

Draft LEP Amendment No. **90**

PLANNING PROPOSAL FOR RIVA VUE
(Lot 332 DP 1158142 and part lots 315 and 326 DP 1158142)
SILKPOD AVENUE, MURWILLUMBAH

V3 FINAL VERSION

May 2012

TSC File PP10/0003
(Department of Planning Reference PP_2010_TWEED_003_00)

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Introduction.....	1
Purpose.....	1
Minister's Gateway Determination	1
Part 1 Objectives and intended outcomes.....	2
Objectives	2
Intended outcome	2
Property details	6
Site context and setting.....	6
Planning controls (zoning).....	10
Part 2 Explanation of provisions	15
Part 3 Justification	16
Section A - Need for the planning proposal.....	16
Section B - Relationship to strategic planning framework	21
Section C Environmental, Social and economic impact	69
Section D State and Commonwealth interests.....	70
Part 4 Community consultation	72
Summary and conclusions	72
Attachment 1 – Copy of Council Resolution 13 December 2011	74
Attachment 2 – Copy of Gateway Determination	81
Attachment 3 – Draft amendment to the LEP 2000.....	84
Attachment 4 – Proposed translation of the draft LEP amendment to the draft LEP 2010.....	85
Provided under separate cover on CD:.....	86
Attachment 5 – Flood study by Yeats Consulting [February 2012]	86
Attachment 6 – Geotechnical Investigation by Cardno Bowler for Yeats Consulting [July 2011].....	86
Attachment 7 – Contamination Assessment by Gilbert and Sutherland [June 2011]	86
Attachment 8 – Rural lands Assessment by Yeats Consulting [June 2011].....	86
Attachment 9 – Flora and Fauna Assessment by Yeats Consulting [May 2011].....	86
Attachment 10 – Odour Assessment by Pae Holmes [September 2011].....	86
Attachment 11 – Aboriginal Cultural Heritage Due Diligence Assessment by Everick Heritage Consultants [March 2011].....	86
Attachment 12 – Conceptual Site Based Stormwater Management Plan by Yeats Consulting [November 2011].....	86

Introduction

Purpose

The Tweed Shire Council (TSC) received a request for a Planning Proposal from Darryl Anderson Consulting, under instruction from Metricon (QLD) Pty Ltd, for the purposes of affecting a zoning amendment to extend the residential zoned land west of the current Riva Vue urban release area in West Murwillumbah.

Tweed Shire Council resolved on 20 July 2010 to amend the Tweed Shire Local Environmental Plan 2000 (TLEP) as follows:

Resolved that:

- 1. Planning Proposal PP10/0003 for a change of land use zone classification to enable Lot 237 DP 1139108 to be developed for the purposes of a low density residential estate of similar character to the approved adjoining Riva Vue subdivision be supported in principle and that the proposal be referred to the Department of Planning for a gateway determination under Section 56 of the Environmental Planning and Assessment Act 1979.*
- 2. The applicant of the planning proposal PP10/0003 is to be advised that the actual rezoning classification of the land, if supported by Council, will be determined following assessment of any detailed studies required as part of the stage 2 gateway determination process.*

Refer Attachment 1 - Copy of Council Resolution 20 July 2010.

It is noted that subsequent to this report the site has been re-subdivided and the lot and DP details have changed. The planning proposal now applies to and will be referred within this document as Lot 332 DP 1158142 and part lots 326 and 315 DP 1158142.

Minister's Gateway Determination

The Planning Proposal was submitted to the Department of Planning and Infrastructure for a Gateway Determination. On 25 August 2010 the Gateway Determination was issued. A copy of the determination is included in Attachment 2.

It is noted that an extension of the completion timeframe under the Gateway Determination was granted on 4 August 2011. This is also provided in Attachment 2.

Part 1 Objectives and intended outcomes

Objectives

To facilitate a change of zoning to residential to enable the expansion of the Riva Vue urban release area.

Intended outcome

The proposal explains the intent and sets out the justification for a Local Environmental Plan (LEP) amendment enabling an extension of the Riva Vue Estate which proposes to provide approximately 80-90 new dwellings.

The proposal seeks to rezone the site from the current majority 1(b2) Agricultural Protection and part 2(c) Urban Expansion to a low density residential land use, 2(a) Low Density Residential under the Tweed LEP 2000. It is also noted that Council has formally exhibited the draft LEP 2010, consistent with the requirements and format of the Standard LEP Template. Under this draft LEP, this proposal would translate to the draft R2 Low Density Residential zone.

The proposal also acknowledges the characteristics and constraints on the site and seeks to provide concept guidance for:

- A buffer to the prime agricultural cane production land to the north of the Rous River to ensure the continued viability of this agricultural use and to minimise any potential impacts of the agricultural activities on the future residential development;
- A buffer to the prime agricultural cane production land to the west of the site to minimise any potential impacts of the agricultural activities on the future residential development;
- A riparian buffer to the Rous River to ensure protection and enhancement of this riparian zone;
- Appropriate drainage reserves; and,
- Enhanced pedestrian and cycleway access to the Rous River foreshore integrated with the above buffer and drainage reserves.

The requirements for these areas are captured, and the locations appropriately defined, during the subdivision development application stage through the requirements of the Tweed Development Control Plan (DCP) Part A5 – Subdivision Manual, thus it is not considered necessary to specifically zone these areas. Therefore, the entire site is proposed to be zoned as low density residential.



Site looking south from the western edge



Site looking south west on Rous River Way towards Frangella Reserve and adjoining residential land



Site looking south west at the knoll and vegetation from Rous River Way



Site looking east from the western edge towards the vegetated knoll



Site looking west from Rous River way



Site looking west along the northern edge of Rous River Way showing the change in level

Property details

The proposal is known as Riva Vue Planning Proposal and is located on Silkpod Avenue, Murwillumbah (Lot 332 DP 1158142 and part lots 326 and 315 DP 1158142), as shown in Figures 1 to 3.

The site has an area of approximately 10 hectares in total and is located to the immediate south of the Rous River. The topography ranges from approximately RL 2.2m AHD to approximately RL 15.5m AHD on the elevated knoll. With the exception of the Rous River Way Road, the site is currently undeveloped. The low lying parts of the site comprise former sugar cane production land with the elevated parts, comprising mainly grasslands.

Site context and setting

The subject site is located approximately 2 kilometres west of the Murwillumbah town centre adjacent to the Rous River on the north western fringe of the Murwillumbah township, as shown in Figures 1-3.

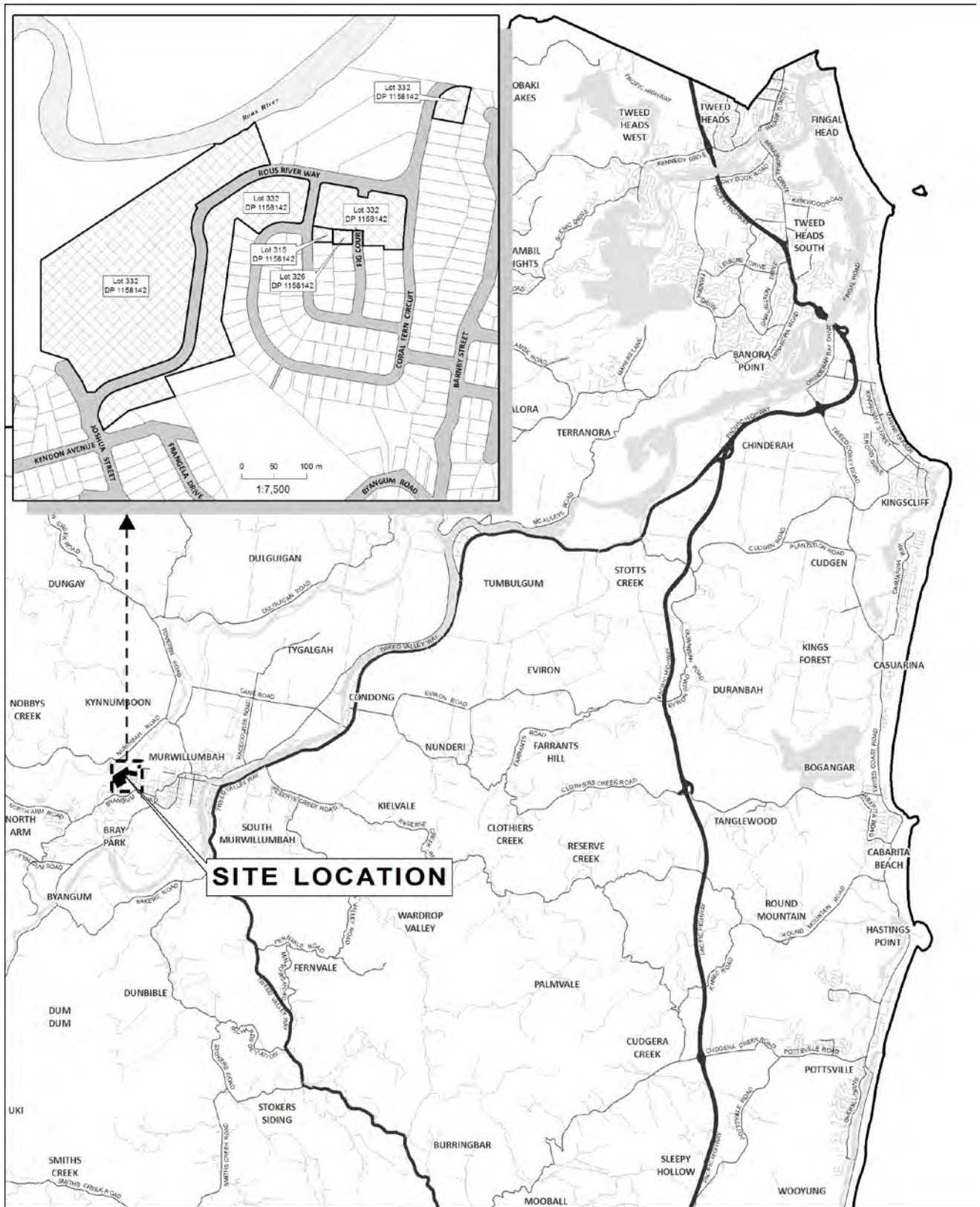
The site is bounded to the north by the Rous River and 1(b2) Agricultural Protection land to the northern side of the river, which is under current and active sugar cane production. 1(b2) Agricultural Protection land also adjoins the site to the west, though this land is not currently under sugar cane production.

The site adjoins the new residential subdivision, Riva Vue, zoned Residential 2(c) Urban Expansion to the east and the established residential land, zoned Residential 2(a) Low Density Residential and Frangella Reserve zoned 6(a) Open Space to the south.

Tweed Shire Council approved the first stages of Riva Vue Estate within that part of the site zoned 2(c) Urban Expansion by way of Development Consent No. 05/0308 in 2005. Those stages have been partly constructed.

A new road extension, Rous River Way, connecting Coral Fern Circuit and Joshua Street, has been constructed and dedicated to Council as part of that development. Part of the road and the batter support for it is located within the subject agriculturally zoned land.

The site is discontinuous and includes a mix of low lying flat area and filled area to the northwest of Rous River Way, land formed area to the south east of Rous River Way and a small portion of land to the north east, adjoining the established residential area and the Tweed Shire Council waste water treatment plant.



Locality Plan

Planning Proposal PP10/0003 -- Lot 315, Lot 326 and Lot 332 DP 1158142
Rous River Way, Murwillumbah

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Figure 1 Subject site locality plan



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

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

Aerial Photo - taken October 2009

Planning Proposal PP10/0003 -- Lot 315, Lot 326 and Lot 332 DP 1158142
Rous River Way, Murwillumbah

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Health: 2 | 25/01/10/10/0003 & 25/01/10/0004 - 2009/ANNUAL/10/0003/00 Rous River Way - April 2009.mxd

Author: J. Bartlowe - Planning Information Unit

Date Printed: 10 October 2011

Figure 2 Subject site and its relationship to the wider Murwillumbah urban footprint shown with heavy black edging overlaid with aerial photography (2009)



SOURCE: Aerial imagery taken October 2009 by Fugro Spatial Pty Ltd
Aerial photography can be purchased online from Fugro Spatial Pty Ltd at: <http://www2.fugroworld.com/>

Aerial Photo - taken October 2009

Planning Proposal PP10/0003 -- Lot 315, Lot 326 and Lot 332 DP 1158142
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Footnote: 2. SUBMITTAL POLICIES & STRATEGIC DEVELOPMENT - 2009/MANAGEMENTS/NO-90 Riva Vue/03/09-01 Aerial 2009 Site Plan.mxd

Author: J. Bardsley - Planning Services Unit

Date Printed: 19 October 2011

Figure 3 Subject site and its relationship to the immediate West Murwillumbah area shown with heavy black edging overlaid with aerial photography (2009)

Planning controls (zoning)

Present - Tweed LEP 2000

The site is currently zoned majority 1(b2) Agricultural Protection and part Residential 2(c) Urban Expansion under the current TSC LEP 2000, as shown in Figures 4 and 5, and has the following residential development standards under the TSC LEP 2000 and DCP 2008:

1(b2) Agricultural Protection		2(c) Urban Expansion	
Lot size	40 hectares	Lot size	450sqm
Building height	3 storeys	Building height	3 storeys
Floor space ratio	None applicable	Floor space ratio	0.55:1 under the Tweed DCP Section A1

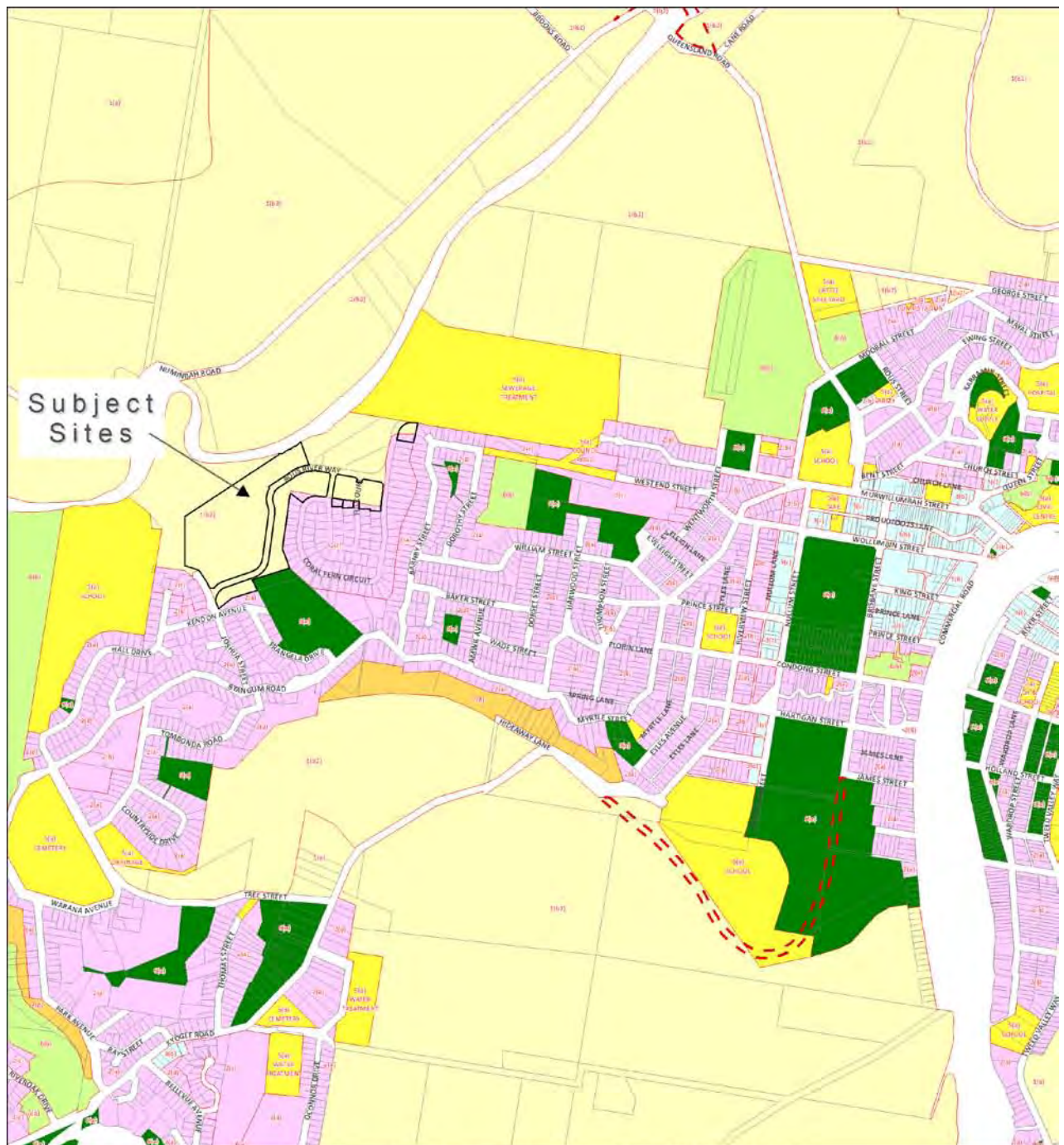
The site is not on reticulated sewer or water, though is able to be serviced by extension of the adjoining infrastructure.

Draft Tweed LEP 2010

The draft Tweed LEP 2010, consistent with the requirements and format of the Standard LEP Template, was formally exhibited from 27 January to 30 April 2010.

Under this draft LEP the site is proposed to be translated to the comparative majority RU1 Primary Production and part R1 General Residential, as shown in Figures 6 and 7 with the following draft development standards applying under the draft LEP 2010:

RU1 Primary Production		R1 General Residential	
Lot size	40 hectares	Lot size	450sqm
Building height	10 metres	Building height	13.6m
Floor space ratio	None applicable	Floor space ratio	2:1



Tweed Local Environmental Plan 2000
Planning Proposal PP10/0003 - - Lot 315, Lot 326 and Lot 332 DP 1158142
Rous River Way, Murwillumbah

ZONING RURAL 1(a) Rural 1(b) Rural living 1(c) Agricultural Protection 1(d) Agricultural Protection	RESIDENTIAL 2(a) Low Density Residential 2(b) Medium Density Residential 2(c) Tourism 2(d) Urban Expansion 2(e) Village 2(f) Residential Tourist	BUSINESS 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)	INDUSTRIAL 4(a) Industrial SPECIAL USES 5(a) Special Uses OPEN SPACE 6(a) Open Space 6(b) Recreation	ENVIRONMENTAL PROTECTION 7(a) Environmental Protection (Wetlands and Littoral Rainforest) 7(b) Environmental Protection (Scenic / Escarpment) 7(c) Environmental Protection (Coastal Lands) 7(d) Environmental Protection (Habitat)	NATIONAL PARKS & NATURE RESERVES 8(a) National Parks and Nature Reserves DEFER defer
ADDITIONAL CONTROLS Clause 37 (Transmission Line Corridor) Clause 38 (Future Roads)	Clause 41 (Heritage Conservation Area) 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)	DISCLAIMER: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered 'situation and diagrammatic only'. It should not be used for survey or construction purposes and prior to any excavations a "Dig before you Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply. Cadastre: 19 October, 2011 © Land and Property Management Authority (LPMA) & Tweed Shire Council. Boundaries shown should be considered approximate only.	

Figure 4 Subject site locality (shown with heavy black edging) and relationship to the wider Murwillumbah urban footprint overlaid with TSC LEP 2000 zoning



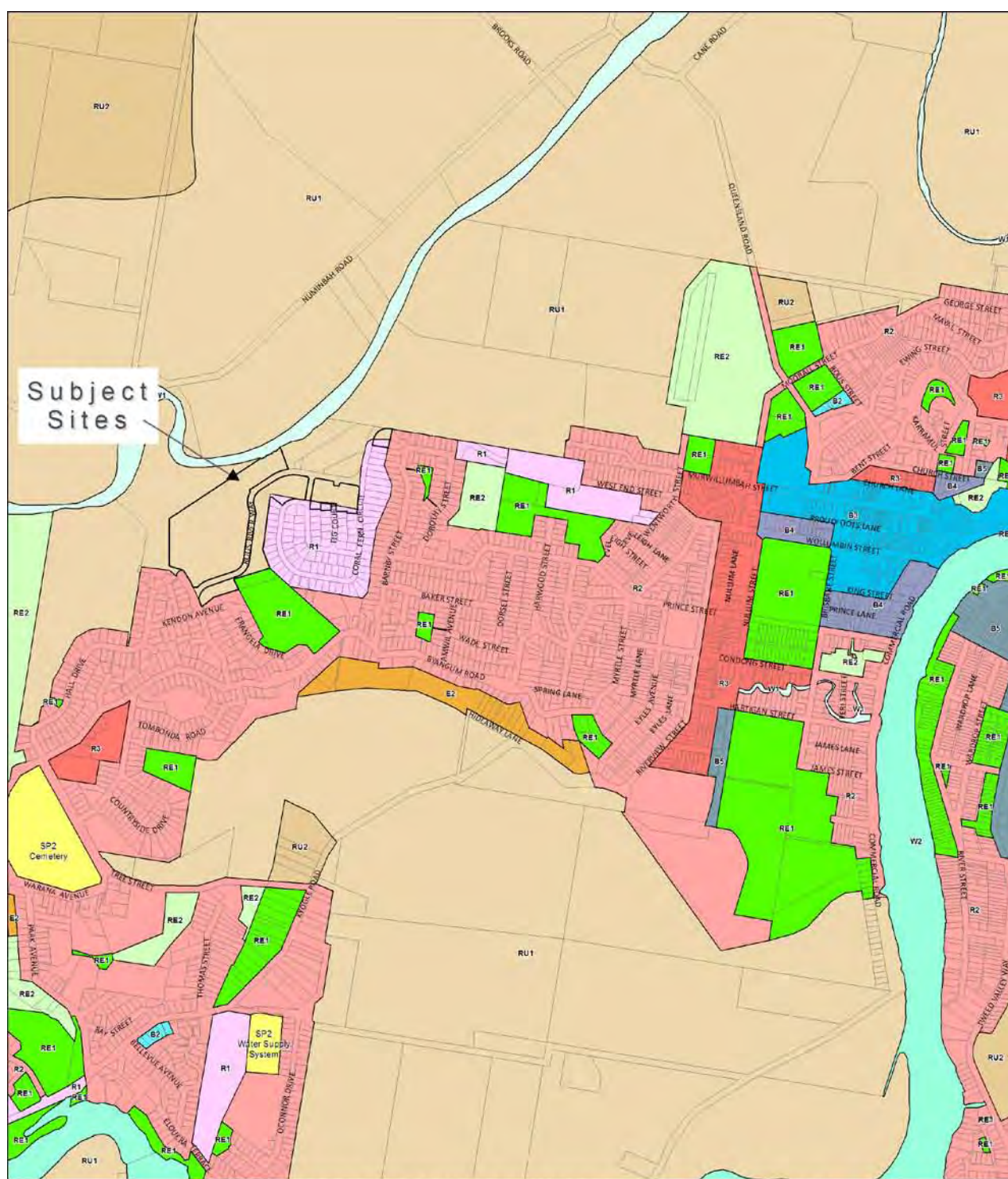
Tweed Local Environmental Plan 2000

Planning Proposal PP10/0003 -- Lot 315, Lot 326 and Lot 332 DP 1158142

Rous River Way, Murwillumbah

ZONING RURAL 1(a) Rural 1(c) Rural living 1(b1) Agricultural Protection 1(b2) Agricultural Protection	RESIDENTIAL 2(a) Low Density Residential 2(b) Medium Density Residential 2(f) Tourism 2(c) Urban Expansion 2(d) Village 2(e) Residential Tourist	BUSINESS 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)	INDUSTRIAL 4(a) Industrial SPECIAL USES 5(a) Special Uses OPEN SPACE 6(a) Open Space 6(b) Recreation	ENVIRONMENTAL PROTECTION 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)	NATIONAL PARKS & NATURE RESERVES 8(a) National Parks and Nature Reserves DEFER defer
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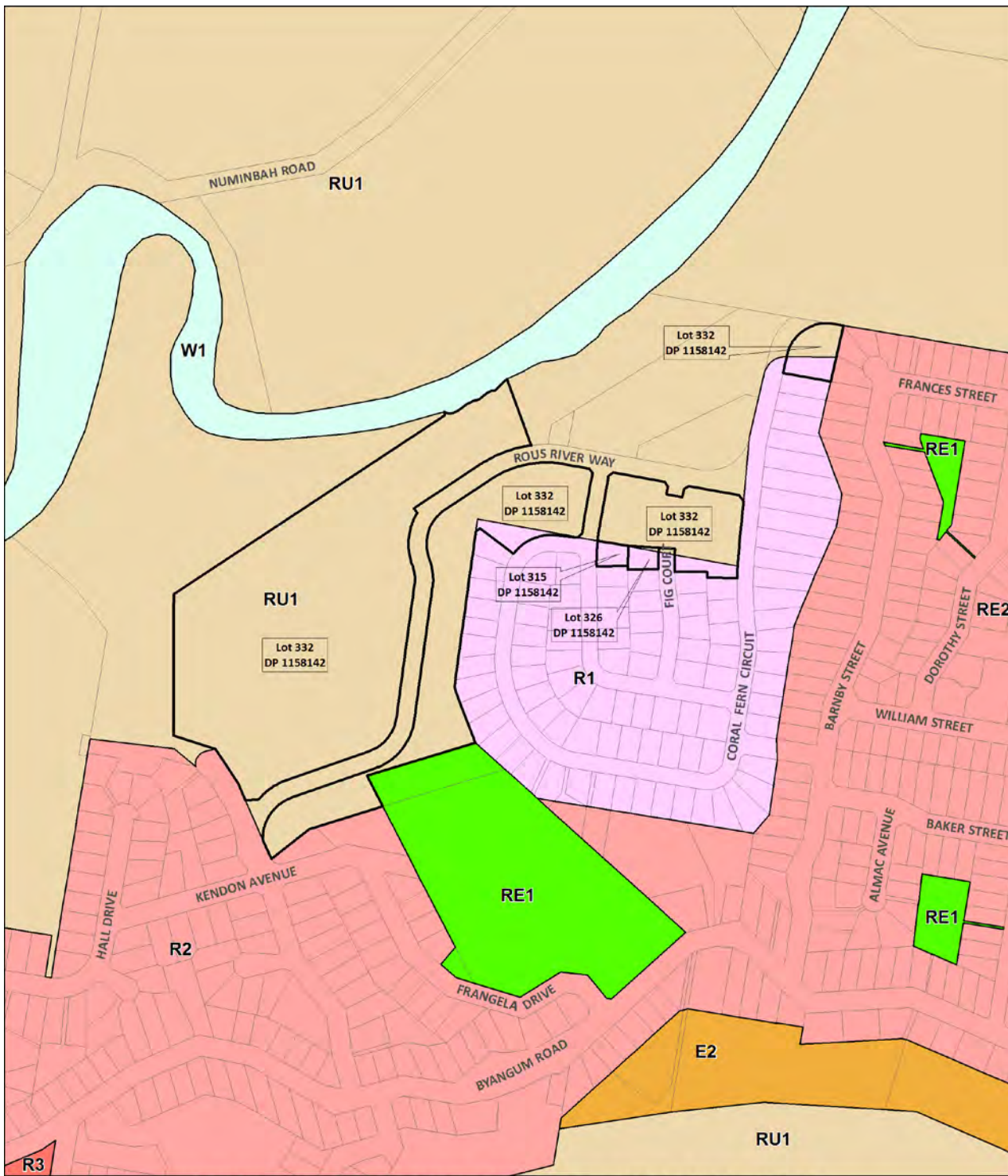
Figure 5 Subject site locality (shown with heavy black edging) and relationship to the immediate West Murwillumbah area overlaid with TSC LEP 2000 zoning



Draft Tweed Local Environmental Plan 2010
Planning Proposal PP10/0003 -- Lot 315, Lot 326 and Lot 332 DP 1158142
Rous River Way, Murwillumbah



Figure 6 Subject site locality (shown with heavy black edging) and relationship to the wider Murwillumbah urban footprint overlaid with the exhibited TSC draft LEP 2010 zoning



Draft Tweed Local Environmental Plan 2010

Planning Proposal PP10/0003 -- Lot 315, Lot 326 and Lot 332 DP 1158142

Rous River Way, Murwillumbah

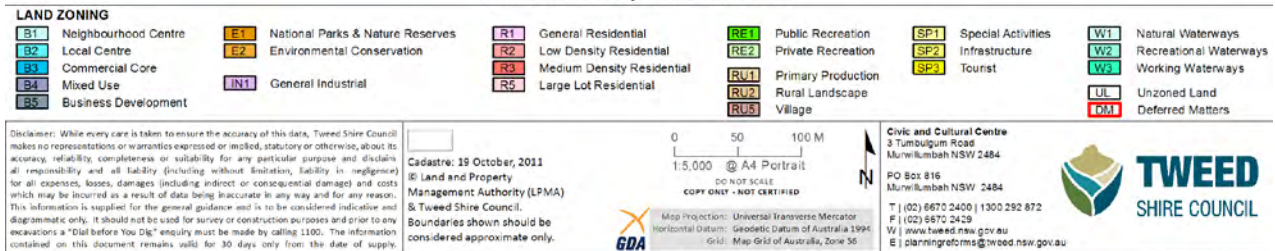


Figure 7 Subject site locality (shown with heavy black edging) and relationship to the immediate West Murwillumbah area overlaid with the exhibited TSC draft LEP 2010 zoning

Part 2 Explanation of provisions

The intended outcome is to be achieved by amendment to the current Tweed LEP 2000 consistent with the current provisions.

It is noted that the current Residential 2(c) Urban Expansion zone is translated to the R1 General Residential under the exhibited draft LEP 2010, with controls reflecting the highest potential use of the land. Following receipt of submissions and subsequent review it is proposed to translate those urban expansion areas which have been developed to a zone which reflects the actual uses. In this locality, as in most similar localities, the adjoining Riva Vue estate is low rise low density residential housing and is proposed, through review of submissions to the draft LEP 2010, to be amended to R2 Low Density Residential, consistent with the surrounding established residential land, as shown in Figure 6.

Following this rationale and based on the land uses proposed in the proponent planning proposal and studies, it is appropriate and proposed that the subject site be zoned as a low density residential zone rather than as an extension of the urban expansion zone.

Therefore, the zoning amendments to the current Tweed LEP 2000 and proposed translation to the draft LEP 2010 are as follows:

Current Tweed LEP 2000			Draft Tweed LEP 2010		
Residential 2(a) Low Density Residential	Lot size	450sqm	R2 Low Density Residential	Lot size	450sqm
	Building height	3 storeys		Building height	9.0m
	Floor space ratio	0.55:1		Floor space ratio	0.8:1

Zoning maps reflecting this approach are provided in Attachment 3 – Proposed amendment to Tweed LEP 2000 and Attachment 4 – Proposed translation to draft LEP 2010

Part 3 Justification

Section A - Need for the planning proposal

The proposal is justified as the site is surrounded to the east and south by land approved for residential development and is a logical infill of the current urban footprint. A low density residential zoning will allow development of the site consistent with the surrounding land to the east and south and consistent with the residential development planned around the construction of the connection of Joshua Street to Coral Fern Circuit.

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

The site is not included within the Far North Coast Regional Strategy (FNCRS) town and village growth area. However, the site does adjoin the identified town and village growth area. This is shown as a red outline on in Figure 8.

The site is not included in the Tweed Urban and Employment Land Release Strategy (TUELRS) 2009 as it was seen to be a logical and coordinated extension of the adjoining Riva Vue residential development currently under construction (Development Consent No. 05/0308). This combined with the relatively small land area and the ability to rely on the State Government's Site Suitability Criteria (for land west of the Pacific Highway) warranted its exclusion from the TUELRS 2009.

Part of the Riva Vue site was zoned for residential purposes in 1988 by way of Tweed Local Environmental Plan 1987. Those zonings were subsequently retained in the current Tweed Local Environmental Plan 2000.

The master planning process undertaken for the previous (2005) Riva Vue consent, concluded that the subject site is a relatively minor extension of the existing urban footprint, achieves a logical urban form, more efficient use of urban infrastructure and in particular facilitates connection of Joshua Street to West End Street (to the east), which is a key component of Tweed Shire Council's Transport Strategy to address capacity constraints and safety issues on Byangum Road.

The link road (Rous River Way) from Joshua Street to Coral Fern Circuit has been constructed and dedicated to Tweed Shire Council within that part of the site which is the subject of this Planning Proposal.

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

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

Aerial Photo - taken October 2009

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

The land to which this Planning Proposal relates is currently zoned predominantly 1(b2) Agricultural Protection and part 2(c) Urban Expansion. A general minimum lot size of 40 hectares applies to the majority of the site (rural land) for the erection of dwelling houses in this zone. The current land parcel is approximately 10 hectares. In addition, the zone objectives preclude additional residential development.

The current rural zoning and the lot size requirements, do not allow the form and density of development which would be consistent with the surrounding land uses.

The 2(a) low density residential zone is considered appropriate to allow for urban development which is consistent with surrounding land uses.

Therefore, rezoning is considered to be the most appropriate means of allowing residential development on the land.

Is there a net community benefit?

The Department of Planning Guidelines (July 2009) include the following advice in relation to the net community benefit assessment:

- *The Assessment should only evaluate the external costs and benefits of the proposal (ie. the externalities).*
- *Consideration must be given to changes that reflect a higher community benefit.*
- *The proposal should be assessed against the matters specified in the justification. The Assessment should evaluate the proposal against a base case or base cases including retaining the existing zoning on the land.*
- *The Draft Centres Policy includes guidance on conducting a Net Community Benefit Test that should be followed when assessing the net community benefit of a Planning Proposal. This guidance has been reproduced in the Department of Planning's Guidelines but adapted to suit all types of Planning Proposals.*
- *Because of the difficulty in assigning values to certain costs and benefits associated with Planning Proposals, the Net Community Benefit Test will not be a purely quantitative test.*

The following Table 1 identifies the key external costs and benefits of the Planning Proposal:

Table 1 – External costs and benefits

Table 1 - External Costs and Benefits		
Element	Cost	Benefit
Change of land use and zoning	<p>Previously sugar cane has been farmed adjacent to the existing residential properties in Joshua Street and Rous River Way. Sugar cane farming is currently undertaken to the north of the site on the northern side of the Rous River.</p> <p>The residential development of the site will result in the loss of approximately 10 hectares of 1(b2) Agricultural Protection land. The subject site is not currently farmed for cane production, is a relatively small and isolated portion of agricultural land and surrounded by urban uses.</p> <p>The adjoining lot to the west, of approximately 6.5 hectares is also zoned (b2) Agricultural Protection. This site is currently not farmed for cane production and is likely to also be investigated to urban uses in the future.</p>	<p>The proposed change to residential zoning will enable modest expansion of the current urban footprint. Given the small and isolated portion of rural land surrounded by urban uses, the change to residential uses is not anticipated to set a precedent and will enable uses more compatible with the surrounding residential uses.</p> <p>The removal of cane farming from the subject site (adjacent residential uses) and the provision of open space and drainage buffers to the Rous River and the existing cane land farming to the north of the site will assist minimise noise, dust and cane ash impacts of the farm land to the north on the proposed residential uses.</p> <p>Provision of buffers will also assist minimising the impact of the future residential uses on the ongoing activities of the cane land farming to the north of the Rous River.</p>
Infrastructure	<p>The current land use does not utilise existing urban infrastructure, and the proposal will require the construction of new roads and connections to sewer and water.</p>	<p>The proposal will result in more efficient use of existing urban infrastructure including in particular the adjacent Murwillumbah waste water treatment plant.</p> <p>The established Riva Vue development has provided the new road connection between Joshua Street and Barnby Street as well as enhanced open space to the Rous River.</p> <p>The enhancement of the open space and integration of pedestrian / cycleway paths will continue through this subject site providing access and open space to surrounding residents.</p>
Access	<p>The residential development of the site will result in the loss of approximately 10 hectares of 1(b2) Agricultural Protection land. The site is isolated from wider agricultural land and largely surrounded by urban uses.</p>	<p>The proposal will permit low density residential development, facilitate buffered access to the Rous River and facilitate and advance the Joshua Street to West End Road link providing better access between residential areas and to the Murwillumbah town centre from West Murwillumbah.</p>

Assessment of the Net Community Benefit as guided by the Department of Planning Guide to *Preparing Planning Proposals* (July 2009) and found in the NSW Government's publication *The Right Place for Business and Services* is addressed in Table 2, following:

Table 2 - Assessment of Net Community Benefit

<i>Table 2 – Assessment of Net Community Benefit</i>	
Criteria	Assessment against Criteria
The degree to which the policy and its objectives can be satisfied.	<p>The subject site seeks to amend the LEP to allow appropriate development of the land. The policy document <i>The Right Place for Business and Services</i> has a focus on ensuring growth within existing centres and minimising dispersed trip generating development.</p> <p>The proposal for low density residential development is not isolated from the existing urban footprint of Murwillumbah. The proposal represents an expansion of the urban footprint which will infill urban land uses consistent with the surrounding land to the east and south. The low density residential land use is located within a 2.2km radius of the Murwillumbah town centre and will provide additional population, within the established urban catchment, to reinforce the town centre.</p> <p>The low density residential proposal for an approximately similar number of lots (80-90) as previous created in the earlier stages of Riva Vue will not be high trip generating.</p>
The proposed level of accessibility to the catchment of the development by public transport, walking and cycling.	<p>The locality is serviced at nearby Joshua Street and Kendon Avenue and Barnby Street (both within 500metres) by Murwillumbah Bus Service to the town centre, schools and services.</p> <p>The urban development occurring in this locality includes a network of walking and cycle ways through open space corridors and providing access along the Rous River. This proposal would aim to continue this connectivity.</p>
The likely effect on trip patterns, travel demand and car use.	<p>While the site has reasonable access to a regular bus service (3 morning and 2 afternoon services) in the area, it is likely that the majority of potential future residents would rely on private vehicle usage as their main mode of transport.</p> <p>By increasing the population density in an area surrounded by urban growth, the proposal may assist in triggering improved public transport within the locality.</p>
The likely impact on the economic performance and viability of existing centres (including the confidence of future investment in centres and the likely effects of any oversupply in commercial or office space on centres.	<p>The proposed rezoning does not include provision for commercial or business zones and will not facilitate development of a new centre.</p> <p>From a general perspective an increase in population within Murwillumbah will support and improve the viability of the existing town centre and its role as a major town in the hierarchy of the Far North Coast Regional Strategy (FNCRS).</p>

Table 2 – Assessment of Net Community Benefit

Criteria	Assessment against Criteria
The amount of use of public infrastructure and facilities in centres, and the direct and indirect cost of the proposal to the public sector.	<p>It is not anticipated that the proposal will generate any significant State infrastructure requirements as the site is well serviced by surrounding established hospital, schools, roads and services.</p> <p>The upgrade of local infrastructure, such as extension of water and sewer provision and local road connections would be at the cost of the proponent and will provide access benefits to the surrounding community.</p>
The practicality of alternative locations, which may better achieve the outcomes, the policy is seeking.	<p>The site is a small parcel of land situated between land already zoned for residential uses and the Rous River on the north western fringe of Murwillumbah.</p> <p>It represents a logical and appropriate location for residential development adjoining the Murwillumbah urban footprint.</p>
The ability of the proposal to adapt its format or design to more likely secure a site within or adjoining a centre or in a better location.	The site forms a logical expansion of the current Riva Vue urban release area as noted above.

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 (FNCRS) 2006-2031 is the overarching regional framework for the management of growth for the Tweed local government area (LGA).

The Regional Strategy 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 Strategy aims to manage the region's projected population growth sustainably and protect the unique environmental assets, cultural values and natural resources of the region. 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 subject site is not within the FNCRS town and village growth boundary, nor is it identified as a proposed future urban release area in a local strategy. The site is, however, located immediately adjacent the northern edge of the identified 'town and village growth boundary' of Murwillumbah just south of the Rous River, as shown in Figure 8, and therefore an assessment of the proposed urban development of this site against the required 'Sustainability Criteria' follows in Table 3:

Rezoning the site for low residential development would assist in achieving the aims of the FNCRS, in particular through:

- Assisting in achieving the region's housing target of 51,000 dwellings (19,100 additional new dwellings to 2031 within Tweed Shire Council).
- Enabling development of a site which is unconstrained by coastal processes and does not have a high scenic or conservation value.
- The site is located west of the Pacific Highway and outside of the 'Coastal Area' and would assist in relieving some of the pressure of development on the coast.
- The rezoning would assist in encouraging growth in a non-coastal town without compromising environmental values or quality of life. The site is not considered to be environmentally significant and is located with good access to services and infrastructure.
- The proposed residential use of the site will reinforce the role of Murwillumbah as a major town as identified within the FNCRS towns and centers hierarchy and will capitalise on access to existing infrastructure and services.

Incorporating open space and environmental attributes within the proposal will assist in achieving the following aims of the strategy:

- Incorporating open space that is accessible to the public and provides opportunities for recreation, conservation, visual amenity and enhancement and social interaction.

Table 3 - Assessment against FNCRS sustainability criteria

Table 3 - Assessment against FNCRS sustainability criteria		
Criteria	Measurable explanation of criteria	Response
1. Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way	<ul style="list-style-type: none"> Development is consistent with the outcomes of the Far North Coast Regional Strategy, any subregional strategy, regional infrastructure plan and relevant section 117 direction/s. The provision of infrastructure (utilities, transport, open space, and communications) is costed and economically feasible based on Government methodology for determining infrastructure development contributions. Preparedness to enter into development agreement. 	<p>The proposal is consistent with the outcomes for infrastructure provision, including: no additional State infrastructure provision arises from this proposal; settlement is within and reinforces the role of the established Murwillumbah town; future development will ensure provision of services; water sensitive urban design has been incorporated into the planning for the site through treatment by bio-retention basins.</p> <p>The site, being located adjacent to the urban area of Murwillumbah, benefits from access to existing services, including sewer, water, telecommunications and transport, with only minor augmentation required to service the site.</p> <p>Applicable section 94 contributions will be levied in accordance with Council's s94 plans.</p>
2. Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided	<ul style="list-style-type: none"> Accessibility of the area by public transport and/or appropriate road access in terms of: <ul style="list-style-type: none"> Location/land use – to existing networks and related activity centres. Network – the area's potential to be serviced by economically efficient transport services. Catchment – the area's ability to contain, or form part of the larger urban area which contains adequate transport services. Capacity for land use/ transport patterns to make a positive contribution to achievement of travel and vehicle use goals. No net negative impact on performance of existing subregional road, bus, rail, ferry and freight network. 	<p>The site is located within 2.2kms of the Murwillumbah town centre. Route 621a and 621b service along Byangum Road and Joshua Street, operated by Murwillumbah Bus Co. The bus services the town shopping and service area, local high schools and connects with services to the hospital. Rous River Way has been designed to accommodate buses along this route in the future.</p> <p>The site is a logical and minor extension to the existing urban footprint where all necessary transport infrastructure is existing and will be upgraded as part of any rezoning and future development by way of Section 94 Contributions.</p> <p>The area can be efficiently and economically serviced as all necessary infrastructure has been planned and provided for in the adjoining completed stages of Riva Vue Estate.</p> <p>This is a relatively minor infill development and it will assist in ensuring that adequate public transport (bus route) services and improved road networks generally are achieved whilst making more efficient use of existing urban infrastructure including water and waste water treatment plant.</p> <p>The proposal does not raise any negative impacts on the performance of road</p>

Table 3 - Assessment against FNCRS sustainability criteria

Criteria	Measurable explanation of criteria	Response
		capacity or public transport. An increase in dwellings in this locality will provide a greater catchment population for the local bus services.
3. Housing Diversity Provide a range of housing choices to ensure a broad population can be housed	<ul style="list-style-type: none"> Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing. 	<p>The proposal will provide for a range of lot sizes to enable housing choice for purchasers, however given the established character and amenity of the surrounding area it is anticipated that most residential development will be predominantly single detached dwelling houses, and where the development criteria is met, dual occupancy development.</p> <p>The West Murwillumbah area does provide a lower cost housing choice to the coastal areas of the Tweed.</p>
4. Employment Lands Provide regional/local employment opportunities to support the Far North Coast's expanding role in the wider regional and NSW economies	<ul style="list-style-type: none"> Maintain or improve the existing level of sub-regional employment self-containment. Meets subregional employment projections. Employment-related land is provided in appropriately zoned areas. 	<p>The proposal is for residential development and does not include any future commercial or industrial land uses or objectives. The location is considered more suitable for residential uses consistent with the surrounding land uses.</p> <p>Employment lands are better located with access to transport and other traffic generating development. Adequate employment lands are catered for in the southeast Murwillumbah area.</p>
5. Avoidance of Risk Land use conflicts, and risk to human health and life, avoided	<ul style="list-style-type: none"> No residential development within 1:100 floodplain. Avoidance of physically constrained land, e.g. <ul style="list-style-type: none"> > High slope. > Highly erodible. Avoidance of land use conflicts with adjacent existing or future land use as planned under relevant subregional or regional strategy. 	<p>Flooding</p> <p>Tweed Development Control Plan 2007, Section A3 indicates a design flood level of RL 5.1m AHD for this particular site, as shown in Figure 9 below. Site levels for the low lying part of the land range from approximately RL 2.2m AHD to RL 5m AHD. Filling to RL 5.1m of that part of the site to be zoned R2 is proposed.</p> <p>A Flood Study and Hydraulic Modelling was undertaken by WBM Oceanics (September 2004) for the whole site. This was updated with a revised Flood Study by Yeats (February 2012), provided in attachment 5.</p>

Table 3 - Assessment against FNCRS sustainability criteria

Criteria	Measurable explanation of criteria	Response
	<ul style="list-style-type: none"> Where relevant available safe evacuation route (flood and bushfire). 	<p>The Yeats study modelled four separate scenarios for the site in isolation and combined with the filling of the adjacent Lot 22 DP 1080322 (remaining parcel of rural land) as a cumulative scenario. Scenarios included:</p> <ol style="list-style-type: none"> Existing conditions as modelled in the Tweed Valley Flood Study 2009 Earthworks associated with the development of Riva Vue stages 1-3 Earthworks, including filling approximately 2.4ha, associated with the development of Riva Vue stages 1-4 Earthworks associated with the extension of Rous River Way to the intersection of Cane/Queensland Road, incorporating approximately 3.3 ha of the currently agriculture protection zoned land, Lot 22 on DP1080322, above the Q100 flood level to simulate future development over this adjoining lot, though this is not part of this proposal Cumulative scenario incorporating 2, 3 and 4 above. <p>The modelling demonstrates that stages 1-3 have minimal impacts on the flood levels surrounding the site and negligible effects approximately 1km upstream and downstream of the site. It also demonstrates that while the proposed stage 4 will cause flood levels to increase in the areas surrounding the site, the increase will be less than 15mm and occurs over rural land to the north and the golf course and rural land to the west.</p> <p>The modelling confirms that when assessed on an individual basis, and on the basis of its incremental contribution to the potential cumulative development scenario in the area, the proposed fill development will have negligible adverse impacts on flood behaviour in the locality.</p> <p>As such flooding is not a prohibitive constraint to the planning proposal to rezone the land from agriculture to residential uses.</p>

Table 3 - Assessment against FNCRS sustainability criteria

Criteria	Measurable explanation of criteria	Response
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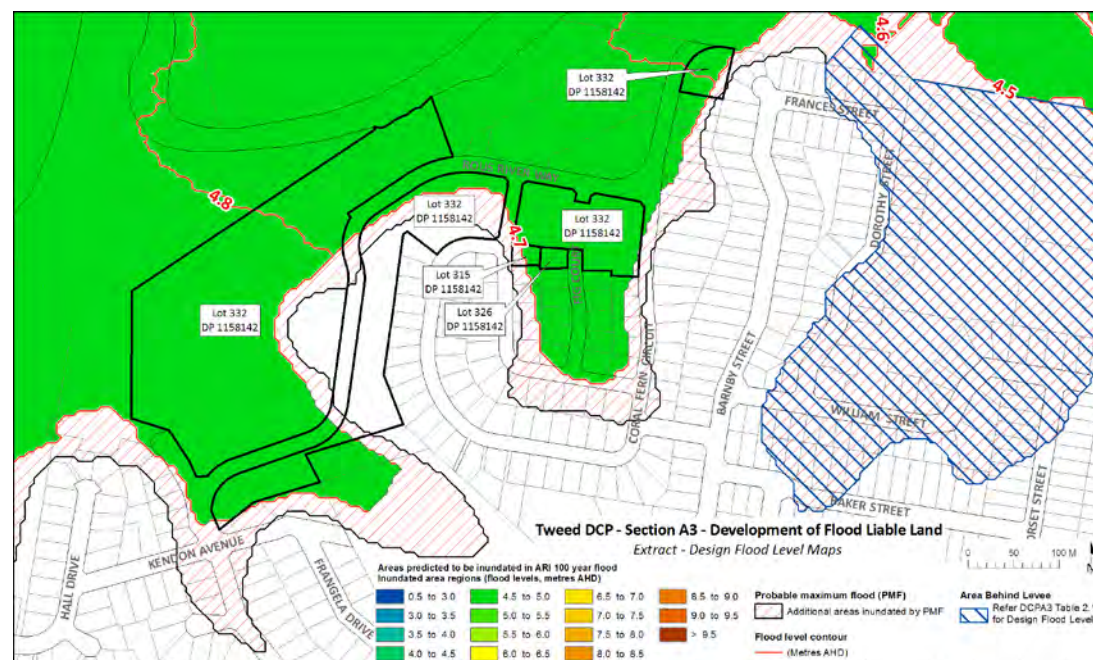


Figure 9 Subject site, with design flood levels extract from Tweed DCP A3

Table 3 - Assessment against FNCRS sustainability criteria

Criteria	Measurable explanation of criteria	Response
		<p>Slope and erodible soils</p> <p>The subject site contains slopes predominantly less than 18 degrees, as shown in Figure 10 below. A large part of the site has been filled during the construction of the Rous River Way and as part of the earlier Riva Vue subdivision and therefore is heavily modified.</p> <p>A Geotechnical Investigation was undertaken by Yeats Consulting in June 2011 and is provided in Attachment 6. This report states the earthworks plan indicates cuts of up to 7m for the hill on the northeast side of the site bordering Rous River Way. Further there are expected to be cuts of 1.0-1.5m for the proposed drainage channel and wetland and a fill depth of 3m for the housing area to the lower lying area (region 1 in the report). The fill pad to the higher area (region 2 in the report) is expected to be stripped of topsoil to 0.1m</p> <p>This report finds:</p> <ol style="list-style-type: none"> 1. The subsurface conditions at the site generally consisted of natural stiff or better clays with some loose sand layers in the low lying areas; 2. The site preparation work should generally be carried out in accordance with AS3798-2007 "Guidelines on Earthworks for Commercial and Residential Development"; 3. Long term consolidation settlement is not expected to occur in the clays encountered on site; 4. Conventional footings could be expected provided recommendations in this report are adhered to. <p>The report is adequate though not thorough as there are variations in the conclusions which will need to be addressed at the DA stage. Notwithstanding, the site is capable of accommodating this proposal and the slope and soil conditions are not considered to be a prohibitive issue for this proposal.</p>

Table 3 - Assessment against FNCRS sustainability criteria

Criteria	Measurable explanation of criteria	Response
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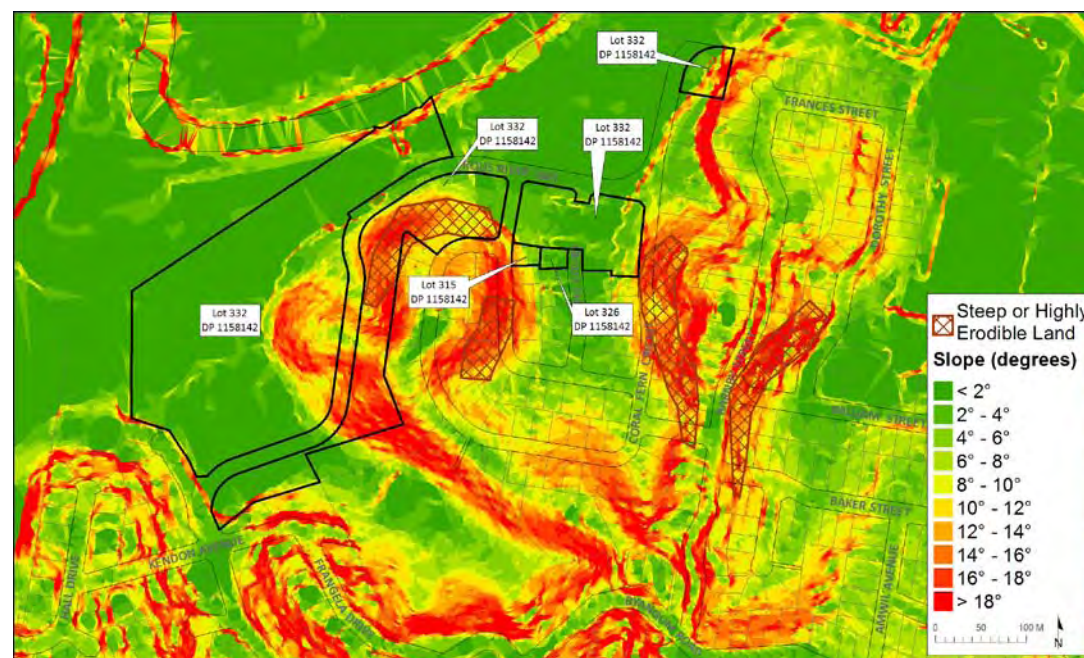


Figure 10 Subject site with heavy black boundary, showing slope and erodible soils

Table 3 - Assessment against FNCRS sustainability criteria

Criteria	Measurable explanation of criteria	Response
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Bushfire hazard assessment

As shown on Figure 11 below, the south western corner of the land is mapped as bushfire prone. The bushfire hazard comprises a stand of vegetation located within a public reserve (Frangella Park) adjoining the site. The vegetation is generally buffered from the proposed residential lots by Rous River Way however part of the site will directly adjoin the vegetation community. The concept plan does not indicate residential development within the majority of this area. A Bushfire Hazard Assessment will therefore need to accompany any future Development Application, however bushfire hazards are not considered to be a significant constraint to rezoning of the land.

Bushfire hazard is not considered to be a prohibitive issue for this proposal.

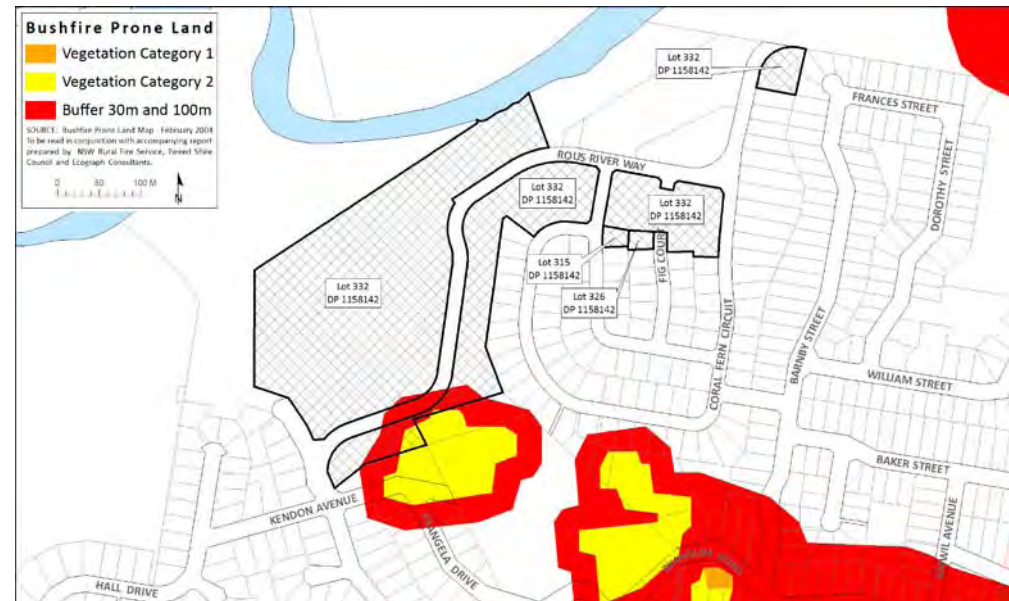


Figure 11 Subject site with heavy black boundary, showing identified bushfire prone land

Table 3 - Assessment against FNCRS sustainability criteria

Criteria	Measurable explanation of criteria	Response
		<p>Acid sulfate soils</p> <p>The subject land is identified as part Class 3, 4 and 5 with very minor areas of class 1 on Council's Acid Sulphate Soils Planning Maps as shown on Figure 12 below.</p> <p>An Acid Sulphate Soils Assessment was included in the Geotechnical Assessment by Yeats Consulting, June 2011 and provided in Attachment 6.</p> <p>This report finds that the probability of ASS is low and that the expected depth of ASS occurrence is greater than 3 m below the surface in soils found on the subject site. Given that ASS can occur in areas lying below 5m AHD and parts of this site are below 5m AHD is recommended that further investigation is warranted, particularly for the area of proposed excavation for the drainage channel and if that excavated material is to be used as fill. Further investigation may be required at development stage.</p>

Table 3 - Assessment against FNCRS sustainability criteria

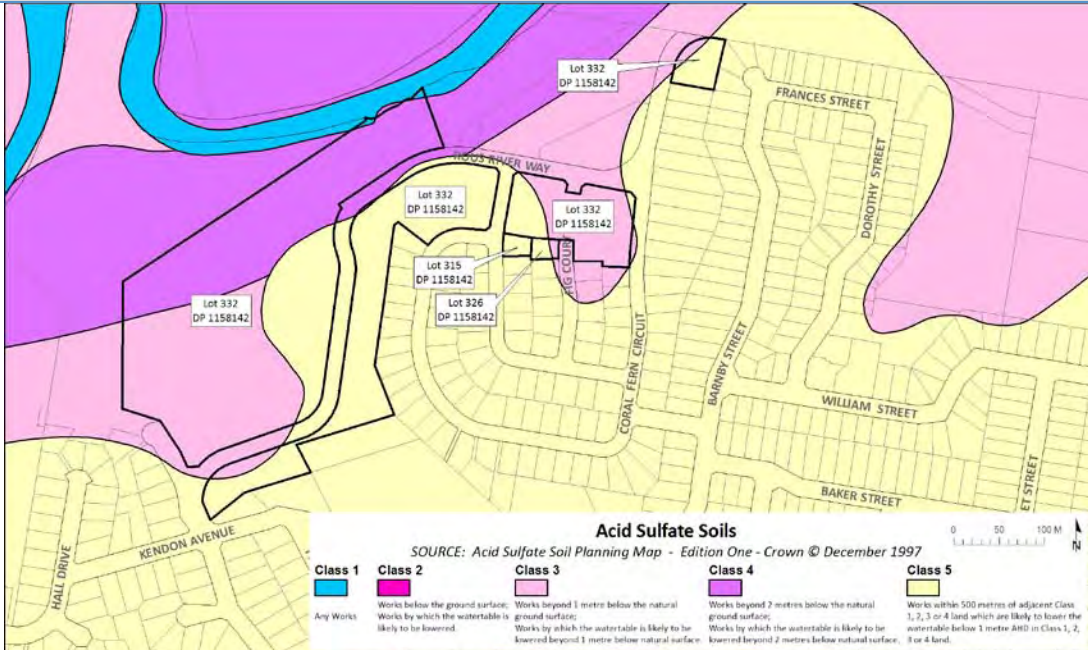
Criteria	Measurable explanation of criteria	Response
		 <p>Acid Sulfate Soils SOURCE: Acid Sulfate Soil Planning Map - Edition One - Crown © December 1997</p> <p>Class 1 Any Works Class 2 Works below the ground surface; Works by which the water table is likely to be lowered. Class 3 Works beyond 1 metre below the natural ground surface; Works by which the water table is likely to be lowered beyond 1 metre below natural surface. Class 4 Works beyond 2 metres below the natural ground surface; Works by which the water table is likely to be lowered beyond 2 metres below natural surface. Class 5 Works within 500 metres of adjacent Class 1, 2, 3 or 4 land which are likely to lower the water table below 1 metre AHD in Class 1, 2, 3 or 4 land.</p>

Figure 12 Subject site with heavy black boundary, showing acid sulphate soils.

Contaminated land

A preliminary contamination assessment has been undertaken by Gilbert and Sutherland in June 2011, provided in attachment 7.

This report finds that no shallow soil contamination was identified at concentrations above the applicable residential health based investigations levels and development guideline limits. No pesticides were recorded above the laboratory's limit of reporting.

The report concludes that the historical land uses and recent site activity do not render the site unsuitable for the intended residential use or otherwise prevent the proposed development from occurring.

Table 3 - Assessment against FNCRS sustainability criteria

Criteria	Measurable explanation of criteria	Response
6. Natural Resources Natural resource limits not exceeded / environmental footprint minimised	<ul style="list-style-type: none"> • Demand for water within infrastructure capacity to supply water and does not place unacceptable pressure • Demonstrates most efficient / suitable use of land <ul style="list-style-type: none"> - Avoids identified significant agricultural land - Avoids productive resource lands – extractive industries, coal, gas and other mining, and quarrying. • Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy-requires demonstration of efficient and sustainable supply solution. 	<p>Water and sewer</p> <p>The site is not currently serviced by sewer and reticulated water, however, this is provided to the adjacent development and there is the capacity to extend these services without unacceptable pressure on infrastructure capacity.</p> <p>Resource lands</p> <p>The site does not contain any known productive resources.</p> <p>Energy</p> <p>The site is not likely to result in an unacceptable impact of energy capacity/supply as it represents an expansion of the adjoining residential land uses and services may be expanded to service this proposal.</p> <p>Prime Agricultural lands</p> <p>The land proposed for rezoning is currently zoned 1(b2) Agricultural Protection; however, the subject site has not been under sugar cane production since 2007/08. Land to the north of the site on the other side of Rous River and immediately west of the site is also zoned 1(b2) Agricultural Protection. The adjoining land to the west is not currently farmed. The land to the northern side of the Rous River is currently under active sugar cane production.</p> <p>A Rural Land Assessment was undertaken by Yeats Consulting in November 2011, as provided in Attachment 8.</p> <p>This report finds:</p> <ul style="list-style-type: none"> • the site is fragmented from the wider agricultural protection land and has limited agricultural viability given the small 10 hectare size and the surrounding urban land uses; • the site is further fragmented by the construction of Rous River Way; • the site is predominantly class 4 and 5 agricultural with some class 3 land. The importation of fill as a result of the construction of the Rous River Way and earlier earthworks has further reduce the area of class 3 land; and

Table 3 - Assessment against FNCRS sustainability criteria

Criteria	Measurable explanation of criteria	Response
		<ul style="list-style-type: none"> that these restrictions on the site and adjoining land to the west will not result in a significant the loss of agricultural cane land; that the riparian and biological buffer the southern side of the Rous River will provide appropriate protection to mitigate the impact of the encroaching residential uses on the viability of the adjoining agricultural land to the north of the Rous River and to mitigate the potential impact of the agricultural uses (such as spray drift, odour, noise, dust, smoke, ash etc) on the future residential uses. The proposal represents a minor variation with the aims and principles of the SEPP (Rural lands) 2008 and the s117 Directions given there will be a loss of some class 3 agricultural land. However, this variation is justified as of minor significance given the fragmented nature of the site surrounded by urban uses. The proposal demonstrates consistency with Council's DCP Section A5 buffer requirements to effectively manage the interface of urban and rural land uses.

Farmland protection

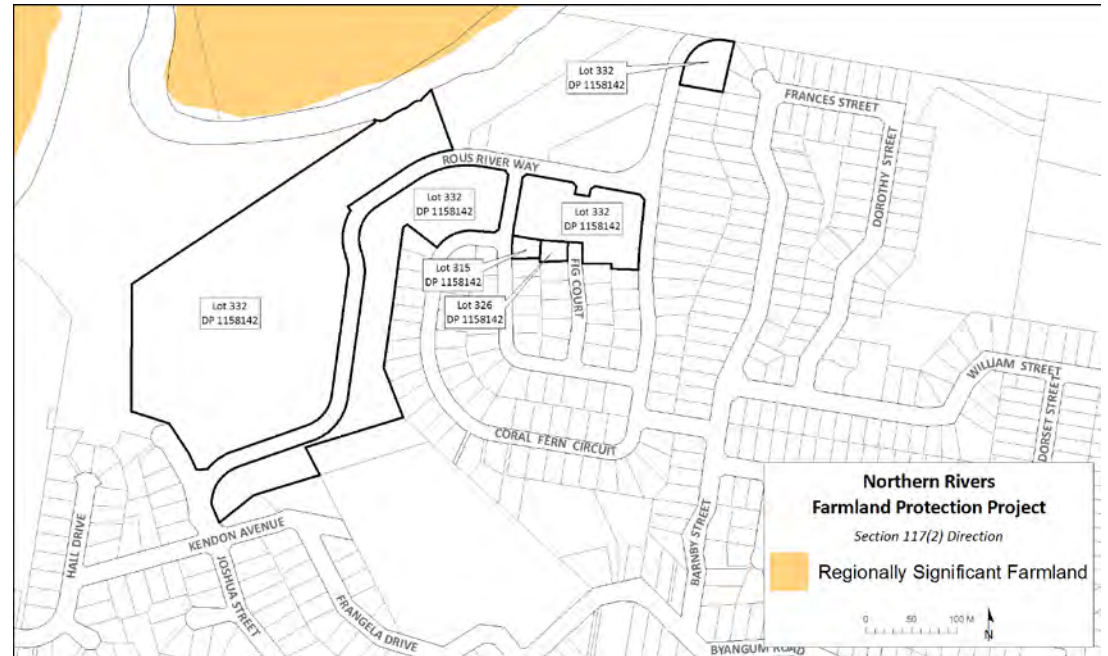
The subject site is classified as 'Other Rural Land' within the Northern Rivers Farmland Protection Project and is not identified as of either State or Regional Significance under the Department of Primary Industries Northern Rivers Farmland Protection Project, as shown in figure 13 below.

Whilst the site does not contain prohibitive farmland protection lands, these are located immediately north of the site on the northern side of the Rous River. The proposal incorporates a 50m riparian buffer to the south of the Rous River, including a minimum 30 m biological buffer. This results in a distance of 150m between the current cane land farming (on the regionally significant farmland) and future residential uses, and is consistent with Council's Development Control Plan Section A5 Attachment E where aerial spraying may occur. Suitable buffers are to ensure the viability of ongoing farming of the land to the north and to minimise any possible impact of the farming activities on the future residential development.

Farmland protection is not considered to be a prohibitive issue for this proposal.

Table 3 - Assessment against FNCRS sustainability criteria

Criteria	Measurable explanation of criteria	Response
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Map 13 Subject site with heavy black boundary showing the extent of State and Regional Significant Agricultural Land.

7. Environmental Protection

Protect and enhance biodiversity, air quality, heritage, and waterway health

- Consistent with government-approved Regional Conservation Plan (if available).
- Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DEC). This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitats.

Far North Coast Regional Conservation Plan (FNCRCP)

The FNCRCP came into effect in December 2010. The plan seeks to support the maintenance and enhancement of the region's biodiversity by guiding the location and planning of new and infill development; and to identify and protect cultural heritage, including Aboriginal cultural heritage.

The plan has three principles, as follows:

1. Protect high value environments by avoiding direct impacts on the biodiversity

Table 3 - Assessment against FNCRS sustainability criteria

Criteria	Measurable explanation of criteria	Response
	<ul style="list-style-type: none"> • Maintain or improve existing environmental condition for water quality: <ul style="list-style-type: none"> - Consistent with community water quality objectives for recreational water use and river health (DEC and CMA). - Consistent with catchment and stormwater management planning (CMA and council). • Protects areas of Aboriginal cultural heritage value (as agreed by DEC). 	<p>of these areas;</p> <ol style="list-style-type: none"> 2. Mitigate or minimise direct impacts where principle 1 cannot be achieved; 3. Provide offsets for unavoidable impacts on biodiversity. <p>The subject site is not located within any of the FNCRCP identified fauna corridors; fauna key habits; climate change corridors; northern rivers vegetation; NSW biodiversity strategy or formation priority areas mapping layers.</p> <p>Flora and fauna</p> <p>The site is currently cleared open land, with very little remaining vegetation, apart from grasslands. It has not been identified as comprising regionally significant terrestrial or aquatic biodiversity.</p> <p>A Flora and Fauna Assessment was undertaken by Yeats Consulting dated May 2011 and as provided in Attachment 9.</p> <p>This report finds:</p> <ul style="list-style-type: none"> • The site has been highly modified and cleared; • There is a small area of regrowth Pink Bloodwood and Tallowood forest (0.3ha) just to the west of Rous River Way which it is preferred be retained, but is not essential given the young age and that it is not consistent with any EEC. • That a 50m re-vegetated riparian buffer is to be provided to the Rous River; • That none of the identified animal species on site (local and common) are conservation significant; • That there are no significant ecological constraints to the proposal proceeding, however, adequate on-site compensation will be required for the loss of the above small forested area. • That a 50m riparian buffer be included along the Rous River.

Table 3 - Assessment against FNCRS sustainability criteria

Criteria	Measurable explanation of criteria	Response
		<p>Aboriginal Cultural Heritage</p> <p>An Aboriginal Cultural Heritage Due Diligence Assessment was undertaken by Everick Heritage Consultants, March 2011 and provided in Attachment 11.</p> <p>This report finds:</p> <ul style="list-style-type: none"> • No know Aboriginal objects or places were identified within the site; • The possibility of significant Aboriginal cultural heritage being located within the subject site can be eliminated; • There are no historic (non-indigenous) listed cultural heritage places within the subject site; • The site has seen complete ground disturbance, having previously been cleared and subject to sugar cane cultivation; and • The report provides cautionary recommendations for proceeding should Aboriginal cultural heritage relics be revealed during development. <p>Air quality</p> <p>An odour assessment was undertaken by Pae Holmes in May and Sept 2011, specifically to assess any potential impact of the proposed development to and on the adjacent sewerage treatment plant (STP).</p> <p>This report finds:</p> <ul style="list-style-type: none"> • The modeling indicates that the plant is likely to comply with the relevant NSW odour criteria on the northern most edges of the proposed development site. This does not mean that no odour will be detected, but during most of the year odour levels will be low under normal operating conditions. • Given the existing houses in the locality, that there may be a need for Council to mitigate odour levels in any case. • Based on the assessment development of the site (including that area to the north of the site adjacent the STP) is unlikely to present a constraint on the operation of the STP as there is sufficient buffer between the STP and the

Table 3 - Assessment against FNCRS sustainability criteria

Criteria	Measurable explanation of criteria	Response
		<p>proposed residential development.</p> <p>Water quality</p> <p>Existing stormwater is currently conveyed overland towards the northern boundary and into the open drain before discharging into the Rous River.</p> <p>A Conceptual Site Based Stormwater Management Plan by Yeats, dated November 2011 is provided in Attachment 12. This report finds:</p> <ul style="list-style-type: none"> That the development of the site, with the implementation of the Stormwater Management Strategy developed in the report, will result in no worsening in drainage conditions upstream or downstream of the site. <p>The stormwater management strategy adopts the requirements of the Tweed Urban Stormwater Quality Management Plan with regard to stormwater quality and incorporates bio-retention treatment ponds.</p>
<p>8. Quality and Equity in Services</p> <p>Quality health, education, legal, recreational, cultural and community development and other government services are accessible</p>	<ul style="list-style-type: none"> Available and accessible services. <ul style="list-style-type: none"> - Do adequate services exist; - Are they at capacity or is some capacity available; - Has Government planned and budgeted for further service provision; - Developer funding for required service upgrade/access is available. 	<p>The development of the site for residential purposes would result in a minor increase in population in the area. Adequate services exist within the locality. In particular, Murwillumbah provides a wide range of education, health, recreational and community services which are sufficient to meet the needs of the population increase proposed on the site. Consolidation of urban development within Murwillumbah will reinforce the centre's role as a 'Major Town' as described within the Far North Coast Region.</p>

The proposal for rezoning of the subject site to allow for low density residential uses will enable more efficient land use of the site without placing unacceptable pressure on State or local infrastructure services. The proposal balances the need for urban expansion and enabling good public access to housing and recreational opportunities with protecting environmental sensitive areas and the adjoining agricultural land production.

The Far North Coast Regional Strategy (FNCRS) 2006 provides a range of aims, outcomes and actions which guide development within the Tweed. The consistency of the proposal against the FNCRS aims, outcomes and actions when preparing an LEP follows:

Table 4 - Assessment against FNCRS aims and actions

Table 4 – Assessment against the Far North Coast Regional Strategy Aims and Actions relating to the preparation of a local environmental plan

Action	Assessment
Environment and Natural Resources	
Local environmental plans will protect and zone land with State or regional environmental, agricultural, vegetation, habitat, waterway, wetland or coastline values.	<p>As noted in the attached reports the site is zoned prime agricultural land, however, the site is fragmented and the agricultural viability of the site is poor given the proximity of surrounding urban uses.</p> <p>The site also adjoins the Rouse River, which is proposed to be protected by a 50m riparian buffer.</p> <p>The minor inconsistency with this action is discussed under the FNCRS sustainability criteria (Table 3), SEPPS (Table 5) and the S117 Directions (Table 6).</p>
Local environmental plans will not zone land within the Environmental Assets and Rural Land area to permit urban purposes, other than rural residential development. Existing and future rural residential development will be located in this area, but not where it conflicts or coincides with the attributes or values listed above.	<p>The proposed rezoning represents a logical and efficient minor expansion of the existing urban footprint.</p> <p>The soils classifications for the subject site are a combination of bia, ba (Billinudgel; soils) and tw (Tweed soils) (Land and Water Conservation mapping, 1996).</p> <p>The characteristics of these soils, based on the ‘<i>Soil Landscapes of the Tweed</i>’ publication (Land and Water Conservation, 1996) are:</p> <p>‘bia’ and ‘ba’ – generally high limitation for cultivation due to steep slopes and shallow soils and generally moderate limitations for grazing. These soils also have moderate limitations for urban development.</p> <p>‘tw’ – generally low limitations for cultivation of sugar cane, however, high limitations exist for cultivation of most crops due to flooding, high water tables and acid impermeable sub soils with generally low limitations for grazing. These soils also have high limitations for urban development.</p> <p>Notably the soil conditions are limited for agricultural use as well as for urban uses.</p>

Table 4 – Assessment against the Far North Coast Regional Strategy Aims and Actions relating to the preparation of a local environmental plan

Action	Assessment
	<p>However, the adjoining land has already been filled and developed for residential uses and the agricultural land is fragmented and isolated from the wider agriculture uses. Urban uses will allow the site to be filled above the flood planning level to facilitate a higher use of the land and surrounding infrastructure.</p> <p>The minor inconsistency with this action is discussed under the FNCRS sustainability criteria (Table 3), SEPPS (Table 5) and the S117 Directions (Table 6).</p>
Local environmental plans will identify and zone land of landscape value (including scenic and cultural landscapes) to protect those values.	The subject land is relatively low lying and does not have any significant landscape values. The subject site does enjoy the wider hinterland landscape views outside the scope of this proposal.
Local environmental plans will protect land identified as having extractive resources of regional significance.	The land does not contain areas of known extractive resources.
New development adjoining or adjacent to farmland, extractive resources, waterways, wetlands, and areas of high biodiversity value will incorporate buffers to avoid land use conflict.	Appropriate buffers will be incorporated into the proposal to separate the proposed urban footprint from the Rous River and existing cane fields to the north of the river as shown in the concept plan (included in the Yeats Flood Study, February 2012, as in Attachment 5). The buffers will be required and achieved through the Tweed DCP Section A5 requirements.
<p>Local environmental plans will:</p> <ul style="list-style-type: none"> include minimum subdivision standards for rural and environment protection zones include provisions to limit dwellings in the rural and environmental zones not include provisions to permit concessional allotments. 	<p>The proposal seeks to vary the minimum rural subdivision requirements through rezoning to residential uses.</p> <p>The minor inconsistency with this action is discussed under the FNCRS sustainability criteria (Table 3), SEPPS (Table 5) and the S117 Directions (Table 6).</p>
Local environmental plans will include provisions to encourage habitat and corridor establishment in future zoning of Environmental Assets and Rural Land area.	The proposed buffers seek to protect the riparian vegetation adjacent to the Rous River. It is proposed that these areas will be dedicated to public ownership and appropriately revegetated.
Local environmental plans will include provisions to limit the creation of additional water rights on land fronting watercourses.	The proposal does not created additional water rights.
Local environmental plans will not rezone land within town water supply catchments and significant groundwater areas if this has the potential to reduce the quality and quantity of these assets.	The subject site does not fall within the town water supply catchment or significant groundwater areas.

Table 4 – Assessment against the Far North Coast Regional Strategy Aims and Actions relating to the preparation of a local environmental plan

Action	Assessment
Rezoning of land for future development within the catchments of coastal lakes (as defined in Schedule 1 of State Environmental Planning Policy No. 71—Coastal Protection) will consider the recommendation of any Coastal Lake Sustainability Assessment which has been prepared.	The subject site does not fall within a coastal lake catchment and is not restricted by SEPP 71.
Subdivision and dwelling standard provisions in local environmental plans will reflect the objectives of the relevant zone and the Regional Strategy.	Existing standards in Tweed Local Environmental Plan 2000 and Draft Tweed Local Environmental Plan 2010 will apply and reflect the objectives of the FNCRS.
Cultural Heritage	
Councils are to ensure that Aboriginal cultural and community values are considered in the future planning and management of their local government area.	An Aboriginal Due Diligence Assessment has been undertaken by Everick Heritage Consultants, March 2011. This finds that the site has been highly modified over many years by agricultural (cane farming) and urban activities it is highly unlikely that any Aboriginal cultural heritage values would exist on the site. The report makes recommendations for actions should any item or object be revealed during works.
Councils and the Department of Planning will review the scope and quality of the existing statutory lists of heritage items and ensure that all places of significance are included in the heritage schedules of local environmental plans.	There are no listed heritage items on the subject land or in the immediate vicinity.
The cultural heritage values of major regional centres and major towns that are to be the focus of urban renewal projects will be reviewed, with the aim of protecting cultural heritage.	Not applicable as this is outside the scope and location of this proposal.
Natural Hazards	
In order to manage the risks associated with climate change, councils will undertake investigations of lands with the potential to be affected by sea level rise and inundation to ensure that risks to public and private assets are minimised.	The key natural hazard involving flooding is addressed in Table 3 of this Report. Modelling of potential flood impacts has included climate changes scenarios. This study indicates that flooding on an individual basis and on the basis of incremental contribution to the potential cumulative scenarios in the area will have a negligible impact and is not a constraint to rezoning.
Local environmental plans will make provision for adequate setbacks in areas at risk from coastal erosion and/or ocean based inundation in accordance with Coastal Zone Management Plans. Until these plans are made by the Minister for Natural Resources, councils cannot zone land or approve new development or redevelopment in potential hazard areas, unless assessed within a risk assessment framework	Not applicable as the subject site is not subject to coastal erosion.

Table 4 – Assessment against the Far North Coast Regional Strategy Aims and Actions relating to the preparation of a local environmental plan

Action	Assessment
adopted by the council.	
Local environmental plans will zone waterways to reflect their environmental, recreational or cultural values.	Not applicable.
Local environmental plans will zone areas subject to high hazard to reflect the capabilities of the land.	Not applicable.
Settlement and Housing	
Local environmental plans, local growth management strategies and other statutory planning controls will align with the Regional Strategy's settlement network (as shown on the Housing Map) to contain the spread of urban development, efficiently utilise existing services and infrastructure, and protect areas of high conservation value.	<p>The proposal is for a minor infill residential development within the existing footprint of the Murwillumbah township, does not result in the spread of urban development and is able to be serviced by modest extension of established services. The location does not contain any areas of high conservation value.</p> <p>The recommended zoning is consistent with the provisions of the FNCRS in terms of settlement network and is also compatible with the existing wider 2(a) residential zoning of surrounding land which results in predominantly detached dwelling houses.</p>
Local environmental plans will ensure that all new development reinforces existing urban and rural centres, towns and villages.	The site is conveniently located in relation to the existing Murwillumbah town centre and will reinforce the hierarchy of the Murwillumbah township as a major town.
A land release staging program will be developed to ensure the orderly release of new housing.	Whilst the subject site is not included in the Tweed Urban and Employment Land Release Strategy or the town and village growth boundary of the FNCRS, the proposal adjoins the growth area and has been assessed under the Sustainability Guidelines contained in the FNCRS (Table 3).
Where development or a rezoning increases the need for State infrastructure, the Minister for Planning may require a contribution towards the provision of such infrastructure.	<p>The State Infrastructure Strategy for NSW 2006/2007 – 2015/2016 (NSW Treasury) does not include any infrastructure for the Murwillumbah area.</p> <p>Any requirements may be further assessed as part of the process.</p>
Councils will plan for a range of housing types of appropriate densities, location and suitability that are capable of adapting and responding to the ageing of the population.	Given the established character and amenity of the adjoining areas (which is predominantly low density detached residential dwellings at a density of approximately 10 dwellings per hectare, net) it is likely that the future development within the Planning Proposal area will have a similar density and subject to meeting appropriate requirements may permit dual occupancy development.

Table 4 – Assessment against the Far North Coast Regional Strategy Aims and Actions relating to the preparation of a local environmental plan

Action	Assessment
Local government will consider a range of affordable housing strategies, including forms of low cost housing, suitable zonings and development controls to improve housing choice, and specific schemes. These strategies must be consistent with relevant State policies.	Not specific to this proposal.
Local environmental plans generally should locate major health and educational facilities in urban areas.	Not applicable.
Local environmental plans cannot use the Transition Zone in the Standard Instrument (Local Environmental Plans) Order 2006 to identify land for future urban investigation purposes.	The proposal does not use any transition zone for future urban investigation.
Local environmental plans will maintain interurban breaks between existing and new settlements.	The proposal is a minor expansion of an infill nature on the existing urban fringe and does not erode interurban breaks.
Town and Village Growth Boundary	
The Town and Village Growth Boundary is defined by the Town and Village Growth Boundary Map	The site is not within the Town and Village Growth Boundary, however, immediately adjoins the growth area. As discussed within this proposal, the site is surrounded by urban land uses and represents a logical infill of urban uses on the northern fringe of Murwillumbah. Justification under the sustainability criteria of the FNCRS is contained in Table 3.
No land in the Coastal Area will be released other than land identified within the Town and Village Growth Boundary or within an approved rural residential release strategy.	Not applicable – the site is not within the coastal zone.
Councils will prepare a Local Growth Management Strategy prior to zoning further land for urban, commercial and industrial uses in accordance with the Settlement Planning Guidelines.	Council has not prepared a Local Growth Management Strategy at this stage; however, as outlined in this proposal, the site is seen to be a logical and coordinated extension of the adjoining Riva Vue residential development currently under construction (Development Consent No. 05/0308). This combined with the relatively small land area and the ability to rely on the State Government's Site Suitability Criteria (for land west of the Pacific Highway) warranted its exclusion from the TUELRs 2009.
Councils will demonstrate through the Local Growth Management Strategy how dwelling targets (Table 1) for each local government area will be met in local environmental plans.	Council has not prepared a Local Growth Management Strategy at this stage; however, this proposal will contribute to the TSC dwelling target of 19,100 dwellings.
Planning for urban land must be integrated with the supply of relevant infrastructure and	Council has prepared an infrastructure strategy (Tweed Development Program,

Table 4 – Assessment against the Far North Coast Regional Strategy Aims and Actions relating to the preparation of a local environmental plan

Action	Assessment
transport provision.	1996) and that Program together with Council's Section 94 Contribution Plans in relation to roads (Section 94 Plan No. 4) ensures that there is a timely and equitable provision of transport infrastructure to service new release areas. The site adjoins the established urban footprint and water and sewer is able to be extended to the site.
Any development proposed for greenfield sites in the non coastal area that is located outside of the Town and Village Growth Boundary will be subject to satisfying the Sustainability Criteria (Attachment 1).	The site is surrounded by urban land uses and represents a logical infill of urban uses on the northern fringe of Murwillumbah. Justification under the sustainability criteria of the FNCRS is contained in Table 3.
Settlement Character and Design	
Councils should prepare desired character statements for their localities that include provisions (through a development control plan) to ensure that new development enhances the desired character.	Council has a program of preparing village plans with character statements; however, one has not yet been prepared for this area of Murwillumbah. This proposal represents infill development consistent with the established low density residential character of the Murwillumbah township.
New development should be designed to respond to the subtropical climate of the Region through best practice in water and energy efficient design, and use of landscaping and building materials.	Future dwellings will comprise contemporary water and energy efficiency design elements and will comply with BASIX requirements.
New development should be designed to reflect and enhance the natural, cultural, visual and built character and values of the local and regional landscape.	Future dwellings will be compatible with existing dwellings on adjoining land.
New and changing urban areas should provide access to natural features such as coastal foreshore and riparian land in a manner that is consistent with the maintenance of their ecological values.	The proposal is designed to protect the riverine environment and provide appropriate enhanced open space connectivity to the Rous River and adjoining open space areas.
New and changing settlement areas should incorporate open space that is accessible to the public, which provides opportunities for recreation, nature conservation, social interaction, and for visual enhancement and amenity.	Appropriate foreshore open space will be allocated and embellished. In accordance with Council's Policy, contributions will be made towards structured open space (playing fields).
Local environmental plans will set building heights in urban areas that reflect the landscape character, function and hierarchy of the future settlement and visual and cultural amenity of its location.	Building height controls similar to the adjoining low density residential development will apply. These will be consistent with the current LEP 2000 and draft LEP 2010.
Local environmental plans for areas subject to the NSW Coastal Policy (NSW Government	The subject land is not within the coastal zone and is therefore not subject to the NSW

Table 4 – Assessment against the Far North Coast Regional Strategy Aims and Actions relating to the preparation of a local environmental plan

Action	Assessment
1997) will incorporate provisions to achieve the outcomes of the Coastal Policy in respect to overshadowing. Generally, development on urban land in Tweed Heads, Kingscliff, Byron Bay and Ballina will not result in the beach or adjoining open space being overshadowed before 3.00 p.m. midwinter (standard time) or 6.30 p.m. midsummer (daylight savings time). For other beaches or waterfront open space in the Region, development will not result in overshadowing before 4.00 p.m. midwinter or 7.00 p.m. midsummer (daylight saving time).	Coastal Policy.
Local environmental plans and development control plans (and subsequent land release development) will be consistent with the Settlement Planning Guidelines, and the Government's <i>Coastal Design Guidelines for NSW</i> (2003) as applicable.	The proposal is broadly consistent with the Settlement Planning Guidelines except where justified as a minor variance in Tables 3, 4, 5 and 6 and with the Government's Coastal Design Guidelines; notwithstanding that it is not a coastal site.
Water and Energy Resources	
Councils are to complete Integrated Water Cycle Management Plans.	Council is preparing an Integrated Water Cycle Management Plan. The proposal incorporates WSUD through the design of bio-retention basins.
Local environmental plans will recognise and protect the regional water supply system through appropriate planning provisions.	The proposal is not within the catchment of the water supply; therefore, this is not specific to this proposal.
In preparing local environmental plans councils will liaise with water and energy providers and make provision for any regional gas, water and electricity infrastructure corridors that may be required.	Water and sewer supply has been assessed as part of the internal review and there are no capacity issues. Appropriate consultation with other services will be undertaken with service providers during the consultation phase of the Planning Proposal. There are no known capacity constraints.
All future development is to apply water sensitive urban design principles, including the use of dual use reticulation systems in releases of adequate scale, and meet storm water management targets that support the environmental values of the catchments.	Whilst there is no current provision for a dual reticulation system, water sensitive urban design principles have been incorporated into the adjoining approved Riva Vue Estate through the bio-retention basin system and they will also apply to any future development on the land to which this Planning Proposal applies.
Regional Transport	
Local environmental plans will provide for passenger interchanges in all major regional centres, major towns and towns. These interchanges will be well connected to pedestrian and cycle ways	This proposal is for a minor extension of the low density residential land on the northern fringe of the Murwillumbah township and is not likely to contribute to passenger interchange requirements.

Table 4 – Assessment against the Far North Coast Regional Strategy Aims and Actions relating to the preparation of a local environmental plan

Action	Assessment
Land use and transport planning must be integrated to minimise the need to travel, and to encourage energy and resource efficiency.	The site is serviced by local bus services, though, as is common in most regional towns, the low density residential areas will continue to rely predominantly on private vehicles.
Local environmental plans are to recognise and protect the regional transport network through appropriate planning provisions.	The proposal will not impact on the regional transport networks.
Implementation	
This Regional Strategy will be implemented primarily through local environmental plans, development control plans, the State Infrastructure Strategy and funds collected as development contributions.	This Planning Proposal is broadly consistent with the Housing and Settlement provisions of the FNCRS and the sustainability criteria contained in Attachment 1 of the Strategy.
The State Infrastructure Strategy 2006–07 to 2015–16 identifies infrastructure projects in the short to medium-term that (among other things) support population growth and demographic change in the Far North Coast. A list of projects from this Strategy is contained in Attachment 3 of the FNCRS.	There are no applicable infrastructure projects for Murwillumbah identified in the State Infrastructure Strategy.
The Regional Strategy sets out the agreed position of the NSW Government on the future of the Far North Coast Region. The Regional Strategy is recognised by the State Infrastructure Strategy as a long term planning strategy to be used by State agencies and public trading enterprises to understand the future infrastructure needs of the Region.	The proposal is considered to be consistent with the relevant provisions of the Far North Coast Regional Strategy as discussed above.
Where development or rezoning increases the need for state infrastructure, the Minister for Planning may require a contribution towards the provision of such infrastructure.	There are no known applicable state infrastructure items identified for Murwillumbah.

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

The Tweed Community Strategic Plan (TCSP) 2011-21 was adopted on 14 December 2010. The plan is based on 4 key themes, Civic Leadership, Supporting Community Life, Strengthening the Economy, Caring for the Environment.

This plan, prepared with extensive community consultation, provides the overarching framework and vision for the Tweed for the next 10 years.

The relevant objectives of the plan include:

Objective 1.5. Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economically viable agricultural land.

Objective 2.2 Improve opportunities for housing choice.

Objective 3.3.1 Establish planning controls that balance the need for urban growth against the protection of agriculture, village character and the environment.

The proposal is consistent with the Community Strategic Plan as it seeks to find a balance between urban growth and environmental and agricultural protection. The locality adjoins the established Murwillumbah urban footprint. Despite being zoned for agricultural protection, the site is a relatively small parcel of land on the southern side of the Rous River, within and surrounded by urban land uses, constraining the active agricultural uses. The proposal represents an expansion of the urban footprint which will infill urban land use consistent with the surrounding land to the east and south. The low density residential land use is located within a 2.2km radius of the Murwillumbah town centre and will provide additional population, within the established urban catchment, to reinforce the town centre.

The planning proposal seeks to include buffers to protect the agricultural land to the north of the Rous River, the amenity of the future residential land and to provide an environmental buffer to the Rous River.

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*, *SEPP 26 Littoral Rainforest* or *SEPP 71 Coastal Protection*.

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

The planning proposal is of a scale and nature that will not trigger the application of *Schedule 3 Traffic generating development to be referred to the RTA of the SEPP (Infrastructure) 2007*.

The SEPPs, discussed in the following Table 5, apply to the subject site:

Table 5 – Assessment against State Environmental Planning Policy

Table 5 – Assessment against State Environmental Planning Policy	
State Environmental Planning Policy	Comments / Assessment
State Environmental Planning Policy (North Coast Regional Environmental Plan) 1988	This Policy applies to the subject land and the following clauses are particularly relevant to this Planning Proposal:
Clause 7 – Prime Crop or Pasture Land	As discussed in Tables 3 and 4 of this Planning Proposal and the Rural Lands Assessment in Attachment 8, the subject land comprises Class 3, 4 and 5 lands, however, is not mapped as State or Regionally significant farmland. The site contains a small fragmented area of class 3 land, which is surrounded by urban uses. The land is not viable for agricultural uses and is a logical infill of urban uses adjoining the established urban growth area.
Clause 14 – Wetlands or Fisheries Habitat	There are no mapped wetlands in close proximity and appropriate riverine buffers will be provided to the Rous River together with contemporary water management facilities to ensure that urban runoff entering the river is of a high quality.
Clause 29 – Natural Areas	Appropriate buffers will be provided to the Rous River.
Clause 38 – Urban Release Strategy	The subject land is not included in the Tweed and Urban and Employment Land Release Strategy, 2009. The site is not within the Far North Coast Regional Strategy urban growth area. However, the site adjoins these areas and is a logical fill expansion adjacent and within the Murwillumbah footprint. Consistency with the Far North Coast Regional Strategy sustainability criteria is addressed in Table 3.
Clause 40 - Principles for Urban Zones	The Planning Proposal will adopt the existing residential zones within the Tweed Local Environmental Plan 2000.
Clause 42 – Principles for Housing	The planning proposal will result in residential development of a similar low density scale and form to the surrounding residential areas.
Clause 45 – Hazards	All relevant hazards are addressed in Table 3 and the additional assessment and reports of the appendices. There are no hazards which impose a restriction on the rezoning of the land.
Clause 50 – Height Controls	The planning proposal will result in residential development of a similar height to the surrounding residential areas.
Clause 58 – Servicing Urban Area	All necessary urban infrastructure is available in the adjacent Riva Vue Estate and may be extended to service the proposed development.
Clause 61 – Health and Education Facilities	Murwillumbah contains a public hospital, a number of medical centres and health care professionals, two public high schools, one private high school, three public primary schools and several private primary schools. Adequate facilities are therefore available for the likely additional population of approximately 200 – 250 people.
Clause 65 – Provision of Community Welfare and Childcare Services	Murwillumbah contains normal community welfare and childcare services (including a childcare centre in Joshua Street) which are considered to be adequate for the proposed minor rezoning.

Table 5 – Assessment against State Environmental Planning Policy

State Environmental Planning Policy	Comments / Assessment
Clause 78 – Public Recreation Areas	Required casual open space will be provided on the foreshore and suitably enhanced. Contributions will be paid towards active open space playing fields.
State Environmental Planning Policy No. 44 – Koala Habitat	<p>This SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas. It requires the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat.</p> <p>The site does not contain any mapped primary or secondary koala habitat areas, as confirmed by the Flora and Fauna Assessment in Attachment 9.</p>
State Environmental Planning Policy No. 55 – Remediation of Land	<p>This SEPP introduces planning controls for the remediation of contaminated land. The policy states that land must not be developed if contamination renders it unsuitable for a proposed use. If the land is unsuitable, remediation must take place before the land is developed.</p> <p>A preliminary contaminated land assessment is provided in Attachment 7. This assessment finds that there were no contaminants of potential concern in the samples recovered greater than acceptable levels, no contaminating activities, no potential sources of contamination and that the site is suitable for its proposed residential land use.</p>
State Environmental Planning Policy (Major Development) 2005	<p>The Major projects 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>
State Environmental Planning Policy (Rural Lands) 2008	<p>Clause 7 of the Policy contains the following Planning Principles:</p> <p>(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,</p> <p>(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,</p> <p>As discussed in Tables 3 and 4 of this Planning Proposal and the Rural Lands Assessment in Attachment 8, the subject land comprises Class 3, 4 and 5 lands, however, is not mapped as State or Regionally significant farmland. The site contains a small fragmented area of class 3 land, which is surrounded by urban uses. The land is not viable for agricultural uses and is a logical infill of urban uses adjoining the established urban growth area. The proposal provides buffers to minimise the impacts on and from the active can land to the north of the site.</p> <p>As above. The subject site is isolated and fragmented from the wider agricultural land and surrounded by urban land uses. The proposal provides buffers to minimise the impacts on and from the active cane farmland to the north of the site.</p>

Table 5 – Assessment against State Environmental Planning Policy

State Environmental Planning Policy	Comments / Assessment
(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,	As above. The proposal will not reduce the wider and contiguous rural lands/industry.
(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,	The Planning Proposal involves a rezoning of a relatively small area of rural land which is not of a sufficient size or quality to provide an economic cane farm and therefore its rezoning for urban purposes represents the highest and best use, the most efficient use of infrastructure and achieves positive social, economic and environmental outcomes for the community.
(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,	<p>The flora and fauna assessment in Attachment 9 confirms that there are no flora and fauna resources at threat though the rezoning of the site for residential uses.</p> <p>Appropriate riverine buffers will be provided to the Rous River together to protect the environmental attributes, and together with contemporary water management facilities to ensure that urban runoff entering the river is of a high quality.</p>
(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,	This site is not within a rural locality or village, rather it lies within the urban area of Murwillumbah therefore this is not applicable.
(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,	This site is not within a rural locality or village, rather it lies within the urban area of Murwillumbah, however, all appropriate services and infrastructure are available on the adjacent Riva Vue Estate stages and within the town of Murwillumbah generally.
(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.	The proposal is assessed against the FNCRS sustainability criteria in Table 3.

Is the planning proposal consistent with applicable Ministerial Directions (s 117 Directions)?

Consistency with the s117 Directions is assessed in the following Table 6.

Table 6 - Consistency with s 117(2) Directions

Table 6 - Consistency with s117(2) Directions			
S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
1. Employment and Resources			
1.1 Business and Industrial Zones	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)	This proposal proposes to zone rural classified land to residential.	N/A
1.2 Rural Zones	<p>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)</p> <p>Under this direction a planning proposal must:</p> <ul style="list-style-type: none"> (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village). 	<p>This planning proposal proposes to rezone 1(b2) Agricultural Protection zoned land to a low density residential zone.</p> <p>The planning proposal is for a residential development of approximately 80-90 dwellings, which adjoins the urban footprint of Murwillumbah.</p> <p>The subject agricultural land and the adjoining agricultural lot (together approximately 16.5 hectares) to the south of Rous River are no longer used for agricultural purposes and are surrounded by urban development, limiting the viability of the land.</p> <p>The small land area together with the ability to rely on the State Government's Site Sustainability Criteria supports the small logical expansion of urban development essentially infilling the urban</p>	No but consistent with (5) (d) as it is of minor significance

Table 6 - Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
		footprint.	
1.3 Mining, Petroleum Production and Extractive Industries	<p>Applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <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 1(b2) Agricultural Protection zone of the current TSC LEP 2000 currently prohibits mines. Under the residential zones mines is also prohibited.</p> <p>Mining is subject to the controls of the SEPP Mining, Petroleum Production and Extractive Industries 2007.</p>	YES
1.4 Oyster Aquaculture	<p>Applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in:</p> <ul style="list-style-type: none"> (a) adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”; or (b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate” and other land uses. 	This planning proposal does not impact on a Priority Oyster Aquaculture Area.	N/A
1.5 Rural Lands	<p>Applies when:</p> <ul style="list-style-type: none"> (a) a relevant planning authority prepares a planning proposal that will affect land within an 	This proposal seeks to alter the current 1(b2) zoning of the land and to reduce the minimum lot size from 40 hectares (consistent with the current rural use) to	No, however, this represents a balanced approach of social, environmental and economic considerations as this is a small

Table 6 - Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</p> <p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>A planning proposal to which clauses (a) and (b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>A planning proposal to which clause (b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p>	<p>450sqm (consistent with the proposed residential use).</p> <p>The planning proposal is for a residential development of approximately 80-90 lots, which adjoins the urban footprint of Murwillumbah. The proposal represents a logical expansion of urban development essentially infilling between surrounding urban land uses.</p> <p>The proposal is located on agricultural land and adjoins another parcel of agricultural land. However, together the agricultural land is a relatively small, isolated parcel which is surrounded by urban uses. It is anticipated that the adjoining agricultural zoned lot will also be rezoned to residential uses at some stage.</p> <p>The proposal is consistent with balancing settlement and housing needs with rural importance and the social economic and environmental interests of the community and broadly with the Rural Planning Principles.</p> <p>The proposal represents a more efficient use of the urban fringe land, is consistent with the character and scale of surrounding development, considers the constraints and opportunities of the land and does not create fragmentation of rural land, given its isolated location. The change in lot sizes is</p>	<p>parcel of rural land, fragmented and isolated from contiguous rural lands, surrounded by urban land uses and therefore, is considered a minor variation consistent with 6(b).</p>

Table 6 - Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
		consistent with the Rural Subdivision Principles.	
2. Environment and Heritage			
2.1 Environment Protection Zones	<p>(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".</p>	<p>The planning proposal identifies constrained and sensitive land and plans development around the protection of these areas and appropriate buffers</p> <p>The planning proposal does not alter or remove any environmental protection zone.</p>	Yes
2.2 Coastal Protection	Direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.	This proposal is not located within the coastal zone.	N/A
2.3 Heritage Conservation	<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social,</p>	<p>The site contains no identified heritage items under the current or draft LEP.</p> <p>The proposal is supported by an Aboriginal Cultural Heritage Due Diligence report, provided in Attachment 11.</p>	Yes

Table 6 - Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>	<p>This report finds:</p> <ul style="list-style-type: none"> No known Aboriginal objects or places were identified within the site; The possibility of significant Aboriginal cultural heritage being located within the subject site can be eliminated; There are no historic (non-indigenous) listed cultural heritage places within the subject site; The site has seen complete ground disturbance, having previously been cleared and subject to sugar cane cultivation; and The report provides cautionary recommendations for proceeding should Aboriginal cultural heritage relics be revealed during development. 	
2.4 Recreation Vehicle Areas	<p>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>):</p> <p>(a) where the land is within an environmental protection zone,</p> <p>(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</p> <p>(c) where the land is not within an area or zone</p>	<p>The proposal does not enable land to be developed for the purpose of a recreation vehicle area.</p>	N/A

Table 6 - Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration:</p> <ul style="list-style-type: none"> (i) the provisions of the guidelines entitled <i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985</i>, and (ii) the provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985</i> 		
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	<p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <ul style="list-style-type: none"> (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted. <p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p>	<p>The planning proposal seeks a low density residential land use consistent with the surrounding residential development and its location as an infill development surrounded by the Murwillumbah urban footprint, rather than expansion to the urban fringe.</p> <p>Given that the surrounding locality is low density residential, it is intended that this proposal will provide a similar housing form and that housing will be predominantly 1-2 storey single detached housing. Changing</p>	Yes

Table 6 - Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<ul style="list-style-type: none"> (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land. 	<p>to a residential uses will enable more efficient use of existing infrastructure.</p> <p>The residential development of the land is able to be provided with water and sewer servicing within current capacity or with augmentation at the applicants cost.</p> <p>The proposal will increase the permissible residential density of the land.</p>	
3.2 Caravan Parks and Manufactured Home Estates	<p>Applies when a relevant planning authority prepares a planning proposal.</p> <p>(4) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and (b) retain the zonings of existing caravan parks, or in the case of a new principal LEP 	<p>This proposal does not seek development for the purposes of a caravan park or manufacture homes estate nor does it impact upon any land that does permit development for the purposes of a caravan park or manufacture homes estate.</p>	N/A

Table 6 - Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</p> <p>(5) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <p>(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,</p> <p>(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p> <p>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.</p>		
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	<p>The draft LEP 2010 under the standard LEP template permits home occupations to be carried out where there is a dwelling houses without consent.</p> <p>The current TLEP 2000 permits home occupations with consent; however, the Code SEPP also permits home business, home industry and home occupations</p>	Yes

Table 6 - Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
		without consent. This proposal does not alter the permissibility of home occupations without consent.	
3.4 Integrating Land Use and Transport	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. (4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).	The development of the site for residential purposes would result in a minor increase in population in the area. Adequate services exist within the locality. In particular, Murwillumbah provides a wide range of education, health, recreational and community services which would be sufficient to service the site. Its role as a major town within the Far North Coast Region will continue to develop. The planning proposal does not propose any traffic generating business or services out of centre.	Yes
3.5 Development Near Licensed Aerodrome	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.	This proposal does not create, alter or remove a zone or provision relating to an airport / aerodrome.	N/A
3.6 Shooting Ranges	This direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	This proposal does not create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	N/A

Table 6 - Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
4. Hazard and Risk			
4.1 Acid Sulfate Soils	<p>Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.</p> <p>(1) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning</p> <p>(2) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</p> <p>(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or</p> <p>(b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.</p> <p>(3) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change</p>	<p>The site has been identified on the draft Tweed LEP 2010 'Acid Sulfate Soils (ASS)' map as containing class 3, 4 and 5 ASS.</p> <p>The current TSC LEP 2000 and the draft LEP 2010 contain provisions to regulate the works undertaken on and in proximity to acid sulphate soils.</p> <p>The geotechnical assessment, in attachment 6 discusses ASS. This report finds:</p> <p>An Acid Sulphate Soils Assessment was included in the Geotechnical Assessment by Yeats Consulting, June 2011 and provided in Attachment 6.</p> <p>This report finds that the probability of ASS is low and that the expected depth of ASS occurrence is greater than 3 m below the surface in soils found on the subject site. Given that ASS can occur in areas lying below 5m AHD and parts of this site are below 5m AHD is recommended that further investigation it is warranted, particularly for the area of proposed excavation for the drainage channel and if that excavated material is to be used as fill. Further investigation may be required at development stage, at which time any ASS</p>	Yes

Table 6 - Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.</p> <p>(4) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).</p>	may be managed in accordance with the Manual.	
4.2 Mine Subsidence and Unstable Land	<p>(3) Applies when a relevant planning authority prepares a planning proposal that permits development on land that:</p> <p>(a) is within a mine subsidence district, or</p> <p>(b) has been identified as unstable in a study, strategy or other assessment undertaken:</p> <p>(i) by or on behalf of the relevant planning authority, or</p> <p>(ii) by or on behalf of a public authority and provided to the relevant planning authority.</p>	This proposal does not impact on any mine subsidence area.	N/A
4.3 Flood Prone Land	Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects	The flood planning levels are not inconsistent with the Floodplain Development Manual and relevant	No However, the potential impact has been assessed in the

Table 6 - Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>flood prone land.</p> <p>(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> <p>(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>(6) A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or 	<p>development controls do not impose greater restrictions above the flood planning levels.</p> <p>The proposal does not comply with (5), however, has been subject to detailed flooding assessment.</p> <p>The requirements of (6) are addressed in the flood impact assessment undertaken by Yeats, February 2012, as provided in Attachment 5 and are consistent with the Manual.</p> <p>With regard to (11) the proposal is to fill the land and provide evacuation access such that the development controls above the residential flood planning level are not required.</p>	<p>attached Yeats Flood Assessment and is consistent with the manual. This is considered a minor variation under 9(b)</p>

Table 6 - Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>structures in floodways or high hazard areas), roads or exempt development.</p> <p>(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>		
4.4 Planning for Bushfire Protection	<p>Applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act,</p>	<p>The site is mostly covered by grassland. The proposal contains minor areas of land identified as being Bushfire Prone, around Frangella Reserve, predominantly southeast of the roadway, which separates the residential development of the site from the reserve.</p> <p>Bushfire hazard is discussed in Table 3.</p>	Yes

Table 6 - Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,</p> <p>(5) A planning proposal must:</p> <ul style="list-style-type: none"> (a) have regard to <i>Planning for Bushfire Protection 2006</i>, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. <p>(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <ul style="list-style-type: none"> (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: <ul style="list-style-type: none"> (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, (b) For infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, 	Relevant APZs will be provided for bushfire management.	

Table 6 - Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for fire fighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p>		
5. Regional Planning			
5.1 Implementation of Regional Strategies	Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	<p>The site is not identified within the urban growth boundary of the FNCRS. However, the site adjoins the growth boundary and the planning proposal is a minor infill within the urban area and is broadly consistent with the planning objectives of the FNCRS.</p> <p>The proposal is not located in the 'coastal zone' and the planning proposal includes an assessment against the sustainability</p>	No but consistent with (5) (a) as it is of minor significance and includes a sustainability assessment.

Table 6 - Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
		criteria, consistent with the FNCRS.	
5.2 Sydney Drinking Water Catchments	Applies when a relevant planning authority prepares a planning proposal that applies to the hydrological catchment.	The proposal is not within this catchment.	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<p>Applies (to Tweed) when a relevant planning authority prepares a planning proposal for land mapped as:</p> <ul style="list-style-type: none"> (a) State significant farmland, or (b) regionally significant farmland, or (c) significant non-contiguous farmland, <p>on the set of four maps held in the Department of Planning and marked "Northern Rivers Farmland Protection Project, Final Map 2005 (Section 117(2) Direction)".</p> <p>(4) A planning proposal must not:</p> <ul style="list-style-type: none"> (a) rezone land identified as "State Significant Farmland" for urban or rural residential purposes. (b) rezone land identified as "Regionally Significant Farmland" for urban or rural residential purposes. (c) rezone land identified as "significant non-contiguous farmland" for urban or rural residential purposes. 	The site is not subject to state significant farmland, regionally significant farmland, or significant non contiguous farmland.	N/A
5.4 Commercial and Retail Development along the Pacific	Applies when a relevant planning authority prepares a planning proposal for land in the vicinity of the existing and/or proposed alignment of the	This proposal is not with the alignment of the Pacific Highway, nor does it propose a highway service centre.	N/A

Table 6 - Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
Highway, North Coast	Pacific Highway.		
5.8 Second Sydney Airport: Badgerys Creek	Planning proposals must not contain provisions that enable the carrying out of development, either with or without development consent, which at the date of this direction, could hinder the potential for development of a Second Sydney Airport.	N/A	N/A
6. Local Plan Making			
6.1 Approval and Referral Requirements	<p>(4) A planning proposal must:</p> <ul style="list-style-type: none"> (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: <ul style="list-style-type: none"> (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), <p>prior to undertaking community consultation in satisfaction of section 57 of the Act, and</p>	The planning proposal will not include provisions that require; the concurrence, consultation or referral of development applications to a Minister or public authority.	Yes

Table 6 - Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>(c) not identify development as designated development unless the relevant planning authority:</p> <p>(i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</p> <p>(ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</p>		
6.2 Reserving Land for Public Purposes	(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).	<p>The planning proposal does not create, alter or reduce land reserved for a public purpose.</p> <p>There has been no request from the Minister or public authority to reserve land for a public purpose at this stage.</p>	Yes
6.3 Site Specific Provisions	<p>Applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p> <p>(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be</p>	<p>The planning proposal seeks to zone the land appropriate to the land uses proposed and does not seek to include additional uses beyond what is permitted with the land use table.</p> <p>The planning proposal does not contain</p>	Yes

Table 6 - Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>carried out must either:</p> <p>(a) allow that land use to be carried out in the zone the land is situated on, or</p> <p>(b) 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 contained in that zone, or</p> <p>(c) 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.</p> <p>(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.</p>	schematic drawings.	
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Strategy	This direction applies to Sydney metropolitan councils only.	N/A	N/A

Section C Environmental, Social and economic impact

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

The land which is the subject of this Planning Proposal is not mapped under Council's 1990, 2004 or 2011 Tree Preservation Orders. Tweed Shire Council Vegetation Management Plan Mapping identifies the site as mainly highly modified and disturbed with the elevated area mapped as Miscellaneous Map Unit which contains scattered trees.

A Flora and Fauna Assessment by Yeats, May 2011 confirms that the site is highly modified and degraded by surrounding development. The site is not considered to represent significant ecological value for rare and threatened species. Revegetation of the area adjacent to the Rous River and sensitive landscaping with locally endemic species would enhance the habitat value of the site for locally common species.

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

Tables 3-6 address potential environmental impacts on the site.

In summary, there are no significant constraints that would be a restriction to the rezoning of the site as proposed. Appropriate management and mitigation measures relating to water quality in the Rous River and buffers to the River and adjacent agricultural land will minimise potential impacts on the riverine environment and the impacts top and from the surrounding agricultural land.

The Planning Proposal makes provision for appropriate buffers to the River to accommodate stormwater management facilities together with suitable revegetation.

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

As discussed within this Report, the rezoning will result in the loss of approximately 10 hectares of agricultural land. However because of the size of that land, the fragmentation of the land and the fact that the site is predominantly Class 4 and 5 soils, the continued use of the land for agriculture is not commercially viable or sustainable. Therefore there will be negligible social and economic effects arising as a result of the rezoning and urbanisation of the site.

Social, economic and environment issues are addressed in the Net Community Benefit Analysis contained in Table 2 and Tables 3-6.

In summary, though there will be a loss of a small area of agricultural land and rural landscape views to some current resident, the Planning Proposal is likely have positive social and economic benefits in that it will provide: a greater range of housing choice in close proximity to the Murwillumbah town centre; facilitate the provision of key public infrastructure including Rous River Way; provide public open space and vegetated buffers to the Rous River; and provide all necessary infrastructure to the residential allotments by way of extensions from the completed stages of Riva Vue Estate.

Section D State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

Transport

As discussed within this Report, the completion of the Rous River Way link between Joshua Street and Coral Fern Circuit has provided adequate capacity within the transport network and to accommodate buses when the remaining links are constructed by Council from the northern end of the site to West End Street and ultimately to Cane Road.

Water Supply

Council has recently augmented the Murwillumbah Water Treatment Plant and sufficient capacity exists in that system to accommodate the proposed development.

In addition, the existing reticulation of the completed stages of Riva Vue has been designed with sufficient capacity to meet the demand generated by the proposed rezoning of the subject site.

Sewer

The Murwillumbah waste water treatment plant is located immediately northeast of the subject land and has been recently augmented by Council and has sufficient capacity to accommodate the additional demand generated by the proposed rezoning. In addition, existing reticulation within the adjacent Riva Vue Estate has been designed with sufficient capacity to service the subject land.

Power

Sufficient capacity has been designed into the existing system to accommodate the proposed additional lots to be created from the area to be rezoned residential.

Telephone

Sufficient capacity has been designed into the existing system to accommodate the proposed additional lots to be created from the area to be rezoned residential.

Health

Murwillumbah has a public hospital located approximately 2 kilometres east of the site, which together with normal medical, dental and other health care professionals within the town centre are considered suitable. This proposal does not burden these services.

Police

Murwillumbah has a Police Station located within the town centre approximately 2 kilometres east of the site. It is considered that this proposal does not burden this service.

Ambulance

Murwillumbah has an Ambulance Station located within the town centre approximately 2 kilometres east of the site. It is considered that this proposal does not burden this service.

Fire Brigade

Murwillumbah has a Fire Brigade located within the town centre approximately 2 kilometres east of the site. It is considered that this proposal does not burden this service.

Schools

Murwillumbah has two public high schools (Wollumbin High School located approximately 3 kilometres west of the site and Murwillumbah High School located approximately 1 kilometre east of the site).

In addition, there are three public primary schools and several private primary schools and one private high school located within the town of Murwillumbah. It is considered that this proposal does not burden the school service.

In summary, given the scale of the rezoning and the potential lot yield, it is considered that all existing public infrastructure has adequate capacity to meet the additional demands generated by the development.

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

Consultation with the relevant public authorities is currently occurring in conjunction with public exhibition.

Part 4 Community consultation

The Minister's Gateway Determination, dated 25 August 2010, specifies public exhibition for 28 days and consultation with the following public authorities:

- Department of Environment, Climate Change and Water, now the Office of Environment and Heritage
- NSW Rural Fire Service

The Gateway Determination required completion of two additional studies, as follows, and inclusion of these studies in the public exhibition, together with the planning proposal:

- An updated Flood Impact Assessment, and
- An Assessment of the potential for air borne (odour) pollution from the adjacent sewerage treatment works

In addition, Council required the following additional studies to be undertaken by the proponent to further inform the suitability of the planning proposal. These studies are also included within the public exhibition documentation:

- Rural Agricultural Land Assessment
- Flora and Fauna Assessment
- Aboriginal Cultural Heritage Due Diligence Assessment
- Geotechnical, Engineering and Infrastructure Assessment, including stormwater
- Contaminated Land Assessment

The Gateway Determination required the completion of the resulting LEP amendment within 12 months, by September 2011.

On 4 August 2011 the Department of Planning granted an extension of time for the completion of the resulting LEP amendment until 1 June 2012 in recognition of the time required to complete additional studies to further inform the planning proposal.

Summary and conclusions

As outlined, this planning proposal seeks a residential rezoning of the current agricultural and part urban expansion zoned land.

The site is approximately 10 hectares and the agricultural use of the site has limited viability due to the fragmentation of the land size and the proximity of the surrounding urban land uses.

The proposal seeks to provide small scale low density residential infill development within the urban footprint of Murwillumbah and will not place undue pressure on the provision of services and infrastructure. Water, sewer and roads may all be provided through extension of the existing infrastructure of the earlier stages of the Riva Vue Estate. Rous River Way was constructed as part of the earlier stages of the Riva Vue Estate to provide connection between Joshua Street and Coral Fern Circuit.

The proposal acknowledges the characteristics and constraints of the site and in order to manage the potential impacts provides concept guidance for:

- A buffer to the prime agricultural cane production land to the north of the Rous River to ensure the continued viability of this agricultural use and to minimise any potential impacts of the agricultural activities on the future residential development;
- A buffer to the prime agricultural cane production land to the west of the site to minimise any potential impacts of the agricultural activities on the future residential development;
- A riparian buffer to the Rous River to ensure protection and enhancement of this riparian zone;
- Appropriate drainage reserves;
- Enhanced pedestrian and cycleway access to the Rous River foreshore integrated with the above buffer and drainage reserves.

These studies undertaken as part of the assessment process confirm that future development of the site for residential land may be undertaken and, where there are impacts, that these may be appropriately managed and/or mitigated.

The proposal is generally:

- consistent with the Tweed Community Strategic Plan;
- consistent with the Far North Coast Regional Strategy in providing an assessment against the required sustainability criteria;
- consistent with the applicable Ministerial S117 Directions, or is considered to be a justified minor variation to those conditions;
- consistent with the applicable State Environmental Planning Policies, or is considered to be a justified minor variation to those policies;
- provides a balance between social, environmental and economic considerations;
- does not impact on any threatened species, critical habitat, or ecological communities; and
- adequate State infrastructure is available to service the proposal.

Attachment 1 – Copy of Council Resolution 13 December 2011

Action Item - COUNCIL MEETING Tuesday, 13 December 2011

Action is required for Item 11 as per the Council Resolution outlined below.

TITLE: [PR-CM] Planning Proposal PP10/0003 for Lot 332 DP 1158142, Part Lot 326 and 315 DP 1158142 Rous River Way, West Murwillumbah (Known as Riva Vue)

Cr K Skinner

Cr P Youngblutt

RESOLVED that:

1. The planning proposal be publicly exhibited in accordance with the Ministerial Direction under the Gateway Determination following receipt of all outstanding final studies, and
2. Following completion of the public exhibition, a report on the exhibition process, assessment of submissions, final planning proposal documentation and all supporting reports be reported back to Council for a decision on whether to endorse the planning proposal and to have the LEP amendment made.

The Motion was **Carried**

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

AGAINST VOTE - Cr K Milne

TITLE: [PR-CM] Planning Proposal PP10/0003 for Lot 332 DP 1158142, Part Lot 326 and 315 DP 1158142 Rous River Way, West Murwillumbah (Known as Riva Vue)

ORIGIN:

Planning Reforms

FILE NO: PP10/0003 Pt3

SUMMARY OF REPORT:

This report updates Council on the preparation of the additional assessment and reports required to confirm the suitability of the planning proposal, PP10/0003 for Lot 332 DP 1158142, part Lot 326 and 315 DP 1158142 Rous River Way, West Murwillumbah, known as Riva Vue (as shown in Figure 1 - Locality Plan), and seeks the endorsement of Council to place the planning proposal and support information on public exhibition

The proposal seeks to rezone the site from the current majority 1(b2) Agricultural Protection and part 2(c) Urban Expansion to 2(a) Low Density Residential under the Tweed LEP 2000.

RECOMMENDATION:

That:

- 1. The planning proposal be publicly exhibited in accordance with the Ministerial Direction under the Gateway Determination following receipt of all outstanding final studies, and**
- 2. Following completion of the public exhibition, a report on the exhibition process, assessment of submissions, final planning proposal documentation and all supporting reports be reported back to Council for a decision on whether to endorse the planning proposal and to have the LEP amendment made.**

At the Council meeting of 20 July 2010, Council considered a report and resolved that:

"The planning proposal PP10/0003 for a change of land use zone classification to enable Lot 237 DP 1139108 to be developed for the purposes of a low density residential estate of similar character to the adjoining Riva Vue subdivision be supported in principle and that the proposal be referred to the Department of Planning for a Gateway Determination under section 56 of the Environmental Planning and Assessment Act (EP&A Act), 1979, and

The applicant of the planning proposal PP10/0003 is to be advised that the actual rezoning classification of the land, if supported by Council, will be determined following assessment of any detailed site studies required as part of the stage 2 gateway determination process."

Following this resolution, the Planning Proposal (PP) was forwarded to the Department of Planning on 4 August 2010. The [former] Department of Planning (DoP) Gateway Determination was received, dated 25 August 2010.

The Gateway Determination authorised the planning proposal to proceed for low density residential purposes, subject to:

- Preparation of additional reports to be made available during public exhibition of:
 - An updated flood impact assessment
 - An assessment of the potential for airbourne (odour) pollutions from the adjacent sewerage treatment works
- Public exhibition of all documents for a period of 28 days
- Compliance with section 4.5 of *A Guide to Preparing LEPs* (Department of Planning, 2009)
- Consultation under section 56(2)(d) of the EP&A Act with:
 - Department of Environment, Climate Change and Water (DECCW), and
 - New South Wales Rural Fire Service, allowing 21 days to comment
- No public hearing is required
- The timeframe for completion of the Local Environmental Plan (LEP) is 12 months (by 29 August 2011).

Given the timeframe required to prepare the additional assessments and reports, including those listed below, a formal extension of the timeframe for completion of the LEP was granted by the Department of Planning and Infrastructure (DoPI) through to 1 June 2012.

Additional assessment and reports

In addition to the flood and odour assessment required by the DoPI, Council also required:

- A rural agricultural land assessment, including assessment of the cumulative impact of loss of rural land;
- Flora and fauna assessment;
- Aboriginal cultural heritage due diligence assessment;
- Geotechnical, engineering and infrastructure assessment, including bulk earthworks, stormwater management and public land/reserves; and
- Contaminated land assessment

In order to manage the additional studies required and ensure the outcome of the reports delivered the information required by Council and the DoPI, a Memorandum of Understanding (MOU) was entered into in March 2011. This MOU clearly articulated the terms of reference, scope and report outcomes for each study.

In the months that followed the proponent has undertaken all required studies. Final drafts have been reviewed by relevant staff and, based on staff feedback; final reports are currently being completed to meet the terms of the MOU.

Outcome of the reports

Whilst the assessments and reports would indicate further detail of the proposal is required at the development application stage, they confirm that the proposed rezoning and resulting low density residential development can be managed appropriately and any potential impacts mitigated.

It is noted that a planning proposal is not intended to provide a level of detail as would be required at subdivision or development stage. The intent of a planning proposal is to provide sufficient information to provide Council with an informed level of confidence that the proposal is achievable, that social, economical and environmental factors have been considered, that the proposal meets strategic land use objectives and that any potential impacts can be mitigated or addressed.

The proponent's planning proposal (Version 1 - application) is currently being updated as Version 2 – exhibition copy, to include the information and recommendations from the additional assessments and reports.

The planning proposal seeks to rezone the site from the current majority 1(b2) Agricultural Protection and part 2(c) Urban Expansion to R1 General Residential under the standard LEP template zones. The suitability of a low density residential zone, 2(a) Low Density Residential under the Tweed LEP 2000 is considered appropriate and is supported through the additional assessment and reports.

It is also noted that Council has formally exhibited the draft LEP 2010, consistent with the requirements and format of the Standard LEP Template. Under this draft LEP, this proposal would translate to the draft R2 Low Density Residential zone.

Public exhibition

Subject to the resolution of Council and the completion of the final studies to the satisfaction of Council staff and the requirements of the MOU, the planning proposal and final copies of all supporting reports will be placed on public exhibition for the required 28 day period.

The planning proposal and all final studies will also be referred to the NSW Rural Fire Service, the Office of Environment and Heritage (former DECCW) and the Department of Primary Industries under s 56(2)(d) of the EP&A Act

Next steps

Following the public exhibition the planning proposal and full report documentation, along with assessment of submissions received, will be reported to Council for the decision of Council as to whether to proceed with the implementation of the planning proposal and a referral of the planning proposal to the Minister for the Plan to be made.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Under the terms of the Gateway Determination the planning proposal is required to be completed by 1 June 2012. The planning proposal is on track to meet this requirement.

There are no impacts on Council's forward budget estimates, and no perceived legal issues arising.

POLICY IMPLICATIONS:

There are currently no adverse policy implications and the rezoning is consistent with the principles of sustainable urban development.

CONCLUSION:

The proponents of the planning proposal have undertaken all required assessment and reports to assist Council in reaching an informed level of confidence that the proposal is achievable, that social, economical and environmental factors have been considered, that the proposal meets strategic land use objectives and that any potential impacts can be mitigated or addressed.

The assessment and reports support the suitability of rezoning the site to the 2(a) Low Density Residential zone under the Tweed LEP 2000, translating to the R2 Low Density Residential zone under the standard LEP template.

It is recommended that the Planning Proposal and all final studies and support information be publicly exhibited as required by the Ministerial Direction of the Gateway Determination.

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "**non confidential**" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

1. Council report of 20 July 2011 - Planning Proposal PP10/0003 - Stage 1 Part Lot 237 DP 1139108 Rous River Way, Murwillumbah (Riva Vue Estate) (ECM 42704476)

Attachment 2 – Copy of Gateway Determination



Planning



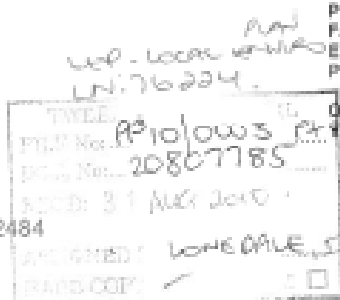
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Department Generated Correspondence (Y)

Mr Michael Rayner
General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Contact: Paul Garnett
Phone: (02) 6641 6600
Fax: (02) 6641 6601
Email: Paul.Garnett@planning.nsw.gov.au
Postal: Locked Bag 9022, Grafton NSW 2460

Our ref: PP_2010_TWEED_003_00 (10/16413)
Your ref: PP10/00003



Dear Mr Rayner,

Re: Planning Proposal to rezone part Lot 237 DP 1139108 Rous River Way, Murwillumbah

I am writing in response to your Council's letter dated 4 August 2010 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Tweed Local Environmental Plan 2000 to rezone part of Lot 237 DP 1139108 Rous River Way, Murwillumbah.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.


The Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation. Council should provide the Department with a copy (including any digital data) of any maps and documentation used as part of the exhibition process.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Paul Garnett of the Regional Office of the Department on 02 6641 6600.

Yours sincerely,


Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Bridge Street Office: 23-33 Bridge Street, Sydney NSW 2000
Telephone: (02) 8228 6111

GPO Box 38 Sydney NSW 2001
Facsimile: (02) 8228 6455

DX 22 Sydney
Website: www.planning.nsw.gov.au



Planning

Gateway Determination

Planning Proposal (Department Ref: PP_2010_TWEED_003_00): to rezone part of Lot 237 DP 1139108, Rous River Way, Murwillumbah from 1(b2) Agricultural Protection to enable the land to be developed for low density residential purposes.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Tweed Local Environmental Plan 2000 to rezone part of Lot 237 DP 1139108, Rous River Way, Murwillumbah from 1(b2) Agricultural Protection to enable the land to be developed for low density residential purposes should proceed subject to the following conditions:

1. The following investigations are to be produced and made available for exhibition of the Planning Proposal:
 - (a) An updated Flood Impact Assessment;
 - (b) An assessment of the potential for air or airborne (odour) pollution from the adjacent sewage treatment works.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning 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 4.5 of *A Guide to Preparing LEPs* (Department of Planning 2009).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Environment, Climate Change and Water
 - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 25th day of August 2010.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning



Planning & Infrastructure

Mr M Rayner
General Manager
Tweed Shire Council
PO Box 816
Murwillumbah NSW 2484

LEP-2000
LN-76224

TWEED SHIRE COUNCIL	
FILE No:	PP10/000311-2
DOC. No:	31314794
RECD: 10 AUG 2011	
ASSIGNED TO: EISERMAN R	
HARD COPY <input checked="" type="checkbox"/>	IMAGE <input type="checkbox"/>

Contact: Paul Garnett
Phone: (02) 66416607
Fax: (02) 66416601
Email: paul.garnett@planning.nsw.gov.au

Our ref: 11/11165
Your ref: PP10/0003

Dear Mr Rayner

Planning Proposal PP_2010_TWEED_003_00 Extension of time for completion of Planning Proposal for rezoning of land at Rous River Way Murwillumbah

I refer to your request of 22 June 2011 seeking an extension of time to complete the Planning Proposal PP_2010_TWEED_003_00 to rezone land at Rous River Way Murwillumbah.


I have determined as the delegate of the Minister, in accordance with section 56(7) of the Environmental Planning and Assessment Act, 1979, to amend the Gateway Determination dated 25 August 2010 for PP_2010_TWEED_003_00.

The Gateway Determination is amended by extending the time for the completion of the Planning Proposal by an additional nine months. The Planning Proposal is now due for completion by 1 June 2012.

Council's request for the Department to draft and finalise the LEP should be made six weeks prior to the projected publication date.

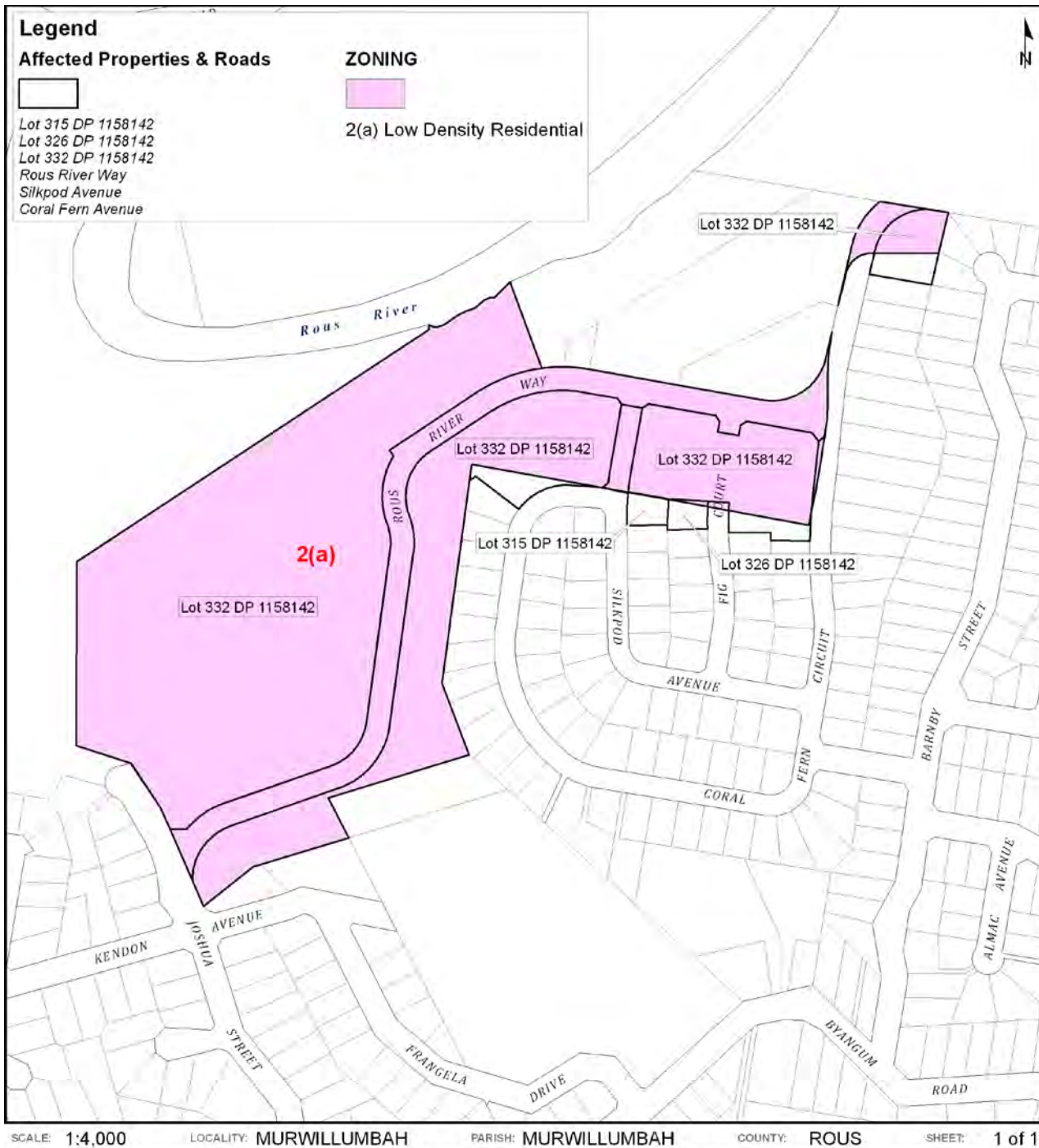
If you have any questions in relation to this matter, please contact Mr Paul Garnett of the Department of Planning and Infrastructure's Northern Region office on (02) 6641 6607.

Yours sincerely


4/8/11
Tom Gellibrand
Deputy Director General
Plan Making and Urban Renewal

Part lot 237 Dp 1139108
Rous River Way, Murbah.

Attachment 3 – Draft amendment to the LEP 2000



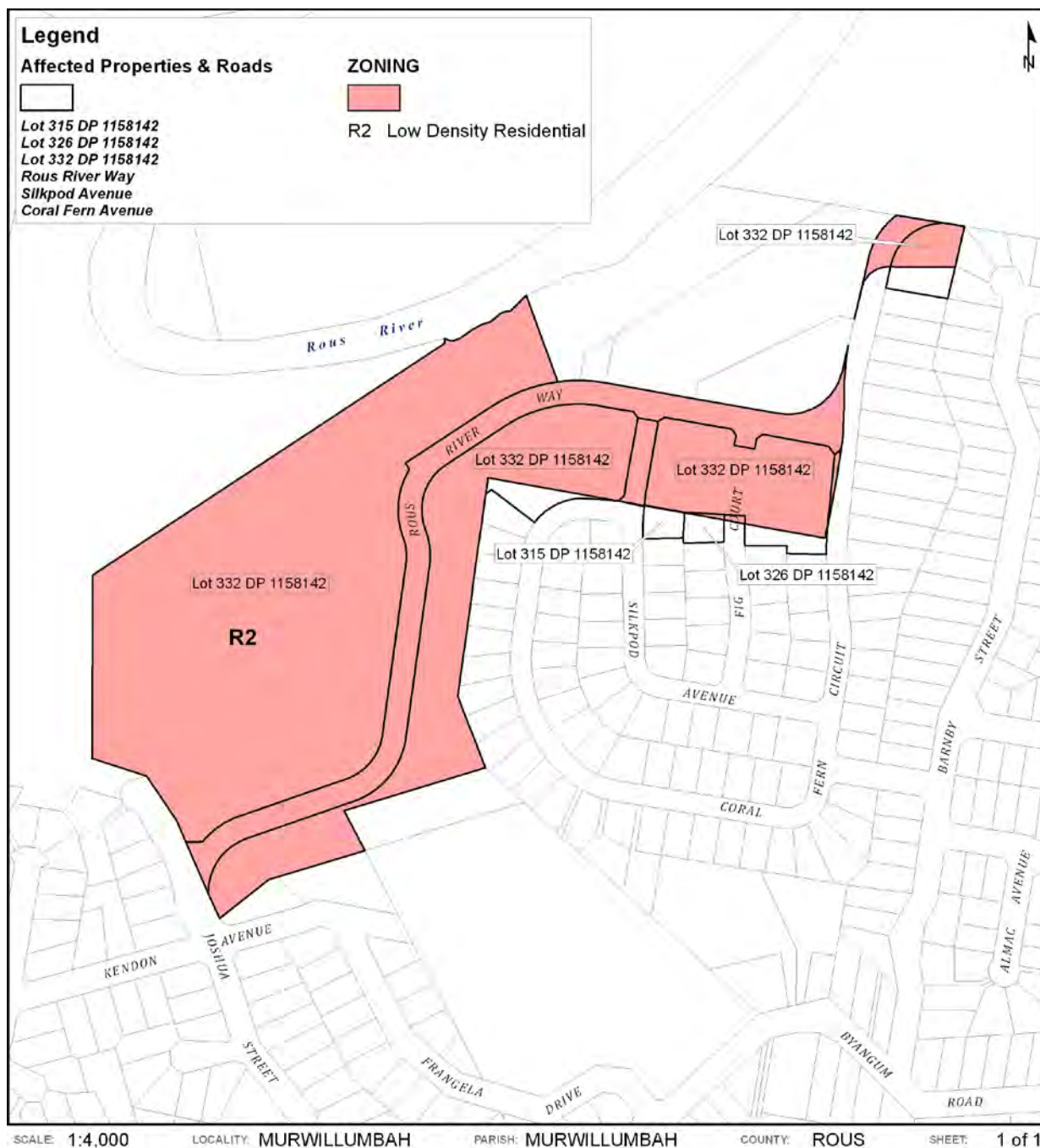
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

TWEED

LOCAL ENVIRONMENTAL PLAN 2000 (AMENDMENT No 90)

DRAWN BY: J.Batchelor	DATE: 08/03/2012	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS: TWEED LOCAL ENVIRONMENTAL PLAN 2000
SUPERVISING DRAFTER:		
PLANNING OFFICER: R. EISERMANN		
COUNCIL FILE No: PP10/0003		
DEPT. FILE No:		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 & REGULATIONS
PLAN PUBLISHED ON NSW LEGISLATION WEBSITE ON:		
		GENERAL MANAGER
		DATE

Attachment 4 – Proposed translation of the draft LEP amendment to the draft LEP 2010



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979	
TWEED	
DRAFT LOCAL ENVIRONMENTAL PLAN 2000 AMENDMENT No.90 IN ACCORDANCE WITH STANDARD INSTRUMENT ORDER 2006	
DRAWN BY: J.Batchelor	DATE: 08/03/2012
STATEMENT OF RELATIONSHIP WITH OTHER PLANS	
AMENDS: TWEED LOCAL ENVIRONMENTAL PLAN 2000	
SUPERVISING DRAFTER:	
PLANNING OFFICER: R. EISERMANN	
COUNCIL FILE No: PP10/0003	
DEPT. FILE No:	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 & REGULATIONS
GOVT. GAZETTE OF:	GENERAL MANAGER DATE

Provided under separate cover on CD:

Attachment 5 – Flood study by Yeats Consulting [February 2012]

Attachment 6 – Geotechnical Investigation by Cardno Bowler for Yeats Consulting [July 2011]

Attachment 7 – Contamination Assessment by Gilbert and Sutherland [June 2011]

Attachment 8 – Rural lands Assessment by Yeats Consulting [June 2011]

Attachment 9 – Flora and Fauna Assessment by Yeats Consulting [May 2011]

Attachment 10 – Odour Assessment by Pae Holmes [September 2011]

Attachment 11 – Aboriginal Cultural Heritage Due Diligence Assessment by Everick Heritage Consultants [March 2011]

Attachment 12 – Conceptual Site Based Stormwater Management Plan by Yeats Consulting [November 2011]