

Draft Tweed LEP Amendment Number 95

**PLANNING PROPOSAL
VERSION - Gateway**

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

February 2013

Council File PP11/0005

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Introduction

Purpose

Council has received a request from Darryl Anderson Consulting Pty Ltd on behalf of Twin Towns Services Club to prepare a Planning Proposal for the rezoning of Part Lot 2 DP 1040576 Leisure Drive, Banora Point. The site is currently zoned 6(b) Recreation and the request is that it be changed in part to 3(b) General Business zone under the Tweed LEP 2000. This translates into B2 Local Centre in accordance with the Standard Instrument (Local Environmental Plans) Order 2006, as proposed in the Draft Tweed LEP 2012.

Due to the progress of this Planning Proposal with respect to the timing of the Standard Template LEP, the current LEP 2000 will be amended. However, it is considered beneficial to include the proposed translations to the Standard Template LEP to demonstrate how the Standard Template LEP zoning relates to the current LEP 2000 zonings within this Planning Proposal.

Council resolutions

There are no recent Council resolutions relating to this site. In accordance with Council's Guideline – *Planning Proposal Process and Procedure – Amending a LEP*, a Council resolution would be sought following evaluation of the strategic justification for the amendment.

This Planning Proposal presents an explanation of and strategic justification for the amendment to Tweed LEP 2000 in accordance with the Department of Planning and Infrastructure's *A guide to preparing planning proposals, and A guide to preparing local environmental plans*, and Clause 55 of the *Environmental Planning and Assessment Act 1979*.

Part 1 Objectives and intended outcomes

Objective

To facilitate the rezoning of Part Lot 2 DP 1040576 (a total of 30,000 m²), Leisure Drive, Banora Point to facilitate commercial / retail development comprising a supermarket, speciality shops and a car park.

Intended outcome

The rezoning of Part Lot 2 DP 1040576 (a total of 30,000m²), Leisure Drive, Banora Point from 6 (b) Recreation to 3(b) General Business under the Tweed Local Environmental Plan 2000.

Site context and setting

Lot 2 DP 1040576 is located on Leisure Drive, Banora. The site is currently known as 'Club Banora' which was constructed in the early 1980s and comprises an 18 hole golf course, licensed club (with a GFA of approximately 7000m²), bowling greens, tennis courts, heated Olympic pool and wading pool and approximately 700 onsite car parks. 'Club Banora' occupies a site of approximately 60.1 hectares (see Figures 1 and 2).

The subject site (part lot 2 only) is generally flat and is currently used for car parking, part of the bowling green and part of the licensed club. Bounding the site to the east is Banora Shopping Centre which is anchored by a Bi-Lo supermarket. The Banora Shopping Centre is mapped as a Business Centre as set out in Schedule 6 of the Tweed LEP 2000. To the north of the site beyond Leisure Drive are residential dwellings, Winders Lodge Retirement Village, Banora Point Retirement Village and St James Primary School. To the west are residential dwellings, Darlington Retirement Community and Banora Point High School.

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

Heads Bypass in the north. It provides a dual carriageway link between the existing Chinderah and Tweed Heads bypass.

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

The site is low lying and affected by the 1 in 100 year flood event, and the majority of the site lies within the 25-30 ANEF zone associated with the Gold Coast Airport at Coolangatta. For large storm events the Golf Course provides stormwater storage for the Banora Point area. In addition, the site has been identified as Class 2 Acid Sulfate Soils and has high ground water vulnerability.

Planning controls – Present zoning

The site is currently zoned 6 (b) Recreation as seen in Figure 4: Tweed LEP 2000 – Zoning. The zoning of adjoining land is 2(c) Urban Expansion.

Planning controls – Draft Tweed LEP 2012 zoning as exhibited

In accordance with the Standard Instrument (Local Environmental Plans) Order 2006 ("the Template"), the 6(b) Recreation zoning of the site was translated to RE2 Private Recreation and placed on public exhibition with draft Tweed LEP 2012 during the period 27 January 2010 to 30 April 2010, and again on 14 November 2012 to 18 January 2013, refer to Figure 5.

Planning controls – Tweed LEP 2000 Proposed amendment

This proposal seeks to rezone the subject site from 6(b) Recreation to 3(b) General Business, under Tweed LEP 2000.

Planning controls – Draft LEP 2012 proposed zoning

Council has now formally exhibited Draft LEP 2012, consistent with the requirements of the Standard LEP template. Under Draft LEP 2012, the proposal would be to rezone the subject site to B2 Local Centre consistent with Banora Shopping Village adjacent to the site.

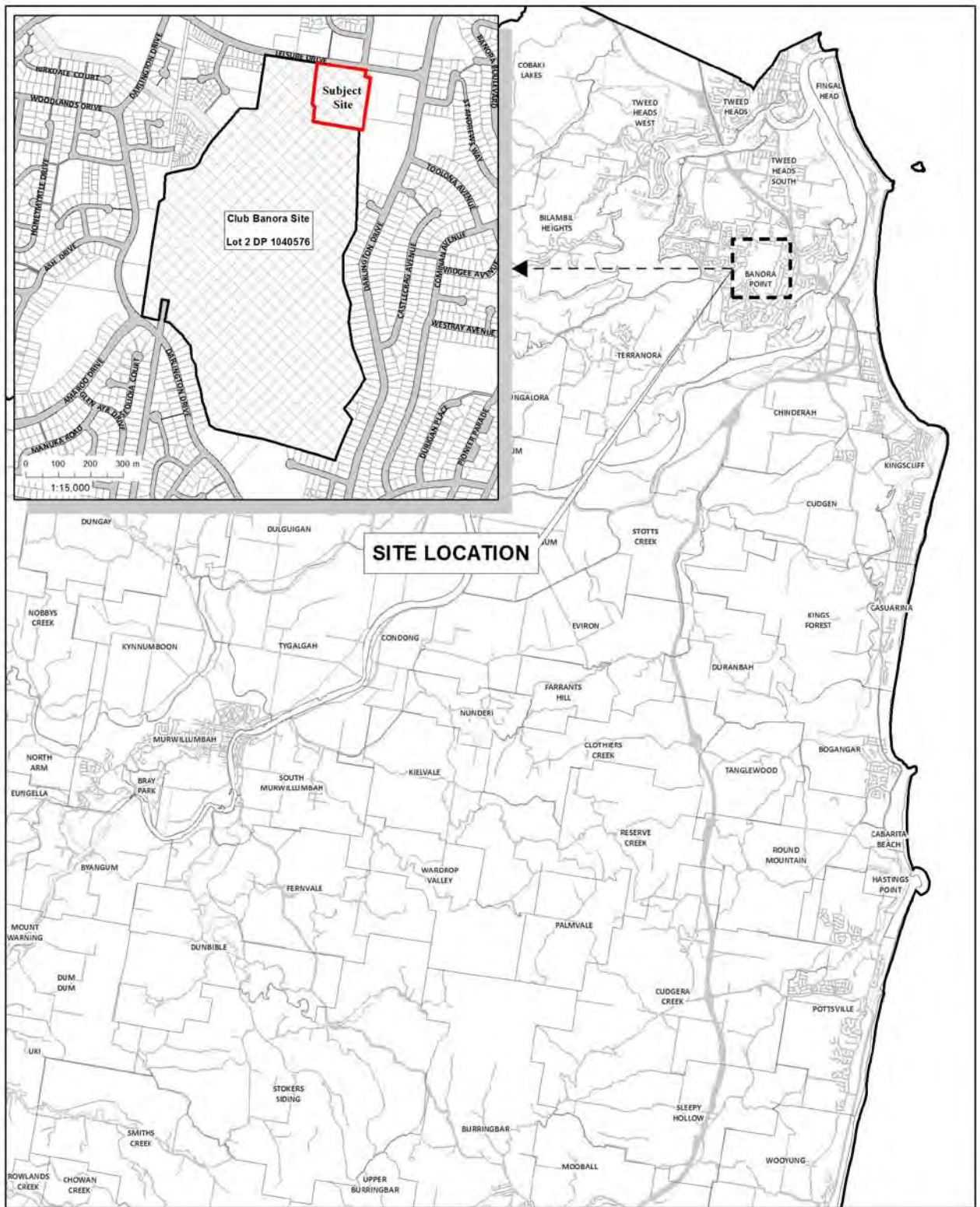


Figure 1. Locality Plan
 Part Lot 2 DP 1040576
 Club Banora, Banora Point

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Figure 2. Aerial View of the Site

Lot 2 DP 1040576
Club Banora, Banora Point

SOURCE: Aerial imagery taken
May 2012 by AAM

Cadastre: 01 March, 2013
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 Subject Site

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MGA Zone 56
Datum - GDA 94

Date Printed: 01 March 2013
Author: C. Lees - Information Technology Unit
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Background

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

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

1. A smaller Club building partly suspended over the existing lake with a GFA of 3,820m²;
2. Function centre on the island;
3. Relocation of the tennis courts;
4. Relocation of the bowling greens;
5. A proposed sports club including gym, squash, billiards and table tennis;
6. A retail development adjacent to Leisure Drive (supermarket and specialty shops);
7. Reconfiguration of the existing car parking and access arrangements, and
8. Landscaping throughout the site.

All of the proposed development is permissible in the 6(b) Recreation zone except for the retail component.

In 2010, the proposal was being dealt with as a Part 3A project. A formal Request for Authorisation of a Concept Plan was lodged with the Department on 2 March 2011 and the Executive Director of the Department, Mr Chris Wilson, advised on or about 25 March 2011 that he had agreed to the Request and authorised the preparation of a Concept Plan but a formal letter would not be issued until after the State Election.

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

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

Variations to the Planning Proposal request

The original master plan and attached Planning Proposal request for the site also included an aged care development with a GFA of approximately 11,000m².

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

In January 2013 the proponent amended the Planning Proposal request and removed the aged care units from the proposal and slightly increased the proposed B2 Local Centre zone from 23,139m² to 30,000m².



Figure 3a: - View looking North from Southern Boundary of proposed development towards Leisure Drive



Figure 3b - View looking west across the car park toward Club Banora entrance

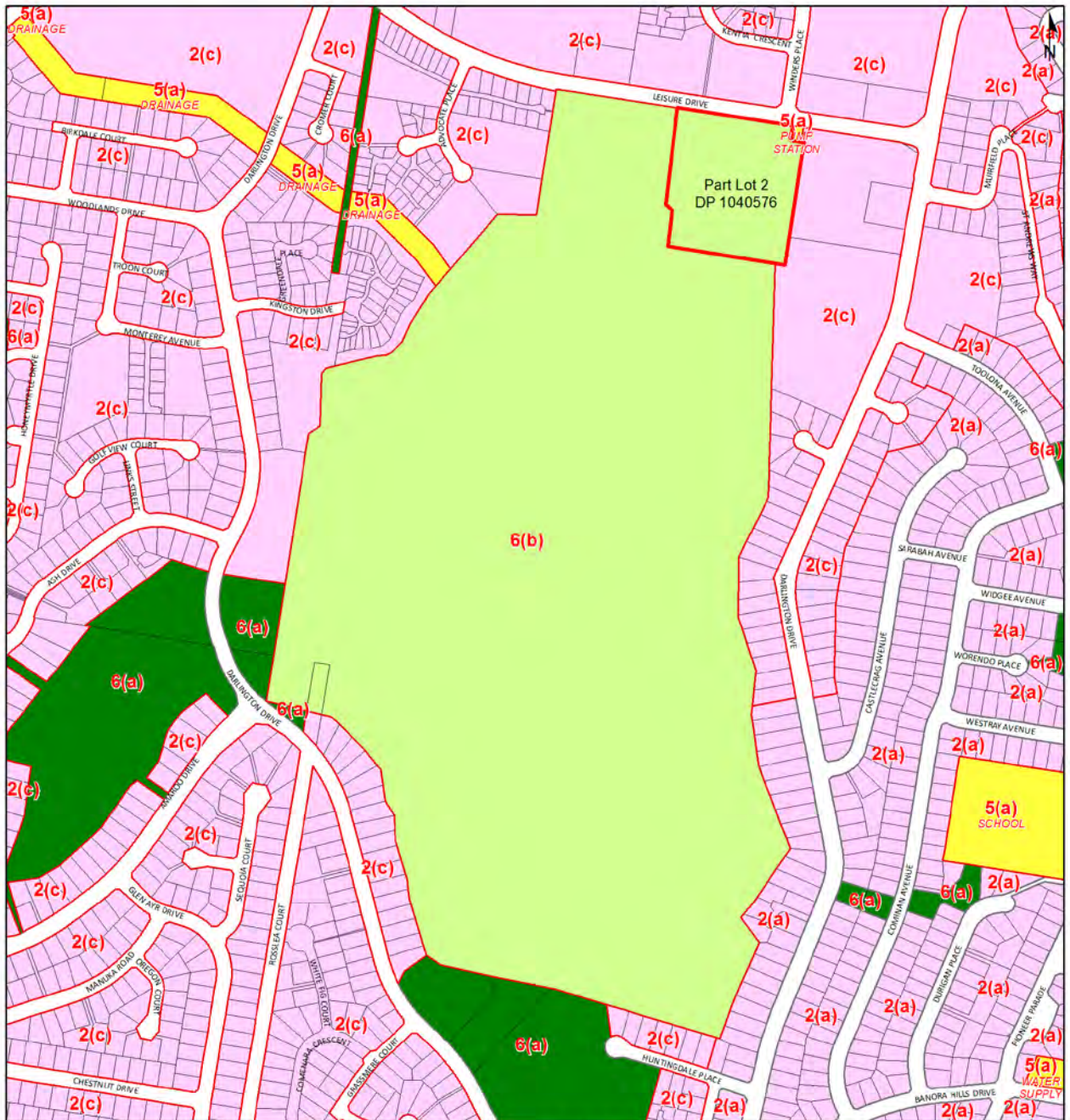
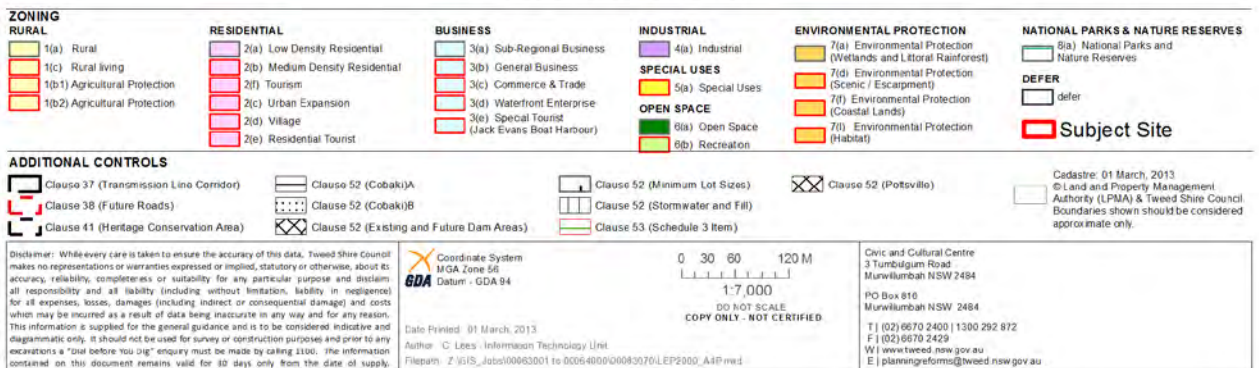


Figure 4. Tweed Local Environmental Plan 2000

Lot 2 DP 1040576
Club Banora, Banora Point



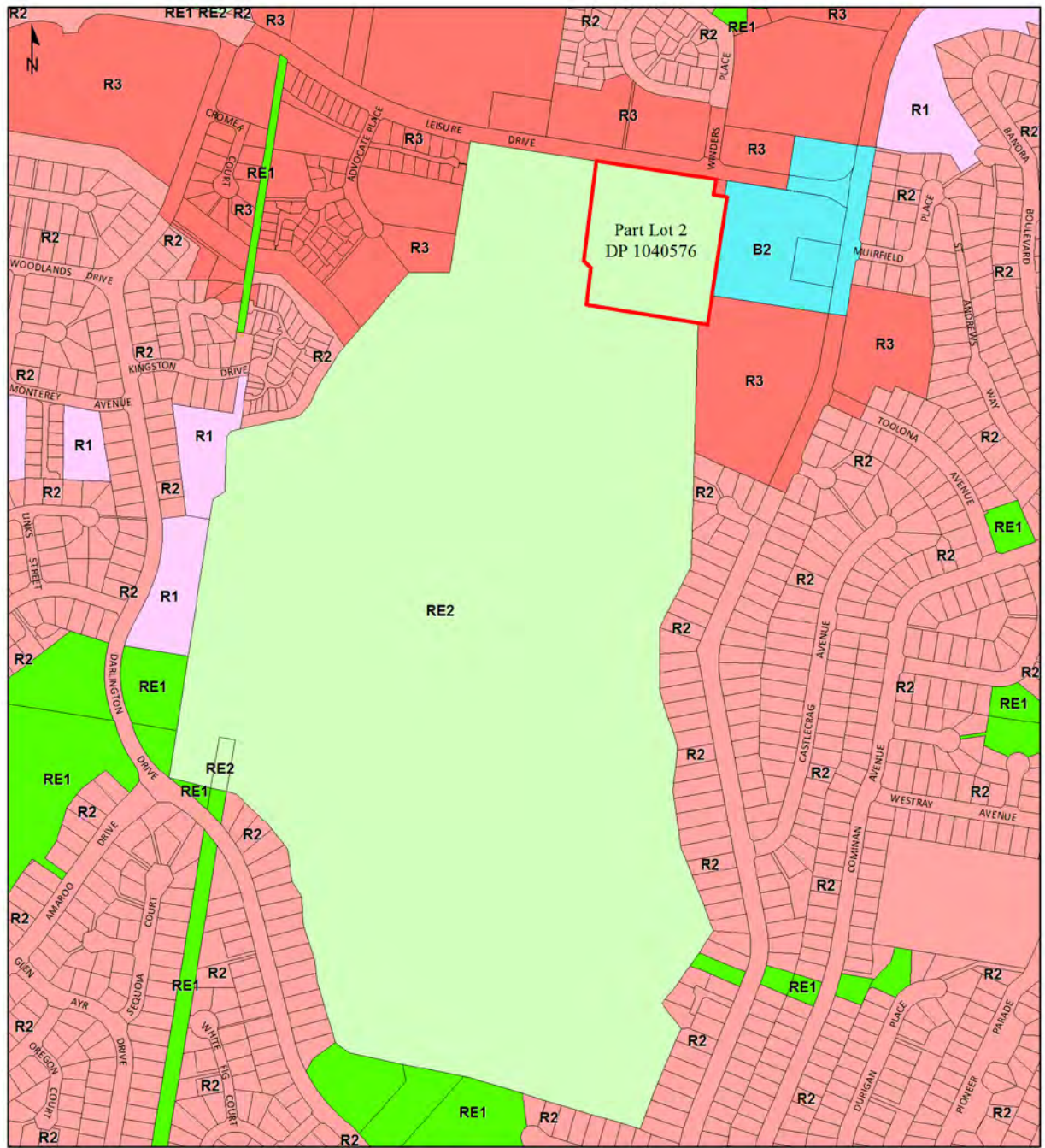


Figure 5. Draft LEP 2012

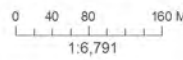
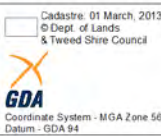
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	RU1 Primary Production		R1 General Residential		B1 Neighbourhood Centre		IN1 General Industrial		E1 National Parks & Nature Reserves		SP1 Special Activities	
	RU2 Rural Landscape		R2 Low Density Residential		B2 Local Centre				E2 Environmental Conservation		SP2 Infrastructure	
	RU5 Village		R3 Medium Density Residential		B3 Commercial Core				E3 Environmental Management		SP3 Tourist	
			R5 Large Lot Residential		B4 Mixed Use						UL Unzoned Land	
					B5 Business Development						DM Deferred Matters	
				OPEN SPACE		WATERWAYS						
			RE1 Public Recreation		W1 Natural Waterways							
			RE2 Private Recreation		W2 Recreational Waterways							
					W3 Working Waterways							
												Subject Site

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Date Printed: 01 March, 2013

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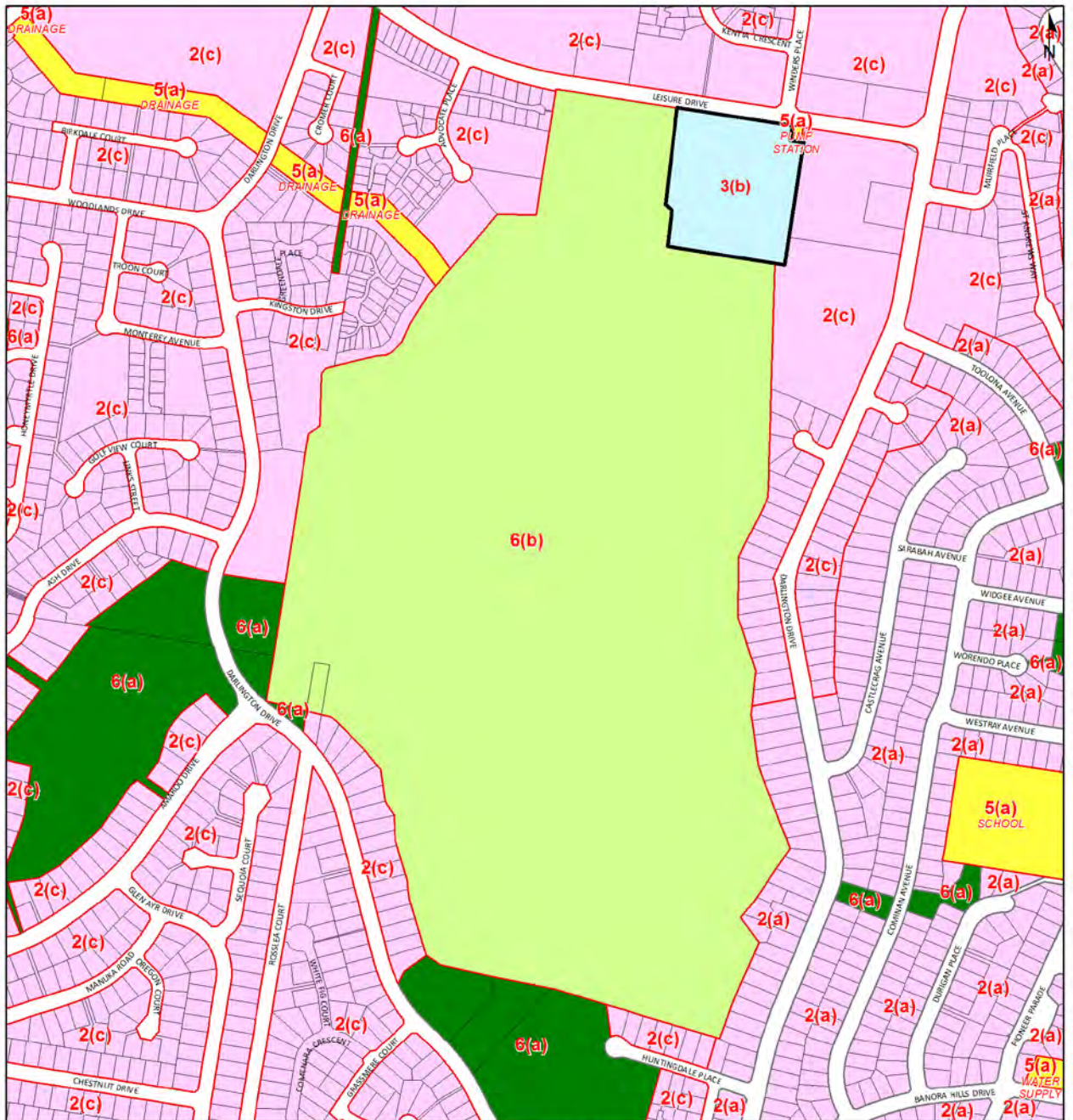


Figure 6. Tweed Local Environmental Plan 2000 Proposed Zoning

Lot 2 DP 1040576
Club Banora, Banora Point

ZONING	RESIDENTIAL	BUSINESS	INDUSTRIAL	ENVIRONMENTAL PROTECTION	NATIONAL PARKS & NATURE RESERVES
RURAL 1(a) Rural 1(c) Rural living 1(b-1) Agricultural Protection 1(b-2) Agricultural Protection	2(a) Low Density Residential 2(b) Medium Density Residential 2(f) Tourism 2(c) Urban Expansion 2(d) Village 2(e) Residential Tourist	3(a) Sub-Regional Business 3(b) General Business 3(c) Commerce & Trade 3(d) Waterfront Enterprise 3(e) Special Tourist (Jack Evans Boat Harbour)	4(a) Industrial 5(a) Special Uses OPEN SPACE 6(a) Open Space 6(b) Recreation	7(a) Environmental Protection (Wetlands and Littoral Rainforest) 7(d) Environmental Protection (Scenic / Escarpment) 7(f) Environmental Protection (Coastal Lands) 7(i) Environmental Protection (Habitat)	8(a) National Parks and Nature Reserves DEFER defer Proposed Zone 3(b)
ADDITIONAL CONTROLS					
Clause 37 (Transmission Line Corridor) Clause 38 (Future Roads) Clause 41 (Heritage Conservation Area)	Clause 52 (Cobaki)A Clause 52 (Cobaki)B Clause 52 (Existing and Future Dam Areas)	Clause 52 (Minimum Lot Sizes) Clause 52 (Stormwater and Fill) Clause 53 (Schedule 3 Item)	Clause 52 (Pottsville)	Cadastre: 01 March, 2013 Land and Property Management Authority (LPIA) & Tweed Shire Council Boundaries shown should be considered approximate only.	
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Part 2 Explanation of provisions

This planning proposal seeks an amendment of the Tweed Local Environmental Plan 2000 - Land Zoning Map in accordance with the proposed zoning map shown in Figure 6.

The equivalent zone under the Draft Tweed LEP 2012 is determined as B2 Local Centre.

Part 3 Justification

Section A Need for the planning proposal

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

Far North Coast Regional Strategy 2006

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

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

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

Within the Tweed Shire, Tweed Heads as the major regional centre includes Tweed City Shopping Centre. Tweed City includes both a Coles, Woolworths, Big W, Kmart as well as speciality stores and is considered as a major district retail centre. The site occupies approximately 13.2 ha and has over 36,700m² GFA, with access afforded to the site from both the north and south along Minjungbal Drive. As shown in Figure 7, Tweed City is approximately 1.8 km north of Banora Shopping Centre (SC).

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

- Banora Central Shopping Centre is located approximately 1 km west of Banora Shopping Village and includes a Coles Supermarket (2,800m² GFA) and has a total GFA of 3400m².
- Tweed Heights Shopping Village is located approximately 1.4 km south west of Banora Shopping Centre and includes an IGA super market (200m² GFA) and has a total GFA of 700m².
- Tweed Heads South is located approximately 1.5 km north of Banora Shopping Centre and includes an Aldi of approximately 1,350m² GFA.

Adjacent to the proposed commercial area to the east is the existing Banora Shopping Centre and includes a Bi-Lo and several specialty shops and is approximately 2000m² GFA. The development of Club Banora will provide direct competition with the Bi-Lo supermarket sited next to the site.

The proponent provided a detailed Market Potential and Economic Impact Assessment (Pitney Bowes, 2010). The assessment states that the major retail facilities will be a 3000m² supermarket which is likely to be Woolworths and specialty shops at approximately 400m² each:

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

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

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

2013, even allowing for a proportion of residents to be attracted to facilities located at higher order retail centres located beyond the trade area.

Both the existing supermarkets within the main trade area are relatively small in size. The Coles store is 2,800 sq.m, while the Bi-Lo store is slightly less than 2,000 sq.m. Typical Coles or Woolworths full-line supermarkets are generally around 3,200 sq.m in size, with many being 3,800 sq.m or greater.

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

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

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

Tweed Retail Principles

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

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

An assessment of the seven principles follows:

Principle		Response
1	The character of existing towns and villages and the retail facilities they already have to be protected.	The character of Banora will not be compromised by the development, a shopping village already exists next door and Club Banora will remain in operation in a smaller building located slightly further west on the same site.

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

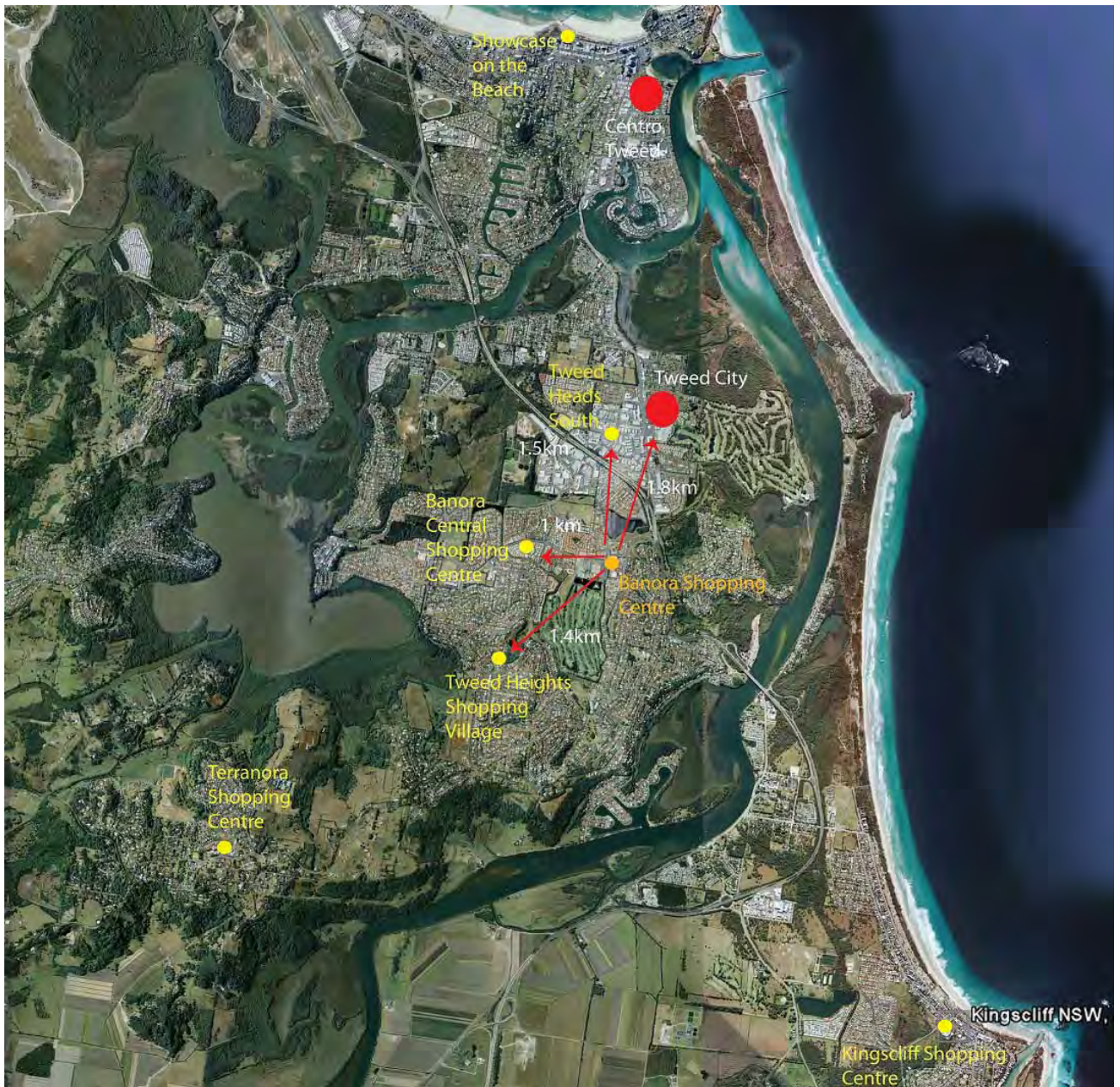


Figure 7 – Proximity to Surrounding Retail Centres

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

Rezoning is the only means of allowing a commercial development on this site. The part lot is currently within the 6(b) Recreation zone under Tweed LEP 2000 in which commercial / retail development is not permitted.

Accordingly, changes to the current urban zonings are required to enable the coordinated expansion of the Banora Shopping Village.

Is there a net community benefit?

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

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

Criteria	Compliance with Criteria
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Criteria	Compliance with Criteria
<p>Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?</p>	<p>The proposal addresses land which has been identified as lying within the Town and Village Growth boundary within the Far North Coast Regional Strategy 2006 (FNCRS).</p> <p>The draft Centres Policy, while not Government Policy, identifies as Principal 1 that retail and commercial activity should be located in centres to ensure the most efficient use of transport and other infrastructure, proximity to labour markets, and to improve the amenity and liveability of those centres. The site is adjacent to an existing centre, Banora Shopping Village and will essentially be an extension to this centre. Leisure Drive is an established bus route linking this location with surrounding residential areas and other Tweed centres.</p> <p>Principle 2 of the draft Centres Policy also states that the planning system should be flexible enough to enable centres to grow and new centres to form. The proposal facilitates this principle by expanding the existing centre while at the same time not expanding too much to be in direct competition with the nearby district centre. The existing Bi Lo adjacent to the site has a GFA of 1,993m². With the additional proposed 3000 – 4000 m² supermarket and approximately 1000 to 1500 m² speciality stores. The total GFA of both centres will be approximately 5,993 to 7,493m². This centre will therefore be larger than any other local centre in the area with Banora Central Shopping Centre the closest at 3,400m² GFA. However, it will not be as large as district centres such as Tweed City which has 36,700 m² GFA (or 46,700m² when expanded) or Centro Tweed which has 18,600m² GFA.</p>
<p>Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?</p>	<p>Yes</p> <p>The land will rezone the part lot from 6(b) Recreation to 3(b) General Business, under Tweed LEP 2000. The rezoning will create an expectation that the area can be developed into a shopping centre. As discussed above this will essentially be expansion of the existing Banora Shopping Centre. The land owners of the existing Banora Shopping Centre may see the rezoning as either favourable or as direct competition. It is likely the surrounding residents will see the development as favourable given it will provide more choice for retail services within walking distance or short bus ride, especially for senior citizens. However, in a regional context the proposal is not seen as having any real weight as precedence for further and inappropriate development.</p>
<p>Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?</p>	<p>Tweed Shire Council has recently prepared its new Comprehensive LEP. There are no relevant previous spot rezoning that could cumulatively establish a pattern of change that requires consideration.</p>

Criteria	Compliance with Criteria
<p>Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?</p>	<p>Yes.</p> <p>The Planning Proposal will facilitate permanent employment generating activity. It will not result in a loss of employment generating lands.</p> <p>The Planning Proposal request reports that the proposed development, as sourced from the Market Potential and Economic Impact Assessment (Pitney Bowes, 2007), the redevelopment of the shopping facilities will likely employ approximately 289 people. Allowing for an estimated 5% of the total increase as a result of reduced employment at existing retail facilities in the region, the net additional jobs for the area provided at the Club Banora retail development are estimated at 275.</p> <p>Pitney Bowes also state that in terms of wages and salaries, the additional 275 permanent retail employees within the proposed retail development would earn an average annual wage of around \$28,000 (as sourced from the latest ABS average weekly earnings statistics). This represents an additional \$7.7 million in salaries and wages for the local region, directly as a result of the development.</p> <p>As the actual Banora Club is proposed to be redeveloped as well (under the 6(b) Recreation Zone, this is also likely to increase employment in the area in the short term in terms of construction and with no net loss of staff in the longer term in terms of operation of the new club facility.</p>
<p>Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?</p>	<p>No.</p> <p>It is proposed to zone the site for retail purposes. No residential dwellings currently exist on the site and it will not reduce the current supply of residential housing. The owners of the land do not seek to use the land for future residential purposes, and as such it is not considered that this will impact on the supply of residential land, housing supply or affordability.</p>
<p>(a) Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site?</p> <p>(b) Is there good pedestrian and cycling access?</p>	<p>(a) The inclusion of the proposed development is likely to have a significant impact on the use of Leisure Drive, the surrounding road network and intersections. The TTM group completed a Traffic Impact Assessment for the proponent; however, the traffic report included the original aged care development and will therefore need to be amended prior to public exhibition should a Gateway Determination to proceed be obtained.</p> <p>The TTM group report analysed the impacts of each proposed land use. The report stated that the net increases in traffic generation due to the shopping centre will generate 616.23 additional trips during the PM peak hours due to the proposed development. The report concluded that the additional traffic generation will not impact on the performance of the Leisure Drive / Winders Place signalised intersection.</p> <p>The report stated that the Leisure Drive / Darlington Drive / Greenway Drive roundabout currently operates above RTA thresholds and will reach full saturation during 2013. The roundabout will require works but this was not caused by the development.</p> <p>Internal comments from Council's Water Unit state there is no problem with water and sewer supply to the site.</p> <p>(b) Existing public infrastructure is capable of servicing the proposed site. There is good pedestrian and cycling access which the proposed development will encourage.</p>

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

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

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

Section B Relationship to strategic planning framework

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The following SEPPs do apply to the subject site:

SEPP	Comments Assessment
State Environmental Planning Policy (North Coast Regional Environmental Plan) 1988	
– Clause 14 Wetlands or Fisheries Habitat	There are no mapped wetlands in close proximity to the site.
– Clause 31 Coastal Hazard Area	Site is not subject to Coastal Hazards.
– Clause 32A Coastal Lands	The site is subject to the NSW Coastal Policy 1997; however the site is not located on a dune, beach or headland.
– Clause 39 – Retail, Commercial or Business Activities	The Planning Proposal is for the rezoning of land directly adjacent to land to be zoned B2 Local Centre in the Draft LEP.
– Clause 40 – Principles for Urban Zones	The Planning Proposal will adopt the existing commercial zones within the LEP 2000.
– Clause 45 – Hazards	All relevant hazards are addressed below in this Planning Proposal. There are a number of hazards with potential to impact on the site. These relate to flooding and ANEF controls.
– Clause 45A – Flood Liable Land	As discussed above, some of the subject site is flood affected in a 100 year ARI event based on the Tweed Valley Flood Risk Management Study and Plan 2012. In addition, the golf course at Club Banora provides flood storage in events larger than the 5 year ARI with flood levels up to 1.84m AHD in the 100 year ARI event. Flooding is discussed further below. A study completed by the proponent concluded that minor loss of flood storage will occur due to the development. It is considered the risk of flooding can be adequately assessed during the Development Application stage.
– Clause 47 – Principles for Commercial and Industrial Development	The Planning Proposal seeks to rezone land that is currently 6(a) Private Recreation to commercial land. The site is not isolated and is directly adjacent to existing retail uses and essentially provides an expansion to these uses.
– Clause 50 – Height Controls	The Planning Proposal will result in commercial development of a similar height to the surrounding commercial and business areas.
– Clause 58 – Servicing Urban Area	All necessary urban infrastructure is available in the immediate area, and will be at the cost of the developer dependent upon future expansion plans within the site boundaries.
State Environmental Planning Policy No. 44 – Koala Habitat	The subject land does not contain any Koala habitat areas and therefore this Policy is not applicable.

SEPP	Comments Assessment
State Environmental Planning Policy No. 55 – Remediation of Land	The proposal is sited on an area that has been filled and comprises a sealed car park and there is no evidence of past contaminating uses. Contamination is therefore unlikely to be a significant constraint to rezoning. A Preliminary Site Contamination Report will be completed prior to public exhibition of the Planning Proposal. Any additional testing of material to be excavated for foundations and services would be undertaken as part of any future Development Application.
State Environmental Planning Policy No. 71 – Coastal Protection	<p>The site is located within the Coastal Zone. Clause 8 of the SEPP sets out the relevant matters that should be considered in the preparation of a draft LEP. Matters relevant to the Planning Proposal are:</p> <ul style="list-style-type: none"> – The suitability of the development given its type, location and design and its relationship with the surrounding area. – The site is suitable for general business purposes as a result of the predominant use of the site for retail purposes, and the limited environmental values of the site. <p>The Planning Proposal is located adjacent to an existing centre designated for commercial development, and is well serviced by transport and infrastructure services.</p>
State Environmental Planning Policy (Major Development) 2005	<p>The Major Development SEPP applies to State significant projects and those to which Part 3A (now repealed) applied.</p> <p>The site is not affected by any Major Development criteria nor does the development proposed trigger any state significance.</p>

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

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

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

<i>Application</i>	Objective	Response
1. Employment and Resources		
<u>1.1 Business and Industrial Zones</u>		
Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary)	(a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	Consistent The site is adjacent to an existing centre, Banora Shopping Village which will essentially be an extension to this centre. The Planning Proposal will facilitate permanent employment generating activity. It will not result in a loss of employment generating lands. The Planning Proposal reports that the proposed development, as sourced from the Market Potential and Economic Impact Assessment (Pitney Bowes, 2010), the redevelopment of the shopping facilities will likely employ approximately 289 people. Allowing for an estimated 5% of the total increase as a result of reduced employment at existing retail facilities in the region, the net additional jobs for the area provided at the Club Banora retail development are estimated at 275.
<u>1.2 Rural Zones</u>		
Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary)	The objective of this direction is to protect the agricultural production value of rural land.	This Planning Proposal does not affect any rural zones.
<u>1.3 Mining, Petroleum Production and Extractive Industries</u>		

<p>Applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <ul style="list-style-type: none"> (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development. 	<p>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p>	<p>The 3(b) General Business zone within Tweed LEP 2000 prohibits extractive industries and mines and is subject to the overriding provisions of State Environmental Planning Policies, in particular State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.</p> <p>By rezoning the lots to the 3(b) General Business zone of the LEP 2000, it does not take away any additional rights for mining, petroleum or other extractive activities that were originally there (as these activities are also prohibited under the prohibitions outlined above).</p> <p>Mining is subject to the controls of the SEPP Mining, Petroleum Production and Extractive Industries 2007.</p>
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1.5 Rural Lands

<p>This direction applies when:</p> <ul style="list-style-type: none"> (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or (b) A planning proposal to which clauses (a) and (b) apply must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008. 	<ul style="list-style-type: none"> (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes. 	<p>This proposal does not affect any rural zoned land.</p>
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2. Environment and Heritage

2.1 Environment Protection Zones

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

Direction applies when a relevant planning authority prepares a Planning Proposal that applies to land in the coastal zone.	The objective of this direction is to implement the principles in the NSW Coastal Policy.	The site is located within the coastal zone. The site is subject to the NSW Coastal Policy 1997; however the site is not located on a dune, beach or headland. The site is located within an urban area and is not subject to ocean waves. There are no significant erosion, coastal process threats or hazards to the site and it is more than 100 metres from a sensitive coastal location.
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2.3 Heritage Conservation

A planning proposal must contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The site contains no identified heritage items under the LEP 2000 or Draft LEP 2010. The site is a significantly disturbed site if any heritage matters are an Aboriginal Cultural Heritage Due Diligence report will be prepared prior to public exhibition.
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3. Housing, Infrastructure and Urban Development

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 zoned for residential, business, industrial, village or tourist purposes.</p>	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. 	<p>Adequate services exist within the locality. This has been addressed in other sections within this planning proposal. In addition Banora provides for a range of health facilities including aged care. In addition Club Banora plans to redevelop the site to provide up to date facilities including new bowling greens , tennis courts swimming pools. These community services would be sufficient to service the site.</p> <p>The site has good access to the arterial road network. In addition, the supermarket is marketed to local residents within walking distance Public transport is available on Leisure Drive and pedestrian and cycle access is available on the existing network.</p> <p>The location is considered appropriate for traffic generating developments because of the potential to moderate the demand for car travel, encourage multi-purpose trips and encourage trips by public transport.</p>
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3.5 Development Near Licensed Aerodromes

<p>This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome</p>	<ul style="list-style-type: none"> (a) to ensure the effective and safe operation of aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. 	<p>The site of the proposal is within the 20 – 25 ANEF Contour associated with the Gold Coast Airport at Coolangatta.</p> <p>The direction states that for commercial development purposes where the ANEF is above 30 than AS2021 interior noise levels apply. However, the proposal is within the 20 – 25 ANEF Contour.</p> <p>Clause 32 of Tweed Local Environmental Plan 2000 states that any commercial development must consider Australian Standard AS 2021–1994(Acoustics–Aircraft noise intrusion—Building siting and construction). The proposal during the detailed design phase will need to consider acoustics as part of a future development application.</p>
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4. Hazard and Risk

4.1 Acid Sulfate Soils

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

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

The site is identified on the Draft LEP 2010 Acid Sulfate Soils map as containing class 2 acid sulphate soils. The current LEP 2000 and the Draft LEP 2010 contain provisions to regulate the works undertaken on and in proximity to acid sulphate soils. The site has been filled in the past, but details are not known at this stage.

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

4.3 Flood Prone Land

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

(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and

(b) to ensure that the provisions of LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

As discussed above, some of subject site is flood affected in a 100 year ARI event based on Tweed Council Flood Study. In addition, the golf course at Club Banora provides flood storage in events larger than the 5 year ARI with flood levels up to 1.84m AHD in the 100 year ARI event. A study completed by the proponent concluded that minor loss of flood storage will occur due to the development. It is considered the risk of flooding can be adequately assessed during the Development Application stage.

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

4.4 Planning for Bushfire Protection

Applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.	(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	The site has not been identified as bushfire prone.
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5. Regional Planning

5. Implementation of Regional Strategies

Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The site is contained within the Town and Village Growth Boundary of the FNCRS. In summary the Planning Proposal is consistent with the Regional Strategy.
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6. Local Plan Making

6.1 Approval and Referral Requirements

In summary, this Direction provides that a Draft LEP shall minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or Public Authority, not contain these provisions unless Council has obtained approval from the relevant Authority and not identify development as designated development unless certain prerequisites can be met	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The Planning Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.
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6.3 Site Specific Provisions

<p>A Draft LEP that amends another environmental planning instrument in order to allow a particular development proposal shall either allow that land use to be carried out in the zone that the land is situated on or rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already existing or allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal planning instrument being amended.</p>	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p>	<p>The Planning Proposal seeks to zone the site consistent with the requirements of the 3(b) General Business Zone as defined in the LEP. It does not seek to include additional uses beyond what is permitted with the land use table.</p> <p>The Planning Proposal does not contain or refer to schematic drawings.</p>
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Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

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

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

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

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

A flood study completed by the proponent stated that the proposed new floor levels in the existing developed area will be raised to 3.2m AHD. The flood model adopted by the study concluded that most of Banora Point is flood free in a 100 year ARI event based on model results. The golf course at Club Banora provides flood storage in events larger than the 5 year ARI with flood levels up to 1.84m AHD in the 100 year ARI event. Leisure Drive is known to flood during intense, short duration rainfall events, although this type of flooding was not explicitly modelled in the Tweed.

The study concluded that:

The impact assessment indicates there would be a minor loss of flood storage (less than 5%) in the immediate area, due to the proposed development. This assessment is preliminary and provides a rough estimate only. Calculating the loss of flood storage does not fully describe the potential flood impacts, only that proposed development may result in a loss of flood storage which may affect flood levels and flood velocities across the site and/or in the adjacent land. In addition, it is possible that (on site) flood mitigation works could reduce the flood impacts to an acceptable level.

Based on the estimated loss of flood storage, there is a potential for flood impacts as a result of the proposed development. It is possible that any impacts resulting from the proposed development will continue to be restricted to the golf course. The golf course acts as a flood basin for Banora Point, storing water which would otherwise affect surrounding residential and commercial development. Based on results from the Tweed Valley Flood Study, most of the flood waters in a 500 year ARI event are contained within the golf course basin, under existing conditions.

During the development assessment stage will need to quantify the scale and nature of the impact and recommend mitigation measure against these.

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

Potential site contamination would need to be addressed prior to any rezoning of the site. Only limited information has been provided by the proponent to address SEPP 55. A Phase 1 assessment would be the minimum requirement to satisfy SEPP 55. This should be undertaken prior to public exhibition of the planning proposal.

Any application for development of the site will be assessed in accordance with Council's existing procedures, guidelines and DCP, and any approval will likewise require appropriate consideration of potential adverse environmental impacts on the site or adjoining land and water bodies. It is

expected that future development of the site will improve on the current site management practices, improve the local drainage regime and provide appropriate buffering to adjoining land.

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

The proponent has provided a detailed Economic Impact Assessment (Pitney Bowes, 2007) containing a review and detail of the potential benefits of the proposal in response to a specific request from Council to address the potential impacts of the proposed development on existing centres and retail precincts in accordance with existing local, regional and State strategies which emphasise the need to support existing centres and not detract from existing retail precincts. The Economic Impact Assessment concluded the following in terms of trade expenditure:

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

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

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

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

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

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

No information has been presented to determine the likelihood of any heritage significance and potential impact at the site. Pursuant to Council's Guideline – *Planning Proposal Process and Procedure – Amending a LEP*, an Aboriginal Cultural Heritage 'Due Diligence' Assessment ("an ACHA") must be prepared with a planning proposal.

An Initial consultation with Converge Heritage and Community have advised that there are no known sites or artefacts in close proximity to the site and as such, it is considered appropriate to require an Aboriginal Cultural Heritage Due Diligence Assessment to be completed post-Gateway and prior to public exhibition.

Section D State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

Traffic and Transport

TTM Group conducted a traffic impact assessment for the development however since the time of developing this report; the proponent has removed the assisted living facility (aged care housing) from the proposed development.

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

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

The traffic impact assessment based on the proposed development and proposed changes

- Vehicular access to the development will be retained on Leisure Drive. Council had planned upgrades to form the Fraser Drive and Kirkwood Road link by approximately 2015. Council plans to widen Leisure Drive to 4 lanes between Winders Place and Eucalyptus Drive but the timeline is currently unknown. The proposed site will be large enough to comply with Council's car parking standards. Site access designs and locations are to comply with the relevant Council and authority guidelines.
- Proposed site servicing arrangements achieve compliance with Council and Australian Standards requirements.
- The performance of the Leisure Drive / Winders Place signalised intersection remains acceptable under TMR's GARID thresholds and will not need further works. The Leisure Drive / Darlington Drive / Greenway Drive roundabout operates above the guideline's threshold and will reach full saturation during 2013 under background growth alone. The roundabout will require ameliorative works but no burden should be placed on the developers. All other intersections effected by the development have acceptable performance under GARID.

The proposal to change Leisure Drive / Winders Place intersection and widen Leisure Drive along the site frontage and provide connectivity to the adjoining retail site are consistent with previous discussions with Council staff and are supported in principle. Therefore the traffic related issues addressed in the reports have been accepted as satisfactory by the Council.

Water

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

Sewer

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

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

Power

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

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

If consultation is required with State or Commonwealth public authorities, it will be subject to any requirements stated within a Gateway Determination notice.

Part 4 Community consultation

The Gateway Determination will specify the community consultation that must be undertaken on this Planning Proposal. The consultation will be tailored to specific proposals generally on the basis of a 14 day exhibition period for low impact Planning Proposals and a 28 day exhibition period for all other Planning Proposals.

A 'Low Impact Planning Proposal' is defined in the Department's Guideline 'A guide to preparing local environmental plans' and means a Planning Proposal that, in the opinion of the person making the Gateway Determination:

- is consistent with the pattern of surrounding land use zones and/or land uses
- is consistent with the strategic planning framework
- presents no issues with regard to infrastructure servicing
- is not a principal LEP
- does not reclassify public land.

Having regard to the definition of Low Impact Planning Proposals in that it is consistent with the established land use pattern, the strategic direction for Tweed Heads as articulated through regional and local strategic documents, it is considered reasonable that the Planning Proposal be defined as a Low Impact Planning Proposal.

Summary and conclusions

The planning proposal involves the rezoning of Part Lot 2 DP 1040576 currently zoned 6(b) Recreation to 3(b) General Business zone under the Tweed LEP 2000 to be translated into B2 Local Centre in accordance with the Standard Instrument (Local Environmental Plans) Order 2006, as proposed in the Draft Tweed LEP 2012. The planning proposal is supported.

The rezoning will facilitate commercial/retail development comprising a supermarket, speciality shops and a car park. The proposal also includes the redevelopment of 'Club Banora'. The redevelopment of 'Club Banora' is permissible with consent 6 (b) Recreation under the Tweed LEP. While the redevelopment is not part of this planning proposal the development as a whole will need to be considered.

The site is currently known as 'Club Banora' which was constructed in the early 1980's and comprises an 18 hole golf course, licensed club (with a GFA of approximately 7000m²), bowling greens, tennis courts, heated Olympic pool and wading pool and approximately 700 onsite car parks. 'Club Banora' occupies a site of approximately 60.1 hectares.

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

The proposal will essentially be expansion of the existing Banora Shopping Centre. The master plan for the development presents elements that integrated development with the existing shopping

centre adjacent to the site. Notwithstanding this there will be additional competition and resulting loss of trade to existing retailers, at least initially. The economic assessment undertaken suggests that there will be some impact on the existing Banora Shopping Village and other centres as a consequence of the development. However, the Planning Proposal will facilitate permanent employment generating activity and will not result in a loss of employment generating lands.

The site is low lying and affected by the 1 in 100 year flood event, and the majority of the site lies within the 25-30 ANEF zone. For large storm events the Golf Course provides storage for the Banora Point area. In addition, the site has been identified as Class 2 Acid Sulfate Soils and high ground water vulnerability.

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

It is considered the Planning Proposal is consistent with the definition of a 'Low Impact Planning Proposal' which requires a 14 day exhibition period.

ATTACHMENTS

1. Council report
2. Request for Planning Proposal
3. Revised concept plans

Attachment 1:



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