July 2018, DPE granted Council a temporary deferral to the commencement of the Code until 1 July 2019 to allow time to consider the application of the Code to residential zones in the Shire. A further extension has now been granted to 31 October 2019.

This planning proposal will in part address this requirement of the DPIE.

### **Example of potential LEP clause**

While it is understood that Parliamentary Counsel will prepare a final clause for insertion in the LEP, a draft clause has been prepared which seeks to ensure that the low density character of the R2 Low Density Residential and RU5 Village zones are maintained. A potential clause for amendment of the LEP can be seen below:

#### **4.1D Minimum lot size, subdivision, and density for certain residential accommodation in the R2 Low Density Residential and RU5 Village Zones**

- (1) *The objective of this clause is to achieve appropriate residential density in the R2 Low Density Residential and RU5 Village Zones.*
- (2) *This clause applies to development of land for dual occupancy, multi-dwelling housing, manor houses, terraces, and semi-detached dwellings in the R2 Low Density Residential and RU5 Village Zones.*
- (3) *Despite any other provision of this plan, development consent for the purpose of subdivision or development described in subclause (2), may only be granted if the resultant allotment(s) is a minimum of:*
  - (a) *450 m<sup>2</sup> per dwelling, or*
  - (b) *250 m<sup>2</sup> per dwelling if the land is within 300 metres of a business zone.*
- (4) *This clause does not apply in relation to the subdivision of any land:*
  - (a) *by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*
  - (b) *by any kind of subdivision under the Community Land Development Act 1989*
- (5) *In this clause: Manor houses and Semi-detached housing have the same meaning as the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*

## Part 3 Justification

This part of the planning proposal is split into the following sections:

- |           |  |
|-----------|--|
| Section A | Need for the planning proposal               |
| Section B | Relationship to strategic planning framework |
| Section C | Environmental, social and economic impact    |
| Section D | State and Commonwealth interests             |

Information provided under each section is presented as a response to questions listed in the Department of Planning and Environment's document '*A guide to preparing planning proposals*'.

### Section A Need for the planning proposal

#### **Question 1: *Is the planning proposal a result of any strategic study or report?***

This planning proposal seeks to incorporate the following planning provisions currently within the DCP in to the LEP:

- building height controls for Area 'E' (Tweed DCP 2008 Section B24 Area E), and
- Density and subdivision requirements for medium density development in the R2 Low Density Residential zone (Tweed DCP 2008 Section A1 Residential and Tourist Development Code).

The proposed amendment to the minimum lot size for medium density development in the R2 Low Density Residential and RU5 Village zones has been triggered by the amendment of *State Environmental Planning Policy Exempt and Complying Development Codes 2008*.

#### **Question 2: *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

A planning proposal is necessary to bring planning controls derived through the locality planning process and community consultation in to the LEP.

Transferring the principal development standards from the DCP to the LEP 2014 is the best means of achieving the intended outcomes.

### Section B Relationship to strategic planning framework

#### **Question 3: *Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?***

Consistency with the North Coast Regional Plan 2036 (NCRP) can be seen in Appendix 4.

This proposal is consistent with the NCRP, and in particular Goal 4 "Great housing choice and lifestyle options" which aims to deliver more opportunities for affordable housing, increase housing diversity, and increased housing supply.

The Gateway Determination has advised that NSW Rural Fire Service must be consulted, and provided with a copy of the proposal and given at least 21 days to respond.

**Question 4: Is the planning proposal consistent with a local strategy or other local strategic plan?**

The Tweed Community Strategic Plan 2017/2027 (CSP) was prepared based on extensive community consultation, and provides the overarching framework and vision for the Tweed for the next 10 years.

Council's CSP is structured around four service streams, each of which is broken into a number of sub-streams. The streams have been developed based on feedback from the community, stakeholders and leaders, and incorporate local, regional, state and national priorities for Council. The four streams are:

- Leaving a legacy: Looking out for future generations;
- Making decisions with you: We're in this together;
- People, places and moving around: Who we are and how we live, and
- Behind the scenes: Providing support to make it happen.

The planning proposal is consistent with the vision of the CSP as it seeks stronger alignment of the DCP and LEP and maintenance of the low density character of the R2 and RU5 zones.

Appendix 6 provides an assessment of consistency with the relevant objectives within each of the four streams.

**Question 5: Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPPs)?**

State Environmental Planning policies (SEPPs) deal with matters of State or regional environmental planning significance. They are made by the Governor on the recommendation of the Minister for Planning and may be exhibited in draft form for public comment before being published as a legal document.

Due to the administrative nature of this planning proposal (not proposing new development), no significant inconsistencies:

- This planning proposal is consistent with the intent of SEPP No 1 – Development Standards, which aims to provide flexibility on the application of planning controls where strict compliance with those standards would be unreasonable or unnecessary;
- This planning proposal is consistent with general and specific aims of SEPP No 19 – Bushland in Urban Areas. The administrative amendments with respect of building heights and lot sizes in certain residential areas are minor in nature and will not impact on bushland in urban areas;
- This planning proposal is consistent with *SEPP (Exempt and Complying Development Codes) 2008* which provides streamlined assessment processes for development that complies with specified development standards. One of the amendments proposed within this planning proposal responds directly to the intended outcome of recent changes to the SEPP permitting medium density housing in low density residential areas as complying development. This proposal will provide for medium density housing in low density residential areas in specified locations;
- This planning proposal gives effect to certain aims of *SEPP Coastal Management 2018* through protection of the visual amenity and distinctiveness of the landscape of the

Tweed's coastal areas. This planning proposal is consistent with provisions and desired outcome of SEPP (Rural Lands) 2008, and

- Certain areas of the Shire (Kings Forest and 'The Rise' site in Bilambil) are subject to *SEPP (State Significant Precincts) 2005* which seeks to facilitate development of 'State significant' precincts. Development standards within the SEPP will prevail over requirements of Tweed LEP 2014, including any standard resulting from this planning proposal.

This planning proposal seeks to vary the requirements of the Code SEPP in the R2 and RU5 zones as discussed in the above sections.

**Question 6: *Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)?***

Directions issued by the Minister for Planning to relevant planning authorities under section 9.1 of the *Environmental Planning and Assessment Act 1979* apply to planning proposals lodged with the Department of Planning and Environment.

The Gateway Determination has noted that inconsistencies with section 9.1 Direction 3.1 Residential zones is justified and that no further approval is required in relation to this Direction.

No inconsistencies are considered sufficient to prevent the planning proposal from proceeding; consistency with the relevant Ministerial directions can be viewed in Appendix 5.

## **Section C Environmental, social and economic impact**

**Question 7: *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

This planning proposal is not anticipated to cause adverse effects to critical habitat or threatened species, populations or ecological communities, or their habitats as it does not alter the zoning or permissibility of land use outside of existing urban areas.

The purpose of this planning proposal seeks to amend the LEP to incorporate height of building standards for Area 'E', insert density and minimum lot size requirements in the R2 Low Density Residential and RU5 Village zones for certain development types; being areas already designated for urban development.

**Question 8: *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

No environmental effects resulting from this planning proposal have been identified.

**Question 9: Has the planning proposal adequately addressed any social and economic effects?**

Building height controls proposed for Area 'E' have been developed through a community consultative process and therefore acknowledged by the community and Council and are consistent with the intent to support the local community.

This planning proposal seeks to maintain the built form, character and density of the low density residential zone and thereby reduce the potential for escalated demand for services and facilities and reduce potential for social disharmony created by a significant variation to this zone if the Code SEPP LRMD provisions were applied.

**Section D State and Commonwealth interests**

**Question 10: Is there adequate public infrastructure for the planning proposal?**

While the planning proposal applies to land already zoned for urban development an increase in density of development in the R2 Low Density Residential and RU5 Village zones is likely to increase the demand for public infrastructure.

Locational requirements which define where LRMD development can occur have been derived to focus development around business zones and within walking distance of available services and facilities.

As required by the Gateway Determination, statistics have been provided above to quantify the potential numbers of allotments that may be impacted by this planning proposal.

**Question 11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

The Gateway Determination (8 August 2018) stipulated that consultation with the NSW Rural Fire Service (RFS) is required, and advises that the agreement of the DPE's Secretary to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection should occur prior to community consultation; however, clarification of the timing of consultation with the RFS has been sought from the DPE.

This amended version of the planning proposal is presented to the DPE for approval prior to public exhibition at which time the views of other State and Commonwealth public authorities will be sought.

## **Part 4 Mapping**

Current and proposed development standards applying to the land can be viewed as listed below:

- Appendix 2: Mapping - Tweed LEP 2014 proposed height of building amendment (Area 'E')

## Part 5 Community consultation

The Gateway Determination has stipulated that the proposal be placed on public exhibition for a minimum of 28 days and will be made available for viewing as listed below:

- Council offices at Tweed Heads and Murwillumbah;
- Notice in Council's weekly newspaper, the Tweed Link (distributed as an inset to Tweed Daily News and Tweed Valley Weekly);
- Online at Council's website: [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au), and
- Using Council social media network.

### Public exhibition

One of the requirements of the Gateway Determination was for Council *"to write to all affected landowners providing notice of the proposal and public exhibition in regard to the proposed changes to minimum lot size."*

Affected landowners were identified as being the owners of properties who may be able to undertake the types of housing permitted by the Code but are currently not permissible by the LEP.

A total of 10,013 letters were sent to 'affected landowners'.

A range of supporting documents were exhibited with the planning proposal, including a table to assist landowners understand the differences between where the Code might apply and where Council's current controls are applied; see Attachment 2.

Public exhibition occurred during the period 6 August to 3 September 2019. The planning proposal and supporting information were available on Council's website and in hard copy at the Murwillumbah and Tweed Heads Administration offices.

Four Community Conversations were held during the exhibition period at Murwillumbah, Banora Point, Kingscliff and Pottsville. In total 124 people attended these sessions to discuss the proposal and its implications with Council officers.

A total of 152 submissions were received which included submissions from:

- Banora Point & District Residents Association;
- Cabarita Beach, Bogangar Residents Association;
- Fingal Head Coastcare Incorporated;
- Fingal Head Community Association;
- Kingscliff Ratepayers Association;
- Submission from 52 Kielvale residents;
- Team Koala, and
- NSW Rural Fire Service.

A breakdown of submissions showed that:

- 132 respondents supported maintaining the existing provisions of the Tweed DCP;
- 18 respondents supported increased housing densities and application of the Code, and
- 2 respondents were indeterminate.

The Gateway determination also required consultation with the NSW Rural Fire Service. NSW Rural Fire Service raised no objection to the amendment.



## Part 6 Project timeline

The following project timeline has been prepared with the assumption that the project would commence once a revised Gateway determination is issued, but may be amended following assessment by the Department of Planning and Environment to provide the necessary level of confidence that the proposed amendments to *Tweed Local Environmental Plan 2014* will be finalised within a reasonable time.

The estimated timeframe suggests that the deadline for the temporary deferral from the SEPP of June 2019 is not likely to be achieved.

Project timeline	
Benchmark	Anticipated Deadline
• Commencement (date of original Gateway Determination)	8 August 2018
• Draft revised exhibition version to DPE for approval	January 2019
• Approval from DPE to exhibit	February 2019
• Timeframe for the completion of required technical information	N/A
• Government agency consultation (pre and post exhibition as required by Gateway determination)	March 2019
• Commencement date for public exhibition period	March 2019
• Completion date for public exhibition period	August 2019
• Dates for public hearing (if required)	N/A
• Consideration of submissions	September 2019
• Consideration of a proposal post exhibition and report to Council	October 2019
• Date of submission to the Department of Planning and Environment to finalise the LEP	October 2019
• Anticipated date RPA will make the plan (if delegated)	November 2019
• Anticipated date plan is published and effective	November 2019

## Summary and conclusions

The planning proposal has been amended in accordance with the requirements of the Gateway Determination of 8 August 2018, and seeks to amend Tweed Local Environmental Plan 2014 to:

- Amend Tweed LEP 2014 to align height of buildings in metres consistent with heights specified in Tweed Development Control Plan 2008 section B24 Draft Area 'E' Urban Development Code, and
- Amend Tweed LEP 2014 to provide an appropriate minimum lot size for Low Rise Medium Density Housing (Dual Occupancy, Manor Houses, and Terraces) in the R2 Low Density Residential and RU5 Village zones, consistent with provisions in Tweed DCP 2008.

The planning proposal was publically exhibited during August 2019 with the majority of submissions received supporting the proposed amendment.

The planning proposal will be reported to the October 3 2019 Council Planning Committee Meeting and pending the resolution of Council will be sent to the DPIE soon after to have the plan.

## **APPENDICES**

Appendix 1: Gateway Determination (8 August 2018)

Appendix 2: Mapping - Tweed LEP 2014 proposed height of building amendment (Area 'E')

Appendix 3: SEPP (Exempt & Complying Development Codes) 2008 – Clause 1.19 Land on which complying development may not be carried out

Appendix 4: Consistency with North Coast Regional Plan 2036

Appendix 5: Consistency with Section 9.1 (formerly 117) Directions by the Minister

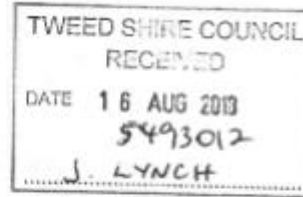
Appendix 6: Consistency with Tweed Community Strategic Plan 2017-2027

Appendix 7: Information Checklist

**Appendix 1: Gateway Determination (8 August 2018)**



Mr Troy Green  
General Manager  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484



Dear Mr Green *Troy*

**Planning proposal PP\_2018\_TWEED\_001\_00 to amend Tweed Local Environmental Plan 2014**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 29 January 2018 in respect of the planning proposal for housekeeping amendments to the Tweed Local Environmental Plan 2014.

I appreciate and commend Council for seeking to address housing controls through the planning proposal to ensure that the future character of the Tweed urban areas is protected while providing different opportunities housing types for the community.

In response to your request the Minister for Planning agreed that the Tweed Council area would be deferred from the commencement of the Low Rise Medium Density Code until 1 July 2019. This deferral provides the opportunity for Council to work closely with the community and industry to provide housing controls that reflect the character of the Tweed. The department is available to work closely with you over the next 12 months to achieve this outcome if required.

I am pleased to support the alignment of height of building controls in metres within the Area E locality plan, and the application of a minimum lot size for medium-density development in low-density zones proceeding as part of the planning proposal.

There are a few matters in the planning proposal that require further work before they can be advanced.

In relation to the proposed height of building changes in Kingscliff, the Department encourages Council to use the locality planning process to determine the community's views and the need for such changes prior to amendments to be included in this proposal proceeding. This approach ensures the planning outcome is supported by community comment and a sound strategic basis.

I understand that it is proposed to exhibit the locality plan soon. Advancing the proposed changes to the heights in this proposal before seeking community comment

on the locality plan could be viewed by the community as pre-determining the outcome of the consultation on the locality plan.

Once the locality planning process has been completed and community feedback is considered, Council can apply appropriate building height controls in this locality through a planning proposal.

In terms of changes to building height, I note it is proposed to change the controls to limit the number of storeys and include an overall height in metres. I understand the reasons for this proposed change, however, it is important that the community is not confused by two different controls applying to the land i.e. the number of storeys and height in metres, and that additional complexity in planning controls is kept to a minimum. This matter requires further investigation and could be achieved more simply and directly by a reduction in the current height control in metres.

I note the proposal seeks to remove the ability to vary height and lot size controls in certain areas. Clause 4.6 is generally available to applicants who demonstrate that a better planning outcome can be achieved by a variation to the prescribed standard. It is a mechanism to encourage good design, with well-justified applications able to be supported by Council and poorly-justified proposals able to be refused.

Until the outcomes of the proposed changes are known it is premature to remove the flexibility provided to development standards through the application of clause 4.6 for heights and medium-density development in the low-density zone.

To achieve the desired outcomes the Department's Northern Region is available to work with you to assist in providing the supporting information to justify the changes to your planning controls.

As delegate of the Minister for Planning, I have determined that the planning proposal should proceed in respect to alignment of height of building controls in metres within the Area E locality plan, and the application of a minimum lot size for medium-density development in low-density zones, subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 3.1 Residential Zones is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Council will still need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to community consultation.

The State government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

The Department is committed to helping Council ensure the local planning framework meets the needs of the community. I have asked Ms Tamara Prentice, Team Leader, Northern, to be available to meet with you to discuss this proposal. Should you have any further enquiries about this matter, please contact Ms Prentice on 6641 6610.

Yours sincerely



**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**  
08/08/2018  
Encl: Gateway determination

## Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_TWEED\_001\_00): to make housekeeping amendments to the Tweed Local Environmental Plan 2014.**

I, the Deputy Secretary, Planning Services at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Tweed Local Environmental Plan (LEP) 2014 to make housekeeping amendments should proceed subject to the following:

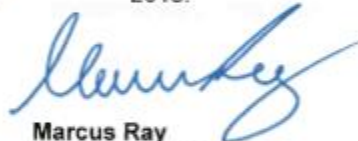
1. The planning proposal is to be updated prior to community consultation to:
  - a) remove all written and mapped references to building heights in storey or storey-based controls;
  - b) remove all references to amendments to clause 4.6;
  - c) remove all references to changes to Kingscliff height of building provisions;
  - d) remove comments that relate to the amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 being a metropolitan-focused document;
  - e) amend the proposed provision in the planning proposal to introduce a minimum lot size for medium-density housing in the low-density zone to include manor houses in addition to the other types of medium density housing listed;
  - f) change references to reflect the numbering within the amended *Environmental Planning and Assessment Act 1979*; and
  - g) update the project timeline to allow 12 months for completion.
  - h) provide a quantitative analysis to assess the impacts of the proposal on housing diversity and supply as follows:
    - i. the total area of land currently zoned R2 Low Density Residential in the local government area;
    - ii. the number of lots eligible for dual occupancy and manor houses/multi-dwelling housing under the Low Rise Medium Density Housing Code in the R2 Low Density Residential zone, taking into account the SEPP exclusions; and
    - iii. the number of multi-dwelling housing and dual occupancy developments approved in the R2 Low Density Residential zone in the local government area in the last five years;
2. After being updated in accordance with condition (1), the planning proposal is to be submitted to, and approved by, the Department prior to community consultation and agency consultation.

Tweed PP\_2018\_TWEED\_001\_00 (IRF18/597)



3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - a) the planning proposal must be made publicly available for a minimum of 28 days; and
  - b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment 2016).
  - c) Council is to write to all affected landowners providing notice of the proposal and public exhibition in regard to the proposed changes to minimum lot size.
4. Consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the Act. The NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.

Dated *8th* day of *August* 2018.

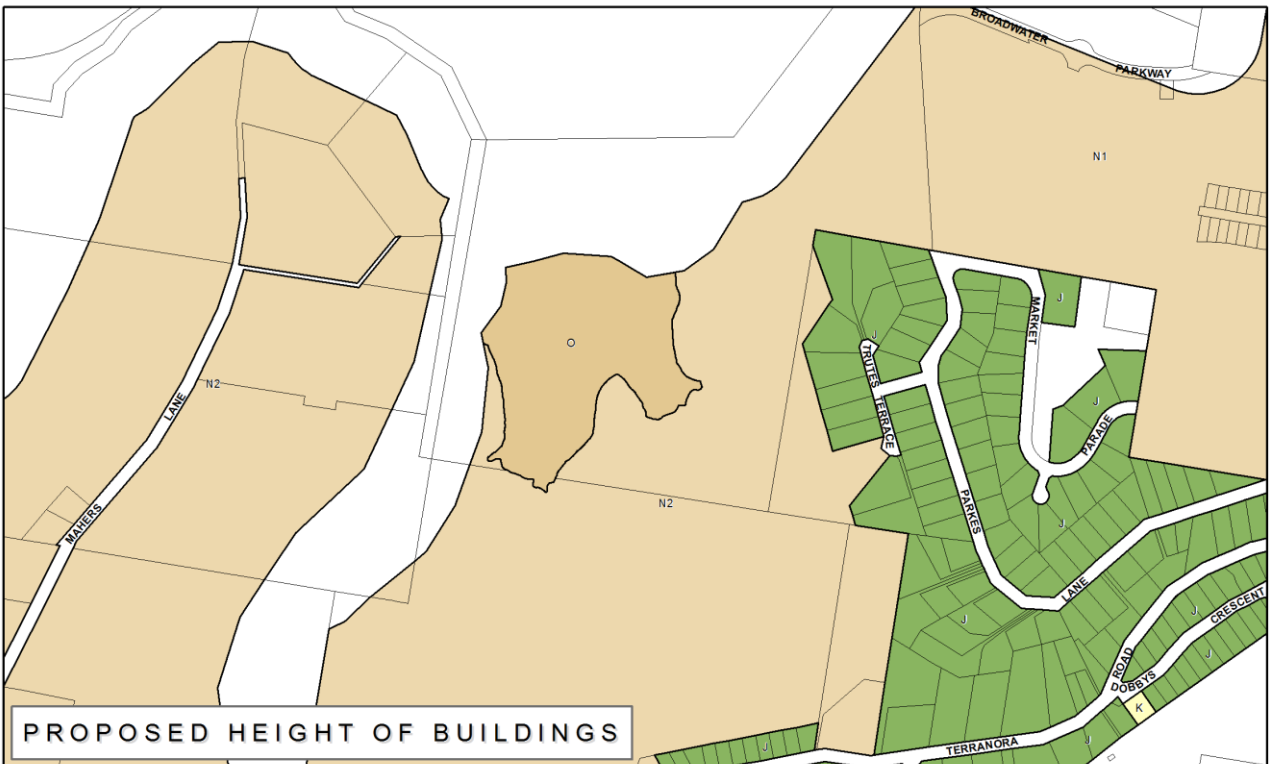
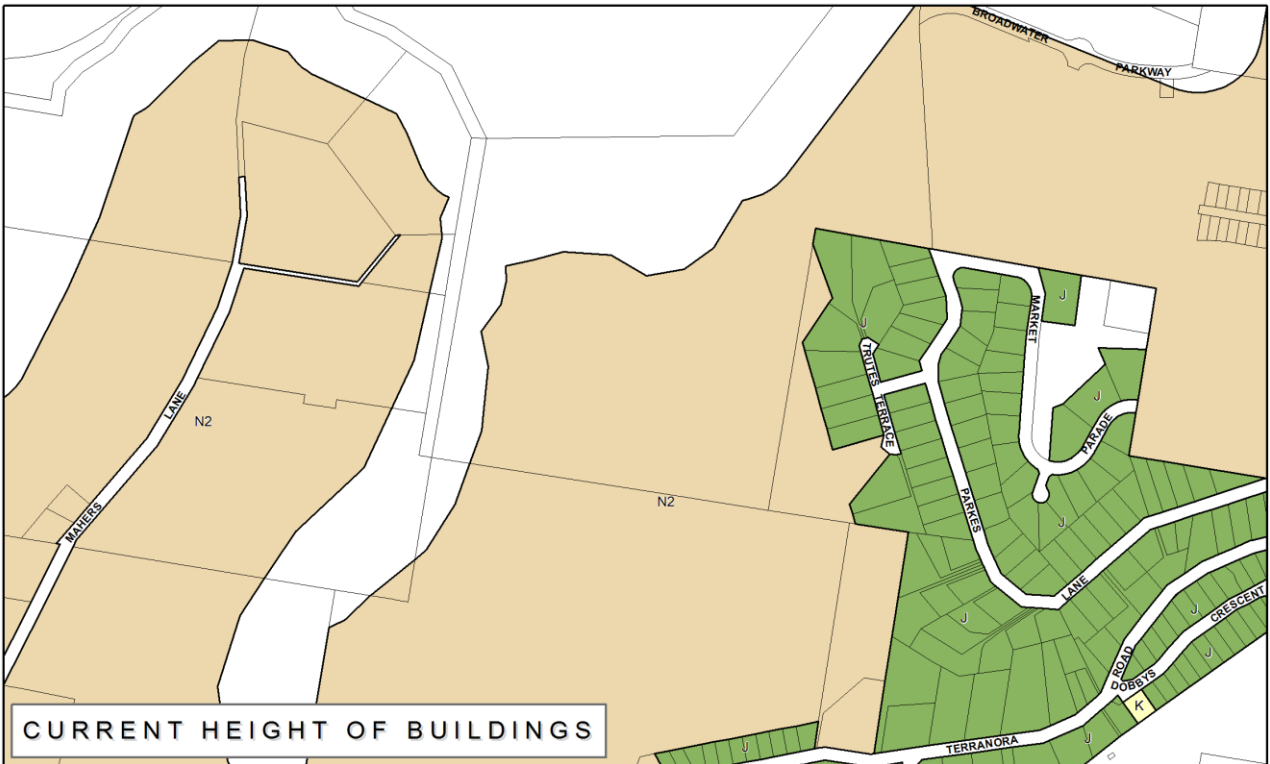


**Marcus Ray**  
Deputy Secretary  
Planning Services  
Department of Planning and  
Environment

**Delegate of the Minister for Planning**

Tweed PP\_2018\_TWEED\_001\_00 (IRF18/597)

## **Appendix 2: Mapping – Tweed LEP 2014 proposed height of building amendment (Area ‘E’)**



**Tweed Local Environmental Plan 2014**

Height of Buildings  
Maximum Building Height (m)

I	8	K	10	M	12.2	N2	13.6	O	15
J	9	L	11	N1	13	N3	14	W	40

Maximum Building Height (RL)  
Heights shown on map in RL(m)

21

1:10,000 @ A4 Portrait  
0 50 100 150 200 M  
DO NOT SCALE  
COPY ONLY - NOT CERTIFIED

Map Projection: Universal Transverse Mercator  
Horizontal Datum: Geodetic Datum of Australia 1994  
Grid: Map Grid of Australia, Zone 56

**TWEED** SHIRE COUNCIL  
Civic and Cultural Centre  
3 Tumbulgum Road  
Murwillumbah NSW 2484  
PO Box 816  
Murwillumbah NSW 2484  
T | (02) 6670 2400 | 1300 292 872  
F | (02) 6670 2429  
W | www.tweed.nsw.gov.au  
E | planning@tweed.nsw.gov.au

**Tweed Local Environmental Plan 2014**  
**DRAFT Planning Proposal**

Housekeeping review of development standards  
Area E MAP 1 of 1:

Council File |PP17/0001  
Revised |18/01/2018

Cadastre: 18 January, 2018  
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Boundaries shown should be considered approximate only.

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Filepath: Z:\ESR\PRU\POLICIES & STRATEGIES\PLANNING PROPOSAL\PP17-0001 Housekeeping Review of Development Standards\MXD\AreaE\_Map 1.mxd Author: J Batchelor - Strategic Planning & Urban Design Unit Date Printed: 18 January, 2018

## **Appendix 2a: Area 'E' Locality Boundary**





**Figure 1.1 Area E Urban Release Area Code Boundary**

This Code applies to all development on land situated within the boundary illustrated above.

## **Appendix 2b: Area 'E' Village Centre Boundary**





**Area 'E' Village Centre boundary**

**Appendix 3: SEPP (Exempt & Complying Development Codes) 2008 – Clause 1.19 Land on which complying development may not be carried out**



**SEPP exempt land** includes the following categories listed under clause 1.19 of SEPP (Exempt & Complying Development Codes) 2008:

1. land within a heritage conservation area or a draft heritage conservation area, unless the development is a detached outbuilding, detached development (other than a detached studio) or swimming pool,
2. land that is reserved for a public purpose by an environmental planning instrument;
3. land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2
4. land that is subject to a biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995* or a property vegetation plan approved under the *Native Vegetation Act 2003*
5. land identified by an environmental planning instrument as being:
  - a. within a buffer area, or
  - b. within a river front area, or
  - c. within an ecologically sensitive area, or
  - d. environmentally sensitive land, or
  - e. within a protected area,
6. land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by:
  - a. a coastline hazard, or
  - b. a coastal hazard, or
  - c. a coastal erosion hazard, or
7. land that is in the 25 ANEF contour or a higher ANEF contour, unless the development is only for:
  - a. the erection of ancillary development, attached development or detached development, or
  - b. the alteration of, or an addition to, ancillary development, attached development or detached development
8. land that is declared to be a special area under the *Water NSW Act 2014*
9. unsewered land:
  - a. to which *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* applies, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250m<sup>2</sup>, or
  - b. in any other drinking water catchment identified in any other environmental planning instrument.
  - c. Development specified in the Housing Code or the Low Rise Medium Density Housing Code is not complying development under that code if it is carried out on land described or otherwise identified on a map specified in Schedule 5.(this refers to 420-434 Terranora Road, Terranora)
10. Development specified in the Low Rise Medium Density Housing Code is not complying development under that code if it is carried out on land on which there is a heritage item or a draft heritage item.

**Appendix 4: Consistency with applicable Section 9.1  
Directions by the Minister (formerly Sec. 117 Directions)**

## Consistency with applicable Section 9.1 Directions by the Minister

### 1. Employment and Resources

#### 1.1 – Business and Industrial Zones

Application	Objective	Consistency of this planning proposal
<p>This direction applies when a planning proposal affects land within an existing or proposed business or industrial zone. A planning proposal must give effect to the objectives of this direction, retain existing business and industrial zones, not reduce the total potential floor space area for employment and/or industrial uses.</p>	<p>The objectives of this direction are to encourage growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified centres</p>	<p>The height of buildings proposed for Area 'E' have been derived from a community consultative process and embedded in the Area 'E' locality plan.</p>

#### 1.2 – Rural Zones

<p>A planning proposal must not rezone land from a rural zone to a residential, business, village, industrial or tourist zone, and must not contain provisions that will increase the permissible density of land (other than land within an existing town / village).</p>	<p>The objective of this direction is to protect the agricultural production value of rural land.</p>	<p>Consistent. No provisions of this planning proposal are expected to increase the permissible density of land with a rural zoning.</p>
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### 3. Housing, Infrastructure and Urban Development

#### 3.1 – Residential Zones

<p>A planning proposal must encourage a variety and choice of housing types to provide for existing and future housing needs, efficient use of existing infrastructure and minimise the impact of residential development on the environment.</p>	<p>The objective of this direction is to broaden the choice of building types and locations, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing and associated urban development on the urban fringe, and be of good design.</p>	<p>Consistent. This planning proposal will not result in additional land for residential development. Instead, it seeks to provide a greater certainty to the community and landowners about the acceptable bulk and scale of new development. The aim of this planning proposal is the alignment of heights in Area 'E' town centre, and provisions for where LRMD development can occur in the R2 and RU5 zones.</p>
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#### 3.3 – Home Occupations

<p>This direction applies when a relevant planning authority prepares a planning proposal</p>	<p>The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.</p>	<p>This planning proposal is consistent with this direction as it does not intend to change the permissibility of home occupations.</p>
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#### 3.4 Integrating Land Use and Transport

<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 urban land, including land</p>	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts improve access to</p>	<p>The planning proposal is broadly consistent with this direction. Whilst this planning proposal does alter certain provisions related to urban-zoned land, this alteration will not negatively impact on delivery of the objectives of this Direction. This planning</p>
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zoned for residential, business, industrial, village or tourist purposes.	housing, jobs and services by walking, cycling and public transport, reduce dependence on cars, and travel demand including the number of trips, especially by car.	proposal does not seek to remove or create any residential zone or land uses.
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## 5. Regional Planning

### 5.10 Implementation of Regional Plans

This direction applies to land to which a Regional Plan has been released by the Minister for Planning.	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	No inconsistencies have been identified. Consistency of this planning proposal with the North Coast Regional Plan 2036 is demonstrated within Appendix 5.
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## 6. Local Plan Making

### 6.1 Approval and Referral Requirements

<p>A planning proposal must:</p> <ul style="list-style-type: none"> <li>• minimise the inclusion of provisions requiring concurrence, consultation or referral of DAs to a Minister or Public Authority,</li> <li>• not contain these provisions unless Council has obtained approval from the relevant Authority</li> <li>• not identify development as designated development unless certain prerequisites can be met</li> </ul>	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.
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### 6.3 Site Specific Provisions

<p>A proposed amendment to a environmental planning instrument must either:</p> <ul style="list-style-type: none"> <li>• allow that land use to be carried out in the zone the land is situated on, or</li> <li>• rezone the site to an existing zone that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</li> <li>• allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</li> </ul>	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Consistent. The aim of this planning proposal is to amend the Tweed LEP 2014 to provide for the maximum height of buildings in the Area 'E' village centre and define where LRMD can be established in the R2 and RU5 zones only.
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## **Appendix 5: Consistency with North Coast Regional Plan 2036**

## Consistency with the North Coast Regional Plan 2036

### Goal 1: The most stunning environment in NSW

Direction/Action	Response / consistency check	
<b>Direction 1: Deliver environmentally sustainable growth</b>		
1.1	Focus future urban development to mapped urban growth areas.	Consistent – this planning proposal does not propose urban growth outside the areas identified within the NCRP maps.
1.2	Review areas identified as ‘under investigation’ within urban growth areas to identify and map sites of potentially high environmental value.	Not applicable
1.3	Identify residential, commercial or industrial uses in urban growth areas by developing local growth management strategies endorsed by the Department of Planning and Environment.	Not applicable
1.4	Prepare land release criteria to assess appropriate locations for future residential, commercial and industrial uses.	Not applicable
<b>Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments</b>		
2.1	Focus development to areas of least biodiversity sensitivity in the region and implement the ‘avoid, minimise, offset’ hierarchy to biodiversity, including areas of high environmental value.	Not applicable
2.2	Ensure local plans manage marine environments, water catchment areas and groundwater sources to avoid potential development impacts.	Not applicable
<b>Direction 3: Manage natural hazards and climate change</b>		
3.1	Reduce the risk from natural hazards, including the projected effects of climate change, by identifying and managing vulnerable areas and hazards.	Not applicable
3.2	Review and update floodplain risk, bushfire and coastal management mapping to manage risk, particularly where urban growth is being investigated.	Not applicable
3.3	Incorporate new knowledge on regional climate projections and related cumulative impacts in local plans for new urban development.	Not applicable
<b>Direction 4: Promote renewable energy opportunities</b>		
4.1	Diversify the energy sector by identifying renewable energy resource precincts and infrastructure corridors with access to the electricity network	Not applicable
4.2	Enable appropriate smaller-scale renewable energy projects	Not applicable
4.3	Promote appropriate smaller and community-scale renewable energy projects	Not applicable
<b>Goal 2: A thriving, interconnected economy</b>		
<b>Direction 5: Strengthen communities of interest and cross-regional relationships</b>		
5.1	Collaborate on regional and intra-regional housing and employment land delivery, and industry development	Not applicable

### Consistency with the North Coast Regional Plan 2036

5.2	Integrate cross-border land use planning between NSW and South East Queensland, and remove barriers to economic, housing and jobs growth.	Not applicable
5.3	Encourage ongoing cooperation and land use planning between the City of Gold Coast and TSC	Not applicable
5.4	Prepare a regional economic development strategy that drives economic growth opportunities by identifying key enabling infrastructure and other policy interventions to unlock growth.	Not applicable

#### Direction 6: Develop successful centres of employment

6.1	Facilitate economic activity around industry anchors such as health, education and airport facilities by considering new infrastructure needs and introducing planning controls that encourage clusters of related activity	Not applicable
6.2	Promote knowledge industries by applying flexible planning controls, providing business park development opportunities and identifying opportunities for start-up industries	Not applicable
6.3	Reinforce centres through local growth management strategies and local environmental plans as primary mixed-use locations for commerce, housing, tourism, social activity and regional services	No inconsistency
6.4	Focus retail and commercial activities in existing centres and develop place-making focused planning strategies for centres	Not applicable
6.5	Promote and enable an appropriate mix of land uses, prevent the encroachment of sensitive uses on employment land through local planning controls	Not applicable
6.6	Deliver an adequate supply of employment land through local growth management strategies and local environmental plans to support jobs growth	Not applicable
6.7	Ensure employment land delivery is maintained through North Coast Housing and Land Monitor	Not applicable

#### Direction 7: Coordinate the growth of regional cities

7.1	Prepare action plans for regional cities that: <ul style="list-style-type: none"> <li>• ensure planning provisions promote employment growth and greater housing diversity;</li> <li>• promote new job opportunities that complement existing employment nodes around existing education, health and airport precincts;</li> <li>• identify infrastructure constraints and public domain improvements that can make areas more attractive for investment; and</li> <li>• deliver infrastructure and coordinate the most appropriate staging/sequencing of development.</li> </ul>	Not applicable
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#### Direction 8: Promote the growth of tourism

## Consistency with the North Coast Regional Plan 2036

8.1	Facilitate appropriate large-scale tourism developments in prime tourism development areas such as Tweed Heads, Tweed Coast, Ballina, Byron Bay, Coffs Harbour and Port Macquarie.	Not applicable
8.2	Facilitate tourism and visitor accommodation and supporting land uses in coastal and rural hinterland locations through local growth management strategies and local environmental plans.	Not applicable
8.3	Prepare destination management plans or other tourism-focused strategies that: <ul style="list-style-type: none"> <li>• identify culturally appropriate Aboriginal tourism opportunities;</li> <li>• encourage tourism development in natural areas that support conservation outcomes; and</li> <li>• plan for a growing international tourism market.</li> </ul>	Not applicable
8.4	Promote opportunities to expand visitation to regionally significant nature-based tourism places, such as Ellenborough Falls, Dorrigo National Park, Wollumbin-Mount Warning National Park, Iluka Nature Reserve and Yuraygir Coastal Walk.	Not applicable
8.5	Preserve the region's existing tourist and visitor accommodation by directing permanent residential accommodation away from tourism developments, except where it is ancillary to existing tourism developments or part of an area otherwise identified for urban expansion in an endorsed local growth management strategy.	Not applicable

### Direction 9: Strengthen regionally significant transport corridors

9.1	Enhance the competitive value of the region by encouraging business and employment activities that leverage major inter-regional transport connections, such as the Pacific Highway, to South East Queensland and the Hunter.	Not applicable
9.2	Identify buffer and mitigation measures to minimise the impact of development on regionally significant transport infrastructure including regional and state road network and rail corridors.	Not applicable
9.3	Ensure the effective management of the State and regional road network by: <ul style="list-style-type: none"> <li>• preventing development adjoining the Pacific Hwy</li> <li>• preventing additional direct 'at grade' access to motorway-class sections of the Pacific Highway;</li> <li>• locating highway service centres on the Pacific Hwy at Chinderah, Ballina, Maclean, Woolgoolga, Nambucca Heads, Kempsey and Port Macquarie, approved by the Department of Planning and Environment and Roads and Maritime Services;</li> <li>• identifying strategic sites for major road freight transport facilities.</li> </ul>	Not applicable



## Consistency with the North Coast Regional Plan 2036

### Direction 10: Facilitate air, rail and public transport infrastructure

10.1	Deliver airport precinct plans for Ballina-Byron, Lismore, Coffs Harbour and Port Macquarie that capitalise on opportunities to diversify and maximise the potential of value-adding industries close to airports.	Not applicable
10.2	Consider airport-related employment opportunities and precincts that can capitalise on the expansion proposed around Gold Coast Airport.	Not applicable
10.3	Protect the North Coast Rail Line and high-speed rail corridor to ensure network opportunities are not sterilised by incompatible land uses or land fragmentation.	Not applicable
10.4	Provide public transport where the size of the urban area has the potential to generate demand.	Not applicable
10.5	Deliver a safe and efficient transport network to serve future release areas.	Not applicable

### Direction 11: Protect and enhance productive agricultural lands

11.1	Enable the growth of the agricultural sector by directing urban and rural residential development away from important farmland and identifying locations to support existing and small-lot primary production, such as horticulture in Coffs Harbour.	Not applicable
11.2	Deliver a consistent management approach to important farmland across the region by updating the <i>Northern Rivers Farmland Protection Project (2005)</i> and <i>Mid North Coast Farmland Mapping Project (2008)</i> .	Not applicable
11.3	Identify and protect intensive agriculture clusters in local plans to avoid land use conflicts, particularly with residential and rural residential expansion.	Not applicable
11.4	Encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector's capacity to adapt to changing circumstances.	Not applicable
11.5	Address sector-specific considerations for agricultural industries through local plans.	Not applicable

### Direction 12: Grow agribusiness across the region

12.1	Promote the expansion of food and fibre production, agrichemicals, farm machinery, wholesale and distribution, freight and logistics, and processing through flexible planning provisions in local growth management strategies and local environmental plans.	Not applicable
12.2	Encourage the co-location of intensive primary industries, such as feedlots and compatible processing activities.	Not applicable
12.3	Examine options for agribusiness to leverage proximity from the Gold Coast and Brisbane West Wellcamp airports.	Not applicable
12.4	Facilitate investment in the agricultural supply chain by protecting assets, including freight	Not applicable

## Consistency with the North Coast Regional Plan 2036

	and logistics facilities, from land use conflicts arising from the encroachment of incompatible land uses.	
<b>Direction 13: Sustainably manage natural resources</b>		
13.1	Enable the development of the region's natural, mineral and forestry resources by directing to suitable locations land uses such as residential development that are sensitive to impacts from noise, dust and light interference.	Not applicable
13.2	Plan for the ongoing productive use of lands with regionally significant construction material resources in locations with established infrastructure and resource accessibility.	Not applicable
<b>Goal 3: Vibrant and engaged communities</b>		
<b>Direction 14: Provide great places to live and work</b>		
	Prepare precinct plans in growth areas, such as Kingscliff, or centres bypassed by the Pacific Highway, such as Woodburn and Grafton, to guide development and establish appropriate land use zoning, development standards and contributions.	Not applicable
	Deliver precinct plans that are consistent with the <i>Precinct Plan Guidelines</i> (Appendix C)	Not applicable
<b>Direction 15: Develop healthy, safe, socially engaged and well-connected communities</b>		
15.1	Deliver best-practice guidelines for planning, designing and developing healthy built environments that respond to the ageing demographic and subtropical climate.	Not applicable
15.2	Facilitate more recreational walking and cycling paths and expand interregional and intra-regional walking and cycling links, including the NSW Coastline Cycleway.	Not applicable
15.3	Implement actions and invest in boating infrastructure priorities identified in regional boating plans to improve boating safety, boat storage and waterway access.	Not applicable
15.4	Create socially inclusive communities by establishing social infrastructure benchmarks, minimum standards and social impact assessment frameworks within local planning.	Not applicable
15.5	Deliver crime prevention through environmental design outcomes through urban design processes.	Not applicable
<b>Direction 16: Collaborate and partner with Aboriginal communities</b>		
16.1	Develop partnerships with Aboriginal communities to facilitate engagement during the planning process, including the development of engagement protocols.	Not applicable
16.2	Ensure Aboriginal communities are engaged in the preparation of local growth management strategies and local environmental plans.	Not applicable
<b>Direction 17: Increase the economic self-determination of Aboriginal communities</b>		
17.1	Deliver opportunities to increase the economic independence of Aboriginal communities through training, employment and tourism.	Not applicable

<b>Consistency with the North Coast Regional Plan 2036</b>		
17.2	Foster closer cooperation with Local Aboriginal Land Councils to identify the unique potential and assets of the North Coast communities.	Not applicable
17.3	Identify priority sites with economic development potential that Local Aboriginal Land Councils may wish to consider for further investigation.	Not applicable
<b>Direction 18: Respect and protect the North Coast's Aboriginal heritage</b>		
18.1	Ensure Aboriginal objects and places are protected, managed and respected in accordance with legislative requirements and the wishes of local Aboriginal communities.	Not applicable
18.2	Undertake Aboriginal cultural heritage assessments to inform the design of planning and development proposals so that impacts to Aboriginal cultural heritage are minimised and appropriate heritage management mechanisms are identified.	Not applicable
18.3	Develop local heritage studies in consultation with the local Aboriginal community, and adopt appropriate measures in planning strategies and local plans to protect Aboriginal heritage.	Not applicable
18.4	Prepare maps to identify sites of Aboriginal heritage in 'investigation' areas, where culturally appropriate, to inform planning strategies and local plans to protect Aboriginal heritage.	Not applicable
<b>Direction 19: Protect historic heritage</b>		
19.1	Ensure best-practice guidelines are considered such as the <i>Australia International Council on Monuments and Sites (ICOMOS) Charter for Places of Cultural Significance</i> and the <i>NSW Heritage Manual</i> when assessing heritage sites.	Not applicable
19.2	Prepare, review and update heritage studies in consultation with the wider community to identify and protect historic heritage items, and include appropriate local planning controls.	Not applicable
19.3	Deliver the adaptive or sympathetic use of heritage items and assets.	Not applicable
<b>Direction 20: Maintain the region's distinctive built character</b>		
20.1	Deliver new high-quality development that protects the distinct character of the North Coast, consistent with the <i>North Coast Urban Design Guidelines</i> .	Consistent. This planning proposal seeks to improve the alignment of its principal development standards with the local, established character of built environment within the Shire.
20.2	Review the <i>North Coast Urban Design Guidelines</i> .	Not applicable
<b>Direction 21: Coordinate local infrastructure delivery</b>		
21.1	Undertake detailed infrastructure service planning to support proposals for new major release areas.	Not applicable
21.2	Maximise the cost-effective and efficient use of infrastructure by directing development towards existing infrastructure or promoting the co-location of new infrastructure.	Not applicable
<b>Goal 4: Great housing choice and lifestyle options</b>		

## Consistency with the North Coast Regional Plan 2036

### Direction 22: Deliver greater housing supply

22.1	Deliver an appropriate supply of residential land within local growth management strategies and local plans to meet the region's projected housing needs.	Not applicable This planning proposal does not seek to deliver residential land outside of the established areas, rather it seeks to define where LRMD development should occur in low density residential zoned areas.
22.2	Facilitate housing and accommodation options for temporary residents by: <ul style="list-style-type: none"> <li>• preparing planning guidelines for seasonal and itinerant workers accommodation to inform the location and design of future facilities; and</li> <li>• working with councils to consider opportunities to permit such facilities through LEPs.</li> </ul>	Not applicable
22.3	Monitor the supply of residential land through the North Coast Housing and Land Monitor.	Not applicable

### Direction 23: Increase housing diversity and choice

23.1	Encourage housing diversity by delivering 40 per cent of new housing in the form of townhouses, dual occupancies, apartments, villas or dwellings on lots less than 400 square metres, by 2036.	Consistent This planning proposal does not seek to alter housing diversity, rather it seeks to regulate where LRMD can occur and improve consistency between the development standards of the LEP, Area 'E' locality plan plans and DCP.
23.2	Develop local growth management strategies to respond to changing housing needs, including household and demographic changes, and support initiatives to increase ageing in place.	Not applicable

### Direction 24: Deliver well-planned rural residential housing areas

24.1	Facilitate the delivery of well-planned rural residential housing areas by identifying new rural residential areas in a local growth management strategy or rural residential land release strategy endorsed by the Department; and ensuring that such proposals are consistent with the <i>Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies (2007)</i> or land release criteria.	Not applicable
24.2	Enable sustainable use of the region's sensitive coastal strip by ensuring new rural residential areas are located outside the coastal strip, unless already identified in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment.	Not applicable

### Direction 25: Deliver more opportunities for affordable housing

25.1	Deliver more opportunities for affordable housing by incorporating policies and tools into local growth management strategies and local planning controls that enable greater variety of housing types and incentivise investment in affordable housing.	Tweed Council is committed to prepare a comprehensive affordable housing strategy which may result in further recommendations with respect of density controls.
25.2	Prepare guidelines for local housing strategies that will provide guidance on planning for local affordable housing needs.	Not applicable



**Appendix 6: Consistency with Tweed Community Strategic  
Plan 2017-2027**

Council’s Community Strategic Plan is structured around four service streams, each of which is broken into a number of sub-streams. The streams have been developed based on feedback from the community, stakeholders and leaders, and incorporate local, regional, state and national priorities for Council. The four streams are:

- Leaving a legacy: Looking out for future generations;
- Making decisions with you: We’re in this together;
- People, places and moving around: Who we are and how we live, and
- Behind the scenes: Providing support to make it happen.

**Consistency with relevant objectives of Tweed Community Strategic Plan 2017-2027**

**Leaving a legacy: *Looking out for future generations***

**1.1 Natural resource management**

**Goal**

Protect and manage the environment and natural beauty of the Tweed for current and future generations, and ensure that ecological sustainability and climate change consideration underpin decision making in Council.

<b>Strategies/actions</b>	<b>Response</b>
<ul style="list-style-type: none"> <li>• Develop and use regulatory instruments to protect and manage the environment</li> <li>• Implement land and waterway rehabilitation and protection projects</li> <li>• Lead and engage the community to enhance awareness and improve sustainable management of the environment</li> <li>• Decrease the carbon footprint of the Tweed community and progress towards 100 per cent self-sufficiency in renewable energy</li> <li>• Prepare for climate change through adaptation and mitigation strategies</li> <li>• Provide for appropriate public access and use of natural areas</li> <li>• Council maintains a strong position to ensure the Shire retains a ‘Gas Field Free’ status</li> </ul>	<p>The planning proposal is to ensure appropriate scale development in the R2 Low Density Residential and RU5 Village zones.</p>

**1.2 Asset Protection**

**Goal**

Protection of people and property by managing the risk of flooding and its impacts on property owners, the environment and the broader community.

<b>Strategies/actions</b>	<b>Response</b>
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## Consistency with relevant objectives of Tweed Community Strategic Plan 2017-2027

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Capture and convey rainfall runoff back into the environment</li> <li>• Evaluate and respond to flood impacts associated with land use and development</li> <li>• Design, construct and maintain flood protection assets such as floodgates, flood pumps and levees</li> <li>• Ensure adequate stormwater drainage infrastructure is provided with new development</li> </ul> | <p>Development will be assessed against Council's floodplain management policy at the Development Application stage.</p> |
|--|--|

### 1.3 Utility Services

#### Goal

Provide high quality and secure water, sewer, rubbish and recycling services that meet health and environmental requirements.

#### Strategies/actions

- Provide rubbish collection, disposal and recycling services which maximise the diversion of rubbish from landfill
- Ensure adequate facilities and plans are in place to minimise service interruptions and to cater for current and future demand

#### Response

Existing and proposed residential zoned land will be provided with appropriate services when developed.

### 1.4 Managing Community Growth

#### Goal

Plan for sustainable development which balances economic, environmental and social considerations. Promote good design in the built environment.

#### Strategies/actions

- Support the community to adapt to changing social, economic and climatic conditions
- Encourage housing diversity and choice that meets the needs of the community
- Enable economic opportunities for productive and employment-generating land uses
- Sustainable management and protection of Aboriginal and European heritage
- Plan for well-located and connected centres that meet the business, health and social needs of the community
- Protect and manage the Tweed's unique character and world heritage scenic landscapes
- Protect and enhance productive farmland

#### Response

To be addressed at the DA stage

## Making decisions with you: *We're in this together*

### 2.1 Built Environment



## Consistency with relevant objectives of Tweed Community Strategic Plan 2017-2027

### Goal

Regulate and deliver the built environment to balance the social, cultural, economic and environmental needs of the community.

Strategies/actions	Response
<ul style="list-style-type: none"> <li>Assess and regulate development activity to promote good design in the built environment</li> <li>Determine development applications fairly and accurately</li> <li>Engage the community to enhance awareness and improve understanding and management of the built environment</li> <li>Provide infrastructure to meet the needs of local and regional growth</li> <li>Promote sustainable construction practices and reuse of materials</li> <li>Align cross border planning with south east Queensland</li> </ul>	<p>The planning proposal seeks to ensure a consistent built form outcome within existing and proposed low density residential suburbs.</p>

## 2.2 Engagement

### Goal

Provide public participation opportunities that inform decision-making processes on current and future Council infrastructure and service requirements of the community.

Strategies/actions	Response
<ul style="list-style-type: none"> <li>Communicate and engage with the community, government and business groups on important matters affecting the Tweed</li> <li>Convene open, accessible and transparent Council and Committee Meetings</li> <li>Provide professional and efficient services to Council's customers</li> <li>Deliver strong and sustainable budgets to provide for long term asset management and service delivery</li> </ul>	<p>The planning proposal will be advertised as per requirements of the Gateway determination.</p>

## People, Places and Moving around: *Who we are and how we live*

### 3.1 People

### Goal

Provide social, cultural and economic opportunities enabling healthy, safer and more inclusive communities.

Strategies/actions	Response
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## Consistency with relevant objectives of Tweed Community Strategic Plan 2017-2027

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• Provide well maintained and suitable community buildings and facilities</li> <li>• Undertake health and wellbeing initiatives that encourage a happy and active lifestyle</li> <li>• Provide support and advice to businesses and industry</li> <li>• Improve telecommunications and digital services to support businesses and industry</li> <li>• Market the Tweed as a tourism destination</li> <li>• Protect public health and community safety</li> <li>• Provide more opportunities for people in the Tweed to work</li> <li>• Improve local and regional healthcare infrastructure and services</li> <li>• Improve tertiary education and vocational training infrastructure and services</li> <li>• Advocacy and support for community access and inclusion in all Council facilities</li> </ul> | <p>Development and re-development of low density residential land will support access to cultural and economic opportunities.</p> |
|---|---|

### 3.2 Places

#### Goal

Provide places for people to live, work, visit, play and enjoy the Tweed.

#### Strategies/actions

- Provide places, spaces and facilities for the sporting, recreation, leisure and cultural pursuits of locals and visitors
- Provide diverse, affordable and attractive holiday park accommodation and facilities
- Promote the distinctive character and diverse identities of Tweed's towns and villages

#### Response

Low density residential land provides places to live as its predominant objective.

### 3.3 Moving around

#### Goal

Provide an integrated, connected, safe and accessible transport network that facilitates efficient, coordinated and reliable movement of people, vehicles and air traffic.

#### Strategies/actions

#### Response

## Consistency with relevant objectives of Tweed Community Strategic Plan 2017-2027

- |   |  |
|---|--|
| <ul style="list-style-type: none"><li>• Provide a safe, connected and efficient regional transport network</li><li>• Design, construct and maintain a safe and efficient local transport network</li><li>• Gain a more equitable distribution of transport funding from other levels of government</li><li>• Encourage healthy and sustainable alternative transport options such as walking, cycling and integrated public transport</li></ul> | All residential land is serviced with the required services. |
|---|--|

## Behind the scenes: *Providing support to make it happen*

### 4.1 Assurance

#### Goal

Support Council to meet its legislative and compliance requirements and implement opportunities for organisational improvement.

#### Strategies/actions

#### Response

- |  |     |
|--|-----|
| <ul style="list-style-type: none"><li>• Provide Council's leadership with a strong governance and management framework that promotes transparent and informed decision making</li><li>• Obtain structured independent assessment of Council's organisational compliance, practices and performance</li></ul> | N/A |
|--|-----|

### 4.2 Support services

#### Goal

Foster safe, productive and professional workspaces, enabling Council staff to source, manage and maintain services to the community.

#### Strategies/actions

#### Response

- |  |     |
|--|-----|
| <ul style="list-style-type: none"><li>• Provide a professional, skilled and customer focused workforce</li><li>• Plan and prepare for future contemporary local government workforce structures</li><li>• Provide professional learning and career development opportunities for all staff</li><li>• Prioritise staff health and wellbeing</li></ul> | N/A |
|--|-----|

## **Appendix 7: 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**

*(Depending on complexity of planning proposal and nature of issues)*

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		✓







Customer Service | 1300 292 872 | (02) 6670 2400

[tsc@tweed.nsw.gov.au](mailto:tsc@tweed.nsw.gov.au)  
[www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)

Fax (02) 6670 2429  
PO Box 816  
Murwillumbah NSW 2484