



GALES-KINGSCLIFF

PLANNING PROPOSAL

26 November 2020

Prepared by LFA (Pacific) Pty Ltd for:
Gales-Kingscliff



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EXECUTIVE SUMMARY

Gales Holdings and Gales-Kingscliff (the Proponent) own or control land in Kingscliff, Chinderah and Cudgen and have undertaken a three-year planning process for 215 hectares of their land (the Masterplan Area). This has involved a range of specialist studies that has led to the preparation of:

- a Concept Masterplan covering the Masterplan Area of **215 hectares** (LFA Illustrative Concept Masterplan (LFA 2020), refer to **Appendix 1.1**) hereafter referred to as the Concept Masterplan;
- a Planning Proposal (this report) which covers **209 hectares**, the Masterplan Area excluding the Green Edges Precinct (where no zoning changes are sought); and
- a Masterplan Report which analyses areas considered by the Planning Proposal (Masterplan Report (LFA 2020), refer to **Appendix 1.4**).

The lots owned and controlled by the Proponent are shown in the Land Use Area Analysis (Mortons 2020, refer to **Appendix 1.2**) and in the Location Plan (B&P Surveys 2018, refer to **Appendix 1.3**).

The Masterplan Area is adjacent to the existing township of Kingscliff and at the gateway to the Tweed Coast. The Planning Proposal seeks to enable development which will provide for a range of urban uses to meet the needs of existing and future residents, provide a regional employment and innovation precinct, integrate with and enhance the existing land use pattern of the locality and optimise the potential of one of the last major development sites in the Tweed Shire Council (TSC) Local Government Area (LGA).

This Planning Proposal seeks to amend planning controls applying to 23 of 26 lots owned by the Proponent in the TSC LGA. The amendments to planning controls will:

- update land use zoning, minimum lot size, maximum height of buildings, maximum floor space ratio and additional permitted uses provisions applying to the land under the Tweed Local Environmental Plan (TLEP) 2014 and to Deferred Matter (DM) lands under TLEP 2000; and
- Repeal TLEP 2000 where it applies to the site.

Proposed amendments to planning controls are broadly consistent with the needs and objectives identified in the Kingscliff Locality Plan (Tweed Shire Council 2020) and the North Coast Regional Plan 2036 (Department of Planning and Environment 2017). The aforementioned Plans and detailed technical studies prepared to inform and support this proposal are summarised in the Masterplan Report (LFA 2020), refer to **Appendix 1.4** and have informed the development of the Concept Masterplan (LFA 2020), refer to **Appendix 1.1** as shown below:



Figure 1: Concept Masterplan (LFA 2020), refer to Appendix 1.1

Summarised in **Appendix 2.1**, proposed amendments to planning controls include changes to land use zones, minimum lot size, maximum building heights, maximum floor space ratio and additional permitted uses. The implementation of the proposed planning controls will retain and consolidate over 54 hectares of existing vegetation as conservation and retained parklands and release the remaining 154 hectares of privately-held land to fill in and connect the existing urban areas of Kingscliff, Cudgen and Chinderah to the Kingscliff Town Centre and the Tweed Valley Hospital through contiguous development precincts with 100 hectares of development (buildings and road reserves) and 54 hectares of new open space areas.

The only location where it is proposed to rezone the land from a non-urban to an urban-capable zone under this Planning Proposal is the north-west part of West Kingscliff Precinct (part of Lot 4 DP 727425). In many areas it is proposed to rezone land with urban-capable zoning to non-urban (to Environmental Conservation E2 and Public Recreation RE1). The other proposed amendments apply to lands that currently have an urban zoning.

The Planning Proposal will:

- **Provide approximately 100 hectares of land for development and road reserves**
 - 72 hectares of land enabling a variety of land uses including residential, mixed use, business park, innovation hub and ecotourism, including water quality areas and the approved sand processing area in the Cudgen Precinct;
 - 28 hectares of land for new road reserves to provide new connections and service the new development;
 - Release unencumbered land to enable the development of 2,100 new dwellings comprising a range of housing types that will accommodate Kingscliff's anticipated growth over the next 15 years to 2036 and beyond;

- Extend Kingscliff Town Centre, providing mixed use retail and commercial floor space west along Turnock Street with adjacent residential along a central green north-south boulevard;
 - Provide land for a regional employment and innovation hub in the Business and Knowledge Precinct and nearby residential development;
 - Allow for a new school, library and community centre to meet demand for additional infrastructure arising from the growing population;
 - Zone land to provide flexibility within the future intent for that land; and
 - Remove almost 60 hectares of ‘Deferred Matter’ land and zone it appropriately in accordance with the Concept Masterplan (both urban and open space zonings are proposed in the DM areas).
- **Provide approximately 108 hectares of open space:**
- Retain and protect approximately 41.5 hectares of sensitive environmental areas through E2 Environmental Conservation land use zoning;
 - Retain approximately 12.5 hectares of existing vegetation, adjacent to the proposed E2 Environmental Conservation land, as community parklands to be zoned RE1 Public Recreation;
 - Provide 54 hectares of new open space made up of:
 - Approximately 33 hectares of new parkland:
 - approximately 27 hectares raised to 2.2m AHD in the Cudgen Precinct around the future lake; and
 - approximately 5 hectares of local recreational parks within the residential zoned land to be provided as part of the Development Application (DA) stage;
 - A recreational lake indicated as 18 hectares – the ultimate boundary between the lake and surrounding park, and hence their relative sizes, is indicative.
 - Approximately 3 hectares of water quality-type parkland in various precincts, including feature vegetated infiltration swales within boulevards.
 - The Cudgen recreational precinct (comprising 27 hectares raised to 2.2AHD and 18 hectare lake) is approximately 45 hectares with proposed sports fields, recreational lake and possible aquatic centre.

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) and the *Guide to Preparing Planning Proposals* (Department of Planning and Environment 2018). Additionally, the *Planning Proposal Process & Procedure Guideline* (TSC 2013) has been considered in the preparation of this Planning Proposal.

Proposed amendments to planning controls include (refer to **Appendix 2.1** for detailed summary):

▪ **In the Turnock Street Precinct:**

- Reduce the minimum lot size from 450sqm to 300sqm and, additionally, permit a minimum lot size of 200sqm for attached dwellings in accordance with the insertion of the new Clause 4.1E of the TLEP 2014 as detailed in Written Instrument Amendments (Section 5.2);
- Rezone R1 General Residential along Turnock Street to B4 Mixed Use as a continuation of the Kingscliff Town Centre and, in the B4 Mixed Use zone (both sides of Turnock Street) and R1 General Residential zone (north-west of Turnock Street), increase the maximum height of buildings from 13.6 to 16.6 metres;
- In the B4 Mixed Use and R1 General Residential zones along Turnock Street, permit FSR up to 3:1 in accordance with the Design Excellence Provisions (Turnock Street Precinct) as detailed in Written Instrument Amendments (Section 5.2); and
- Rezone R1 General Residential zoned land in the southern part of the precinct to E2 Environmental Conservation and RE1 Public Recreation.

▪ **In the North Kingscliff Precinct:**

- Rezone 4(a) Industrial zoned land under TLEP 2000 to part-E2 Environmental Conservation (reflecting environmentally sensitive lands along Chinderah Drain) and part-SP2 Infrastructure (Road) (enabling the provision of an east-west link between the North Kingscliff and Business and Knowledge Precincts);
- Rezone lands zoned IN1 General Industrial on the east side of the main north-south drain to R1 General Residential and reduce the minimum lot size from 2,000sqm to 300sqm, increase the maximum height of buildings from 10 to 13.6 metres and apply a 2:1 FSR; and
- Realign the existing R1 General Residential zone to extend to the E2 Environmental Conservation zone.

▪ **In the Business and Knowledge Precinct:**

- Rezone IN1 General Industrial zoned land to a mix of B7 Business Park, R1 General Residential (reduce minimum lot size from 2,000sqm to 300sqm), RE1 Public Recreation and E2 Environmental Conservation (remove minimum lot size);
- Rezone 5(a) Special Uses (Sewerage Treatment / Turf Farm) zoned land under TLEP 2000 to a mix of B4 Mixed Use, R1 General Residential, and E2 Environmental Conservation; and
- In the B7 Business Park and B4 Mixed Use zones, apply maximum heights of 20 metres (no minimum lot size), and up to 28 metres and FSR not exceeding 3.5:1 in accordance with the Design Excellence Provisions (Business and Knowledge Precinct) as detailed in Written Instrument Amendments (Section 5.2).

▪ **In the West Kingscliff Precinct:**

- Rezone lands zoned 1(a) Rural, 5(a) Special Uses (Drainage), 7(f) Environmental Protection (Coastal Lands) and DM lands under TLEP 2000 and land zoned R1 General Residential to E2 Environmental Conservation, RE1 Public Recreation and SP3 Tourist (no minimum lot size and maximum height of buildings of 10m in the SP3 Tourist zone);
- Realign and extend the R1 General Residential boundary to match the E2 Environmental Conservation boundary, reducing minimum lot size from 450sqm to 300sqm and increasing

the maximum height of buildings from 10m (in the north-west part) to 13.6m (as currently applies in the north-east part); and

- Apply a minimum lot size of 300sqm in the R1 General Residential zone and, additionally, permit a minimum lot size of 200sqm for attached dwellings in accordance with the insertion of the new Clause 4.1E of the TLEP 2014 as detailed in Written Instrument Amendments (Section 5.2);
- **In the Cudgen Precinct:**
 - Rezone lands zoned RU1 Primary Production to RU2 Rural Landscape.

A draft Biodiversity Certification Assessment Report (BCAR) is being prepared to respond to DPIE's review of a draft BCAR. For the purpose of this Planning Proposal an Ecological Constraints Assessment (Ecoplanning 2020, refer to **Appendix 4.1**) is included which covers 148 hectares of the Masterplan area, however excludes areas as follows:

- 21 hectares in the Turnock Street Precinct (of which approximately 0.5 hectare is in the West Kingscliff Precinct) for which approved DA05/0004 allows filling of the land which has physically commenced; and
- 44 hectares in the Cudgen Precinct which is an approved sand extraction facility.



Figure 2: Aerial view of Gales landholdings (Google Earth 2020)

1 INTRODUCTION

This Planning Proposal has been prepared by LFA on behalf of Gales-Kingscliff (the Proponent) to seek amendment to planning controls relating to 23 of 26 lots under TLEP 2000 and TLEP 2014. The 26 lots total 214.67 hectares in Kingscliff, Chinderah and Cudgen in the TSC LGA. No zoning changes are sought in the three lots comprising the Green Edges Precinct, and are therefore not discussed further below. The remaining 23 lots that are the subject of this Planning Proposal total 208.74 hectares.

This Planning Proposal has been prepared in response to the Kingscliff Locality Plan (Tweed Shire Council 2020), hereafter referred to as KLP 2020, and the North Coast Regional Plan 2036 (Department of Planning and Environment 2017), hereafter referred to as NCRP 2036. The Planning Proposal is also informed by detailed technical studies; the Concept Masterplan (LFA 2020) (refer to **Appendix 1.1**) which responds to the Vision for the site; and a Masterplan Report (LFA 2020) (refer to **Appendix 1.4**).

The Masterplan Report (refer to **Appendix 1.4**) provides a detailed analysis of the Masterplan Area's strategic context and site-specific considerations. The outcome of this analysis was used to develop a Masterplan which responds to the surrounding context and environmental considerations including flooding and drainage, riparian and waterways, ecology, bushfire, Aboriginal and non-Aboriginal heritage, accessibility, landscape character, views and vistas and utilities and infrastructure. The Masterplan Report concludes with a set of recommended changes to planning controls required to enable development consistent with the Concept Masterplan. This Planning Proposal seeks to enable those amendments to planning controls.

The KLP 2020 changed the nomenclature from the Business and Knowledge Precinct (draft KLP 2016, 2018, 2019) to the Business and Innovation Precinct "to align language and broader land use intent with the NSW State Government's publication on 'NSW Innovation Precincts' (Tweed Shire Council Strategic Planning and Urban Design Report 4 June 2020)". This Planning Proposal and related specialist reports continue to refer to the precinct as the Business and Knowledge Precinct for consistency with documents and mapping produced prior to the change in nomenclature.

1.1 VISION FOR THE SITE

Gales land, at the junction of Tweed Coast Road with the Pacific Highway, is at the gateway of the Tweed Coast. Besides retaining habitat and creating new parklands unique in the area, it is Gales vision to promote a high standard of architectural, urban and landscape design in all precincts as well as substantial integrated green and civic spaces and to provide housing diversity and affordability to cater for predicted growth to 2036 and beyond. Due to the current lack of wayfinding and entry statements, the vision promotes the development of buildings demonstrating design and architectural excellence in the Turnock Street Precinct and the Business and Knowledge Precinct to respectively mark the gateways to the Kingscliff Town Centre and to the Tweed Coast and new regional employment and innovation hub, which together will mark Kingscliff as a sub-regional centre and the coastal city of the Tweed Coast, with high class facilities including the Tweed Valley Hospital, TAFE, a vibrant Marine Parade and Turnock Street Precinct.

This is consistent with the KLP 2020 description of Kingscliff's role as a sub-regional centre:

"...the locality plan acknowledges Kingscliff's sub-regional role in supporting the network of Tweed Coast settlements including Fingal Head, Chinderah, Casuarina, Cabarita, Hastings Point, Pottsville and Wooyung as well as the more dispersed rural and hinterland settlements" (KLP 2020, p. 16).

"Given Kingscliff's existing status as a sub-regional catchment for surrounding smaller settlements, this role and function is likely to increase in step with the overall growth of the Tweed Coast in general" (KLP 2020, p. 86).

"Whilst Kingscliff has a resident population of approximately 9,000 people, it has the potential to be a sub-regional centre with approximately 30,000 people which includes the development and future resident population of Kings Forest" (p. 110).

In mixed use areas in Turnock Street Precinct and the Business and Knowledge Precinct it is proposed to create a scale and density supported by a high standard of architectural excellence and development to enable more people to live in these strategic areas close to existing and future services and to enable the provision of higher quality social infrastructure. Co-locating employment and residential uses will minimise reliance on private vehicles and increase walking and cycling, maximise sustainability and residents' quality of life and build vibrant precincts to work and live. In Turnock Street Precinct greater residential density next to existing businesses and services in the Kingscliff Town Centre will both stimulate increased demand and create demand for new businesses which employ more local residents.

In the Turnock Street Precinct and West Kingscliff Precinct it is proposed to reduce the minimum lot size to 200sqm for attached dwellings which will improve housing diversity and affordability close to the Kingscliff Town Centre.

In addition to the urban release areas there will be over 41.5 hectares of Ecological Conservation lands, a significant recreational precinct and over 12.5 hectares of parklands which are strongly supported by the public according to a recent community survey (New Kingscliff Parklands Community Survey Results and Responses (Gales 2020), refer to **Appendix 6.3**).

As shown in **Figure 3** below, the vision comprises a variety of built form, recreation, parklands and conservation.

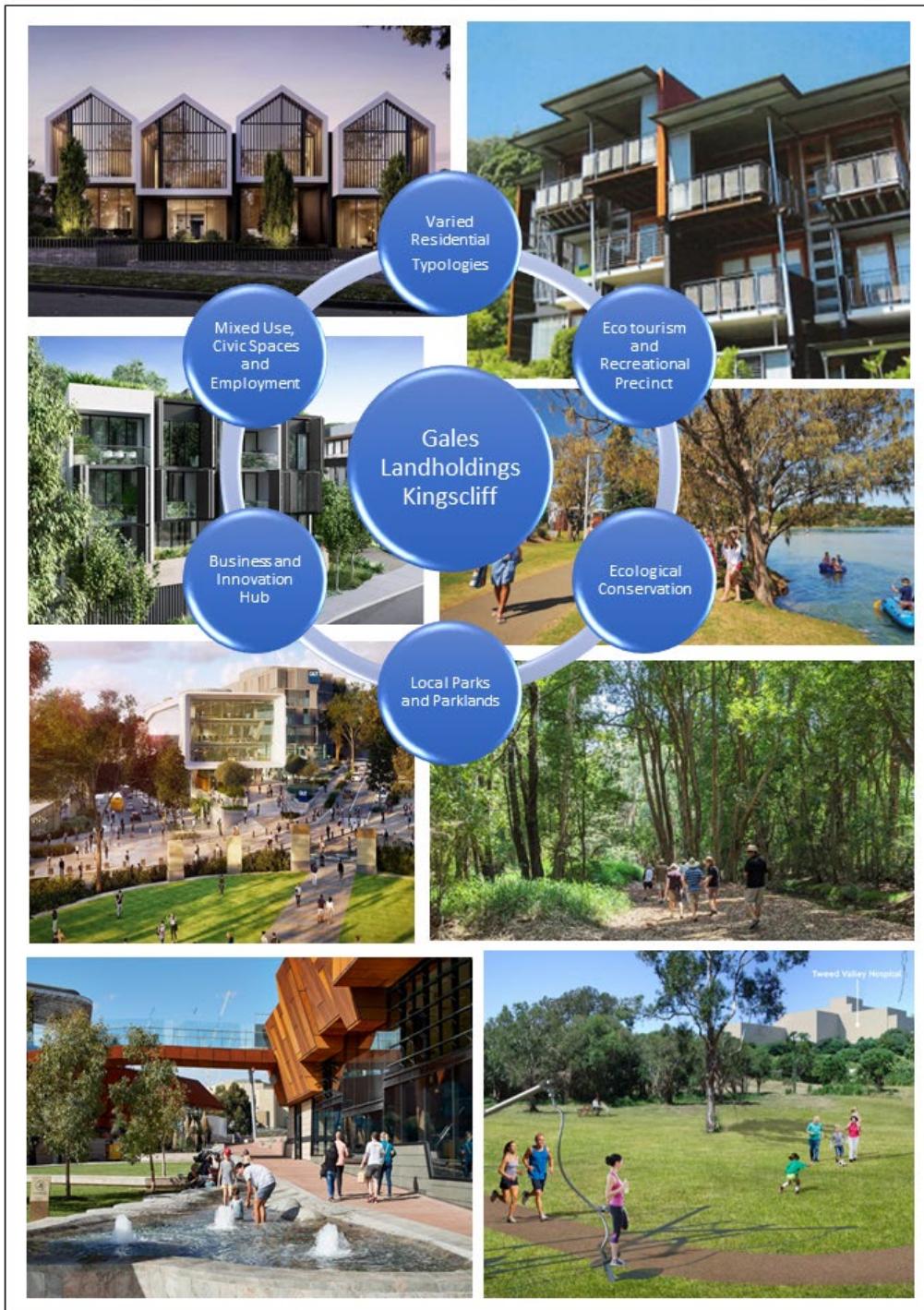


Figure 3: Vision Pictorial of Gales Landholdings Kingscliff

2 THE SITE

The land subject to this planning proposal comprises the following 23 lots:

Table 1: Land forming part of this Planning Proposal

LOT:DEPOSITED PLAN AREA (ha)	PRECINCT(S):	LAND OWNER:
(DP):		
1 781714	0.3693	Turnock Street Gales Holdings
2 781714	0.3693	Turnock Street Gales Holdings
3 781714	0.3693	Turnock Street Gales Holdings
4 781714	0.3693	Turnock Street Gales Holdings
5 781714	0.3693	Turnock Street Gales Holdings
6 781714	0.3693	Turnock Street Gales Holdings
7 781714	0.3693	Turnock Street Gales Holdings
8 781714	0.3693	Turnock Street Gales Holdings
9 781714	0.3693	Turnock Street Gales Holdings
11 871753	10.13	Turnock Street West Kingscliff Gales Holdings
12 871753	6.767	Turnock Street Gales Holdings
13 871753	6.633	Turnock Street Gales Holdings
14 871753	0.1857	Turnock Street Gales Holdings
4 1106447	41.83	North Kingscliff Business and Knowledge Gales Holdings
1 1075645	18.18	Business and Knowledge Gales-Kingscliff
2 1111554*	7.929	Business and Knowledge Tweed Shire Council - Option on Land - Gales Kingscliff
4 727425	11.89	West Kingscliff Gales Holdings
26C 10715	11.69	West Kingscliff Gales Holdings
26D 10715	12.41	West Kingscliff Gales Holdings
1 1223699	0.3717	West Kingscliff Gales Holdings

3	828298	13.27	West Kingscliff	Gales-Kingscliff
51	1268405**	30.69	Cudgen	Gales-Kingscliff
21	1082482	33.76	Cudgen	Gales-Kingscliff

* Note 1: Lot 2 DP1111554 is owned by Tweed Shire Council and the Proponent has an option to purchase the aforementioned lot under Deed of Call Option dated 3 January 2002 between Tweed Shire Council (the Grantor) and Kareena Developments Pty Ltd (the Grantee) (since renamed Gales-Kingscliff Pty Ltd, the Proponent of this Planning Proposal) under which the Grantor agrees to grant to the Grantee an Option to purchase the land in Proposed Area 2c in a Plan of Subdivision of lot 32 in DP 847319 (now known as Lot 2 DP1111554) on the terms and conditions specified in the Deed of Call Option. According to the Deed of Call Option clause 11.01, the Grantee may inter alia exercise the option once the land is rezoned to 4(a) Industrial or an Alternate Zoning. Thus, the Proponent will be able to purchase Lot 2 DP1111554 once it is rezoned.

** Note 2: Lot 51 DP1268405 was registered in November 2020 and is the result of a boundary adjustment increasing the Lot 2 DP216705 area by 3,464sqm to the south-east. Any references to Lot 2 in DP216705 in the Planning Proposal or technical studies are to be understood as references to Lot 51 in DP1268405 or portion thereof and areas in this document (apart from the table above) and technical studies use the area of the previous Lot 2 DP216705 which is 3,464sqm (i.e. 0.3464 hectares) less than Lot 51 DP1268405.

No changes to planning controls are required to facilitate the development of tourist uses as envisioned under the Concept Masterplan in the portion of the Masterplan Area within the Green Edges Precinct (Lots 1 and 2 DP1107697 and Lot C DP33290).

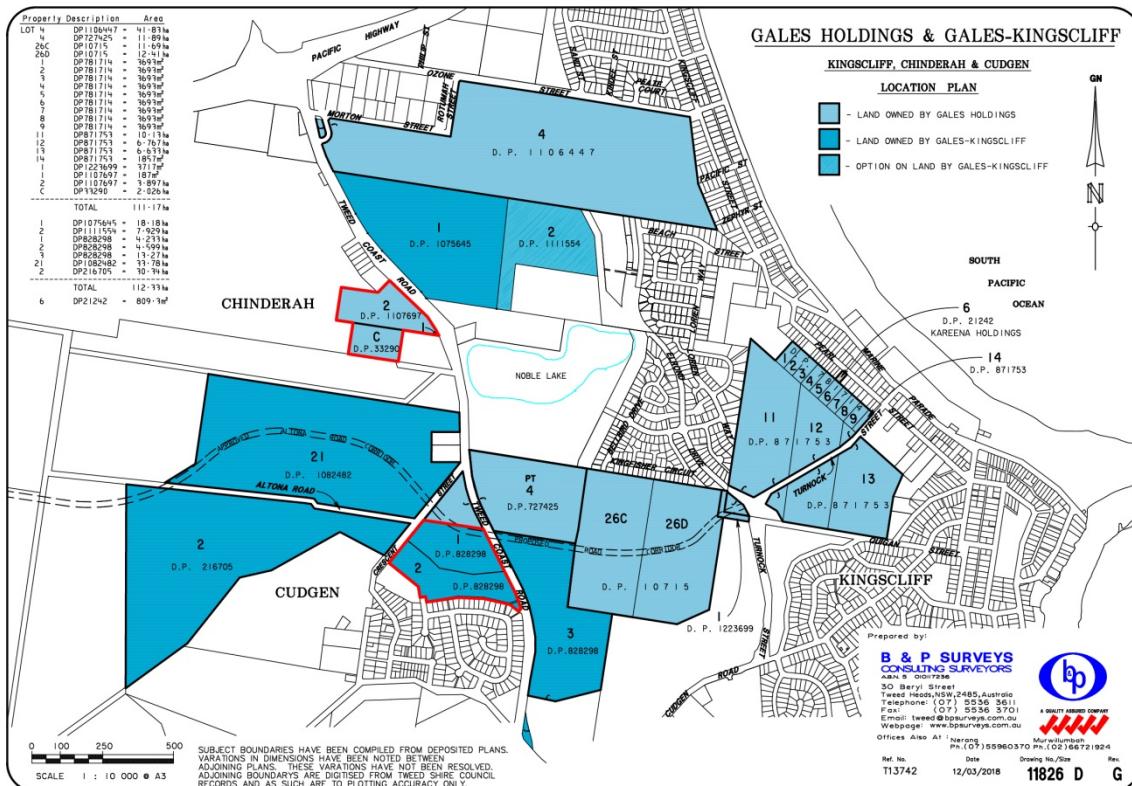


Figure 4: Site survey showing land subject to Planning Proposal (B&P Surveys 2018)
 Land with red outline is excluded from Planning Proposal.

2.1 SITE LOCATION & CONTEXT

The Masterplan Area comprises a series of non-contiguous parcels of land adjoining Kingscliff (east), Chinderah (north) and Cudgen (south) within the Kingscliff Locality Plan (KLP) Study Area. The Masterplan Area straddles the northern end of Tweed Coast Road, immediately south of the Pacific Highway. It is approximately 2km from north to south and 2.5km from east to west, lying mainly between Tweed Coast Road and the coastal strip of Kingscliff. The existing road network provides access to (refer to **Figure 5**):

- Tweed Heads - 10km to the north (10 minutes by car).
- Gold Coast Airport (Coolangatta) - 12km to the north (12 minutes by car), offering regular flights to all major domestic (Sydney, Melbourne, Canberra, Adelaide, Perth, Hobart, Newcastle, Cairns) and international (Asia, New Zealand, USA and European) destinations.
- Gold Coast CBD (Southport) - 40km to the north (40 minutes by car).
- Brisbane CBD - 110km to the north (1 hour and 20 minutes by car).
- Byron Bay - 60km to the south (40 minutes by car).

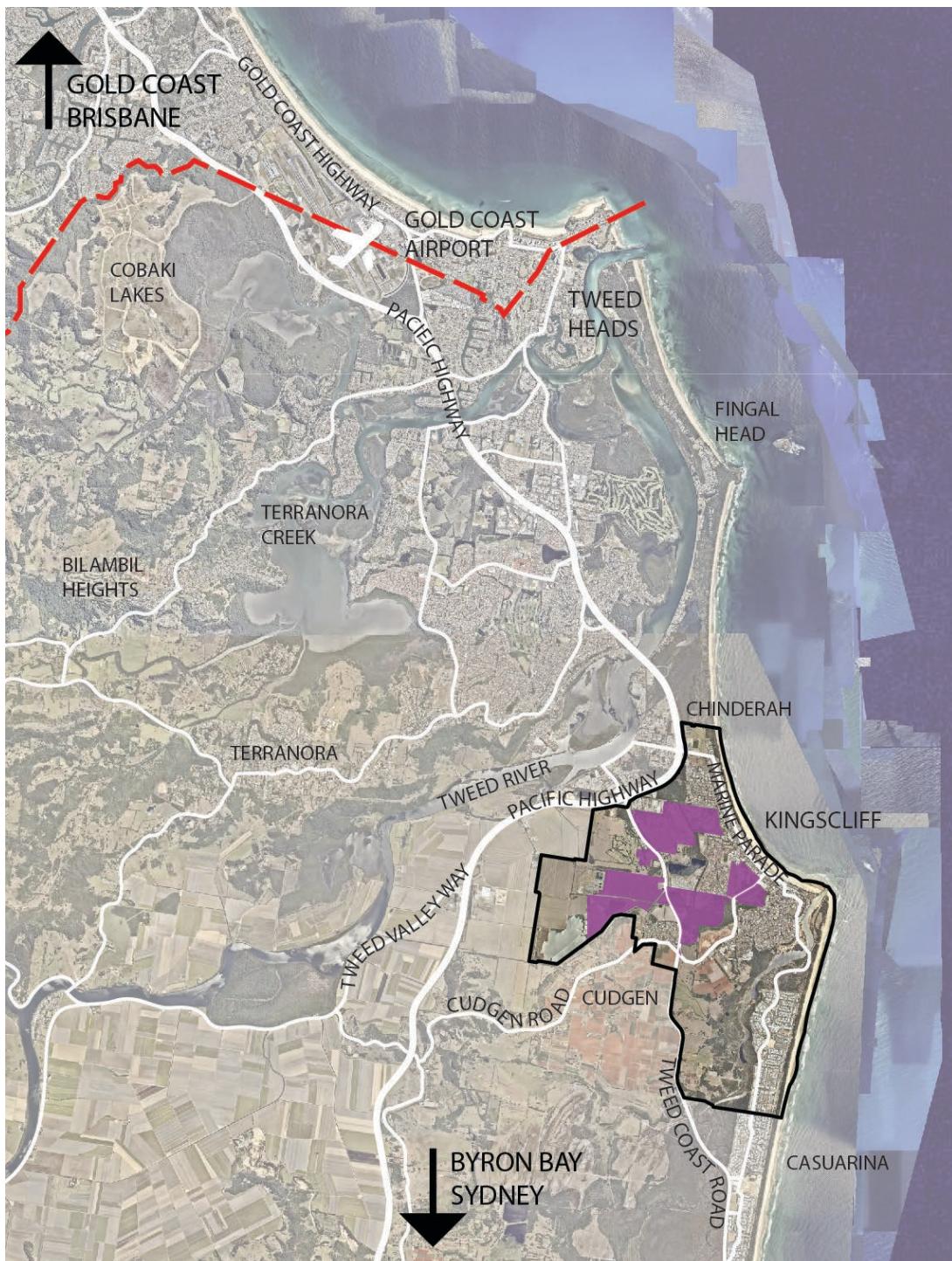


Figure 5: Regional Context

Legend

	Kingscliff Locality Plan Study Area
	State Border
	Masterplan Area

2.2 EXISTING ZONING

2.2.1 Tweed Local Environmental Plan 2014

TLEP 2014 is a standard instrument LEP providing zoning and development standards for most of the Tweed LGA. Land use zoning applying in the Masterplan Area includes (refer to **Figure 6**):

- R1 General Residential in the Turnock Street Precinct, most of the North Kingscliff Precinct and the north-eastern part of the West Kingscliff Precinct;
- IN1 General Industrial in the northern part of the Business and Knowledge Precinct and a small part of the North Kingscliff Precinct;
- RU1 Primary Production in the Cudgen Precinct, west of Crescent Street;
- RU2 Rural Landscape in the north-western part of West Kingscliff Precinct, the Green Edges Precinct and the Cudgen Precinct between Tweed Coast Road and Crescent Street; and
- Deferred Matter (DM) applying to the southern part of the Business and Knowledge Precinct and large parts of the West Kingscliff Precinct.

Development standards applying to the Masterplan Area under TLEP 2014 are tabled below:

Table 2: Development standards applying to the Masterplan Area under TLEP 2014

LAND USE ZONING:	MINIMUM LOT SIZE:	HEIGHT OF BUILDINGS:	FLOOR SPACE RATIO:
R1 General Residential	G – 450sqm	N2 – 13.6m	T – 2:1
IN1 General Industrial	V – 2000sqm	K – 10m	N/A
RU1 Primary Production	AB2 – 40ha	K – 10m	N/A
RU2 Rural Landscape	AB2 – 40ha	K – 10m	N/A

Additional permitted use provisions under Schedule 1 of the LEP enable shops in the easternmost lot of the Turnock Street Precinct (Lot 13 DP 871753).

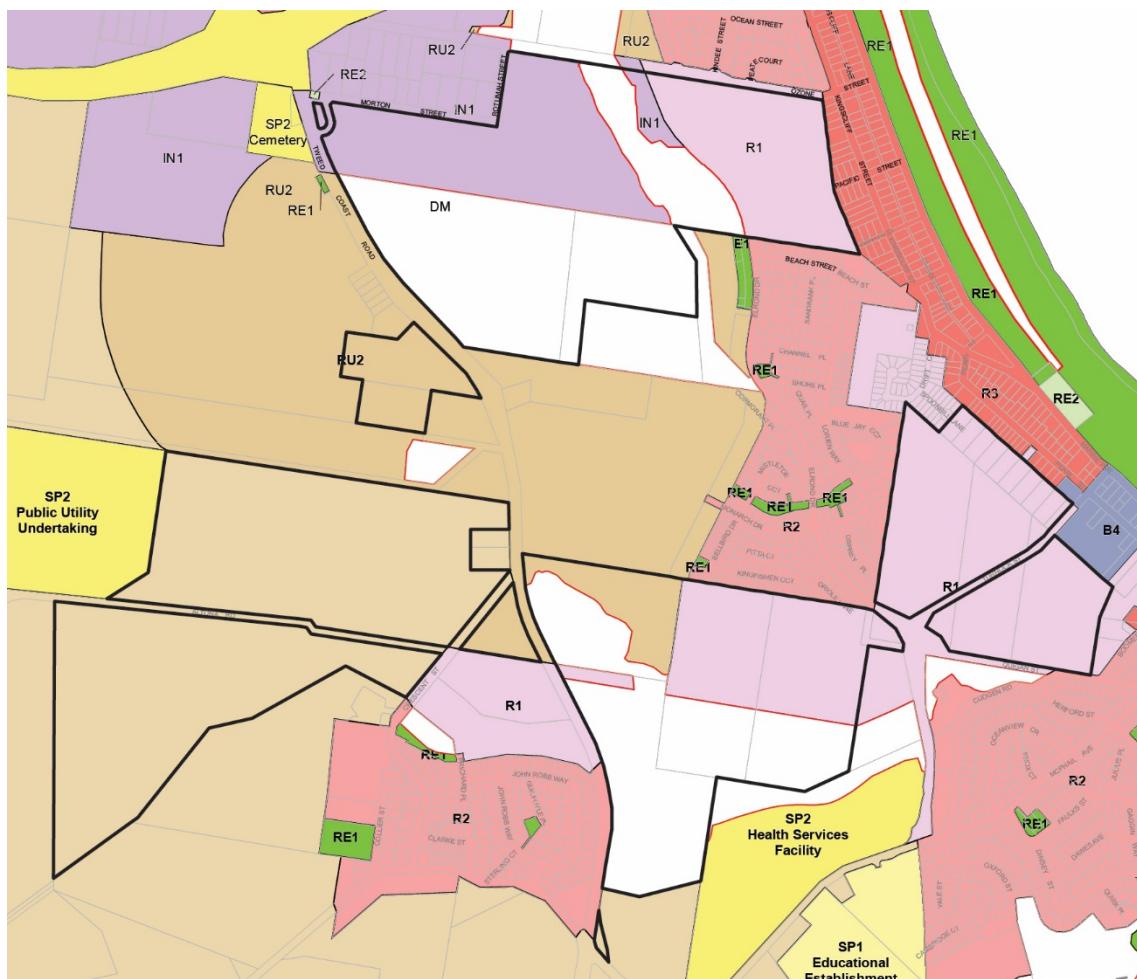


Figure 6: Land use zoning applying to the Masterplan Area under TLEP 2014 (TSC 2014)

Legend

	Masterplan Area		R1 General Residential		RE1 Public Recreation		SP1 Special Activities
	DM Deferred Matter		R2 Low Density Residential		RE2 Private Recreation		SP2 Infrastructure
	B4 Mixed Use		R3 Medium Density Residential		RU1 Primary Production		
	IN1 General Industrial				RU2 Rural Landscape		

2.2.2 Tweed Local Environmental Plan 2000

TLEP 2000 is a non-standard instrument LEP applying to most of the DM lands under TLEP 2014 in the Masterplan Area. Land use zones applying to the Masterplan Area under TLEP 2000 include 1(a) Rural, 4(a) Industrial, 5(a) Special Uses (Sewerage Treatment / Turf Farm), 7(l) Environmental Protection (Habitat) and Deferred Matter lands. In respect of the DM lands in Lot 3 DP828298 (the two areas over which 'defer' is shown on the plan below), in 1999 Council resolved to zone these Deferred Matter lands to 2(c) Urban Expansion (Minutes of the Meeting of Tweed Shire Council 21 April 1999 'Proposed Rezoning', p. 40) but this did not proceed due to disagreement concerning the width of the agricultural buffer with the adjoining land. The Tweed Valley Floodplain Risk Management Study (TSC 2014) modelled these areas as filled for residential development. The Concept Masterplan proposes these lands as public parklands.

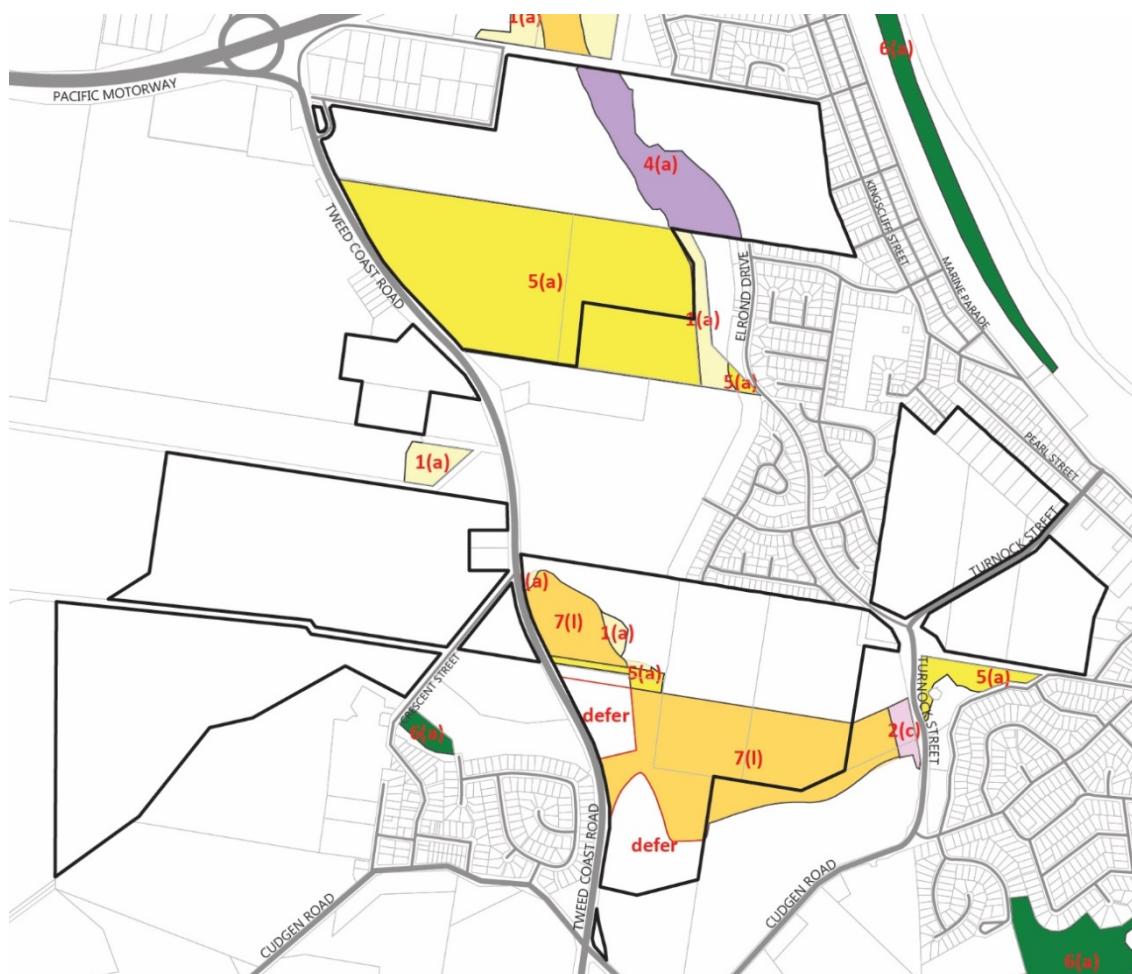


Figure 7: Land use zoning applying to the Masterplan Area under TLEP 2000 (TSC 2000)

Legend

	Masterplan Area		1(a) Rural		5(a) Special Uses (Sewerage Treatment Plan / Turf Farm)
	Defer		4(a) Industrial		7(l) Environmental Protection (Habitat)

2.2.3 Tweed Local Environmental Plan 1987

The DM lands in Lot 3 DP828298 which are proposed to be zoned to RE1 Public Recreation were zoned 1(d) Development Investigation under the TLEP 1987. Prior to TLEP 1987 these lands were affected by IDO No.2 which is no longer publicly available.

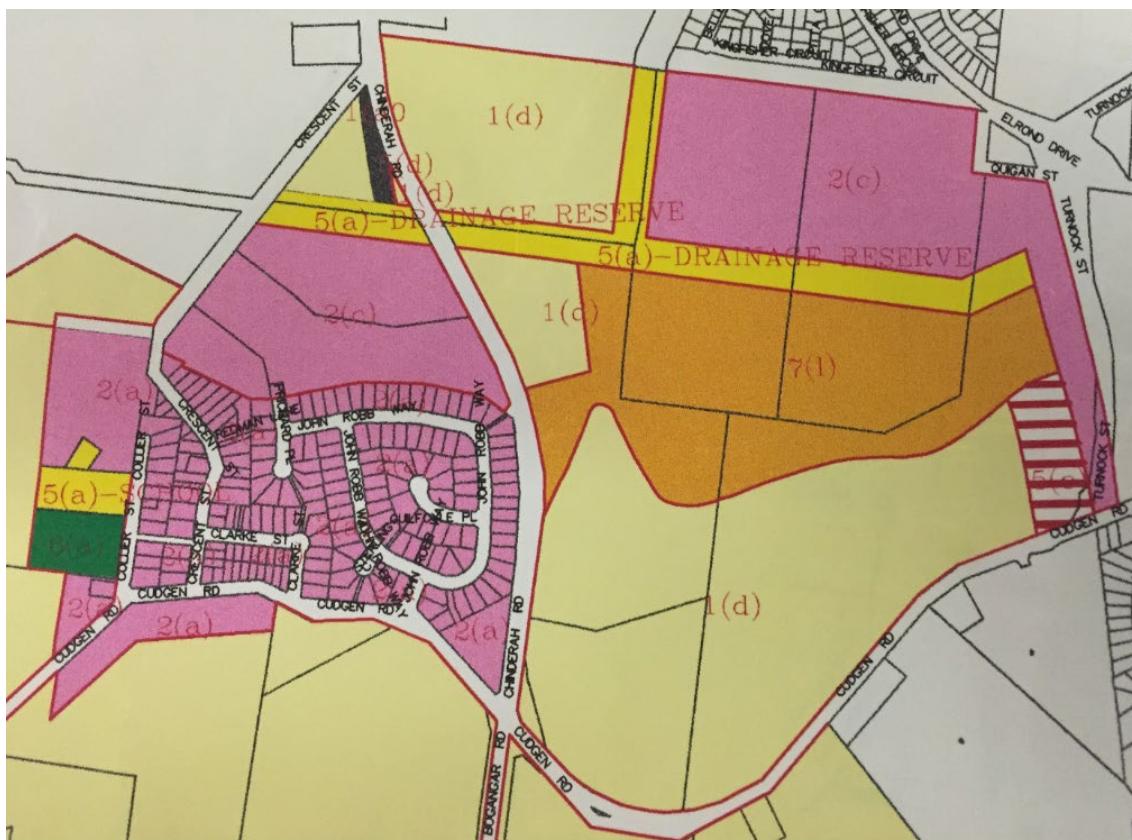


Figure 8: Land use zoning applying to the West Kingscliff Precinct under TLEP 1987

3 PLANNING PROPOSAL

The following sections of this report address the statutory requirements under Section 3.33 of the Act and guidance provided under the DPIE's *A Guide to Preparing Planning Proposals* (2018).

4 PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objectives of the Planning Proposal are to:

- **Provide approximately 100 hectares of land for development and road reserves:**
 - 72 hectares of land enabling a variety of land uses including residential, mixed use, business park, innovation hub and ecotourism, including water quality areas and the approved sand processing area in the Cudgen Precinct;
 - 28 hectares of land for new road reserves to provide new connections and service the new development;
 - Release unencumbered land to enable the development of 2,100 new dwellings comprising a range of housing types that will accommodate Kingscliff's anticipated growth over the next 15 years to 2036 and beyond;
 - Extend Kingscliff Town Centre providing mixed use retail and commercial floor space west along Turnock Street with adjacent residential along a central green north-south boulevard;
 - Provide land for a regional employment and innovation hub in the Business and Knowledge Precinct and nearby residential development;
 - Allow for a new school, library and community centre to meet demand for additional infrastructure arising from the growing population;
 - Zone land to provide flexibility within the future intent for that land; and
 - Remove almost 60 hectares of 'Deferred Matter' land and zone it appropriately in accordance with the Concept Masterplan (both urban and open space zonings are proposed in these DM areas).

- **Provide approximately 108 hectares of open space:**
 - Retain and protect approximately 41.5 hectares of sensitive environmental areas through E2 Environmental Conservation land use zoning;
 - Retain approximately 12.5 hectares of existing vegetation, adjacent to the proposed E2 Environmental Conservation land, as community parklands to be zoned RE1 Public Recreation;
 - Provide 54 hectares of new open space made up of:
 - Approximately 33 hectares of new parkland:
 - around 27 hectares raised to 2.2m AHD in the Cudgen Precinct around the future lake; and
 - around 5 hectares of local recreational parks within the residential zoned land to be provided as part of the Development Application (DA) stage;
 - A recreational lake indicated as 18 hectares; the ultimate boundary between the lake and surrounding park, and hence their relative sizes, is indicative.

- Approximately 3 hectares of water quality type parkland in various precincts, including feature vegetated infiltration swales within boulevards.
- The Cudgen recreational precinct (comprising approximately 27 hectares raised to 2.2AHD and 18 hectare lake) is approximately 45 hectares with proposed sports fields, recreational lake and possible aquatic centre.

5 PART 2 – EXPLANATION OF THE PROVISIONS

The objectives of the Planning Proposal are to be achieved by amending TLEP 2014 where it applies within the Masterplan Area as summarised below (refer to mapping under **Part 4** of this Planning Proposal and **Appendix 2.1** for the detailed summary):

- **In the Turnock Street Precinct:**
 - Reduce the minimum lot size from 450sqm to 300sqm and, additionally, permit a minimum lot size of 200sqm for attached dwellings in accordance with the insertion of a new Clause 4.1E of the TLEP 2014 as detailed in Written Instrument Amendments (Section 5.2);
 - Rezone R1 General Residential along Turnock Street to B4 Mixed Use as a continuation of the Kingscliff Town Centre and increase the maximum height of buildings from 13.6 to 16.6 metres in the B4 Mixed Use zone (both sides of Turnock Street) and R1 General Residential zone (north west of Turnock Street);
 - In the B4 Mixed Use and R1 General Residential zones along Turnock Street, enable FSR up to 3:1 in accordance with the Design Excellence Provisions (Turnock Street Precinct) as detailed in Written Instrument Amendments (Section 5.2); and
 - Rezone R1 General Residential zoned land in the southern part of the precinct to E2 Environmental Conservation and RE1 Public Recreation.
- **In the North Kingscliff Precinct:**
 - Rezone 4(a) Industrial zoned land under TLEP 2000 to part-E2 Environmental Conservation (reflecting environmentally sensitive lands along Chinderah Drain) and part-SP2 Infrastructure (Road) (enabling the provision of an east-west link between the North Kingscliff and Business and Knowledge Precincts);
 - Rezone lands zoned IN1 General Industrial on the east side of the main north-south drain to R1 General Residential and reduce the minimum lot size from 2,000sqm to 300sqm, increase the maximum height of buildings from 10 to 13.6 metres and apply a 2:1 FSR; and
 - Realign the existing R1 General Residential zone to extend to the E2 Environmental Conservation zone.
- **In the Business and Knowledge Precinct:**
 - Rezone IN1 General Industrial zoned land to a mix of B7 Business Park, R1 General Residential (reduce minimum lot size from 2,000sqm to 300sqm), RE1 Public Recreation and E2 Environmental Conservation (remove minimum lot size);
 - Rezone 5(a) Special Uses (Sewerage Treatment / Turf Farm) zoned land under TLEP 2000 to a mix of B4 Mixed Use, R1 General Residential, and E2 Environmental Conservation; and
 - In the B7 Business Park and B4 Mixed Use zones, apply maximum heights of 20 metres (no minimum lot size), and up to 28 metres and FSR not exceeding 3.5:1 in accordance with the

Design Excellence Provisions (Business and Knowledge Precinct) as detailed in Written Instrument Amendments (Section 5.2).

▪ **In the West Kingscliff Precinct:**

- Rezone lands zoned 1(a) Rural, 5(a) Special Uses (Drainage), 7(f) Environmental Protection (Coastal Lands) and DM lands under TLEP 2000 and land zoned R1 General Residential to E2 Environmental Conservation, RE1 Public Recreation and SP3 Tourist (no minimum lot size and maximum height of buildings of 10m in the SP3 Tourist zone);
- Realign and extend the R1 General Residential boundary to match the E2 Environmental Conservation boundary, reducing minimum lot size from 450sqm to 300sqm and increasing the maximum height of buildings from 10m (in the north-west part) to 13.6m (as currently applies in the north-east part); and
- Apply a minimum lot size of 300sqm in the R1 General Residential zone and, additionally, permit a minimum lot size of 200sqm for attached dwellings in accordance with the insertion of the new Clause 4.1E of the TLEP 2014 as detailed in Written Instrument Amendments (Section 5.2);

▪ **In the Cudgen Precinct:**

- Rezone lands zoned RU1 Primary Production to RU2 Rural Landscape.

Non-standard instrument TLEP 2000 is to be repealed where it applies to the Masterplan Area.

5.1 WRITTEN INSTRUMENT AMENDMENTS

5.1.1 Turnock Street Precinct and West Kingscliff Precinct – reduction of minimum subdivision lot size

Clause 4.1E Exceptions to minimum subdivision lot size for certain land in Turnock Street Precinct and West Kingscliff Precinct

- (1) *The objective of this clause is to improve housing diversity and affordability in Kingscliff by allowing certain types of development on reduced lot sizes.*
- (2) *This clause applies to development for the purposes of attached dwellings and semi-detached dwellings within the lands outlined in a thick blue line on the Lot Size Map.*
- (3) *Despite Clause 4.1, development consent for development to which this clause applies may be granted if:*
 - (a) *Each dwelling will have a minimum lot size of 200 square metres;*
 - (b) *Subdivision is proposed as part of the development application;*
 - (c) *Each dwelling will have direct public access from a public street, laneway or private road; and*
 - (d) *No dwelling is located above any part of another dwelling, with the exception of shared basement parking, storage or other common areas located below dwellings.*
- (4) *This clause applies despite any other provisions within Clause 4.1*

5.1.2 Turnock Street Precinct – Design Excellence to enable increase in FSR

Clause 7.18 Design Excellence in the Turnock Street Precinct

- (1) *The objective of this clause is to deliver the highest standard of architectural, urban and landscape design in the extension of the Kingscliff Town Centre along Turnock Street to achieve densification, reduced building footprints and increased green space in this strategic area.*
- (2) *This clause applies to development that is the erection of a new building on land shown with orange lines on the Design Excellence Map.*
- (3) *Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.*
- (4) *In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters –*
 - (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;*
 - (b) *whether the form and external appearance of the development will improve the quality and amenity of the public domain;*
 - (c) *how the proposed development responds to the environmental and built characteristics of the site and whether it achieves an acceptable relationship with other buildings on the same site and on neighbouring sites; and*
 - (d) *whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency.*
- (5) *A building demonstrating design excellence is eligible for an amount of additional floor space greater than the amount permitted as a result of the floor space ratio shown for the land on the Floor Space Ratio Map, but not exceeding 3:1.*

5.1.3 Business and Knowledge Precinct – Design Excellence to enable increase in height and FSR

Clause 7.19 Design Excellence in the Business and Knowledge Precinct

- (1) *The objective of this clause is to deliver the highest standard of architectural, urban and landscape design in the development of the Business and Knowledge Precinct to achieve densification, reduced building footprints and increased green space in this strategic area.*
- (2) *This clause applies to development that is the erection of a new building on land shown with black lines on the Design Excellence Map.*
- (3) *Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.*
- (4) *In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters –*
 - (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;*
 - (b) *whether the form and external appearance of the development will improve the quality and amenity of the public domain;*
 - (c) *how the proposed development responds to the environmental and built characteristics of the site and whether it achieves an acceptable relationship with other buildings on the same site and on neighbouring sites; and*

- (d) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency.
- (5) A building demonstrating design excellence –
 - (a) may have a building height that exceeds the maximum height shown for the land on the Height of Buildings Map but not exceeding 28m; and
 - (b) is eligible for an amount of additional floor space greater than the amount permitted as a result of the floor space ratio shown for the land on the Floor Space Ratio Map, but not exceeding 3.5:1.

6 PART 3 – JUSTIFICATION FOR THE OBJECTIVES, OUTCOMES AND THE PROCESS FOR IMPLEMENTATION

6.1 SECTION A – NEED FOR THE PLANNING PROPOSAL

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

There are no State-endorsed local strategic planning statements, strategic studies or reports relevant to the site. However:

- The Planning Priorities under the Tweed Local Strategic Planning Statement (LSPS) were adopted by Council on 4 June 2020; and
- The Tweed Shire Council KLP 2020 was adopted by Council on 4 June 2020.

As discussed in Section B below, the Planning Proposal is consistent with both the Planning Priorities under the Tweed LSPS and the intent of the KLP 2020.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is informed by the Masterplan Report (refer to **Appendix 1.4**) which provides a detailed analysis of the Masterplan Area's strategic context and site-specific considerations. The outcome of this analysis is used to develop a Concept Masterplan which responds to the surrounding context and environmental considerations including flooding and drainage, riparian and waterways, ecology, bushfire, Aboriginal and non-Aboriginal heritage, accessibility, landscape character, views and vistas, and utilities and infrastructure. The Masterplan Report concludes with a set of recommended changes to planning controls required to enable development consistent with the Concept Masterplan.

DPIE provided correspondence in February 2019 stating that the proposal did not meet the criteria for listing as a State Significant Precinct (SSP). Accordingly, a Planning Proposal is required to implement the changes to planning controls identified in the Masterplan Report. This has been confirmed in discussions with Tweed Shire Council.

This Proponent-led Planning Proposal is a better means of achieving the objectives than a Council-led Planning Proposal as this proposal assesses the following factors which have not been assessed in KLP 2020 which is intended to form the basis of Council's Planning Proposal (TSC Planning Committee Minutes 4 June 2020):

- Vegetation has been assessed in the Ecological Constraints Assessment (Ecoplanning 2020, refer to **Appendix 4.1**) which considers threatened species, populations and ecological communities listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and the NSW *Biodiversity Conservation Act 2016*. A Biodiversity Conservation Assessment Report is being prepared at the time of lodgement of this Planning Proposal;
- Vegetation in areas proposed to be parklands (to be zoned RE1 Public Recreation) has been assessed (in addition to assessment as part of the Ecological Constraints Assessment) as part of a comparative assessment with surrounding vegetation (proposed to be E2 Ecological Conservation) in order to quantify and record the condition and suitability of the various patches of vegetation for retention as parklands or ecological restoration (Elks 2020, refer to **Appendix 4.2**);
- Vegetation has been assessed having regard to bushfire hazards which supports the creation of Quigan Park so that a continuous run of fire-prone vegetation from Tweed Coast Road to the Mitchell Rainforest Snail covenant area, Kingscliff CBD and urban development is not created (Elks 2020, refer to **Appendix 4.2**; GHD 2020, refer to **Appendix 7.3**);
- The Government Architect NSW Draft Greener Places Design Guide (June 2020) which supports the NSW Government Premier's Priorities 'Greener Public Spaces' has been considered and over 12.5 hectares of quality green, open and public spaces is provided to be zoned RE1 Public Recreation with those green spaces located inland from the coastal foreshore where the large majority of Kingscliff's public open space is currently located (PDS 2020, refer to **Appendix 4.3**; Macroplan 2020, refer to **Appendix 6.2**);
- Flooding Strategies have been investigated in the Kingscliff Masterplan Regional Flood Impact Assessment Report (Venant Solutions 2020, refer to **Appendix 5.1**); see Flooding Strategies (KLP 2020, Section 2.7.3, p. 44);
- Drainage Strategies have been investigated in the Kingscliff Masterplan Stormwater Management Plan (Venant Solutions and E2 DesignLab, refer to **Appendix 5.2**); see Drainage Strategies (KLP 2020; Section 2.8.3, p. 46);
- TSC Traffic Studies have not considered linking Cudgen Precinct (Altona Road and Crescent Street) with Turnock Street extension and the Tweed Coast Road-Turnock extension intersection. KLP 2020 shows an indicative route for Turnock Street extension which does not consider engineering constraints in road curvature and intersection connections;
- KLP 2020 does not consider the importance of planning for Cudgen Precinct. The existing sand quarry operation has great flexibility in the location and timing of extraction and backfill operations and, with the certainty of the final land form which the Concept Masterplan shows and this Planning Proposal allows, operations can be directed to achieve these in a much shorter timeframe. These include raising land to 2.2m AHD for a major recreational precinct; relocating Altona Road and part of Crescent Street to their final location and linking with the major Tweed Coast Road intersection; raising land above Q100 flood level (3.2m AHD) with connection to high

ground to allow ecotourism or residential development; creation of flood free connection for the Kingscliff WWTP and reduced impact of major floods on existing residential areas in north Kingscliff (north of Ozone Street). All these have been considered, assessed and achieved in this Planning Proposal;

- The impact of increasing heights and FSR in strategic areas of urban expansion have been assessed in terms of character, public domain capital, site coverage, economic feasibility and sustainability, amenity considerations and visual impact (Aspect Architecture 2020, refer to **Appendix 3.1**; Zone Landscape Architecture, refer to **Appendix 3.2**; Macroplan 2020, refer to **Appendix 6.1**);
- Council community consultation (Enquiry by Design Workshop 2015 and KLP Shopfront Exhibition 2016) and draft KLP versions have been considered which supported increased heights, reflecting Kingscliff's role as a host for Tweed Valley Hospital, Kingscliff TAFE and high school and the Business and Knowledge Precinct which marks Kingscliff as a sub-regional centre;
- A key recommendation from the KLP Shopfront Exhibition Feedback Report (2016) being to "further understand the interrelationship of different building height and density scenarios over Kingscliff's greenfield development sites" which was not undertaken by Council has been assessed as part of this Planning Proposal (Aspect Architecture 2020, refer to **Appendix 3.1**);
- Community views concerning options for the future of "Sugar Mill Park" and "Quigan Park" as parklands (proposed by the Proponent) or as ecological conservation (proposed by TSC), not previously presented to the community, have been assessed as part of this process through an online presentation and survey which garnered more than 240 survey responses; and
- Opportunities for flexibility of housing forms and recreation areas on greenfield land are considered and appropriate zoning and lot size is provided avoiding the need for subsequent "housekeeping" rezoning.

6.2 SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

6.2.1 North Coast Regional Plan 2036 (DPE 2017)

The North Coast Regional Plan (NCRP) 2036 (Department of Planning and Environment 2017) establishes a 20-year vision for the North Coast as *The best region in Australia to live, work and play thanks to its spectacular environment and vibrant communities*. It recognises the Pacific Highway's crucial role within the region, linking Sydney and the burgeoning South East Queensland (SEQ) region via a series of "Regional Cities" (Port Macquarie, Coffs Harbour, Lismore and Tweed Heads) and "Strategic Centres" (Grafton and Ballina). Tweed Heads, which includes Kingscliff, is identified as a Regional City and whilst the broader Tweed Shire is "the gateway between the North Coast and South East Queensland", Kingscliff is recognised as "an important centre [that] will service the growth of the Tweed Coast's network of villages." (DPE 2017, p. 70). To achieve the vision, the Department of Planning and Environment (DPE) established:

- Four regionally-focussed goals supported by 25 directions and 80 actions;

- Local Government Narratives for each of the LGAs forming the North Coast Region; and
- Urban Growth Area and Important Farmland Interim Variation Criteria.

The following sections will address the Planning Proposal's consistency with each of the above.

NCRP Goals, Directions and Actions

The Planning Proposal is generally consistent with each of the actions (refer to **Appendix 2.2**) under the NCRP. Where there are differences, these generally relate to the Structure Plan Map (refer to **Figure 9**):

- Western end of the West Kingscliff Precinct - enables development within the northern portion of Lot 4 DP727425, identified as 'Non-Urban Area' (DPE 2017, p. 30) / 'Investigation Area – Urban Land' (DPE 2017, p. 71) under the NCRP.
- Eastern end of the West Kingscliff Precinct: It is proposed to rezone a portion of the land identified as 'Urban Renewal' (DPE 2017, p. 30) to E2 Environmental Conversation to reflect the vegetation located in this area.

The variation to the western end of the West Kingscliff Precinct is the only variation seeking to enable development within a Non-Urban Area (the second variation seeks to conserve an area of native vegetation). Accordingly, only this area is considered against and found to be consistent with the NCRP Urban Growth Area Variation Principles and Important Farmland Interim Variation Criteria (discussed below).

NCRP Tweed Local Government Narrative

The Planning Proposal is consistent with the priorities set in the Tweed Local Government Narrative (refer to **Table 3**):

Table 3: Assessment against the NCRP Tweed Local Government Area Narrative Priorities

PRIORITIES:	COMMENT:	PLANNING PROPOSAL:
<ul style="list-style-type: none">▪ Regional priorities:<ul style="list-style-type: none">– Manage and support growth in Tweed Heads;– Foster stronger alignment and integration with SEQ and adjoining LGAs such as Byron, Ballina and Lismore; and– Deliver housing and jobs growth in Tweed Heads, Murwillumbah and Pottsville.	<p>The Planning Proposal responds to the Tweed Valley Hospital, SEQ and Gold Coast Airport in the following ways:</p> <ul style="list-style-type: none">▪ Tweed Valley Hospital now under construction opposite Kingscliff TAFE and Kingscliff High School, resulting in a new health and education precinct which enables:<ul style="list-style-type: none">– The staged development of 2,100 diverse dwellings which may prove an attractive option for hospital and TAFE staff and	CONSISTENT

<ul style="list-style-type: none"> ▪ Economy and employment: <ul style="list-style-type: none"> – Foster the growth of knowledge-based education and health-services industries within the Southern Cross University and the Tweed Hospital precincts. – Maximise opportunities associated with the growth of SEQ. – Promote economic diversification and business, industrial and aviation- industry employment growth by leveraging opportunities related to the Gold Coast Airport. – Deliver new employment and business park opportunities at Kingscliff, Pottsville and Murwillumbah. ▪ Identify opportunities to expand nature-based adventure and cultural tourism places and enhance visitor experiences associated with the areas such as the Wollumbin, Mebbin, Mount Jerusalem and Nightcap national parks. 	<p>students and those working in Kingscliff and the Business and Knowledge Precinct;</p> <ul style="list-style-type: none"> – The development of commercial offices in the Turnock Street Precinct and the Business and Knowledge Precinct which may prove an attractive option for providers of health-related services associated with the hospital such as specialist clinics, allied health, labs and the like; – The possibility of an educational institution in the Business and Knowledge Precinct; and – The development of Sugar Mill Parklands adjoining the hospital which will provide passive recreation opportunities for Kingscliff residents and for hospital staff, visitors and patients. <p>CONSISTENT</p> <p>SEQ and Gold Coast Airport (12 kilometres to the north, 12 minutes' drive by car): Enabling the development of the Business and Knowledge Precinct, anticipated to provide new offices, innovative industrial and potential tertiary educational facilities which will benefit from accessibility to the Pacific Highway which provides direct access to SEQ markets and domestic and international markets via the Gold Coast Airport.</p> <p>The creation/dedication of Sugar Mill Parklands which presents an excellent opportunity for forest nature-based shaded walks, bike riding, family outings and a tourist attraction distinct from the beach-side coastal strip, as well as a potential site of significance highlighting the history of the Cudgen Sugar Mill archaeological remains.</p>
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- Housing:
 - Deliver housing in Kingscliff, Cobaki, Bilambil, Terranora, and Kings Forest, and explore additional Greenfield opportunities at Dunloe Park in Pottsville.
 - Enhance housing diversity by increase the number of homes in Tweed Heads, Kingscliff, Cobaki, Kings Forest and Dunloe Park.
- The Planning Proposal enables the staged delivery of up to 2,100 dwellings primarily within established urban or urban growth areas in Kingscliff as identified under the NCRP and KLP 2020. The new dwellings are to be delivered within an R1 General Residential zone, retained in parts of the Masterplan Area and proposed in others, enabling a diversity of dwelling types which can be delivered in response to the changing market over the lifetime of the development.

CONSISTENT

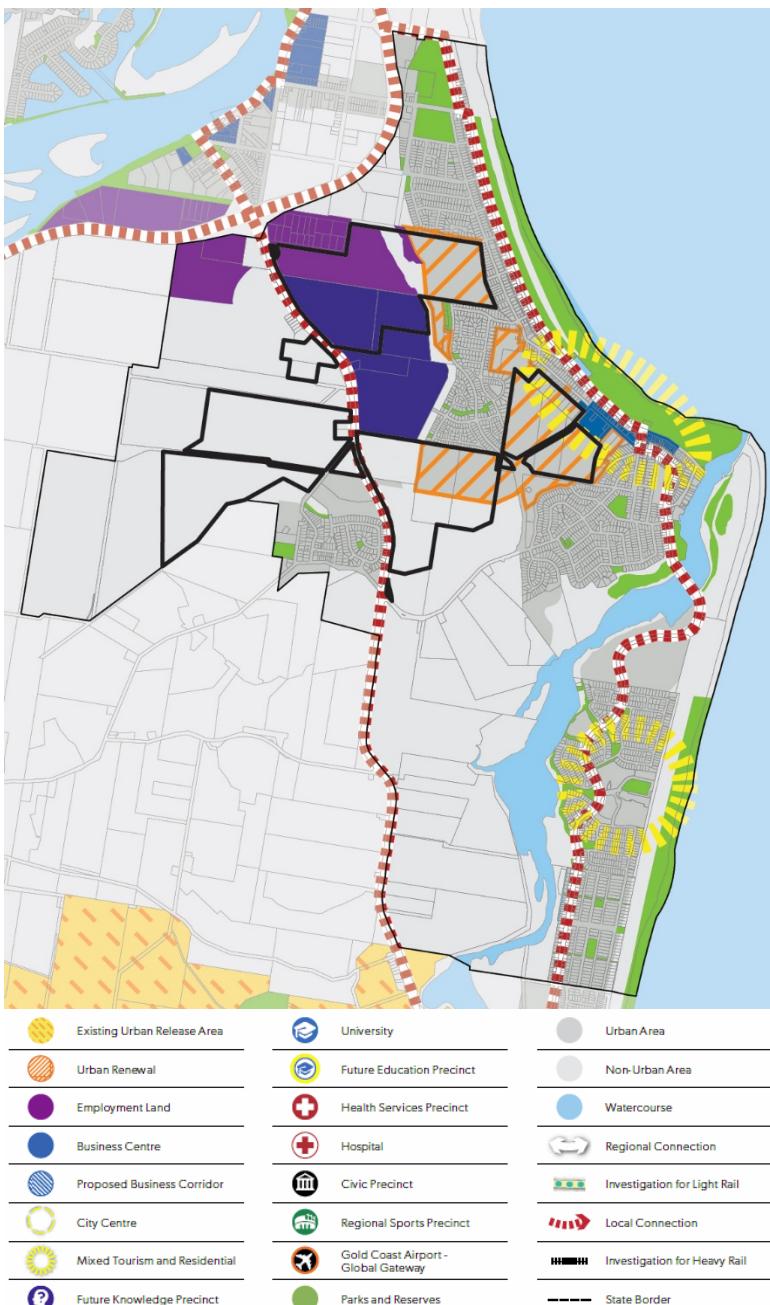


Figure 9: Excerpt Tweed Regional City Structure Plan (DPE 2017, Fig. 5, p. 30) with Masterplan Area Superimposed

NCRP Urban Growth Area and Important Farmland Interim Variation Criteria

The Planning Proposal is consistent with the NCRP Urban Growth Area (refer to **Table 4**) and Important Farmland Interim Variation Criteria (refer to **Table 5**).

Table 4: Assessment against the NCRP Urban Growth Area Variation Criteria

URBAN GROWTH AREA VARIATION PRINCIPLES:	COMMENT:	PLANNING PROPOSAL:
Policy	<p>The variation needs to be consistent with the objectives and outcomes in the North Coast Regional Plan 2036 and any relevant Section 117 Directions and State Environmental Planning Policies, and should consider the intent of any applicable local growth management strategy.</p>	<p>The Planning Proposal is consistent with the Goals, Directions and Actions of the NCRP, except where it enables development within the Non-Urban Area in the West Kingscliff Precinct. Development within this area is:</p> <ul style="list-style-type: none"> ▪ Consistent with the Goals, Directions and Actions of the NCRP (refer to Appendix 2.2), with particular reference to Figure 18 of the NCRP (DPE 2017, p. 71) where the entirety of the lot is identified as 'Investigation Area – Urban Land'; ▪ Either consistent with the Section 9.1 (formerly Section 117) Ministerial Directions or is permitted to be inconsistent with the directions by way of the "Consistency" provisions under each direction (refer to Appendix 2.5 of this report); ▪ Consistent with all relevant SEPPs (refer to Sections 6.2.8-6.2.20 of this report); and ▪ Consistent with the intent of the applicable local growth

URBAN GROWTH AREA VARIATION PRINCIPLES:		COMMENT:	PLANNING PROPOSAL:
		management strategy, enabling development within generally the same area as identified under KLP 2020.	
Infrastructure	<p>The variation needs to consider the use of committed and planned major transport, water and sewerage infrastructure, and have no cost to government.</p> <p>The variation should only be permitted if adequate and cost-effective infrastructure can be provided to match the expected population.</p>	<p>The Planning Proposal is supported by an Essential Services Report (Mortons Urban Solutions 2020, refer to Appendix 5.3) which demonstrates that development enabled by the Planning Proposal, including providing for the forecast ultimate development post-2036 and the proposed variation beyond the established urban and urban growth areas, is capable of being adequately serviced.</p>	CONSISTENT
Environmental and farmland protection	<p>The variation should avoid areas:</p> <ul style="list-style-type: none"> ▪ of high environmental or heritage value; and ▪ mapped as important farmland, unless consistent with the interim variation criteria prior to finalising the farmland mapping review. 	<p>The proposed minor variation to the urban area in the western end of the West Kingscliff Precinct will not result in the loss of any regionally significant agricultural land as identified under the NCRP, nor will it result in the loss of land with heritage value. It will result in a minor loss of vegetation due to the proposed Turnock Street extension, which is critical to the road network:</p> <ul style="list-style-type: none"> ▪ A route has been agreed between TSC and Gales; ▪ Justified in the Ecological Constraints Assessment Ecoplanning 2020, refer to Appendix 4.1); and ▪ Offset in the eastern end of the same precinct by the 	CONSISTENT

URBAN GROWTH AREA VARIATION PRINCIPLES:	COMMENT:	PLANNING PROPOSAL:
	rezoning of substantial identified Urban Renewal Areas which are currently zoned R1 General Residential areas to E2 Environmental Conservation to reflect the vegetation in this area.	
Land use conflict	The variation must be appropriately separated from incompatible land uses, including agricultural activities, sewage treatment plants, waste facilities and productive resource lands.	The land subject to urban growth area variation does not interface with agricultural activities. The variation in the West Kingscliff Precinct is located more than one kilometre from the West Kingscliff Waste Water Treatment Plant.
Avoiding risk	<p>The variation must avoid physically constrained land identified as:</p> <ul style="list-style-type: none"> ▪ flood prone; ▪ bushfire-prone; ▪ highly erodible; ▪ having a severe slope; and ▪ having acid sulfate soils. 	<p>The Masterplan Area does not include highly erodible or severe sloping lands. The Planning Proposal enables development which will avoid the remaining physical constraints in the following ways:</p> <ul style="list-style-type: none"> ▪ Flooding and acid sulfate soils: Filling of urban areas to avoid flood impacts in accordance with Council's DCP A3 and 2.2m AHD in open space areas avoids the need to excavate into potential acid sulfate soils. ▪ Bushfire: Implementation of APZs in accordance with PBP 2019 as outlined in Bushfire Hazard Assessment (GHD 2020, refer to Appendix 7.3).

URBAN GROWTH AREA VARIATION PRINCIPLES:		COMMENT:	PLANNING PROPOSAL:
Heritage	The variation must protect and manage Aboriginal and non-Aboriginal heritage.	<p>The ACHA (Everick Heritage 2020, refer to Appendix 7.1) determined that all Aboriginal heritage areas identified within or proximate to the Masterplan Area under the Aboriginal Cultural Heritage Management Plan (TSC 2018) are either incorrectly placed or are outside the development footprint or the Masterplan Area:</p> <p>The Statement of Heritage Impact (Everick Heritage 2020, refer to Appendix 7.2) identified a single listed heritage item that occurs within the Masterplan Area, being the archaeological heritage item Cudgen Sugar Mill Remains (Item No. A2) at Lot 3 DP828298. The Planning Proposal seeks to enable the development of a café and park around the remains, creating new passive open space for current and future residents and visitors of the locality, as well as staff, visitors and patients of the adjoining Tweed Valley Hospital. The vision for the former Cudgen Sugar Mills site is supported by the Statement of Heritage Impact (Everick Heritage 2020, refer to Appendix 7.2) which forms part of this Planning Proposal.</p>	CONSISTENT
Coastal area	Only minor and contiguous variations to urban growth areas in the coastal area will be considered due to its environmental sensitivity and the range of land uses	Proposed variation to the urban growth area which enables urban development is limited to the western end of West Kingscliff Precinct. This is:	CONSISTENT

URBAN GROWTH AREA VARIATION PRINCIPLES:	COMMENT:	PLANNING PROPOSAL:
competing for this limited area.	<ul style="list-style-type: none">▪ Consistent with the Goals, Directions and Actions of the NCRP (refer to Appendix 2.2), with particular reference to Figure 18 of the NCRP (DPE 2017, p. 71) where the entirety of the lot is identified as 'Investigation Area – Urban Land';▪ Either consistent with the Section 9.1 (formerly Section 117) Ministerial Directions or is permitted to be inconsistent with the directions by way of the "Consistency" provisions under each direction (refer to Appendix 2.5 of this report);▪ Consistent with all relevant SEPPs (refer to Sections 6.2.8-6.2.20 of this report);▪ Consistent with the intent of the applicable local growth management strategy, enabling development within generally the same area as identified under KLP 2020; and▪ Offset in the eastern end of the same precinct by the rezoning of substantial identified Urban Renewal Areas to E2 Environmental Conservation to reflect the vegetation in this area.	

Table 5: Assessment against the NCRP Important Farmland Interim Variation Criteria

IMPORTANT FARMLAND INTERIM VARIATION CRITERIA:	COMMENT:	PLANNING PROPOSAL:
Agricultural capability	The land is isolated from other important farmland and is not capable of supporting sustainable agricultural production	The proposed variation will not result in the loss of any regionally significant land identified under the NCRP. Development within this area is consistent with KLP 2020 and Figure 18 of the NCRP (DPE 2017, p. 71) where the entirety of the lot is identified as 'Investigation Area – Urban Land'. CONSISTENT
Land use conflict	The land use does not increase the likelihood of conflict and does not impact on current or future agricultural activities in the locality	The land subject to urban growth area variation will not interface with agricultural activities. CONSISTENT
Infrastructure	The delivery of infrastructure (utilities, transport, open space, communications and stormwater) required to service the land is physically and economically feasible at no cost to State and Local Government	The Planning Proposal is supported by an Essential Services Report (Mortons Urban Solutions 2020, refer to Appendix 5.3) which demonstrates that development enabled by the Planning Proposal, including the proposed variation beyond the established urban and urban growth areas, is capable of being adequately serviced. CONSISTENT
Environment and heritage	The proposed land uses do not have an adverse impact on areas of high environmental value, and Aboriginal or historic heritage significance	The ACHA (Everick Heritage 2020, refer to Appendix 7.1) determined that all Aboriginal heritage areas identified within or proximate to the Masterplan Area under the Aboriginal Cultural Heritage Management Plan (TSC 2018) are either incorrectly placed or are outside of the development footprint or the Masterplan Area. CONSISTENT
		The Statement of Heritage Impact (Everick Heritage 2020, refer to Appendix 7.2) identified a single listed heritage item that occurs within the Masterplan Area, being the

IMPORTANT FARMLAND INTERIM VARIATION CRITERIA:	COMMENT:	PLANNING PROPOSAL:
	<p>archaeological heritage item Cudgen Sugar Mill Remains (Item No. A2) at Lot 3 DP828298. The Planning Proposal seeks to enable the development of a café and park around the remains, creating new passive open space for current and future residents and visitors of the locality, as well as staff, visitors and patients of the adjoining Tweed Valley Hospital. The vision for the former Cudgen Sugar Mills site is supported by the Statement of Heritage Impact (Everick Heritage 2020, refer to Appendix 7.2).</p>	
Avoiding risk: Risks associated with physically constrained land are identified and avoided, including: <ul style="list-style-type: none"> ▪ flood prone; ▪ bushfire-prone; ▪ highly erodible; ▪ severe slope; and ▪ acid sulfate soils. 	<p>The Masterplan Area does not include highly erodible or severe sloping lands. The Planning Proposal enables development which will avoid the remaining physical constraints in the following ways:</p> <ul style="list-style-type: none"> ▪ Flooding and acid sulfate soils: Filling of urban areas to avoid flood impacts in accordance with Council's DCP A3 and 2.2m AHD in open space areas avoids the need to excavate into potential acid sulfate soils. Impacts outside of the development have been considered and deemed acceptable in the flooding and stormwater reports. ▪ Bushfire: Peripheral roads separate bushland from urban development. Implementation of APZs in accordance with PBP 2019 at DA stage (GHD 2020, refer to Appendix 7.3). 	CONSISTENT

6.2.2 Northern Councils E Zone Review Final Recommendations Report (DPE 2015)

DPE conducted an E (Environmental) Zone Review and prepared a Final Recommendations Report on behalf of the Far North LGAs (Ballina, Byron, Kyogle, Lismore and Tweed) to set criteria for E2 Environmental Conservation and E3 Environmental Management zoning. The purpose of the Final Recommendations Report is to ensure that the application of these zones is justified by, based on validated ecological evidence, the “primary use” of the land (the main use for which the land has been used for the past two years). The Final Recommendations Report is given statutory weight under the Section 9.1 Ministerial Directions (Direction 2.5).

This Planning Proposal seeks to rezone certain lands to E2 Environmental Conservation in accordance with the supporting Ecological Constraints Assessment (Ecoplanning 2020, refer to **Appendix 4.1**). Lands proposed to be zoned E2 Environmental Conservation are generally consistent with the Final Recommendations Report, being identified as Littoral Rainforest or Coastal Wetlands, Endangered Ecological Communities, Key Threatened Species Habitat, over-cleared vegetation communities and culturally significant lands. Certain lands identified as Coastal Wetlands under State Environmental Planning Policy (Coastal Management) 2018 (the Coastal Management SEPP) are not proposed to be zoned E2 Environmental Conservation and instead retain their existing urban-capable zoning however most of the mapped Coastal Wetlands are to be retained and managed in-perpetuity by a Biodiversity Stewardship Agreement as detailed in the Ecological Constraints Assessment (Ecoplanning 2020, refer to **Appendix 4.1**).

A Biodiversity Certification Assessment Report under the Biodiversity Certification Act 2016 is being prepared to seek Biodiversity Certification over the urban areas of the Masterplan Area, excluding areas which are already approved for development (in the Turnock Street Precinct and Cudgen Precinct sand extraction portion). A Biodiversity Stewardship Agreement to retain and manage lands in-perpetuity is proposed for lands to be zoned E2 Environmental Conservation.

6.2.3 Draft Greener Places Design Guide (GA NSW 2020)

The Draft Greener Places Design Guide (GA NSW 2020) provides a guideline on how to design, plan, implement and create a network of green infrastructure in urban areas. The Greener Places Design Guide framework supports the NSW Government Premier's Priorities 'Greener Public Spaces' which aims to increase the proportion of homes in urban areas within 10 minutes' walk of quality green, open and public spaces, by providing a consistent method to plan for green infrastructure.

The Sugar Mill Parklands, Innovation Park and Quigan Park proposed under the Planning Proposal and the retention of vegetation adjoining the parklands as E2 Ecological Conservation (refer to **Figures 10-13**) are consistent with the three major components which make up the green infrastructure network:

- Open space recreation - green infrastructure for people
- Urban tree canopy - green infrastructure for climate adaptation and resilience
- Bushland and waterways - green infrastructure for habitat and ecological health

In the images below graphics are superimposed on actual photos of parkland trees and location, except for the addition of the rainforest corridor graphic along Quigan Street (refer to **Figure 10**) which is proposed to provide an elevated land connection between the existing Mitchell's Rainforest Snail covenant area and the proposed E2 Environmental Conservation zone to the west.



Figure 10: Quigan Park showing the proposed rainforest corridor along Quigan Street for the Mitchell Rainforest Snail (POD Group 2020)



Figure 11: Rainforest Track (POD Group 2020)



Figure 12: Sugar Mill Park, North (POD Group 2020)



Figure 13: Sugar Mill Park, South (POD Group 2020)

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

6.2.4 Tweed Local Strategic Planning Statement (TSC 2020)

The Draft Tweed Local Strategic Planning Statement (LSPS) was presented to Council's Planning Committee meeting on 4 June 2020. The Ordinary Council Meeting of the same date adopted the Planning Committee Recommendations as follows:

- The attached draft Local Strategic Planning Statement be adopted as amended and discussed in this report;
- The Local Strategic Planning Statement be forwarded to the Department of Planning, Industry and Environment to be finalised for publishing on the NSW Planning Portal before 1 July 2020, as required by Section 3.9 of the Environmental Planning and Assessment Act, 1979 (NSW); and
- A notice be published in the Tweed Link notifying of the adoption of the Local Strategic Planning Statement.

The Planning Proposal is consistent with the LSPS Planning Priorities (refer to **Appendix 2.3**).

6.2.5 Kingscliff Locality Plan (TSC 2020)

The KLP 2020 is the fourth iteration of the document prepared by TSC to provide a 30-year vision and planning framework to guide the future growth and expansion of the Kingscliff locality. It provides a detailed review of Kingscliff's environmental context, demographic and community context, urban structure, economic and retail context, traffic, access and movement and service infrastructure to define a structure plan for the KLP Study Area. The Masterplan Area forms the majority of greenfield sites in the KLP Study Area (LFA 2020, Masterplan Report, Fig. 3, p. 3, refer to **Appendix 1.4**) and accounts for approximately 70% of the residential growth in the KLP Study Area (Macroplan 2020, refer to **Appendix 6.2**).

The KLP Study Area is developed further in 12 Precinct Plans, each of which is supported by a set of strategies. Those Precinct Plans relating to the Masterplan Area include the Turnock Street, North Kingscliff, Business and Knowledge, West Kingscliff, Cudgen and Green Edges Precinct. This section will assess the Planning Proposal's consistency with the KLP 2020 precinct-by-precinct.

It should be noted that while the precincts referred to below are similar to those referred to by the same name in the KLP 2020, they are not exactly the same. For instance, the Business and Knowledge Precinct in the KLP encompasses a larger area than the Business and Knowledge Precinct on the Proponent's land.

Turnock Street Precinct



Figure 14: Comparison between the Indicative Turnock Street Precinct Structure Plan (TSC 2020, Fig. 8.10, p. 225) and proposed land use zoning



Figure 15: Turnock Street Precinct (view north)

Turnock Street precinct is on both sides of Turnock Street, immediately to the west of the existing Kingscliff Town Centre. Quigan Park can be seen in the foreground; it will provide amenity to residents and a bushfire buffer to an otherwise continuous run of fire-prone vegetation from Tweed Coast Road to the Kingscliff Town Centre and critical Mitchell Rainforest Snail habitat area to its east.

Land Use Zoning

At present the entirety of the Turnock Street Precinct is zoned R1 General Residential. The Indicative Turnock Street Precinct Structure Plan under the KLP 2020 proposes rezoning the area along Turnock Street to B4 Mixed Use and retaining the R1 General Residential zoning and/or rezoning parts to R3 Medium Density Residential within the Masterplan Area, with areas set aside for business, community, education (preschool), open space, ecologically significant land and offset planting areas (KLP 2020, p. 224).

The Planning Proposal, informed by the Masterplan Report attached in **Appendix 1.4**, proposes to rezone the area along Turnock Street from R1 General Residential to B4 Mixed Use as a continuation of the Kingscliff Town Centre and otherwise retain the existing R1 General Residential zone with a new E2 Environmental Conservation and RE1 Public Recreation zone in the southern part of the precinct. The rationale for the proposed zonings is as follows:

- R1 General Residential - this zone permits a range of uses with consent including centre-based childcare facilities, community facilities, neighbourhood shops, recreation areas (open space), dwelling houses, multi dwelling housing, residential flat buildings and shop top housing. Shops are also an additional permitted use in Lot 13 DP871753 under Schedule 1 of TLEP 2014. Development consistent with the KLP Indicative Structure Plan can be achieved under the existing R1 General Residential zone with changes to the Mixed Use zone to reflect its commercial character and environmental conservation and parkland areas in the southern part of the precinct.

- B4 Mixed Use - this zone permits shop top housing, retail and commercial uses and will extend the Kingscliff Town Centre west along Turnock Street as envisioned in the KLP 2020. While most uses can be achieved in the existing R1 General Residential zone, the R1 zone does not permit commercial premises which are permitted in the B4 zone. Additional Permitted Uses of Residential Flat Buildings are proposed in the B4 zone north of Turnock Street (Masterplan Report, refer to **Appendix 1.4**).
- E2 Environmental Conservation - this zone ensures the protection of high value vegetation identified under the Ecological Constraints Assessment (Ecoplanning 2020, refer to **Appendix 4.1**).
- RE1 Public Recreation - this zone is positioned within vegetation identified mainly as exotic grassland under the Ecological Constraints Assessment (Ecoplanning 2020, refer to **Appendix 4.1**; Elks 2020, refer to **Appendix 4.2**). It facilitates retaining more than 1 hectare of existing mainly exotic grassland as a park and further new parkland to its north (north of the relocated drain) which will be adjacent to mixed use and residential development to its north. It will also benefit existing residences to its south with walking and cycling connections between Turnock Street and Quigan Street, while retaining existing vegetation and providing a bushfire buffer to the critical Mitchell Rainforest Snail (MRS) habitat area and existing residences and urban structures to its east (Elks 2020, refer to **Appendix 4.2**; GHD 2020, refer to **Appendix 7.3**).

Minimum Lot Size

The Planning Proposal proposes to reduce the minimum lot size from 400sqm to 300sqm in the Turnock Street Precinct and additionally to permit a minimum lot size of 200sqm by way of an additional Clause 4.1E as detailed in Section 5.2 Written Instrument Amendments. The potential for attached dwellings on 200sqm lots would be most suitable for the R1 General Residential zone areas in the northern part of the Turnock Street Precinct. The rationale for reduction of Minimum Lot Size to 200sqm is detailed below in West Kingscliff Precinct, which is immediately west of the Turnock Street Precinct in which 200sqm lots are similarly proposed.

Height of Buildings

Strategy Numbers 3 and 4 under the KLP 2020 Indicative Structure Plan propose retaining maximum height of 13.6 metres for mixed commercial and residential uses along Turnock Street and lowering maximum height to 12.2 metres along the western portion of Turnock Street adjoining the town centre expansion area. Under the Planning Proposal, it is proposed to retain and increase the maximum height of buildings to (refer to maps in **Section 7** of this report):

- 16.6 metres in the proposed B4 Mixed Use zones along Turnock Street adjoining the existing town centre, enabling a five-storey built form with ground floor retail and first floor commercial uses;
- 16.6 metres in part of the R1 General Residential zone north of and adjoining Turnock Street, enabling a five-storey built form of residential flat buildings or shop top housing; and
- 13.6 metres in the remainder of the precinct to enable development to a height of three or four storeys.

The proposal to increase FSR in areas with increased height (in accordance with the Design Excellence provision as detailed in Section 5.2 Written Instrument Amendments) is discussed below.

The 16.6 metre height limit enables the following outcomes, noting that the intention of the maximum height enables the delivery of a varied product of up to five-storey buildings in the zone:

Entrance Statement and Gateway at the Commercial Heart of Kingscliff

The proposed increase in height provides an entrance statement and gateway to the retail and commercial heart of Kingscliff, noted in KLP 2020 (p. 153) as being sub-optimal at present: “*There is currently no recognisable town centre or town heart which defines the retail centre. It is currently dispersed between the lineal Marine Parade shopping strip and the internalised Kingscliff Village Shopping Centre*”. The development of the Turnock Street Precinct with buildings to a height of five storeys along an impressive boulevard will support Kingscliff’s “*natural assertion as a sub-regional centre to the Tweed Coast*” (KLP 2019, p. 112) and reflect its role as a coastal city of more than 20,000 residents. The additional height will enable development with greater heights to emphasise key corner and gateway locations.

Addressing the Needs of the Growing Population

Developable land in Kingscliff is limited due to flooding or ecological constraints. Accordingly, it is important to maximise residential densities in appropriate locations to achieve the dwelling targets of 2,100 dwellings (2036) and 4,600 (longer term). The proposed increase in maximum height enables greater residential densities in the Turnock Street Precinct, close to the beach and established retail, commercial and social infrastructure.

The KLP highlights Kingscliff’s role “*as a coastal town [which] has more recently been emphasised by residential land releases on its southern periphery including Casuarina and Miramar, future release area of Kings Forest and development of the Tweed Valley Hospital ... Kingscliff township will continue to be elevated as a destination for higher order services, recreation retail, food and beverage offer and access to the beach and creek*” (KLP 2020, p. 112) and its “*natural assertion as a sub-regional centre to the Tweed Coast*” (KLP 2019, p. 112). In light of the large predicted increase in population external to Kingscliff as well as in Kingscliff itself, increasing height and density in the Turnock Street Precinct will ensure that the needs of the increased population are met.

Efficient use of infrastructure

Increased height in the B4 Mixed Use zone in the Turnock Street Precinct and along the northern side of Turnock Street in the R1 Residential zone allows Kingscliff’s housing targets to be met within a smaller, more efficient footprint.

- Mitigating the harmful effects of urban sprawl, including:
 - Environmental impacts - development of environmentally sensitive lands, requiring vegetation removal and disruption of natural ecosystems.
 - Economic impacts - development of important agricultural lands which, while potentially less valuable than residential land, are critical to the regional economy.
 - Social - location of housing far from existing services and opportunities increases reliance on private vehicles.
- Allowing for surplus land to remain undeveloped or reserved for future parklands, recreation or future development when the need again arises;
- Maximising the efficiency of infrastructure (more people using roads, footpaths, carparks, parks, sewer, water and telecommunications over a shorter distance, avoiding high installation and maintenance costs associated with providing infrastructure over great distances);

- Enabling the provision of higher quality infrastructure (e.g. small collection of a variety of high quality parks to service more people in a tight-knit, compact community, rather than more, lower quality parks to service the population spread across a larger area);
- Allowing for greater residential densities closer to existing, established businesses and services in the Kingscliff Town Centre, both stimulating their business and creating demand for new businesses which employ more local residents; and
- Creating a vibrant, vital and walkable centre which services and attracts a larger catchment in the Tweed region, minimising the need for residents of Casuarina, Bogangar/Cabarita Beach and Pottsville to travel longer distances for services and opportunities.

Supporting these sentiments, the draft KLP 2016 stated that:

- “Provide opportunity for increasing building heights for mixed use and residential flat buildings (16.6m) heading west along Turnock Street to take advantage of the close proximity to the existing centre and encouragement of higher densities along principle movement corridors” (p. 34);
- “Facilitate town centre staged growth and expansion along Turnock Street to include an expanded range of retail, commercial, community, open space, tourist and residential uses through appropriate land use zoning with building height to 16.6m” (p. 36); and
- “Facilitate residential flat building development heading west along Turnock Street through a R3 or R1 zoning with a building height to 16.6m” (p. 36).

Enabling Efficient Mixed Use Development

Should development in the B4 Mixed Use zone comprise ground floor retail, first floor commercial and upper level residential, an overall three-storey height is insufficient to achieve the residential densities necessary to sustain a vibrant and vital town centre, as well as provide a substantial contribution to the dwelling targets and mixes desired under the KLP. Accordingly, a maximum height limit which enables development to a height of five storeys is necessary as it will allow for up to three residential levels (assuming ground floor retail and first floor commercial) which will lead to a feasible option for including a residential component to the mixed use building. Additional height will lead to an efficient use of land and contribute to provide additional unit development in the locality.

Visual Impact

The proposed increase in height enables flexibility in architectural form. It is envisaged that the fifth storey element of proposed buildings will be set back in order to reduce its visual impact. The three metre increase in maximum height above current controls and the additional storey it enables will have minimal additional impact, particularly if the upper level is set back as shown in the Kingscliff Locality Plan Community Workshop 03 Panel 08 (see **Figure 16** below). Additional measures such as street tree planting and landscaping will further mitigate the visibility of upper levels when viewed from the street.

The existing building height limit in the Kingscliff Town Centre is 13.6m which can accommodate a 4 storey building. Proposed increases to 16.6m would result in an additional storey.

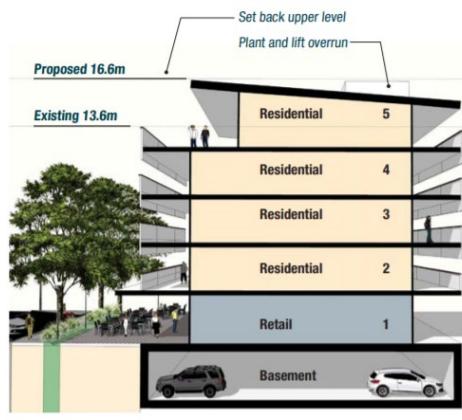


Figure 16: Kingscliff Locality Plan Community Workshop 03 Panel 08

The Kingscliff Character Assessment Report (Aspect Architecture 2020, refer to **Appendix 3.1**) finds that the one-storey increase in maximum building heights will not impact the beachfront or Marine Parade or alter the character of Kingscliff due to the location of the taller buildings which are located west of and perpendicular to the beach, as seen in the drone image in **Figure 17** below. The Kingscliff Character Assessment Report contains recommendations to ensure that increased height and FSR result in minimal additional visual impact and provides increased public domain.

The Visual Impact Assessment (Zone Landscape Architecture 2020, refer to **Appendix 3.2**) finds that the "Significance of Impact" resulting from the increase in maximum building height in the Turnock Street Precinct from both 12.2 meters (for residential zones under the KLP 2020) and 13.6 metres (TLEP 2014 and business zones under the KLP 2020) to 16.6 metres as being of "Minor to Nil" significance in terms of visual impact.



Figure 17: Kingscliff Town Centre, looking west. Higher storey buildings along Turnock Street will not impact on vital beach views or character (Aspect Architecture, refer to Appendix 3.1)

Increased car parking and traffic management

Increasing the maximum permitted height to 16.6 metres improves the economic feasibility of providing basement car parking for residents and workers, whilst retaining at-grade parking for ease of access to retail and services for visitors. This is supported by KLP 2019 (p. 128): "*Given the low set nature of the land (and high water table) along the greenfield development sites fronting Turnock Street, increase building height up to 16.6 m to enable low level car parking (below Turnock Street level), ground level retail and three stories of residential development to upper levels.*"

Additional general commentary concerning increase in height by one storey

The draft KLP 2016 recommended an increase in building height along Turnock Street Precinct to 16.6 metres which was explained in the KLP Exhibition Panel 8 (2016) 'Why have additional building height in Kingscliff?' as follows:

- Enables higher population density by using a smaller development envelope in centrally located well connected areas.
- Allows for shop-top housing and additional accommodation within the town centre contributing to town centre vibrancy.
- Contributes to Kingscliff's housing diversity to suit a range of people.
- Contributes to walkability and less car movements.
- Enables additional public domain and streetscape works as a result of developer contributions. (KLP Exhibition Panel 8, 2016)

The above provides support for increasing the maximum building height in this precinct.

Aspect Architecture 2020 (refer to **Appendix 3.1**) finds that increasing heights by one storey in the Turnock Street Precinct (from 13.6 metres to 16.6 metres), along with increased FSR (see below), will have substantial positive social and environmental impacts and will increase opportunities of housing diversity, increased jobs and growth and will enable greater architectural design flexibility and excellence in designing and expanding the Kingscliff Town Centre. The benefits of increased height and FSR where the visual impact of the increase is minimal as summarised as:

- Increased green and civic space;
- Flexibility for building articulation and massing through setbacks and additional levels that take the pressure off the floor plate size of the lower levels;
- Economic feasibility to increase GBA which will allow for more services and employment opportunities;
- Increase residential housing and options; and
- The opportunity for more people to live close to the town centre, services and employment.

Floor Space Ratio

The KLP 2020 retains or reduces the maximum height of buildings at 13.6 metres and does not contemplate an increase in FSR over the currently allowed 2:1 in Kingscliff. The report by Aspect Architecture 2020 (refer to **Appendix 3.1**) finds that due to the small size of most lots in Kingscliff, excluding the Proponent's landholdings, an FSR of 2:1 is unlikely to be achieved in practice and the FSR currently attained in Kingscliff is less than 2:1. The DCP 2020 states that "Development on any site within the Kingscliff Town Centre Precinct is not to exceed an FSR of 2:1 and is to have a minimum FSR of 1:1." (Section 3.6, Control C1). The DCP 2020 contemplates a bonus increase in FSR to 2.5:1 (Section 3.6, Control C2):

"In order to encourage the positive redevelopment of the Kingscliff Shopping Town site and town centre expansion on greenfield development sites along Turnock Street Council may permit a floor space bonus of up to 2.5:1 where the applicant prepares a Voluntary Planning Agreement with Council that would provide" the community benefits described in that section.

The area to which this applies is shown on the map below, which includes the Proponent's landholdings adjacent to the Kingscliff Shopping Village (south of Turnock Street) and the area north of Turnock Street. The Aspect Architecture analysis shows that the benefits that the DCP 2020 seeks to achieve by increasing the FSR to 2.5:1 cannot be achieved with the KLP 2020 building height limit of 13.6 metres (refer to **Appendix 3.1**, p. 30).

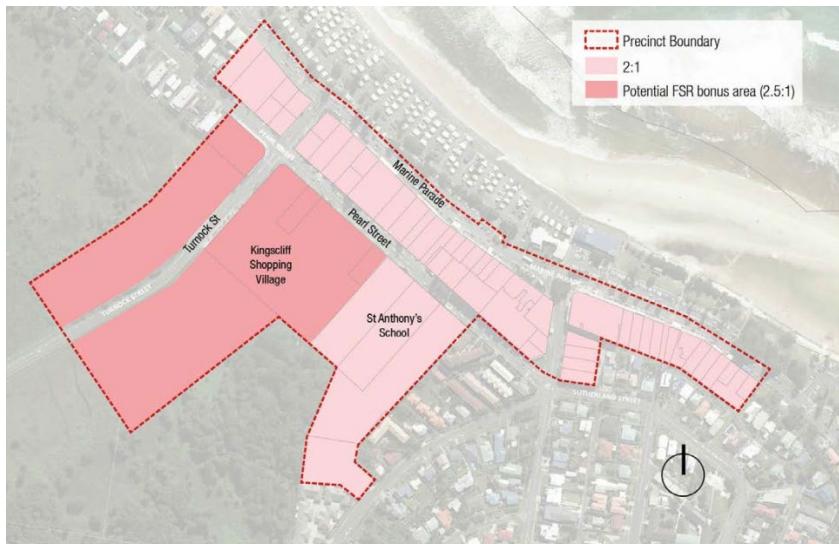


Figure 18: DCP 2020 Figure 3.8 Floor Space Ratio – Map of Extents

As assessment of building heights, FSR and site coverage undertaken by Aspect Architecture 2020 (refer to **Appendix 3.1**, Section 2.3.6) finds that comparing the current DCP controls with Strategic Density Controls (increased height and FSR and reducing site coverage):

- Provides 45% more gross floor area per building which means that a greater number of people can live in strategic areas close to the town centre, services and employment; and
- Achieves greater density with a reduced development footprint (from 80% to 70% site coverage) so that the area in which green and civic spaces can be created increases from 20% to 30% of the site, a 50% increase.

A summary of the advantages of increasing FSR and height relevant to Kingscliff can be summarised as follows:

- Efficient use of land which will in the long term reduce loss of farmland and/or ecologically sensitive areas and/or the loss of parkland;
- Encourages walking and cycling due to shorter distances to access services which results in less traffic than lower density development;
- Less infrastructure maintenance and less construction materials for roads and essential services than a less dense areas to accommodate the same population;
- Efficient delivery of services including public transport, community-based services, schools and waste collection;
- Creates an inviting and interactive scale of streetscape due to the increased green and civic area created due to lower site cover;
- Promotes social connectedness and vitality such as through increased vibrancy and increased pedestrian activity due to increased public domain areas;
- Reduces the economic costs of time spent travelling for commuting to employment and/or goods and services;
- Increases passive surveillance which is associated with lower crime and perceived safety;

- Increases viability of existing and future retail and commercial services due to a greater population density living in close proximity; and
- Encourages different housing types, provisions would allow flexibility of land use over time.

Increased FSR in order to allow the benefits described above is proposed through the Design Excellence clause (Turnock Street) as detailed in Section 5.2 Written Instrument Amendments above.

North Kingscliff Precinct



Figure 19: Comparison between the Indicative North Kingscliff Precinct Structure Plan (TSC 2020, Fig. 8.18, p. 243) and proposed land use zoning



Figure 20: North Kingscliff Precinct (view west) (Google Earth 2020)
North Kingscliff Precinct shown in the foreground is between Pearl Street residential developments and the north-south proposed E2 Environmental Conservation zone along the riparian corridor along Chinderah Drain

Land Use Zoning

At present the portion of the Masterplan Area within North Kingscliff Precinct is primarily zoned R1 General Residential under TLEP 2014 with a portion zoned IN1 General Industrial in the north-western part. The remainder is zoned 4(a) Industrial under TLEP 2000. The Indicative North Kingscliff Precinct Structure Plan under the KLP 2020 proposes rezoning the R1 General Residential and IN1 General Industrial zones to, within the Masterplan Area, R3 Medium Density Residential with R2 Low Density Residential along the northern and southern boundaries and land set aside for open space on the eastern boundary. The 4(a) Industrial zone is realigned and set aside for ecologically significant land and offset planting areas with a road cutting through to provide an east-west link between Kingscliff Street and Tweed Coast Road.

The Planning Proposal, informed by the Masterplan Report attached in **Appendix 1.4**, proposes rezoning of the IN1 General Industrial zone to R1 General Residential and retention of the existing

R1 General Residential zone with minor realignments to match the E2 Environmental Conservation zone. Additionally, an SP2 Infrastructure (Local Road) zone is provided through the E2 Environmental Conservation zone. The rationale for the proposed zonings is as follows:

- R1 General Residential - This zone, with consent, permits recreational areas (open space) and a range of dwelling types which will enable the development of medium density residential at the core of the portion of the precinct within the Masterplan Area and provide flexibility to enable lower density residential along its edges as a buffer where there is existing low density residential. Accordingly, development consistent with the KLP 2020 Indicative Structure Plan can be achieved under the existing R1 General Residential zone. No change to the R1 General Residential land use zone is required, other than to amend its alignment to match the E2 Environmental Conservation zone to the west.
- E2 Environmental Conservation - This zone ensures the protection of the riparian corridor along Chinderah Drain as required by the "Guidelines for Controlled Activities on Waterfront Land" (Department of Industry 2018) and high-value vegetation identified under the Ecological Constraints Assessment (Ecoplanning 2020, refer to **Appendix 4.1**).
- SP2 Infrastructure (Local Road) - The positioning of this zone provides certainty to Council that a road will be provided to enable the provision of the crucial east-west link between Kingscliff Street and Tweed Coast Road as required in the Tweed Road Development Strategy (TSC, Bitzios 2017).

Height of Buildings

Strategy Number 4 under the KLP 2020 Indicative Structure Plan proposes a maximum height of 9 metres in the R3 Medium Density Residential zone and indicates 9 metres in the R2 Low Density Residential zone (p. 243). Figure 4.6 Proposed TLEP 2014 building height amendments in the KLP 2020 shows the northern part as 9 metres and the southern part as 12.2 metres (reduced from 13.6 metres (p. 137)). The Planning Proposal proposes to retain the maximum height of 13.6 metres in the R1 General Residential zone to ensure that a three- or four-storey built form can be achieved.

Retaining existing heights in this precinct will enable a greater population to benefit from proximity to the beach, Kingscliff Town Centre and the Business and Knowledge Precinct.

Business and Knowledge Precinct

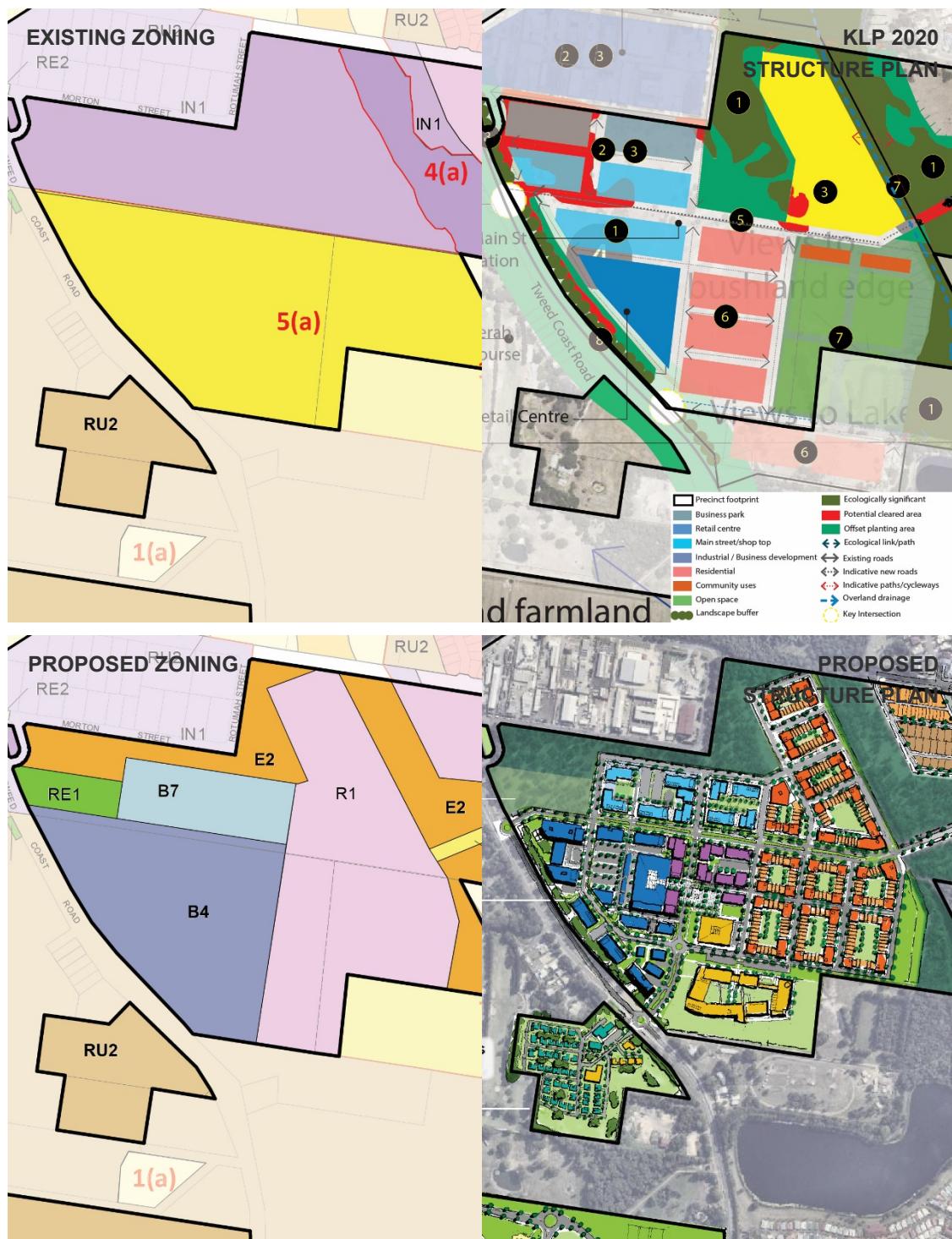


Figure 21: Comparison between the KLP 2020 Business and Knowledge Precinct Indicative Structure Plan – Mixed Use Option (TSC 2020, Fig. 8.22, p. 253) and proposed land use zoning



Figure 22: Business and Knowledge Precinct (view north) (Google Earth 2020)
 The 37-hectare Business and Knowledge Precinct is between Tweed Coast Road and the riparian corridor which separates the precinct from the North Kingscliff Precinct to the east. The Pacific Highway - Tweed Coast Road intersection and Chinderah Industrial Estate are in the upper left.



Figure 23: Business and Knowledge Precinct (view east)
 Chinderah Industrial Estate can be seen on the left and Tweed Coast Road at the bottom right. The trees adjacent to the Industrial Estate and in the foreground are proposed to be retained either as E2 Environmental Conservation or RE1 Public Recreation (Innovation Park) in the Planning Proposal. These trees are proposed to be removed in the KLP 2020.

Land Use Zoning

At present the portion of the Masterplan Area within the Business and Knowledge Precinct is zoned IN1 General Industrial under TLEP 2014 in the north and 5(a) Special Uses (Sewerage Treatment Plan / Turf Farm) under TLEP 2000 in the south. The Indicative Business and Knowledge Precinct Structure Plan under the KLP 2020 proposes a mix of business park, mixed use, retail centre, residential and community uses with areas set aside for open space and ecologically significant areas. No specific land use zones are specified other than R1 General Residential or R3 Medium Density Residential under Strategy Number 6.

The Planning Proposal, informed by the Masterplan Report attached in **Appendix 1.4**, proposes rezoning to a mix of B7 Business Park, B4 Mixed Use, R1 General Residential, RE1 Public Recreation and E2 Environmental Conservation. The rationale for the proposed zonings is as follows:

- B7 Business Park - It is anticipated that this zone will be occupied by a range of commercial and innovative industrial uses that will benefit from the high degree of accessibility to the Gold Coast Airport and burgeoning SEQ markets via the Pacific Highway. The size of the proposed B7 Business zone and its strategic location, as well as being next to the adjacent B4 mixed use retail, commercial, tertiary facility and residential area, encourages the development of a high quality employment centre.
- B4 Mixed Use - In comparison to the B7 Business Park zone which relies upon its accessibility **to** the Pacific Highway, it is anticipated that the B4 Mixed Use zone will benefit from its accessibility **from** the Pacific Highway, Tweed Coast Road and the future east-west link between Kingscliff Street and Tweed Coast Road. These links will enable the development of uses which service the surrounding and nearby towns and villages of Kingscliff, Cudgen, Chinderah, Casuarina, Cabarita, Pottsville, Tumbulgum, Condong and Murwillumbah. Coupled with shop top housing (permitted with consent in the B4 Mixed Use zone), the zone is expected to develop into a vibrant and vital, mixed retail, commercial and residential precinct.
- R1 General Residential - This zone is proposed to accommodate residential uses which will prove an attractive option for workers in the adjoining and nearby employment areas, both the Business and Knowledge Precinct and also Kingscliff Beach area, TAFE and Tweed Valley Hospital, as well as sustain the day-to-day functioning of the centre. The proximity to residential and employment areas will encourage walking and cycling, as opposed to private vehicles, as the primary form of transportation. The R1 General Residential zone is also a “prescribed zone” under State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, enabling the development of a school to make the precinct truly self-sustaining.
- RE1 Public Recreation - This zone enables the development of a public park “Innovation Park” providing passive and active open space for workers in the adjoining business zones and nearby residences. The open space extends the adjoining E2 Environmental Conservation zone and provides for a drainage corridor and for tracks for walking and bicycling through the green spaces.
- E2 Environmental Conservation - This zone ensures the protection of high value vegetation as assessed in the Ecological Constraints Assessment (Ecoplanning 2020, refer to **Appendix 4.1**) and provides a required drainage corridor as detailed in the Regional Flood Impact Assessment Report (Venant 2020, refer to **Appendix 5.1**).

Height of Buildings

KLP 2020 proposes increasing maximum permitted heights in the Business and Knowledge Precinct from 10 metres (in the current IN1 General Industrial zone) to 13.6 metres in “Business Zones” and 12.2 metres in “Medium Density Zones” (p. 137), differentiating from the draft KLP 2019 which:

- included Strategy Number 6 in the Indicative Structure Plan which proposed 13.6 metres across the R1 General Residential or R3 Medium Density Residential zone; and
- identified that *“To maximise employment generating opportunity, there is opportunity for taller buildings up to 20m within the precinct to encourage large businesses and more intensive employment generating land uses, commercial and business opportunities.”* (p. 244).

The reference to 13.6 metre height limits across the R1 General Residential or R3 Medium Density Residential zone has been removed from Strategy Number 6 in KLP 2020, as has the opportunity to enable development to a height of 20 metres which was to encourage more intensive employment generating land uses and opportunities.

The Planning Proposal proposes 13.6 metres across the proposed R1 General Residential zone and 20 metres (6 storeys) in the B4 Mixed Use and B7 Business Park zones within the Masterplan Area, which is consistent with the Draft KLP 2019 (opportunity for buildings up to 20 metres). In addition it is proposed that the maximum height of buildings in the B4 Mixed Use and B7 Business Park zone is 28 metres (8 storeys) and FSR up to 3.5:1 in accordance with the Design Excellence provision (Business and Knowledge Precinct) as detailed in Section 5.2 Written Instrument Amendments above.

Increased height in part of the B4 Mixed Use area of the Business and Knowledge Precinct enables the following outcomes, noting that the maximum height enables delivery of a varied product of up to 8-storey buildings:

Gateway to the Tweed Coast

Currently the gateway to the Tweed Coast is dominated by the stretch of the Pacific Highway which leads onto Tweed Coast Road marked at the entrance with a service station and signage associated with the Chinderah Industrial Estate. Following this is a vegetative strip along the eastern side of Tweed Coast Road which will partly screen the future Business and Knowledge Precinct. In the case that there is 13.6 metres maximum height of buildings and a 20m vegetative buffer is created as per KLP 2020 (Strategy 8, p. 256) , the precinct will not be visible from Tweed Coast Road and there will be no opportunity for a legible precinct with wayfinding elements.

The increased height will enable significant buildings that can be seen above the tree canopy on approach to the precinct from north and south that will identify this area both as the gateway to the Tweed Coast and as the business, knowledge and innovation hub of the region. These will assist in defining the precinct as a regional employment hub without adverse amenity impact on existing surrounding development as discussed below.

Economic Feasibility and Sustainability

Draft KLP 2016 (p. 60), KLP 2018 (Vol. 2, p. 60) and KLP 2019 (p. 244) each provide that “*To maximise employment generating opportunity, there is opportunity for taller buildings up to 20m within the precinct to encourage large businesses and more intensive employment generating land uses, commercial and business opportunities*”. To the detriment of the economic feasibility of development of the Business and Knowledge Precinct, this opportunity is no longer provided for in KLP 2020, despite the KLP 2020 recognising the benefits of increased height as follows: “*A building height of 20m was also conceptuses for the new Business and Innovation precinct which was based on building heights found across other business parks and university campuses regionally and nationally*” (p. 135). Attracting larger, higher order and more intensive employment uses to the Business and Knowledge Precinct to ensure its economic sustainability necessitates increased heights which allow for flexibility in built form outcomes.

The importance of increased heights in the Business and Knowledge Precinct in terms of economic feasibility is supported in the Housing, Retail and Employment Market Analysis (Macroplan 2020, refer to **Appendix 6.1**) which states that built form to 6-8 storeys “*are considered critical factors for increasing the desirability of the precinct for public and private investment to establish regional value added land use opportunities.*” (Macroplan 2020, refer to **Appendix 6.1**)

This is also supported by the Aspect Architecture report which states that increased heights and FSR provisions, when in contrast to a three storey height limit would, “*...attract excellent place making architecture and urban design that would reinforce the employment hub and location of the precinct centre. By allowing increased height and FSR in the strategic areas indicated by the LFA Masterplan, and further through increased green and civic spaces, a thriving regional employment hub is much more likely to be created.*” (Aspect Architecture 2020, refer to **Appendix 3.1**).

Considering that the Tweed Valley Hospital, with a height of 9 storeys and located on the elevated Cudgen plateau, will be the main building mass in the KLP area, it is considered that higher buildings in the precinct will reinforce the complimentary potential of the precinct as a business, innovation and health centre. This is supported by the KLP 2020 (p. 129) which states “*Promote the Business and Knowledge Precinct and other greenfield development sites to accommodate additional land uses which can not be accommodated over the Tweed Valley Hospital site or TAFE site. These uses may include additional larger scale education campuses, expanded ancillary health services and industries, residential housing and accommodation associated with or complimentary to the Tweed Valley Hospital*”.

The proposed increase in maximum permitted height will enable development that will offer a high level of amenity derived from views to ocean, border ranges and Mount Warning, proximity to homes, services and parklands and a less congested environment than that which is evident around existing commercial offerings in SEQ. Should the opportunity not be realised, it is unlikely that the Business and Knowledge Precinct will be developed as an innovation and knowledge hub. The status quo where Kingscliff residents commute to SEQ for employment will be maintained.



Tweed Valley Hospital – As a regional referral hospital the TVH will deliver health care services and will be a key economic driver for the subregion. There is opportunity to create a health and education precinct across the TVH site and Kingscliff TAFE which would capitalise on synergies between education and health care.

Figure 24: KLP 2020 p. 126 showing the multi-storey Tweed Valley Hospital

Local Employment Opportunities and Employment Use Building Typologies

As stated in Section 4.9 of the Masterplan Report, the Masterplan provides for a high-quality development outcome capable of accommodating the projected demand of 2,100 new dwellings by 2036 and potentially up to 4,600 dwellings in the longer term. Increased heights in the Business and Knowledge Precinct will help to ensure that employment opportunities for the forecast population for post-2036 needs are maximised, as well as providing maximum regional employment opportunities for existing Tweed residents and new populations that will reside in Kings Forest (4,500 new dwellings) and Cobaki Lakes (5,500 new dwellings). Providing opportunities for a variety of built form, including by way of building height will increase the attractiveness of the precinct.

Opportunities for a range of employment uses will encourage local employment and keep residents in NSW rather than travelling to Queensland. The Aspect Architecture report states that creating quality employment opportunities will also “encourage the next generation of young professionals and innovators to remain in or move to Kingscliff … [which will] further contribute to the future of Kingscliff socially, economically and culturally” (Aspect Architecture 2020, p.54).

High Amenity Achieved without Significant Visual Impact

The proposed increase in maximum permitted height will enable views to the Pacific Ocean to the east and the scenic farmland and border ranges to the west. This is to be achieved with limited impacts given there are no sensitive receivers nearby, with the exception of the proposed education and community facilities to the south east which will have a narrow angle of impact. No existing residents will be overshadowed by increased height. Drivers travelling along Tweed Coast Road will glimpse the higher building form signifying the gateway element of the precinct, without it dominating their sightline due to the retained vegetative corridor and tangential view. Opportunities include tertiary and research institutions, office buildings, student and visitor accommodation with strong visual amenity.

Aspect Architecture 2020 (refer to **Appendix 3.1**) states that the B4 and B7 areas over which increased heights are proposed are located away from existing residential areas, located along the busy arterial of Tweed Coast Road, and are separated from existing residential areas by the retained ecological buffer along the Chinderah Drain, which is proposed to be zoned E2 Environmental Conservation. The report states “*In this location there will be little or no increased visual impact for the existing developed residential areas of Kingscliff*” (p. 54).

A Visual Impact Assessment (Zone Landscape Architecture 2020, refer to **Appendix 3.2**) finds that the “Significance of Impact” resulting from the difference in maximum building height in the Business and Knowledge Precinct between the proposed 20 metres and 28 metres maximum building height compared with 13.6 metres as “Not Significant” visual impact.

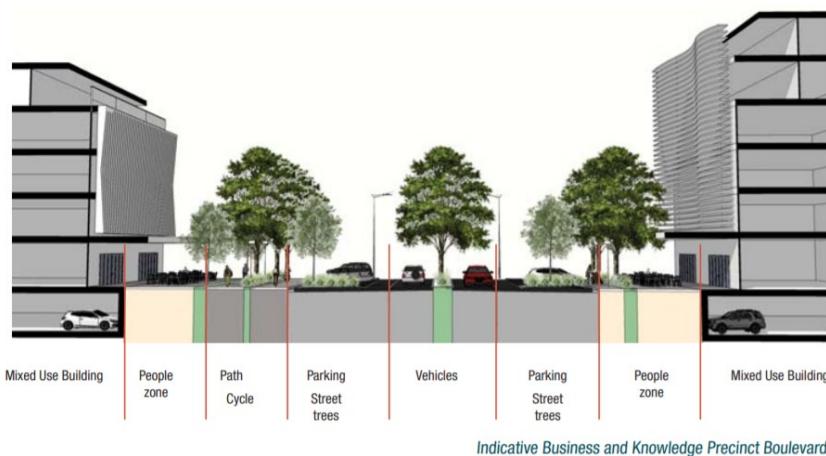


Figure 25: Kingscliff Locality Plan Community Workshop 03 Panel 14

Floor Space Ratio

An assessment of building heights, FSR and site coverage undertaken by Aspect Architecture 2020 (refer to **Appendix 3.1**, section 2.3.6) finds that comparing the current DCP controls with Strategic Density Controls (increased height and FSR):

- provides 45% more gross floor area per building which means that a greater number of people can live in strategic areas close to the town centre, services and employment; and
- achieves a greater density with a reduced development footprint (from 80% to 70% site cover) so that the area in which green and civic spaces can be created increases from 20% to 30% of the site, a 50% increase.

In terms of application to a 20 metre and 28 metre maximum height limit, the Aspect Architecture report finds that this allows a greater gross floor area to be achieved thereby providing a greater commercial incentive for the location and construction of regional value-added land use opportunities in the precinct. Such regional value-added land use opportunities are analysed in the Housing, Retail and Employment Market Analysis (Macroplan 2020, refer to **Appendix 6.1**).

In addition, increased FSR will enable buildings with less site coverage and consequently more green and civic space; enable superior architectural design form, articulation and massing; increase GBA which will allow for more services and employment opportunities; and in mixed use areas allow more people to live near to the employment hub and services (Aspect Architecture 2020, refer to **Appendix 3.1**).

The advantages of increasing FSR in the Business and Knowledge Precinct include:

- Efficient use of land in the future innovation hub will ensure that all required uses are concentrated in the precinct and will avoid pressure to expand into farmland and/or ecologically sensitive areas in the future;
- Efficient delivery of services including public transport, community-based services, schools and waste collection to be concentrated within the precinct;
- The streetscape created in the precinct will be more inviting and interactive due to the increased green and civic areas created due to lower site cover;
- Increased public domain areas will promote social connectedness and vitality such as through increased vibrancy of area and increased pedestrian activity;
- Encouraging walking and cycling due to shorter distances to access services, educational facilities and workplaces which results in reduced traffic;
- Achieving a viable innovation hub in the precinct which will reduce the economic costs of time spent travelling for commuting to employment and/or goods and services that are located outside of the Shire; and
- Making it attractive to develop commercial, tertiary, research and public facilities that have greater gross building area.

The Kingscliff Character Assessment report considers that increasing height and FSR in the Business and Knowledge Precinct will lead to a greater density of people in the commercial and mixed use zones, which “*will result in a more dynamic and busy employment hub as well as a more aesthetic outcome with quality large open space areas fostering liveability and greater community participation in quality civic areas*” (Aspect Architecture 2020, refer to **Appendix 3.1**).

It is proposed to enable increased height of buildings to 28 metres (8 stories) and increased FSR (for all heights of buildings) through the Design Excellence clause (Business and Knowledge Precinct) as detailed in Section 5.2 Written Instrument Amendments.

West Kingscliff Precinct

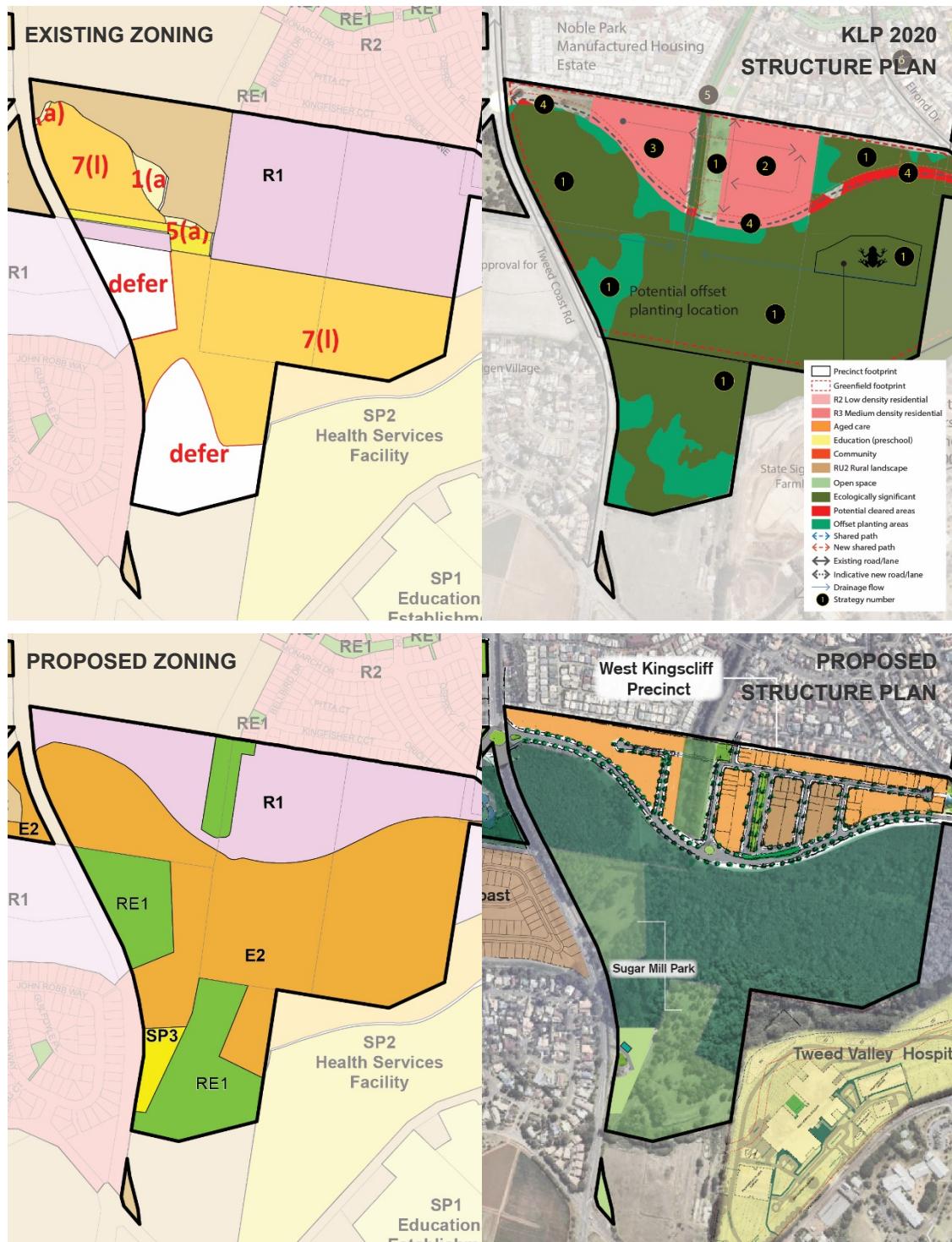


Figure 26: Comparison between the KLP West Kingscliff Precinct Indicative Structure Plan (TSC 2020, Fig. 8.27, p. 265) and proposed land use zoning



Figure 27: West Kingscliff Precinct (view north) (Google Earth 2020)



Figure 28: West Kingscliff Precinct (view east) (POD Group 2020)

Sugar Mill Park in the foreground (proposed as RE1 Public Recreation) is adjacent to Tweed Coast Road and the proposed E2 Environmental Conservation area extending east towards the coast. Developable land (existing and proposed General Residential R1) is constrained due to the route of Turnock Street extension which is as far north as possible to avoid vegetation to its south.

Land Use Zoning

At present the portion of the Masterplan Area within the West Kingscliff Precinct is zoned R1 General Residential in the north-eastern half, RU2 Rural Landscape in the north-western part and a minor portion zoned R1 General Residential extending from Tweed Coast Road towards the centre of the site. The remainder is zoned 1(a) Rural, 5(a) Special Uses (Drainage Reserve) and 7(l)

Environmental Protection (Habitat) under TLEP 2000 or is deferred under both TLEP 2014 and TLEP 2000.

Under the KLP 2020 Indicative Structure Plan, it is proposed to rezone the RU2 Rural Landscape to R2 Low Density Residential and the R1 General Residential zones to a much smaller footprint of R3 Medium Density Residential with the conservation of vegetation in the remainder of the precinct. The R2 Low and R3 Medium Density Residential zones are separated by a corridor of open space along the Chinderah Drain.

Under the Planning Proposal, it is proposed to rezone the portion of the Masterplan Area within the West Kingscliff Precinct to a mix of R1 General Residential, E2 Environmental Conservation, RE1 Public Recreation and SP3 Tourist. The rationale for the proposed zoning is as follows:

- R1 General Residential / E2 Environmental Conservation boundary - The boundary between the residential and conservation zone is defined by the alignment of the extended Turnock Street which has been agreed between Council and the Proponent and is designed to meet the intersection of Altona Road and Tweed Coast Road and provide road curvatures and junctions with roundabouts at its east and west ends consistent with engineering and Council design requirements. The alignment and zoning is consistent with Strategy Number 4 to “*Utilis[e] the alignment of the Turnock Street extension to delineate between the urban footprint (north of alignment) and conservation footprint (south of alignment) generally in accordance with Figure 8.27*” (KLP 2020 West Kingscliff Precinct Strategies, p. 266).
- R1 General Residential - This zone, with consent, permits recreational areas (open space) and a range of dwelling types which will enable the development of low, medium and high density residential. Development consistent with the Draft KLP Indicative Structure Plan can be achieved under the R1 General Residential zone.
- E2 Environmental Conservation - This zone ensures the protection of high value vegetation to be retained under the Ecological Constraints Assessment (Ecoplanning 2020, refer to **Appendix 4.1**).
- RE1 Public Recreation - This zone is positioned both north of Turnock Street extension, along the north-south drain between the residential portions of the precinct, to retain a riparian setback with vegetation along the Chinderah Drain and allow a path for pedestrians northwards to the northern precincts, and two areas south of Turnock Street extension within vegetation identified as exotic grassland and under scrubbed native vegetation under the Ecological Constraints Assessment (Ecoplanning 2020, refer to **Appendix 4.1**) which is identified as low quality and not suitable for restoration (Elks 2020, refer to **Appendix 4.2**). The latter two areas are joined by an existing drain maintenance track through the rainforest and together constitute the “Sugar Mill Parklands”, near remains of the heritage sugar mill extending to the Tweed Valley Hospital site, allowing current and future residents and hospital staff and visitors access to open space parklands and the opportunity to engage with the agricultural history of the region. The parkland is to be delivered by retaining existing native vegetation.
- SP3 Tourist - A tourism opportunity which permits café and restaurant uses is proposed adjoining the parklands on the 9,000sqm high land adjoining Tweed Coast Road to provide access and attract residents and visitors to the parklands. It is proposed to make medical centres an Additional Permitted Use in this area to provide flexibility for compatible uses otherwise not permitted in the zone and is well suited to the location of the land. Medical centres in this location

would provide a quiet and peaceful location for medical practices away from but close to the Tweed Valley Hospital.

Height

Strategy Number 2 under the KLP 2020 West Kingscliff Precinct Indicative Structure Plan proposes maximum heights of 12.2 metres in the R3 Medium Density Residential zone (north-eastern half) and 9 metres in the R2 Low Density Residential zone (north-western part). Under the Planning Proposal, it is proposed to retain the current permissible height of 13.6 metres in the R1 General Residential zoned area (north-eastern half) and apply a maximum height of 13.6 metres across the proposed R1 General Residential zone (north-western part). This will enable the development of a mix of residential uses from single and two-storey dwelling houses and dual occupancies to three-storey residential flat buildings. The Visual Impact Assessment (Zone Landscape Architecture 2020, refer to **Appendix 3.2**) finds that the “Significance of Impact” resulting from the increase in maximum building height in the north-western part of the West Kingscliff Precinct from 10 metres (TLEP 2014) and 9 metres (KLP 2020), to the proposed 13.6 metres, is “Not Significant” visual impact.

Minimum Lot size

The proposed minimum lot size is to provide efficient use of land whilst managing amenity for the locality. A minimum of lot size of 200sqm by way of additional Clause 4.1E as detailed in Section 5.2 Written Instrument Amendments is proposed. This type of dwelling is preferred for areas on the northern edge of the precinct which is adjacent to the existing manufactured home estate and low density development. The rationale and need for this clause is as follows:

- Dual occupancies, multi dwelling housing and manor houses can be developed under the Low Rise Housing Diversity Code in the portion of the site not impacted by Coastal Wetlands, Proximity Area to Coastal Wetlands and the buffer area to the Chinderah Drain. As there is minimal land in the precinct not affected by the aforementioned ecological constraints, the proposed clause will enable a similar development outcome within the Proximity Area to Coastal Wetlands (consent via DA, rather than CDC) thereby increasing the amount of housing permitted under the Low Rise Housing Diversity Code.
- The smaller lot size enables:
 - Flexibility - should there be market demand for smaller Torrens title product that has a similar form and landscape area to that of multi-dwelling housing;
 - Diversity - a mix of dwelling types including small lots to meet demand as supported in the KLP 2020; and
 - Affordability - allows existing residents of Kingscliff and surrounds to continue residing in Kingscliff when first entering the property market, as opposed to moving to the SEQ region where smaller lots and apartments are more readily available.
- Greater densities allow for:
 - Increased embellishment and utilisation of adjacent high quality public domain elements such as parklands, playgrounds, walkways and cycleways;
 - Efficient use of essential services and roads; and

- Greater local population to walk or bicycle to work, sustain the day-to-day functioning of and contribute to the vibrancy and vitality of the established Kingscliff town centre, TAFE, future Business and Knowledge Precinct and Tweed Valley Hospital.

Cudgen Precinct

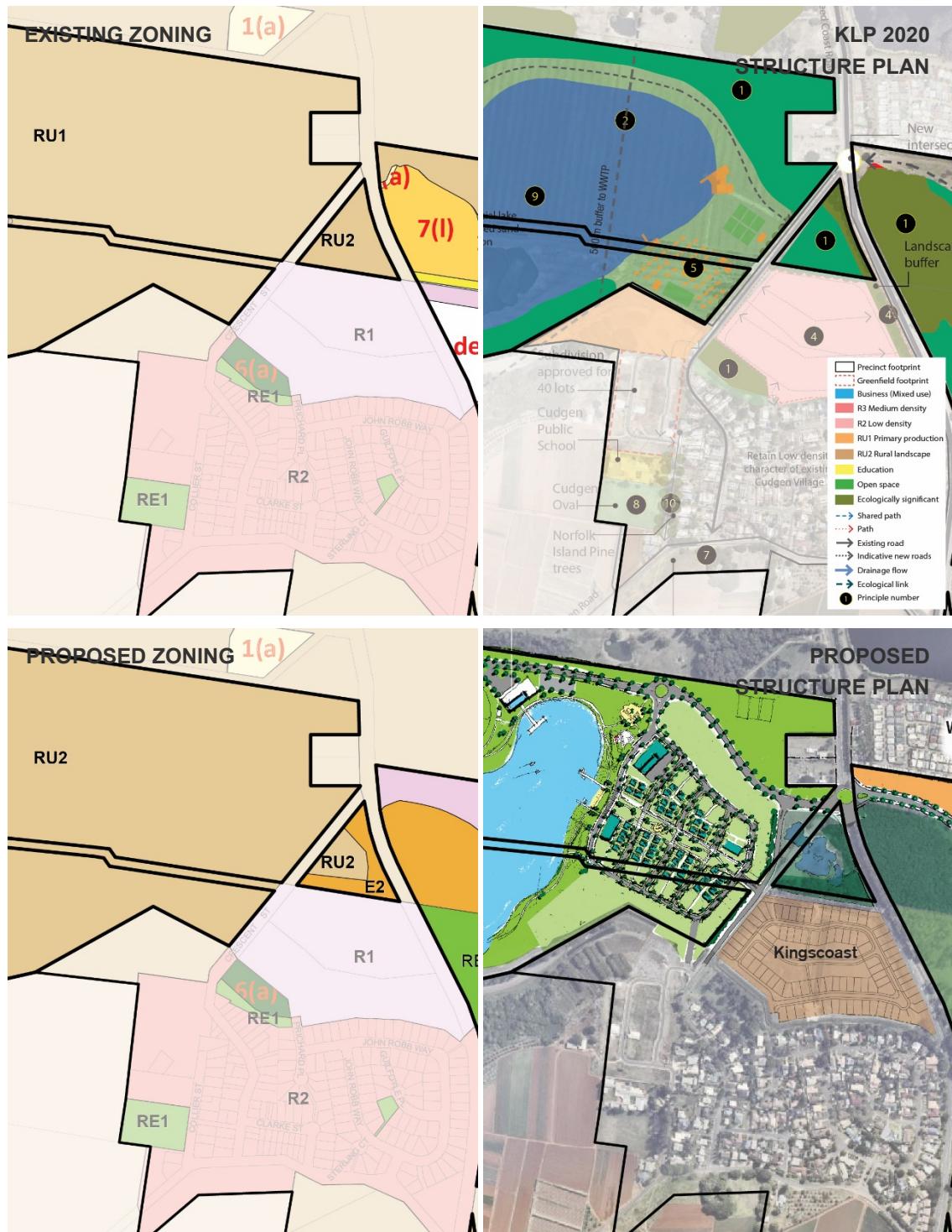


Figure 29: Comparison between the KLP Cudgen Precinct Indicative Structure Plan (TSC 2020, Fig. 8.35, p. 295) and proposed land use zoning



Figure 30: Cudgen Precinct (view north)

The Cudgen Lakes Sand Quarry processing area can be seen on the left with adjacent lake which will be enlarged and ultimately form a recreational lake of about 18 hectares. The eastern part of the precinct is proposed to be filled above Q100 for ecotourism uses. The Cudgen Plateau with agricultural uses can be seen on the right.

Land Use Zoning

At present the Masterplan Area within the Cudgen Precinct is zoned RU1 Primary Production except for the small area east of Crescent Street which is zoned RU2 Rural Landscape. Under the KLP 2020 Cudgen Precinct Indicative Structure Plan, open space is proposed surrounding the future artificial lake created by the approved sand extraction and a future holiday park is indicated on the east side of the lake.

Under the Planning Proposal, it is proposed to rezone the Cudgen Precinct from RU1 Primary Production to RU2 Rural Landscape to facilitate the creation of tourist and recreation uses in accordance with Strategy 4 of the KLP 2020 Cudgen Precinct Indicative Structure Plan: *"Investigate future opportunity to establish a holiday park / tourist accommodation adjoining the future artificial lake with a RE2 Private Recreation zoning"*. The KLP DCP 2.17.1 Character Statement provides: *"Following the conclusion of sand extraction to the west of the settlement there is also long term opportunity to develop regional active open space facilities as well as a holiday park with associated facilities fronting the artificial lake (private recreation)."* Ecotourism uses in this precinct are supported in the Housing, Retail and Employment Market Analysis (Macroplan 2020, refer to **Appendix 6.1**). The Proponent proposes to realise these opportunities in the short- and medium-term, particularly in areas external to the approved extraction lake, and is preparing Development Applications for fill and the relocation of Altona Road and part of Crescent Street at the time of submission of this Planning Proposal.

The existing RU1 Primary Production zone does not reflect the approved sand extraction currently in operation in the area, nor does it allow for the development of holiday park / tourist accommodation uses or regional active open space facilities upon cessation of sand mining activities, as desired under KLP 2020. The proposed RU2 Rural Landscape zoning is also consistent with land use zonings to the north of the site, including in the Green Edges Precinct, and east of the site.

Height of Buildings

As the portion of the Masterplan Area within the Cudgen Precinct has not been contemplated for urban development, no maximum heights are proposed under the KLP 2020. Under the Planning Proposal, a maximum height of 10 metres is proposed in the RU2 Rural Landscape zone to facilitate ecotourism facilities and built forms appropriate to the zone such as kiosks and community facilities. This is a consistent building height with other RU2 zoned land in the locality.

6.2.6 Other Local Council Policies

Tweed Urban and Employment Lands Release Strategy (TSC 2009)

The Tweed Urban Lands Release Strategy aims to:

- Identify “greenfield sites” of suitable environmental characteristic, size, and proximity to existing urban areas that warrant further detailed investigation for use as urban purposes;
- Provide sufficient land and its coordinated release to accommodate the projected population growth of the Tweed over a period of at least 23 years;
- Provide diversity in housing and lifestyle choice for the present and future population through the identification and release of “greenfield sites” located in a variety of localities;
- Encourage best use of available land resources by requiring all future urban communities within the “greenfield sites” identified in this Strategy to be properly masterplanned; and
- Reduce the under-utilisation of urban land through piecemeal and ad hoc development by requiring that each investigation area is the subject of a single masterplan for the entire site.

The Tweed Employment Lands Release Strategy aims to:

- Comply with the Far North Coast Regional Strategy requirement that Councils prepare a Growth Management Strategy prior to zoning further land for urban, commercial and industrial uses;
- Comply with the North Coast Regional Environmental Plan 1988 (cl. 39) in relation to Council preparing a commercial expansion strategy and the principles for commercial and industrial development in clauses 46 to 48;
- Provide a range of locations for new employment generating developments to provide for consumer choice;
- Ensure that the limited “greenfield sites” available in the Tweed Shire are developed to their maximum capability without compromising the quality of the natural or living environment;
- Ensure that “greenfield sites” are not all used for residential development but also allow for employment land uses; and
- Ensure that new development is linked to Council’s physical and social infrastructure plans.

In the KLP Study Area:

- Lot 1 in DP 1075645 and Lot 2 in DP 1111554 in the Business and Knowledge Precinct of the Masterplan Area are identified as Potential Employment Lands under the Urban Lands Release Strategy: “[Lot 1 in DP 1075645 and Lot 2 in DP 1111554] is 37 ha and this could be used in conjunction with the existing 52 ha of unused land zoned industrial in the locality. All together a future employment precinct would have approximately 89 ha of land (gross). An employment lands node of this size in this location will provide an opportunity to both service the northern Tweed coast community as well as providing enough land to entice export manufacturing type employment to this locality” (p. 93).
- Lot 4 in DP 727425 and Lot 3 in DP 828298 in West Kingscliff Precinct are identified as Proposed Future Urban Release Areas (Fig. 19, p. 145) under the Employment Lands Release

Strategy. Under the Concept Masterplan only a small portion of Lot 4 DP 727425 and none of Lot 3 DP 828298 are proposed as Urban Release despite these areas being identified as Proposed Future Urban Release Areas (and identified as “Investigation Area – Urban Land” under the NCRP (DPE 2017, p. 71)) with parts of these areas being modelled as filled for urban development in the Tweed Valley Floodplain studies. To offset this loss of urban release areas, the area east of the lake in the Cudgen Precinct is proposed as filled for potential tourism uses and this area has been modelled in the Proponent’s flood assessments.

Tweed Road Development Strategy (TSC 2017)

The Tweed Road Development Strategy (TRDS), prepared by Bitzios Consulting on behalf of Council and subsequently adopted by Council, considered seven scenarios to improve traffic conditions in the northern-eastern part of the LGA. All of the road upgrades envisioned within the Masterplan Area under the TRDS are implemented as part of the Masterplan, including two new east-west road links to Tweed Coast Road (Turnock Street and near Ozone Street / Elrond Drive) as well as extending Elrond Drive to Ozone Street.

The Masterplan Development Traffic Impact Assessment forming part of this application (Bitzios 2020, refer to **Appendix 5.4**) presents the outcomes of modelling that reflect these upgrades, as well as incorporating all TRDS upgrades across the greater external road network. The result of the proposed road network inclusions as shown in the Masterplan are consistent with Council’s TRDS and demonstrate a greater network benefit to traffic operations for the surrounding road network.

While the proposed development generates new trips on the network, both average trip time and average trip distance is reduced when compared to the base case scenario. This indicates that the development of the Gales-Kingscliff masterplan provides an overall network benefit, which is primarily attributed to the new road links associated with the development. In addition, the proposed development provides an increase in employment areas, retail, education and recreation in close proximity to both existing and proposed residential development. Therefore, residents are generally travelling shorter distances to key trip attractors, improving overall network performance, access and amenity for residents as well as reducing vehicle emissions (Bitzios 2020).

The new road links are expected to attract traffic from existing roads and therefore reduce traffic volumes on a number of key existing roads including:

- Tweed Coast Road – Between Cudgen Road and Crescent Street;
- Cudgen Road – East of Tweed Coast Road;
- Kingscliff Street – Between Beach Street and Wommin Bay Road; and
- Wommin Bay Road.

This reduction indicates that traffic utilising the proposed new road links includes both development traffic and existing background traffic redistributing onto more efficient routes. As such, the additional capacity added to the network with the roads proposed is therefore expected to generally reduce demand and subsequently reduce congestion at existing key links in the area. This aligns with the objectives of the TRDS in improving road network capacity, operations and efficiency for Kingscliff and Tweed Coast Road.

The Turnock Street extension to Tweed Coast Road is shown to reduce through traffic concentration on Cudgen Road and improve travel times between Kingscliff Town Centre and the M1. In regard to the east-west connection between Tweed Coast Road and Kingscliff through the Business and Knowledge Precinct, this road link also reduces the concentration of traffic on both Cudgen Road and through north Kingscliff Street (i.e. Wommin Bay Road and Kingscliff Street) and Chinderah (Bitzios 2020).

Community Facilities Plan (TSC 2019)

The Community Facilities Plan (CFP) provides direction in relation to the delivery of new and expanded community and cultural facilities in the Tweed LGA over the next 20 years. In relation to Kingscliff, it provides the following: “*West Kingscliff Urban Release Area, including West Kingscliff, Turnock St and North Kingscliff precincts will generate a need for increased community facilities*” (p. 40). The following is provided as possible opportunity sites for a general use community facility:

“*General use community facility – consider partnership approach with private provider (lease arrangement).*

Consider future use of existing library space.

Consider new green development sites at West Kingscliff. Consider Kingscliff TAFE and new Tweed Valley Hospital site. Consider new Business and Education precinct” (p. 41).

Community facilities can be delivered in the B4 Mixed Use and R1 General Residential zones. The Community Infrastructure Assessment (Macroplan 2020, refer to **Appendix 6.2**) recommends that there is strong opportunity for the colocation of multipurpose community facilities, civic hub and library within the Business and Knowledge Precinct noting that such facilities would service a population beyond the KLP area, as recognised in the Community Facilities Plan.

Draft Landscape Scenic Landscape Strategy (TSC 2019)

The Draft Scenic Landscape Strategy (SLS) proposes an assessment framework and suite of management principles for the identification and evaluation of the visual attributes and qualities of the Tweed's scenic landscape and ensures their protection or enhancement. In doing so, it provides mapping identifying landscape character units and static and linear viewing locations. Both are considered below.

Landscape Character

As shown in **Figure 31**, the majority of the Masterplan Area is described as Urban or Future Urban Land Release. The southern portion of the West Kingscliff Precinct is shown as Coastal Forest whilst the portion within the Cudgen Precinct is shown as Sugar Cane. The latter is inaccurate given the use of the land for cattle grazing and approved sand extraction currently in operation which will result in a large artificial lake occupying much the two lots, preventing the farming of sugar cane or any other agricultural activity.

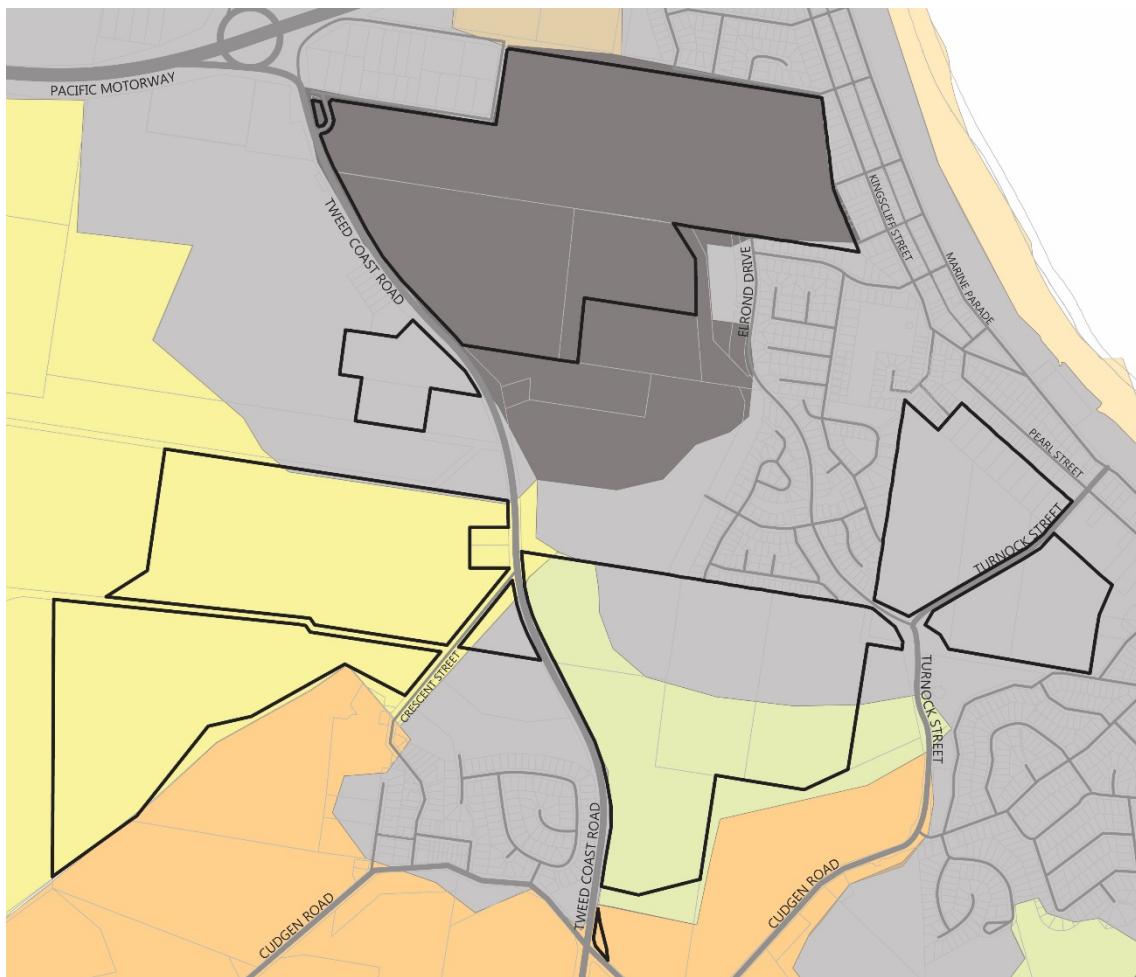


Figure 31: Excerpt Landscape Character Units mapping applying to the Masterplan Area (TSC 2019)

Legend

	Masterplan Area		Coastal Forest		Future Urban Land Release
	Beaches & Headlands		Sugar Cane		Urban
	Coastal Agriculture		Rural Hills & Valleys		

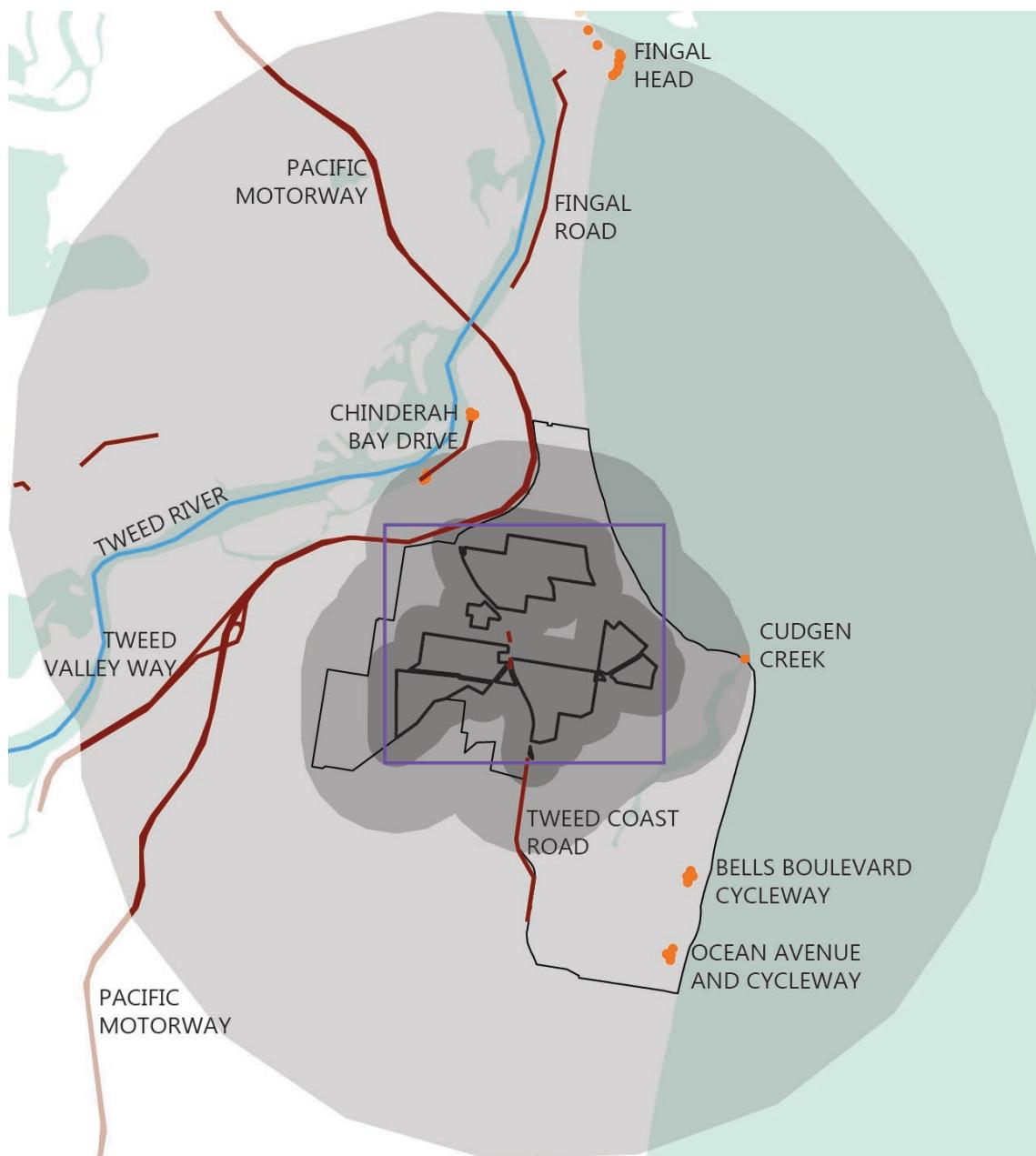
Views

Figure 32: Linear and static viewing locations within the local foreground, foreground and mid-ground of the Masterplan Area per the Draft Scenic Landscape Strategy (TSC 2019)

Legend

	Masterplan Area		Local Foreground (300m)		Static Viewing Location
	Linear Viewing Location (Road)		Foreground (1,000m)		
	Linear Viewing Location (Water)		Mid-Ground (5,000m)		

As shown in **Figure 32**, the Pacific Highway and Tweed Coast Road linear viewing locations run through the local foreground (300 metres), foreground (1,000 metres) and mid-ground (5,000 metres) of the Masterplan Area. The Chinderah Bay Drive linear and Cudgen Creek static viewing locations occur within the foreground. A number of additional linear and static viewing locations occur within the mid-ground. These are considered as follows:

- Cudgen Creek (Static) - the static vantage point is approximately 900 metres east of the Masterplan Area. The site is not identified in the viewshed mapping.
- Chinderah Pub and Foreshore / Chinderah Jetty (Static) - The static vantage points are approximately 900 metres north of the Masterplan Area. The site is not identified in the viewshed mapping.
- Pacific Highway (Linear) - The site has limited visibility from the Pacific Highway due to the orientation of the road at a tangent to the site and existing development and vegetation between the site and the road.
- Tweed Coast Road (Linear) - Subject to upgrade due to future urban development including the Tweed Valley Hospital.

The Visual Impact Assessment (Zone Landscape Architecture 2020, refer to **Appendix 3.2**) (VIA) assesses the potential impact of the Concept Masterplan with reference to the SLS Visibility Mapping and Property Report tool in the context of the scenic amenity of the local region. In line with this approach, Viewing Situations are considered through analysis of the visual impact of the proposed Masterplan over the cumulative Scenic Landscape Strategy Visibility Map (SLS Visibility Map).

The SLS Visibility Map illustrates the total the number of viewsheds cast from Viewing Situations over the Tweed Shire. This SLS Visibility Map illustrates this data in the form of a “heat map”. As noted within the Draft Scenic Landscape Strategy (TSC 2019), the greater the number of viewsheds located over a specific area, the more likely it is that a change or impact that occurs within that area will be visible to a greater number of Viewing Situations.

The VIA notes that the Visibility Map indicates that the Masterplan Area contains a low viewshed count with ~95% of the Masterplan Area containing between 1 and 5 viewsheds only (refer to VIA Sections 5.7 and 5.8). This can be attributed to the role of prominent ridgelines associated with Terranora Road (to the north) and Cudgen Road (to the south) in containing the field of view from many of the Viewing Situations identified under the Scenic Landscape Strategy.

- 1-2 Viewsheds: ~15% of the Masterplan Area
- 3-5 Viewsheds: ~80% of the Masterplan Area
- 6-9 Viewsheds: ~5% of the Masterplan Area
- 10+ Viewsheds: 0% of the Masterplan Area

Reference to the Draft SLS is made throughout the VIA (Zone Landscape Architecture 2020, refer to **Appendix 3.2**) where applicable, to ensure that the methodology, terminology, and overall intent of the strategy is applied to the assessment. Refer **Appendix 3.2** for the Visual Impact Assessment.

Community Strategic Plan 2017–2027 (TSC 2017)

The Community Strategic Plan (CSP) 2017-2027 establishes a vision for the Tweed LGA as follows: “*The Tweed will be recognised for its desirable lifestyle, strong community, unique character and environment and the opportunities its residents enjoy*” (p. ii). The vision is to be implemented through governance in accordance with the four Service Streams:

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

The Planning Proposal is consistent with the Service Streams and Sub-Streams of the CSP (refer to Appendix 2.4).

Open Space Strategy 2019-2029 (TSC 2019)

The Open Space Strategy 2019-2022 presents a range of key findings in relation to open space, sport and recreation facilities in the North Coast (Kingscliff, Chinderah and Fingal Head) (p.50):

- The area is currently well supplied with passive open space (parks) and undersupplied with active open space (sports fields), which will continue to be the case until 2026.
- All residents are within 500m of an open space.
- West Kingscliff and north-west of Cudgen Foreshore Park is undersupplied with neighbourhood parks, noting the area north of McPhail Ave and the south end of Sand Street.
- The area is well supplied with district parks.
- The natural areas support and protect an exceptionally high diversity of plant and animal life.
- Kingscliff's ocean beaches and Cudgen Creek provide a unique natural setting for nature-based activities.
- There are known and potential Aboriginal cultural heritage sites.
- The shared path and footpath links, including the NSW Coastal Cycleway, are an integral part of Kingscliff's open space system.
- There are existing gaps in the path network in an east-west direction and in Fingal Head.
- There is extensive streetscaping in Seaside City and Salt. The established residential areas of Kingscliff, Chinderah and Fingal have minimal street tree planting in some locations.
- West Kingscliff, north of McPhail Ave and between Wommin Bay Road and the south end of Fingal Road are undersupplied with neighbourhood playgrounds. Generally the quality of playgrounds is good, excluding Chinderah and West Kingscliff.
- The area is well supplied with district playgrounds.
- Youth recreation facilities include sports fields, shared paths, a multi-court and skate elements, however there is no skate park. Young people also have access to beaches and waterways for nature-based recreation.
- There is outdoor exercise equipment in Jack Bayliss Park.
- There are two off-leash areas (beach locations).

- This area is forecast to undergo significant growth and population increases, predominantly within the West Kingscliff Urban Release Area, including West Kingscliff, Turnock St and North Kingscliff precincts. Additional open spaces and recreation facilities will be provided for this release in line with the relevant planning documents.

The Planning Proposal enables the provision of:

- 12.5 hectares of previously privately-held, inaccessible land as retained parkland, which includes the proposed Sugar Mill Parklands, Quigan Park and Innovation Park;
- about 33 hectares of proposed parks mainly in the Cudgen Precinct as part of a recreational precinct and also local parks in other precincts; and
- an 18-hectare recreational lake.

The ultimate area and configuration of proposed parks (33 hectares) and lake (18 hectares) will depend on final sand extraction and lake backfill, and parks within residential precincts will be determined at the development application stage (refer to Gales Concept Masterplan Landuse Area Analysis; **Appendix 1.2**).

While the Open Space Strategy states that the area is well supplied with passive open space, the KLP DCP 2020 notes that the surplus of passive open space is on account of the extensive coastal foreshore reserves (Section 2.7.1, p. 44). The new open space proposed in the Masterplan is located inland from the coastal edge providing important accessibility to existing and future residents away from the coast (Community Infrastructure Assessment, Macroplan 2020, refer to **Appendix 6.2**).

The new open space will provide the following benefits:

- proposed parklands in the West Kingscliff Precinct, “Sugar Mill Park”, will provide a “rich green rainforest and natural shaded experience quite different to the existing coastal parks which are liner and more open in character” (PDS 2020, refer to **Appendix 4.3**)
- the more inland and central location will serve new residents of greenfield sites and staff, patients and visitors of the adjoining Tweed Valley Hospital;
- proposed parkland in the Turnock Street Precinct, “Quigan Park”, is adjacent to higher density B4 Mixed Use zoning and is approximately 100 metres from McPhail Ave which has an acknowledged undersupply of neighbourhood parks;
- proposed parkland in the Business and Knowledge Precinct, “Innovation Park”, will serve future employees and residents of the precinct and connect with walking and bicycle tracks through to North Kingscliff and beyond; and
- Recreational lake and major new recreational district level precinct in the Cudgen Precinct.

Additional local parks are to be delivered within the proposed R1 General Residential zones at DA stage.

6.2.7 Draft Rural Land Strategy 2018-2036 (TSC 2019)

The Draft Rural Land Strategy (RLS) 2018-2036 establishes a vision for the Tweed LGA as follows:

“Our rural lands will provide a balance of landuses where agricultural and rural activities exist in harmony with environmental and scenic values, rural character is enhanced, and employment opportunities encouraged through innovation, value-adding and diversification by a skilled and

resilient community" (p. 11).The RLS sets the following Policy Directions for rural lands in the Tweed LGA:

- Policy Direction 1: Encourage sustainable agricultural production and protect agricultural land.
- Policy Direction 2: Protect and improve environmental values and respond to natural hazards.
- Policy Direction 3: Support economic development.
- Policy Direction 4: Grow rural tourism.
- Policy Direction 5: Greater diversity of rural housing.
- Policy Direction 6: Council requirements are transparent and planning procedures streamlined where possible.
- Policy Direction 7: An informed, connected and resilient community.
- Policy Direction 8: Promote more sustainable landuse practices.
- Policy Direction 9: Extractive industries are protected and landuse conflict minimised.

The Planning Proposal enables development in the northern portion of Lot 4 DP 727425 in the western part of the West Kingscliff Precinct, an area currently zoned RU2 Rural Landscape.

Development within this area is:

- Consistent with the Goals, Directions and Actions of the NCRP (refer to **Appendix 2.2**), with particular reference to Figure 18 of the NCRP (DPE 2017, p. 71) where the entirety of the lot is identified as 'Investigation Area – Urban Land';
- Either consistent with the Section 9.1 (formerly Section 117) Ministerial Directions or is permitted to be inconsistent with the directions by way of the "Consistency" provisions under each direction (refer to **Appendix 2.5** of this report);
- Consistent with all relevant SEPPs (refer to **Section 6.2.8-6.2.20** of this report); and
- Consistent with the intent of the applicable local growth management strategy, enabling development within generally the same area as identified under KLP 2020.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

6.2.8 State Environmental Planning Policy (Coastal Management) 2018

Under the Coastal Management SEPP (refer to **Figure 33**), Coastal Wetlands occur within all precincts except the Cudgen and Green Edges Precinct. Proximity Areas to the Coastal Wetlands occur within all precincts. The eastern edges of the Turnock Street and North Kingscliff Precincts are identified as Coastal Use Areas.

The Coastal Management SEPP only applies to development. It does not apply to planning proposals. Nevertheless:

- Most of the mapped Coastal Wetlands are proposed to be retained and managed in-perpetuity by a Biodiversity Stewardship Agreement.
- Development in the proximity area is designed to avoid impact to the mapped Coastal Wetlands.
- The main impact on the mapped Coastal Wetlands is in West Kingscliff in the area of Turnock Street extension and the area to its north east (approximately 4ha) which is currently zoned R1 General Residential, and on the east side of the Turnock-Elrond roundabout (1 ha) which is also

currently zoned R1 General Residential, as discussed in the Ecological Constraints Assessment (Ecoplanning 2020, refer to **Appendix 4.1**).

- Significant mitigation measures are proposed that will considerably reduce the impact of stormwater and contained farmland silt coming from areas external to the Masterplan Area on a large area of Coastal Wetland in the southern part of the West Kingscliff Precinct.
- The only location where Proximity Area to Coastal Wetlands applies, and a small portion of Coastal Wetlands occur, and where it is proposed to rezone the land from a non-urban to an urban-capable zone under this Planning Proposal is in the north west portion of Lot 4 DP 727425 in West Kingscliff. All other locations where Coastal Wetlands occur within the Masterplan Area already have urban-capable zoning (i.e. residential, commercial or industrial) and therefore need not be considered.

Part of the land subject to the Planning Proposal is mapped as Coastal Wetland and zoned R1 General Residential under Tweed LEP 2014 – in the West Kingscliff, Turnock Street and North Kingscliff Precincts. The proposed reduction in minimum lot size and maximum building height in these precincts does not change the potential to impact the coastal wetland.

Land mapped as Coastal Wetland can be developed if the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.

Land in the proximity areas can be developed to address the provisions of the SEPP.

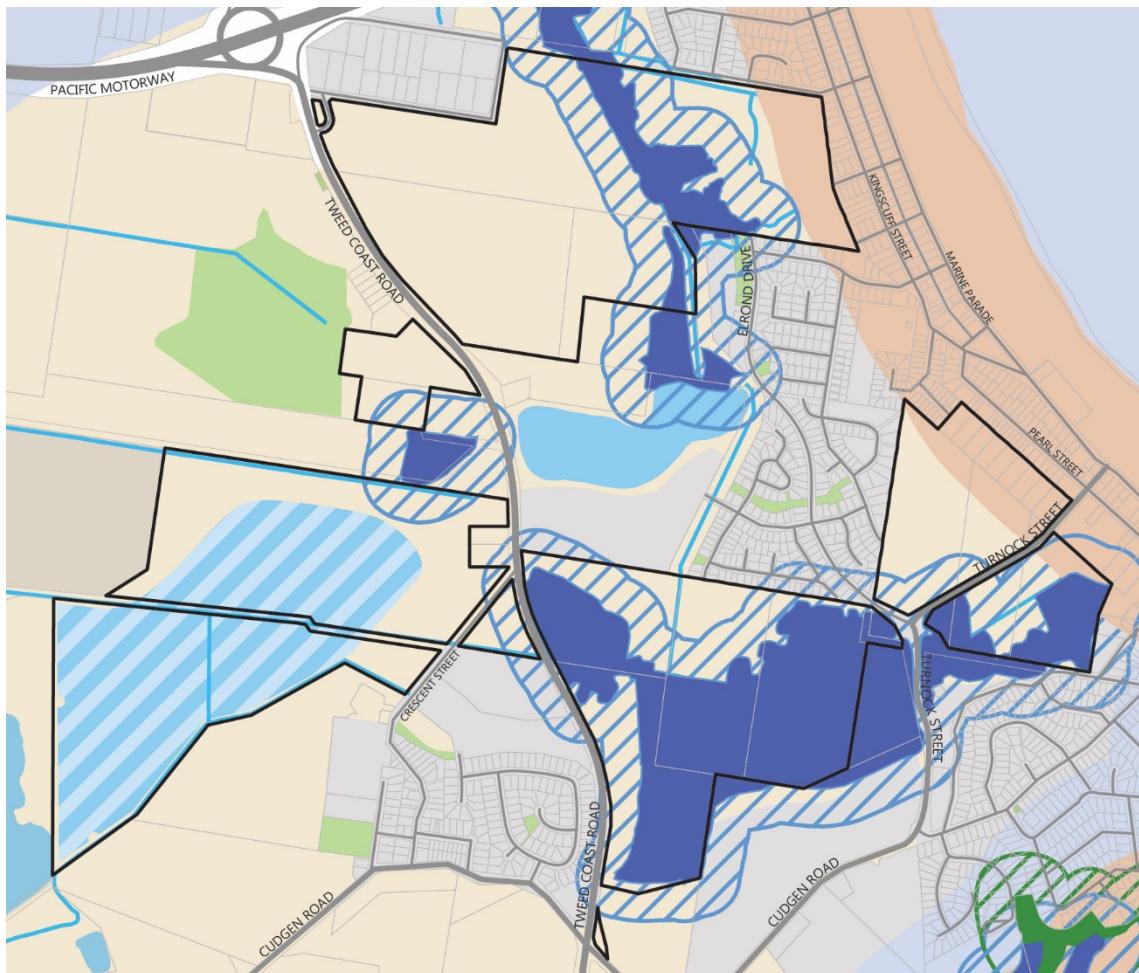


Figure 33: Coastal Wetlands SEPP (DPE 2018)

Legend

	Masterplan Area		Coastal Wetlands
	Urban Footprint		Proximity Area for Coastal Wetlands
	Vacant/Rural Land		Littoral Rainforest
	Open Space		Proximity Area for Littoral Rainforest
	Waterbodies		Coastal Environment Area
	Approved Extent of Sand Mining		Coastal Use Area

6.2.9 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The Community Infrastructure Assessment (Macroplan 2020, refer to **Appendix 10**) finds that a new government primary school (and potentially a secondary school) and childcare facilities are required as a result of developing the land in accordance with the proposed demands and zoning. The Masterplan Report (LFA 2020, refer to **Appendix 2**) identifies a 3.5 hectare school location proposed in a B4 Mixed Use and R1 General Residential zone in the Business and Knowledge Precinct, which permit educational establishments. The proposed school location can be developed in accordance with the provisions of the SEPP.

6.2.10 State Environmental Planning Policy (Infrastructure) 2007

The Planning Proposal enables State Environmental Planning Policy (Infrastructure) 2007 to be addressed including but not limited to road access and noise and provision of essential infrastructure.

6.2.11 State Environmental Planning Policy (Koala Habitat Protection) 2019

Under the Koala SEPP (refer to **Figure 34**), the Masterplan Area includes lands identified under both the Koala Development Application Map and Site Investigation Area for Koala Plans of Management Map.

A Comprehensive Koala Plan of Management (CKPoM) has been prepared for the Tweed Coast by the TSC however as the plan has not been endorsed by the Planning Secretary as required by the SEPP, both the CKPoM and the Koala Habitat Protection SEPP apply.

The Ecological Constraints Assessment concludes that Whilst the habitat in the study area fits the definition of core Koala habitat under the SEPP (Koala Habitat Protection) 2019, targeted koala detection dog survey undertaken in November 2020 did not find any evidence of Koala in the study area. However, as the habitat in the study area still meets the definition of core Koala habitat under the SEPP (Koala Habitat Protection) 2019 any future DA will require the preparation of a Koala Assessment Report (Ecoplanning 2020, refer to **Appendix 4.1**).

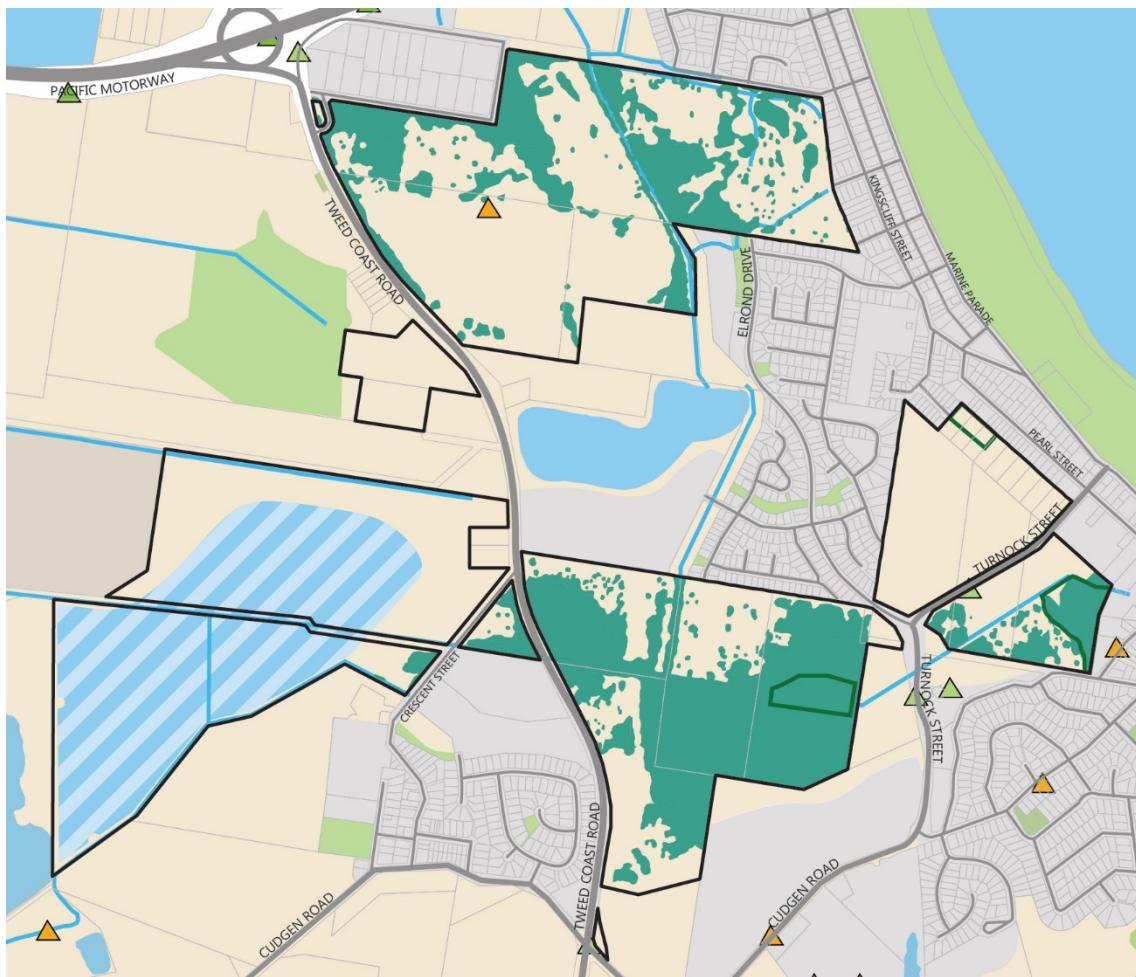


Figure 34: Koala Habitat Mapping (DPIE 2019)

Legend

Masterplan Area	Open Space	2015-2020 koala records (DPIE 2020)	Highly suitable koala habitat (Ecoplanning 2020)
Urban Footprint	Waterbodies	2010-2015 koala records (DPIE 2020)	Ecological covenant (Ecoplanning 2020)
Vacant/Rural Land	Approved Extent of Sand Mining	2000-2010 koala records (DPIE 2020)	

6.2.12 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

The Planning Proposal includes land that is currently undergoing sand extraction. Sand extraction is by dredge and the sand is processed away from any proposed urban zones. It is considered that development in accordance with the Planning Proposal zoning and provisions would be compatible with sand extraction.

6.2.13 State Environmental Planning Policy (Primary Production and Rural Development) 2019

The Planning Proposal is consistent with State Environmental Planning Policy (Primary Production and Rural Development) 2019.

6.2.14 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The Planning Proposal land is subject to an Ecological Constraints Assessment (Ecoplanning 2020, refer to **Appendix 4.1**) and a Biodiversity Certification Assessment Report is being prepared at the time of lodgement of this Planning Proposal. Land that is not included in the proposed Biodiversity Certification area is:

- Proposed to be zoned RE1 Public Recreation or E2 Environmental Conservation; or
- Subject to commenced development to fill the land (Turnock Street Precinct).

6.2.15 State Environmental Planning Policy No 21—Caravan Parks

Should the development of a caravan park be pursued at DA stage, SEPP 21 will continue to apply.

6.2.16 State Environmental Planning Policy No 33—Hazardous and Offensive Development

Should the development of hazardous or offensive development (as defined under SEPP 33) be pursued at DA stage, SEPP 33 will continue to apply.

6.2.17 State Environmental Planning Policy No 36—Manufactured Home Estates

Should the development of manufactured home estates be pursued at DA stage, the SEPP 36 will continue to apply.

6.2.18 State Environmental Planning Policy No 50—Canal Estate Development

SEPP 50 prohibits canal estate development. It is not intended to develop the land subject of this Planning Proposal for the purposes of canal estate development.

6.2.19 State Environmental Planning Policy No 55—Remediation of Land

A Preliminary Site Investigation (HMC 2020, refer to [Appendix 7.5](#)) has been undertaken for the Masterplan Area. Several isolated areas of concern were identified in the Preliminary Site Investigation which are limited in size and remediation is considered feasible if contaminants of potential concern are identified exceeding land use criteria.

6.2.20 Other SEPPs

The following SEPPs may apply depending on the land uses pursued at DA stage following the gazettal of the Planning Proposal:

- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy No 64 – Advertising and Signage
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

The Planning Proposal does not impact the operation of these SEPPs.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

As summarised in **Table 6** below, the Planning Proposal is either consistent with the Section 9.1 Ministerial Directions or is permitted to be inconsistent with the directions by way of the “Consistency” provisions under each direction. Detailed commentary regarding consistency with the Ministerial Directions is provided in [Appendix 2.5](#).

Table 6: Summary of assessment against Ministerial Directions (Section 9.1 directions)

	APPLICABLE:	PLANNING PROPOSAL:
1.1 Business and Industrial Zones	✓	Refer to clause 5(b) for justification
1.2 Rural Zones	✓	Refer to clause 5(b) for justification
1.3 Mining, Petroleum Production and Extractive Industries	N/A	N/A
1.4 Oyster Aquaculture	N/A	N/A
1.5 Rural Lands	✓	Refer to clause 5(b) for justification
2.1 Environment Protection Zones	✓	Refer to clause 6(b) for justification

APPLICABLE: PLANNING PROPOSAL:		
2.2 Coastal Management	✓	Refer to clause 8(a) for justification)
2.3 Heritage Conservation	✓	✓
2.4 Recreation Vehicle Areas	✓	✓
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	✓	✓
3.1 Residential Zones	✓	✓
3.2 Caravan Parks and Manufactured Home Estates	✓	✓
3.3 Home Occupations	✓	✓
3.4 Integrating Land Use and Transport	✓	✓
3.5 Development Near Regulated Airports and Defence Airfields	✓	✓
3.6 Shooting Ranges	N/A	N/A
3.7 Reduction in non-hosted short term rental accommodation period	N/A	N/A
4.1 Acid Sulfate Soils	✓	Refer to direction clause 8(a) for justification
4.2 Mine Subsidence and Unstable Land	N/A	N/A
4.3 Flood Prone Land	✓	Refer to direction clause 9 for justification
4.4 Planning for Bushfire Protection	✓	✓
5.1 Implementation of Regional Strategies	N/A	N/A
5.2 Sydney Drinking Water Catchments	N/A	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	✓	Refer direction clause 5(a) for justification
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A
5.9 North West Rail Link Corridor Strategy	N/A	N/A
5.10 Implementation of Regional Plans	✓	✓
5.11 Development of Aboriginal Land Council land	N/A	N/A
6.1 Approval and Referral Requirements	✓	✓

APPLICABLE: PLANNING PROPOSAL:		
6.2 Reserving Land for Public Purposes	✓	✓
6.3 Site Specific Provisions	✓	✓

6.3 SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q7. *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 Planning Proposal is informed by the Ecological Constraints Assessment (Ecoplanning 2020, refer to **Appendix 4.1**) and a Biodiversity Certification Assessment Report is being prepared at the time of lodgement of this Planning Proposal. A Biodiversity Stewardship Agreement is proposed for lands to be zoned E2 Environmental Conservation.

There is a low likelihood that critical habitat or threatened species populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal as a result of the following:

- The project has been designed to preserve most of the two large native vegetation patches in the Masterplan Area which will be zoned E2 Environmental Conservation and which will be subject to a Biodiversity Stewardship Agreement to retain and manage the lands in-perpetuity.
- The development footprint has been designed to avoid and minimise impact on significant vegetation, which is consolidated in areas with minimum edge effect with roads, or drains in the Turnock Street Precinct, separating retained bushland from developed areas.
- The main impact is caused by Turnock Street extension, a road critical to the Kingscliff road network. The proposed route of Turnock Street extension has been agreed between Gales and Council to minimise impact on vegetation.
- Existing fauna corridors will be retained.
- Grazing and pastoral activities over the entire northern part of the Masterplan Area will cease and grazing adjacent to the southern native vegetation area will also cease.
- Mainly exotic grassland with under scrubbed native vegetation adjacent to higher quality patches will be retained as public parklands. In the Turnock Street Precinct this will provide a bushfire break between the main body of vegetation and the Mitchell Rainforest Snail (MRS) covenant area (Elks 2020, refer to **Appendix 4.2**; GHD 2020, refer to **Appendix 7.3**).
- A MRS corridor will be created to link the MRS covenant area to the habitat to its west.
- Stormwater will be retained in developed areas by vegetated infiltration swales that will recharge groundwater.
- The Proponent and TSC are in discussion regarding works to reduce the impact of stormwater laden with agricultural silt from upstream properties on the wetlands in West Kingscliff Precinct, which will also aid in recharging groundwater.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Flooding

The majority of the land subject to the Planning Proposal is currently subject to both regional (Tweed River) and local catchment flooding. The regional (Tweed River) 1% AEP flood levels in this area are in the range 3.1 to 3.2 AHD which are 1m to 2m above the local catchment stormwater flood levels.

The regional flooding will require typically 2m to 3m of filling of the precincts to ensure the precincts are filled in accordance with Council's DCP A3 which indicates 1% AEP (annual exceedance probability) flood level + climate change + 0.5m freeboard.

The regional flooding impact as a result of filling the land to be urban capable in accordance with Tweed LEP 2014 has been considered and deemed acceptable as assessed in the Kingscliff Masterplan Regional Flood Impact Assessment Report (Venant 2020, refer to **Appendix 5.1**).

Similarly local catchment flooding impact, as assessed in the Kingscliff Masterplan Stormwater Management Plan (Venant Solutions and E2 DesignLab 2020, refer to **Appendix 5.2**), has been considered and deemed acceptable.

Stormwater management and riparian corridors

A preliminary assessment of the infrastructure requirements to manage stormwater quantity and quality runoff from the precincts as shown in the Concept Masterplan has been completed (Venant Solutions and E2 DesignLab 2020, refer to **Appendix 5.2**).

Stormwater Quantity –

- Within the Masterplan Area 1% AEP peak local catchment stormwater flood levels are 1 to 2 metres below the peak river flood levels and are equivalent in height to a 20% AEP Tweed River flood level. Local catchment stormwater modelling showed that flood levels were controlled by the Chinderah Drain. A range of options were investigated to mitigate increased flood levels caused by filling in the Masterplan Area and increased runoff from the Precincts.
- Peak stormwater flood levels are volume dependent and retarding basins, while able to be located within the development footprint, provide limited benefit in mitigating the peak flood levels. Regardless, retarding basins were sized to mitigate the peak flow rate from each precinct back to the existing peak flow rate. The analysis was necessarily conservative and it is likely that as the design progresses it will be established that smaller and/or no basins will be required to mitigate increases in off-site peak flood levels. Nonetheless, for the purposes of the masterplanning, it has been assumed that retarding basins will be required while recognising that this is a conservative assumption. Impacts were minimised by widening the terminal part of the Chinderah Drain and adding an extra culvert to the Tweed River and by controlling flows south of Noble Park. The impacts were acceptable and were assessed including an enlarged Council culvert with stormwater flows entering from south of the Masterplan Area.

Stormwater Quality –

- To meet the TSC water quality objectives, a range of treatment options were investigated including wetlands, bio-retention, infiltration swales, reuse (rainwater tanks) and permeable pavements. The analysis was based on conservative assumptions with regards to the building density and associated fraction impervious. The analysis identified a preference for infiltration swales systems integrated into boulevards as the primary treatment method, likely in combination with treatment train including rainwater tanks and permeable pavements. If this approach cannot achieve a solution integrated with the urban design across a precinct then wetlands may be adopted to service that area. The wetlands would likely be co-located with retarding basins.

Riparian Corridors and Setbacks –

- An assessment of riparian setback requirements established there are 1st order and 2nd order watercourses passing through or adjacent to the precincts, which normally require 10m and 20m riparian setbacks either side of the watercourses.
- It was concluded that the mapped stream 1st order channels in the West Kingscliff Precinct will require 10m riparian setbacks either side of the watercourses, and the mapped stream 2nd order channel, the Chinderah Drain, passing from south to north through the West Kingscliff Precinct and between the Business and Knowledge Precinct and the North Kingscliff Precinct will require 20m riparian setbacks on either side.
- The mapped stream 1st order channels in the Cudgen Precinct and Turnock Street Precinct are both subject to existing approvals, and in these locations, further consideration of retention and riparian setbacks is not applicable.
- A site inspection of the mapped channels in the North Kingscliff Precinct determined that the mapped stream 1st order channels in the North Kingscliff Precinct have minimal value and should more broadly be considered agricultural drains, and that an opportunity exists to combine the northern drain with the nearby drain running parallel in the Ozone Street road reserve which is also a mapped channel, reducing the maintenance burden on the local government and reinstating an ecologically functional drainage system.

Matters identified above can be assessed and resolved at the DA stage.

Bushfire

A Bushfire Hazard Assessment forms part of the Planning Proposal (GHD 2020, refer to **Appendix 7.3**). It provides that Asset Protection Zones (APZs) can generally be implemented within the proposed perimeter roads. Where APZs cannot be provided within perimeter roads, it is anticipated that they will be implemented at the DA stage.

The zoning of lands within the Turnock Street Precinct to RE1 Public Recreation to create the Quigan Park between proposed E2 Environmental Conservation will provide a break in the bushfire hazard, reducing the bushfire threat to the Kingscliff CBD and adjacent urban areas (Elks 2020, refer to **Appendix 4.2**; GHD 2020, refer to **Appendix 7.3**).

Acoustic

A Planning Proposal Acoustic Review (Cardno 2020, refer to **Appendix 7.4**) forms part of this Planning Proposal. It confirms that:

- Construction Noise and Vibration Management Plans (CNVMPs) for various works may be required prior to Construction Certificate stage;
- Future DAs should be accompanied by acoustic impact assessments which consider impacts from existing and proposed roads, as well as noise from plant and activity associated with existing commercial development; and
- Future residential uses in the Business and Knowledge Precinct may require acoustic treatment to mitigate impacts from the Chinderah Industrial Estate. Such treatments could include orientating habitable rooms away from noise sources where possible. Where this cannot be achieved or is not desirable (limits solar access or precludes valuable views), alternative solutions such as enclosure of balconies (wintergardens) and/or sound-proof windows should be considered.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Social infrastructure required as a result of the Planning Proposal is identified in the Community Infrastructure Assessment (Macroplan 2020, refer to **Appendix 6.2**) and includes the following recommendations:

- Provision of an additional local-level community hall and a multi-purpose district-level community /civic hub and library;
- Provision of a childcare centre and after school care service;
- Provision of a government primary school by 2036, and potentially a new secondary school based on demand;
- Provision of an additional medical centre by 2036 and aged care facility by 2036;
- Opportunities to upgrade or relocate aquatic facilities;
- Provision of neighbourhood parks within 500m of all residences or 400m to medium or high density housing;
- Provision to cater for a current and future undersupply of active open space;
- Provision of additional regional passive open space adjacent to the Tweed Valley Hospital to diversify provision and location of open space and provide a high level of amenity and accessibility for residents as well as employees and visitors to the hospital; and
- It is considered that there is a strong opportunity for a tertiary institution to be established in the Business and Knowledge Precinct as a regional value-added land use opportunity (Macroplan 2020, refer to **Appendix 6.1** and **Appendix 6.2**).

Provision is made in the Gales Kingscliff Masterplan (LFA 2020) to provide potential locations where required facilities can be provided.

Project benefits assessment has been undertaken for the proposal and is documented in Gales Housing, Retail and Employment Market Analysis (Macroplan 2020, refer to **Appendix 6.1**). Benefits include the following:

Residential benefits –

- Certainty of residential supply which supports efficient land use planning outcomes including related community infrastructure planning needs;
- Enhanced affordability through the provision of alternative product, as well as through the provision of increased supply (i.e. avoids supply constraint issues that negatively impact affordability);
- Increased residential choice including an improved mix of attached and small lot product that aligns with objectives of the KLP 2020;
- The enhanced residential mix is expected to increase socio demographic diversity in the local area;
- The provision of long-term residential supply will create a stable local provision of construction employment, including on-site construction employment and related construction services employment; and
- The additional residential dwellings will increase the residential rates base for Tweed Shire, with Macroplan's minimum expected 1,800 additional dwellings by 2036 equating to an annual contribution of approximately \$1.9 million (based on minimum rate charge for 2018/19).

Retail and centre benefits –

- The expanded centres infrastructure at Turnock Street and within the Business and Knowledge Precinct will increase the local retention of retail expenditure and reinforce Kingscliff's sub-regional role;
- The increased scale and diversity of retail facilities will provide residents greater choice in retail products and reduce the need to travel outside the local area, therefore reducing travel-related costs and environmental impact;
- The expanded/new centres will create new employment opportunities in the local area including casual and part-time employment opportunities which are important for youth employment; and
- The expanded/new centres will improve the level of convenience and accessibility of local retail centres which will become increasingly important for the area's population of people aged 70+ who are typically less mobile.

Employment benefits –

- The planned land uses and precincts within the Masterplan Area will support sufficient employment capacity and opportunity to meet employment needs well beyond the assessment period of 2036;
- The Business and Knowledge Precinct provides an excellent opportunity for concentrated employment growth supporting a diverse range of employment types and activities to serve a broad regional catchment and ultimately become a major employment hub in north-eastern NSW;

- The employment capacity and opportunities supported by Gales Masterplan provides the opportunity to increase employment diversity within the KLP area, including within strategic industry sectors;
- There is strong opportunity to improve employment self-containment and sufficiency within the KLP area; and
- Will create expanded and new employment precincts that are well located to support growth in health and medical employment related to the new Tweed Valley Hospital, therefore capturing the economic multiplier effects generated by this new economic catalyst in the area.

Impact on Agricultural land

Approximately 3.8ha of the Masterplan Area is identified as forming part of the northern extent of the Cudgen Plateau State Significant Agricultural land. This land is not under cultivation and contains an archaeological heritage item (former Cudgen Sugar Mill). This land adjoins the new Tweed Valley Hospital and is proposed as E2 Environmental Conservation and RE1 Public Recreation. The land is not used for agriculture and has no impact on existing horticulture uses in the area. The land contains fragments of ecologically significant vegetation which will be retained in accordance with the Masterplan and proposed zoning.

70.2 ha of the Masterplan Area is identified as Regionally Significant Farmland and is located on the eastern extent of the Regionally Significant Farmland area mapped by NSW Department of Planning. 64.3ha of the Masterplan Area identified as Regionally Significant Farmland is subject to existing and approved Sand Mining operations and this land will be retained in a rural land use zone.

Overall there is a negligible impact on existing farming uses; the land has limited capability for future agricultural uses and rural zoning is maintained.

6.4 SECTION D – STATE AND COMMONWEALTH INTERESTS

Q10. Is there adequate public infrastructure for the planning proposal?

Community Infrastructure Assessment (Macroplan 2020, refer to **Appendix 6.2**) identifies the anticipated social infrastructure. The Gales Masterplan identifies potential locations for the delivery of social infrastructure. Broader social needs such as those provided by the Department of Education, Department of Justice and Department of Health are also addressed in Macroplan's report. The development of the Tweed Valley Hospital is adjacent to the Masterplan Area. It is understood that the Tweed Valley Hospital is to include integrated ambulance services.

In addition to the Tweed Valley Hospital, Kingscliff WWTP and Kingscliff TAFE are in close proximity to the Masterplan Area, and Tweed Coast Road, which divides the Masterplan Area, is being widened to four lanes.

Services Infrastructure identified in the Essential Services Report (Mortons Urban Solutions 2020, refer to **Appendix 5.3**) demonstrates that development enabled by the Planning Proposal including providing for forecast ultimate development post-2036, is capable of being adequately serviced.

Transport Infrastructure is identified in the Traffic Impact Assessment (Bitzios 2020, refer to **Appendix 5.4**) which identifies:

- Implementation of the Tweed Road Development Strategy;
- The proposed road network as shown in the Masterplan is consistent with the TRDS and demonstrates a greater network benefit to traffic operations for the surrounding road network;
- New north-south and east-west bus links to provide public transport opportunities;
- Active transport opportunities; and
- Adequate and improved road network to serve anticipated demand created by the proposal.

7 PART 4 – MAPPING

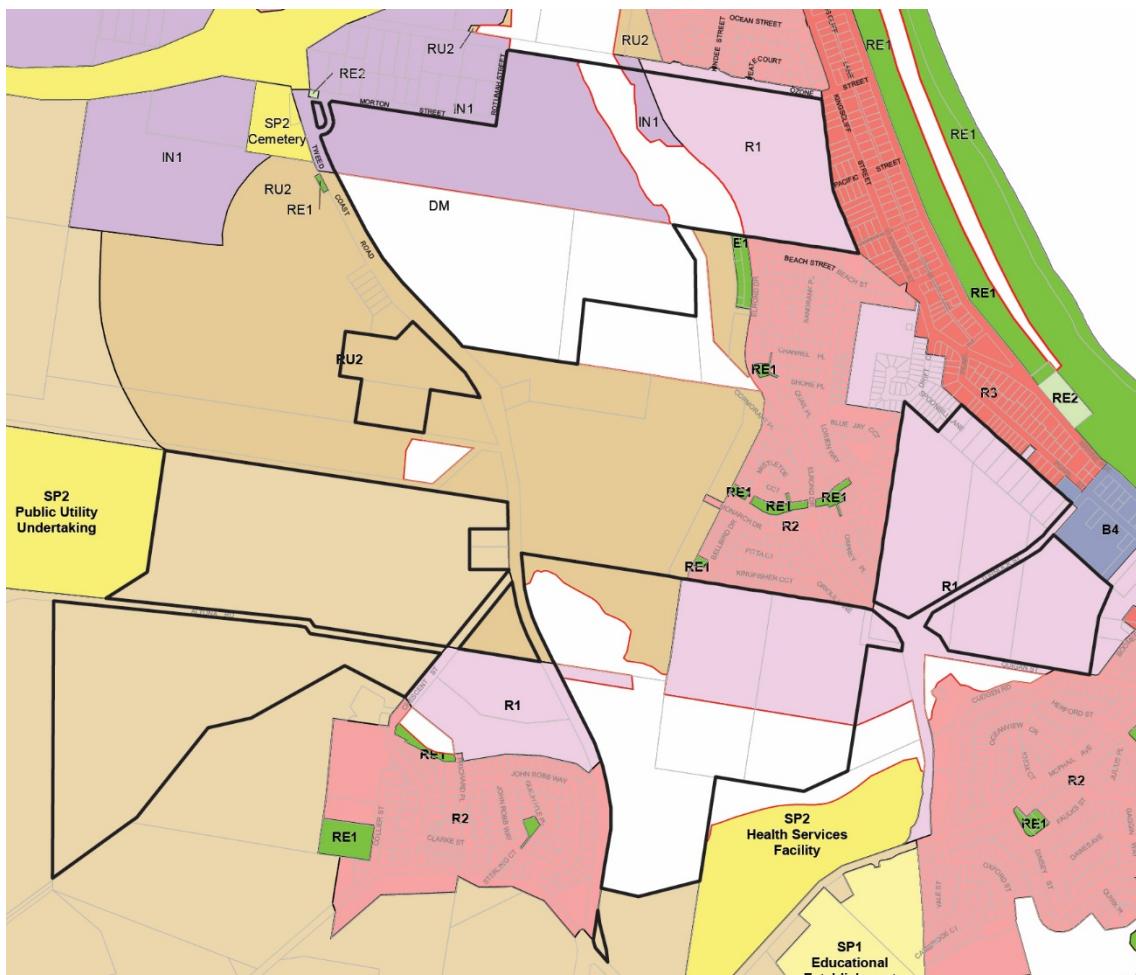


Figure A: Existing TLEP 2014 land use zone mapping (TSC 2014)

Legend

	Masterplan Area		R1 General Residential		RU1 Primary Production
	DM Deferred Matter		R2 Low Density Residential		RU2 Rural Landscape
	B4 Mixed Use		R3 Medium Density Residential		SP1 Special Activities
	IN1 General Industrial		RE1 Public Recreation		SP2 Infrastructure
			RE2 Private Recreation		

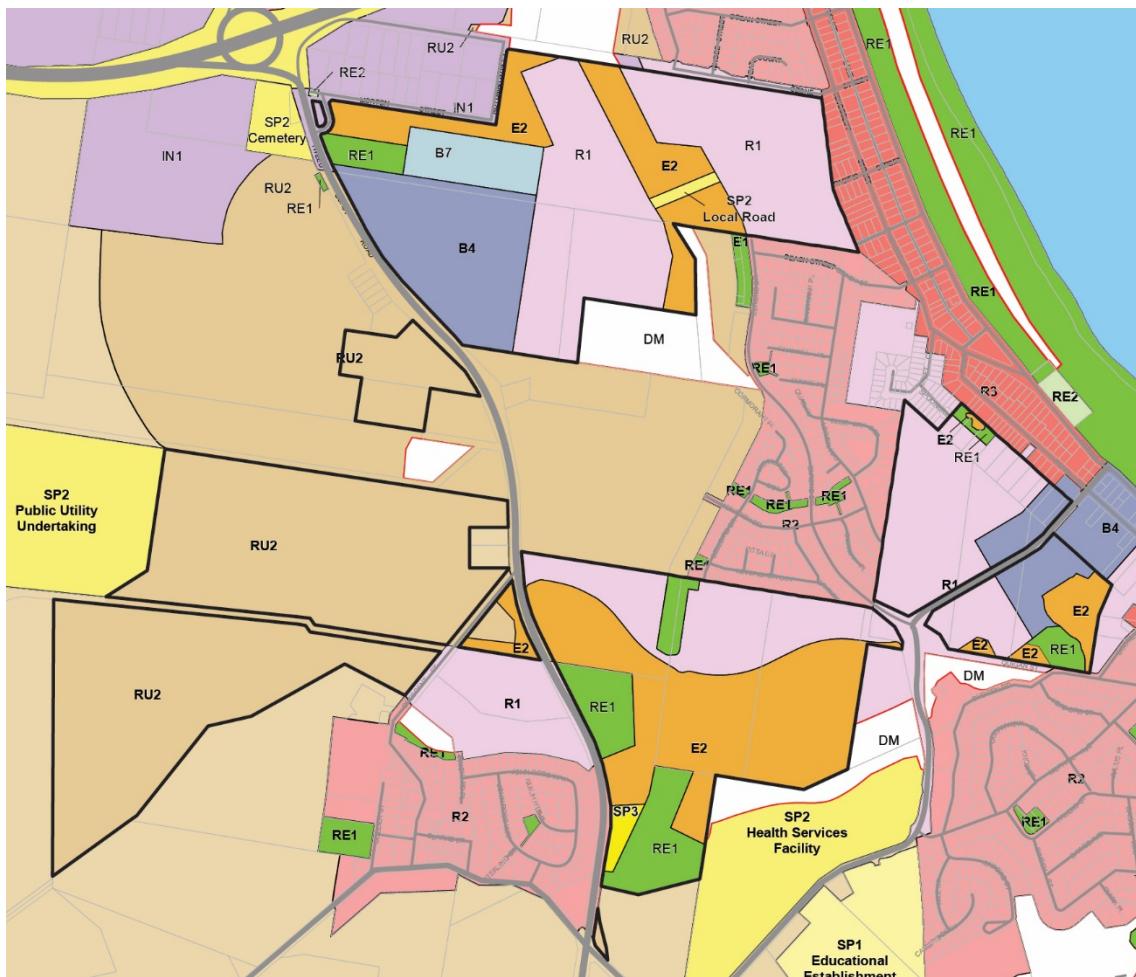


Figure B: Proposed TLEP 2014 land use zone mapping

Legend

	Masterplan Area		R1 General Residential		RU1 Primary Production
	DM Deferred Matter		R2 Low Density Residential		RU2 Rural Landscape
	B4 Mixed Use		R3 Medium Density Residential		SP1 Special Activities
	B7 Business Park		RE1 Public Recreation		SP2 Infrastructure
	IN1 General Industrial		RE2 Private Recreation		E2 Environmental Conservation

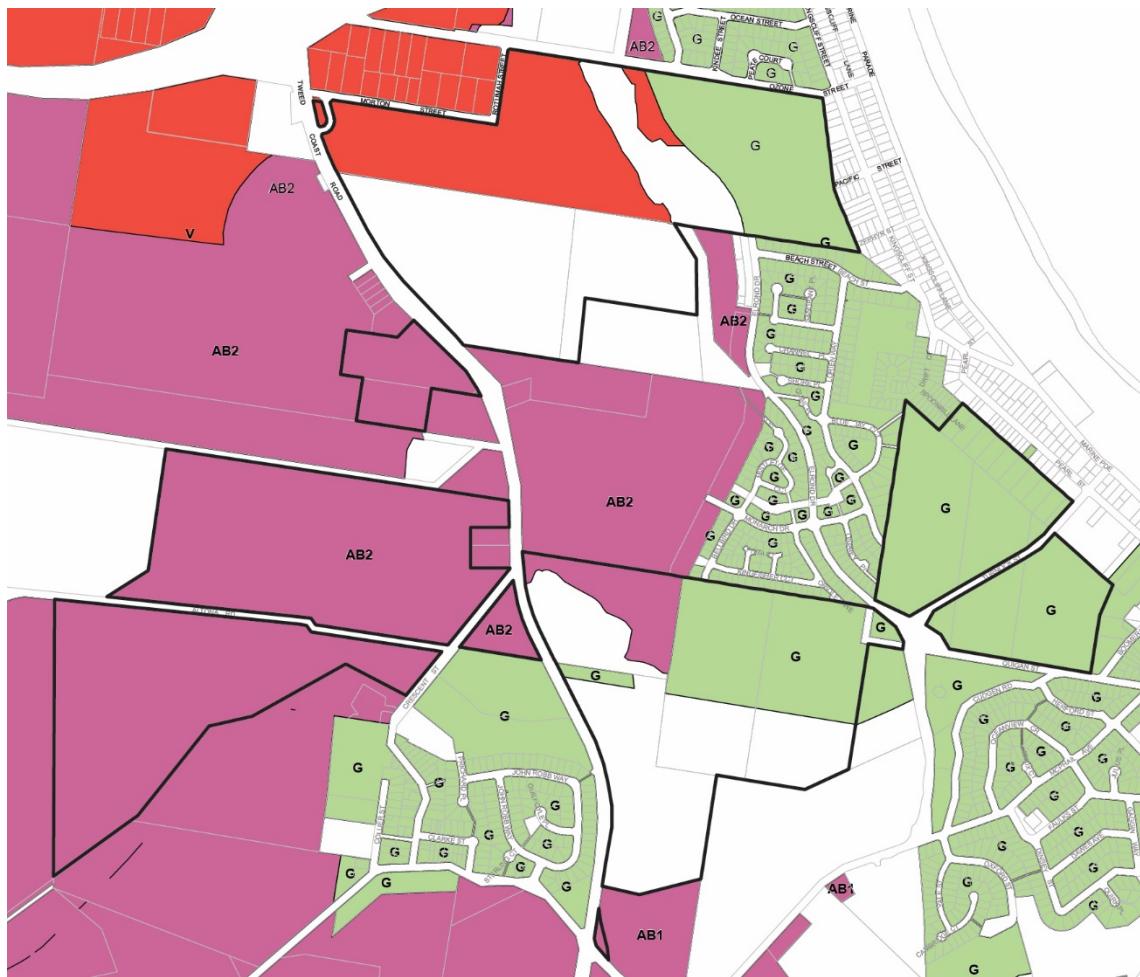


Figure C: Existing TLEP 2014 minimum lot size mapping (TSC 2014)

Legend

	Masterplan Area		V – 2000sqm
	D – 300sqm		AB1 – 10ha
	G – 450sqm		AB2 – 40ha

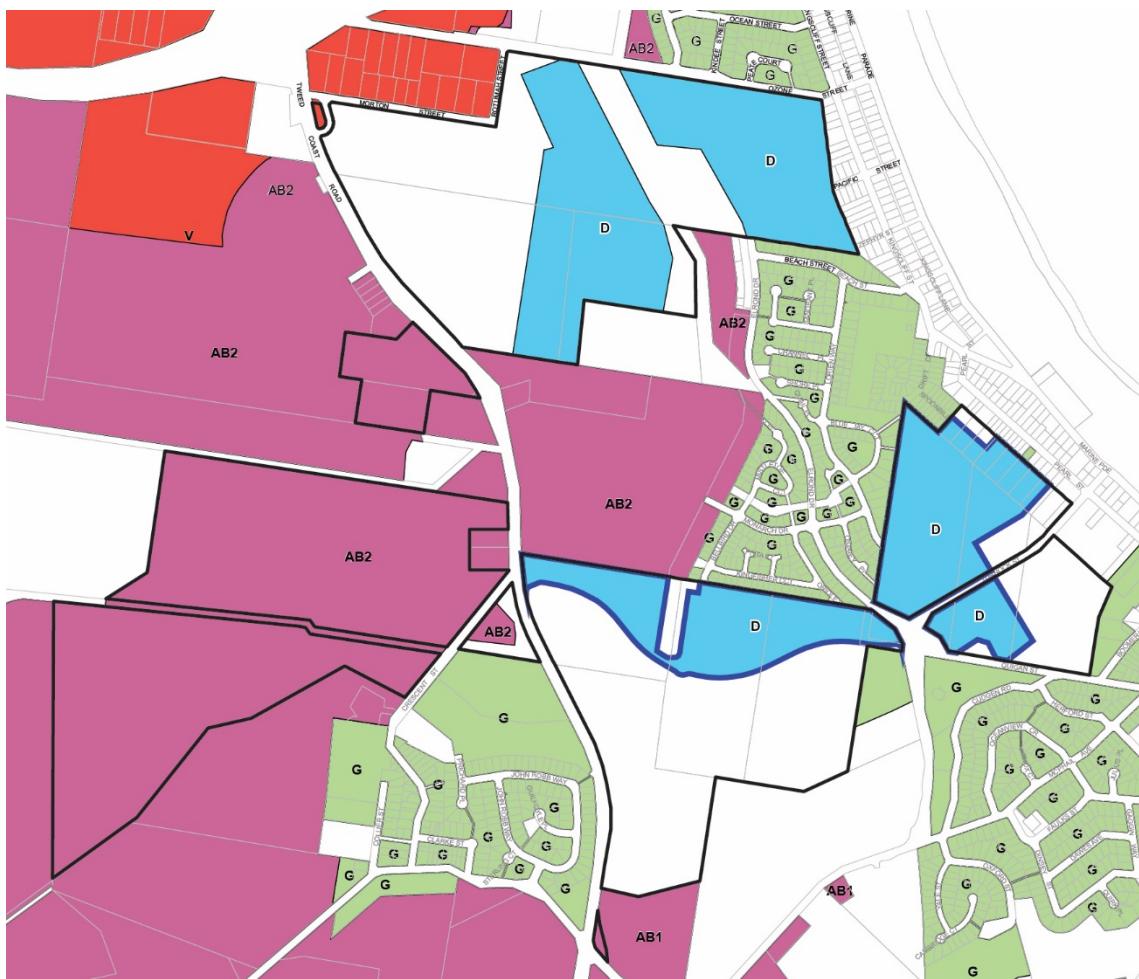


Figure D: Proposed TLEP 2014 minimum lot size mapping

Legend

	Masterplan Area		V – 2000sqm		Refer to Clause 4.1F
	D – 300sqm		AB1 – 10ha		
	G – 450sqm		AB2 – 40ha		

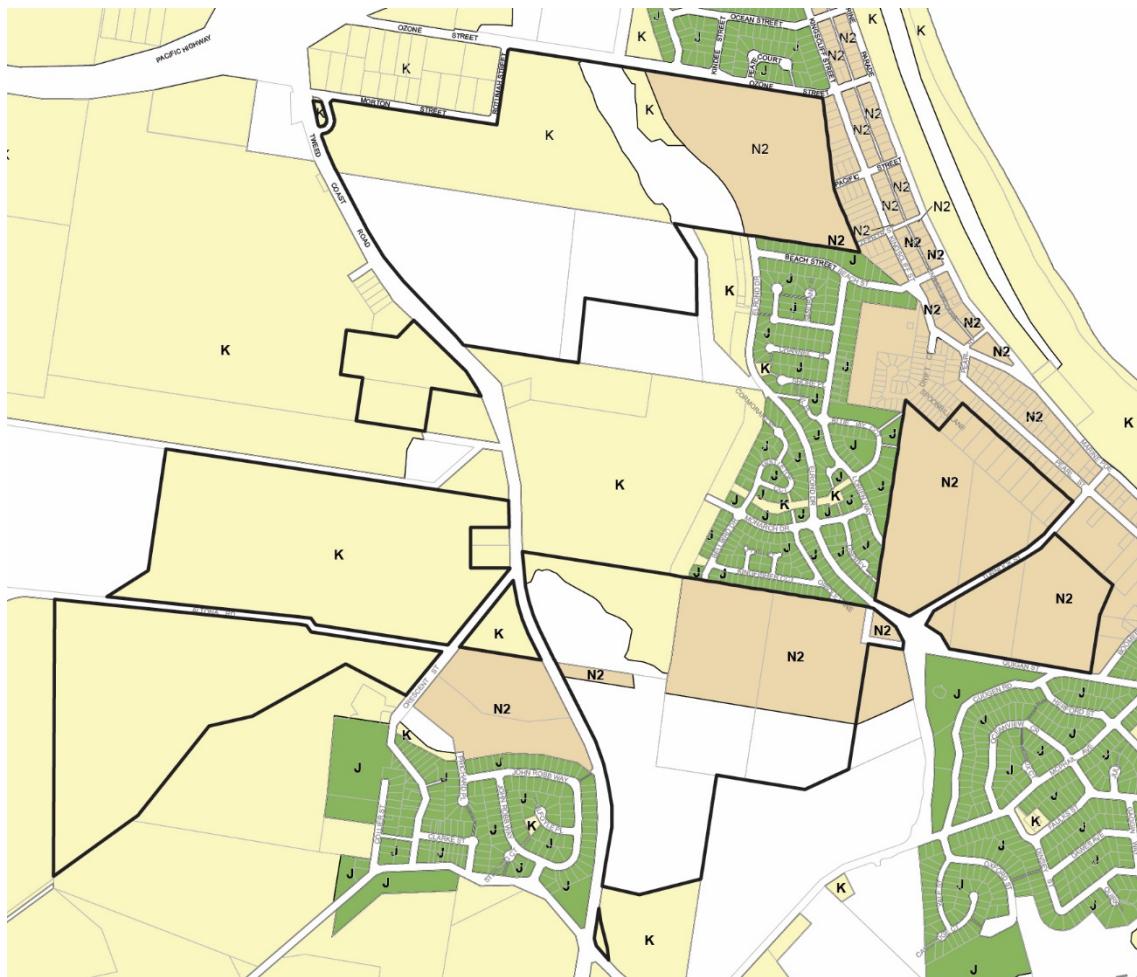


Figure E: Existing TLEP 2014 height of buildings mapping (TSC 2014)

Legend

	Masterplan Area		K – 10m
	J – 9m		N2 – 13.6m

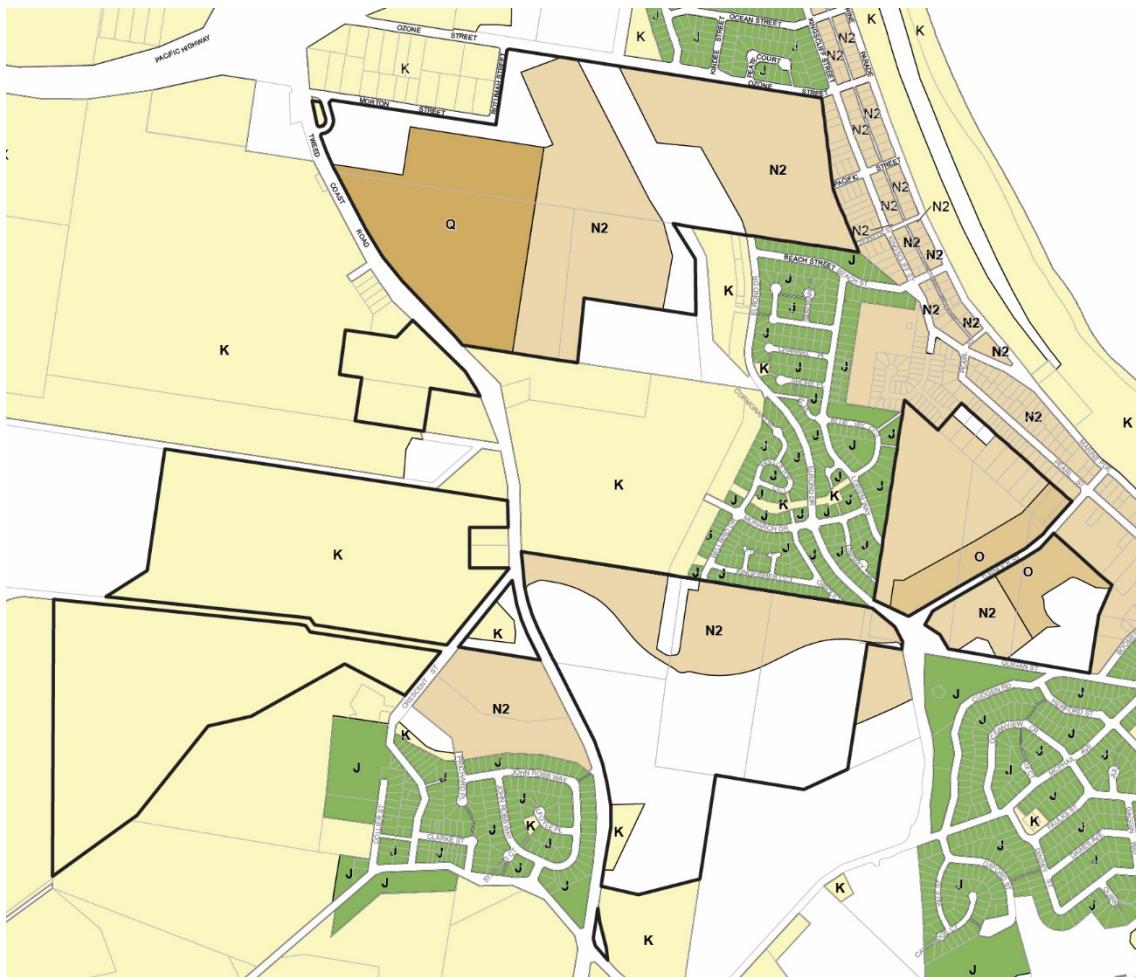


Figure F: Proposed TLEP 2014 height of buildings mapping

Legend

[White Box]	Masterplan Area	[Light Orange Box]	N2 – 13.6m
[Green Box]	J – 9m	[Medium Orange Box]	O – 16.6m
[Yellow Box]	K – 10m	[Dark Orange Box]	Q – 20m

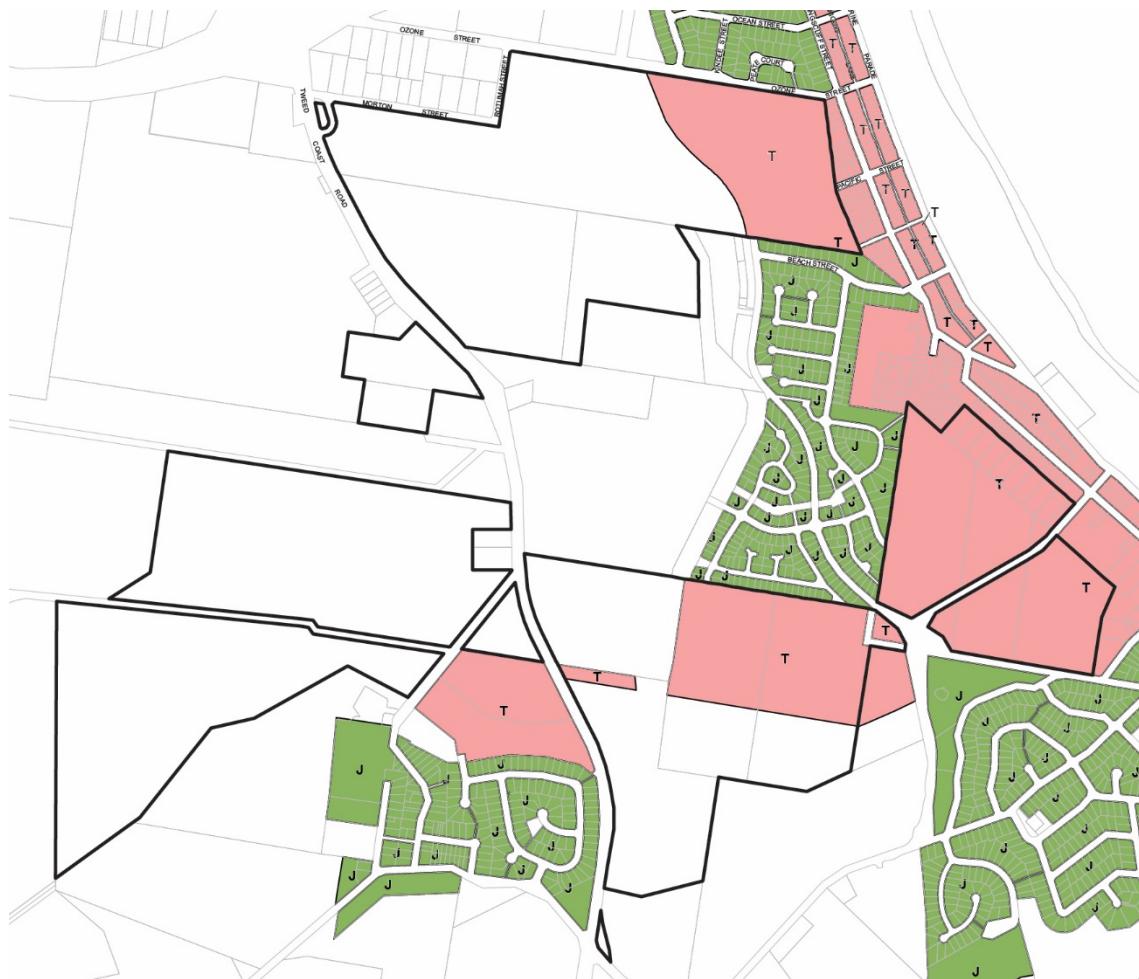


Figure G: Existing TLEP 2014 floor space ratio mapping (TSC 2014)

Legend

-  Masterplan Area
-  J - 0.8:1
-  T - 2:1

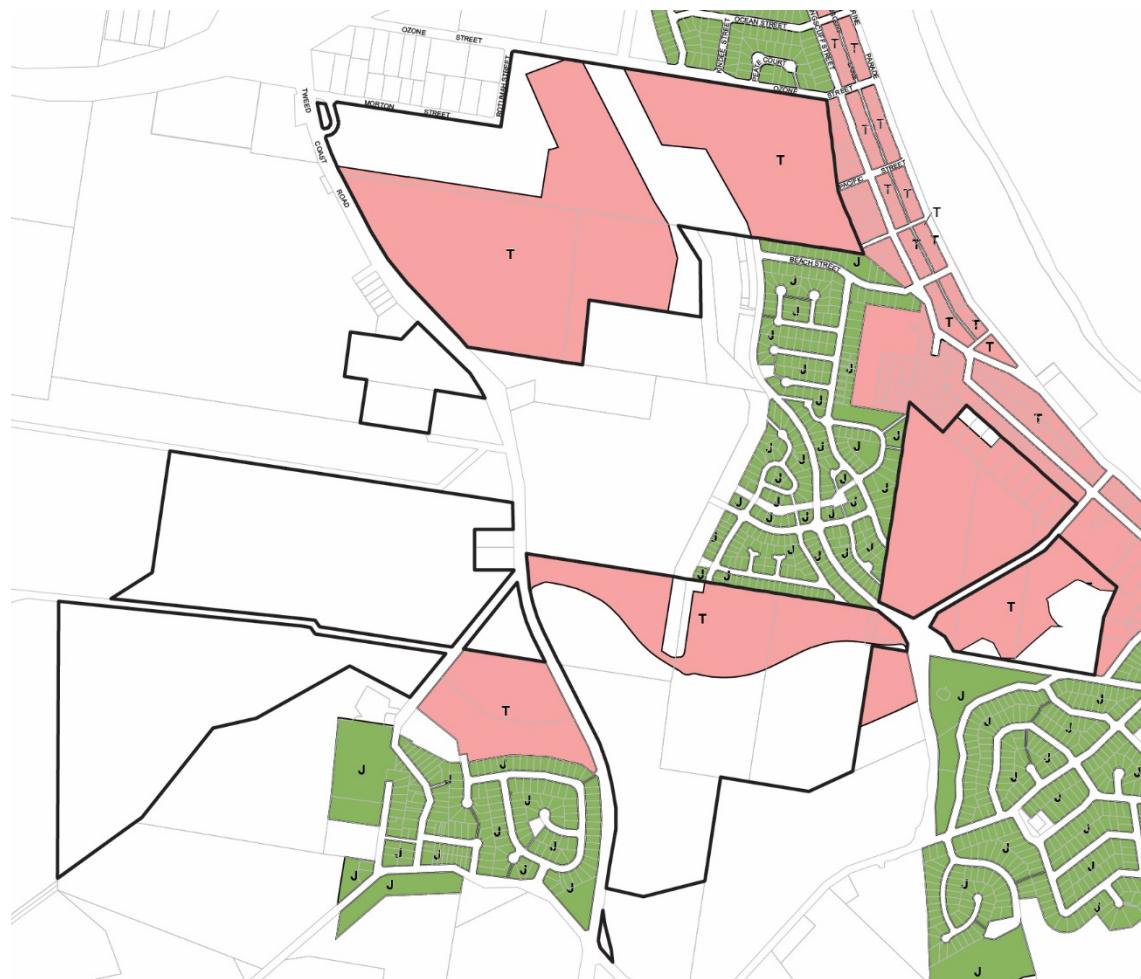


Figure H: Proposed TLEP 2014 floor space ratio mapping

Legend

- Masterplan Area
- J - 0.8:1
- T - 2:1

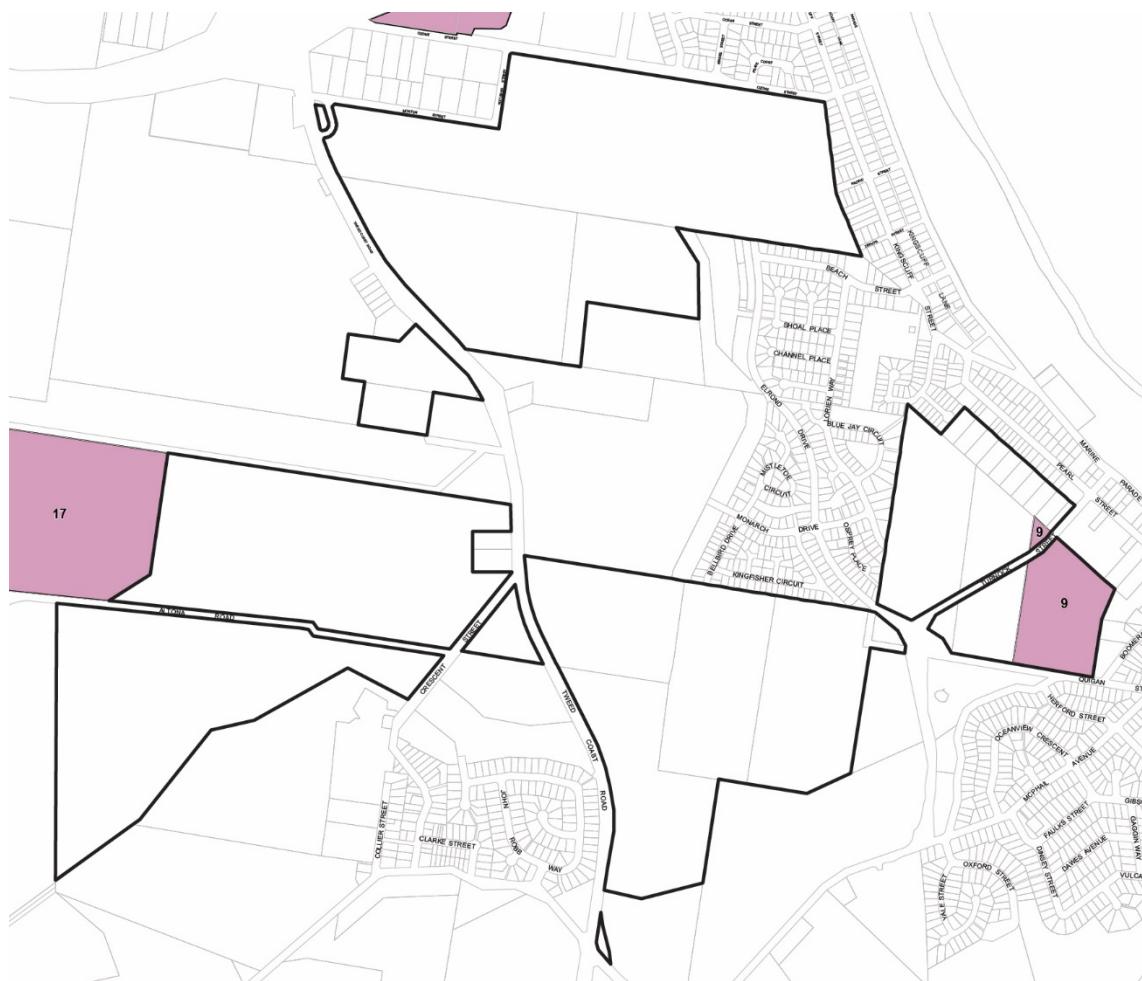


Figure I: Existing TLEP 2014 additional permitted uses mapping (TSC 2014)

Legend

- | | |
|---|--------------------------|
|  | Masterplan Area |
|  | Additional Permitted Use |

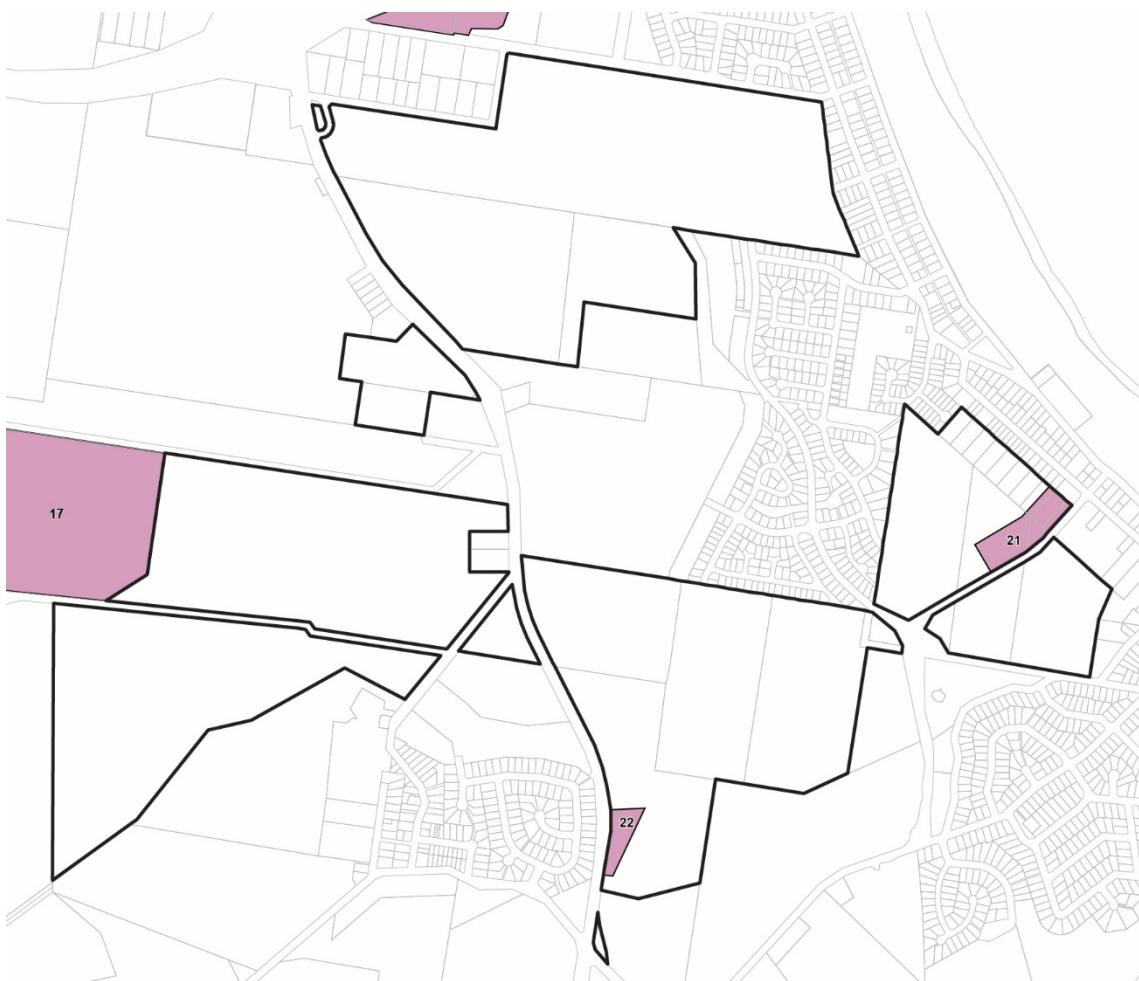


Figure J: Proposed TLEP 2014 additional permitted uses mapping

Legend

- | | |
|--|--------------------------|
| | Masterplan Area |
| | Additional Permitted Use |



Figure K: Proposed TLEP 2014 Design Excellence mapping

Legend

-
-  Masterplan Area
 -  Design Excellence – Business and Knowledge Precinct
 -  Design Excellence – Turnock Street Precinct

8 PART 5 – COMMUNITY CONSULTATION

Plans for the KLP area and the Gales Masterplan Area have been subject to community consultation undertaken by Council and by the Proponent as detailed below.

8.1 COUNCIL COMMUNITY CONSULTATION

- Community Vision Survey and Workshop (September-October 2014)
- Enquiry by Design Workshop led by Architectus (2-3 September 2015)
- Kingscliff Shopfront Exhibition (7-18 March 2016) and exhibition of draft KLP&DCP to 31 March 2016
- Understanding building height workshops – Panels Presentation (July 2016)
- Public Exhibition of draft KLP and DCP 2018 (20 August-24 September 2018)
- Community Roundtable Workshops (20 August and 4 September 2018)
- Public Exhibition draft KLP and DCP 2019 (3 December 2019-31 January 2020)

8.2 TURNOCK STREET PRECINCT – COMMUNITY FEEDBACK

The Enquiry by Design Workshop – Workshop Outcomes and Key Recommendations Report (Architectus, October 2015) stated in Objectives and Outcomes Urban Structure:

- Village character – 3 storeys to the beach and step up to 5-6 storeys behind
- 4-6 storeys to Pearl Street
- Increase height (4-6 storeys in Turnock Street)

The Enquiry by Design Workshop 2-3 September 2015 evidenced strong support for increased height back from the beach, and the importance of retaining existing height and fine grain detail along the beachfront buildings.

This Enquiry by Design Workshop informed the first stage of the Kingscliff Locality Plan process.

A Kingscliff Locality Plan Shopfront Exhibition was held by Tweed Shire Council 7-18 March 2016 with 828 visitors over two weeks, the largest community consultation carried out in order to seek community views concerning height.

As shown in the extracts below from the Shopfront Exhibition Feedback Report:

- (i) Question 2 - there were 80 responses in favour of the strategy to increase building heights to 16.6m along part of Pearl and Turnock Streets (49.5%), and 76 responses against the strategy to increase building heights (47.5%); and
- (ii) Question 6 – there were 65 responses in favour of shop top and flat buildings to 16.6m (47%) along Turnock Street and 64 responses not in favour of shop top housing and flat buildings up to 16.6m (47%).

Question 2: Do you think building height of 16.6m (5 storeys') along part of Pearl and Turnock Street to provide shop top housing is reasonable for future development?



Shop front Feedback:

- 161 dot responses
- 80 responses in favour of strategy to increasing height to 16.6m (49.5%)
- 76 responses against strategy to increase building height (47.5%)
- 5 responses undecided (3%)

Q.6 Do you support additional shop top housing (16.6m), residential flat buildings (16.6m) and other medium density housing types given the precincts good walkable proximity to the Town Centre?



Shop front Feedback:

- 137 dot responses
- 65 responses in favour of shop top and flat buildings to 16.6m (47%)
- 64 responses not in favour of shop top housing and flat buildings to 16.6m (47%)
- 8 responses undecided (6%)

Figure 35: Shopfront Exhibition Feedback Report TSC 2016

The heights in Gales Planning Proposal in the Turnock Street Precinct are similar to that presented by Council to the community in 2016 above.

The Planning Comment in response to Question 2 states: "As derived from conversations within the shopfront exhibition, those who favoured the additional height generally saw benefit in providing additional housing opportunity within walking distance of the Town centre and coastal foreshore areas. Those who did not support addition [sic] building height generally equated height increases with loss of character and potential for additional car parking and traffic issues".

The Planning Comment in response to Question 6 states: "As derived from conversations from within the shopfront exhibition, those who generally favoured addition [sic] building height in this location saw benefit in providing additional housing opportunity, which would provide a greater demographic and affordability range within walking distance of the Town centre and coastal foreshore areas.

Those who did not support addition [sic] building height in this location generally equated height increases with loss of character and potential for additional car parking and traffic issues." Fear of building height creep to eventually permit 10-storey buildings was noted as a strong concern.

It is considered that the concerns expressed above can be addressed by a maximum height of 16.6m, upper level set back, architectural form and design guidelines to ensure that buildings reflect the coastal character of Kingscliff and provide sufficient underground and above-ground parking to mitigate traffic impacts. It should be noted that the shopping centre is a major factor in drawing traffic to Turnock Street. Gales Planning Proposal would result in more local residents using the existing shops and, in the future, people currently driving to Turnock Street for local shopping being more likely to go to the Business and Knowledge Precinct.

The draft KLP 2016 recommended 16.6m maximum building height along Turnock Street (images below) which was removed in subsequent KLPs. KLP 2020 Section 4.3.3 Building Height consideration during KLP Community Consultation p. 135 states:

"The concept behind increasing building height was to provide additional housing stock within walkable proximity to the town centre and coastal foreshore areas without blocking existing views or impacting the visual character and amenity of the coastal foreshore area."

Building Height Explained

- Reducing building height from 13.6m down to 11.0m building height along Marine Parade.
- Retain 13.6m building heights along the 'pub side' of Pearl Street.
- Increase building height to 16.6m building heights along the 'Kingscliff Shopping Village side' of Pearl Street to encourage shop top housing.

Why have additional building height in Kingscliff?

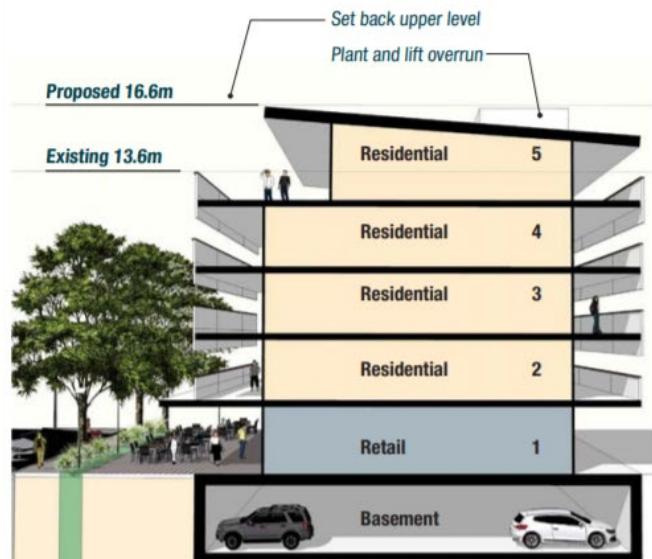
- Enables higher population density by using a smaller development envelope in centrally located well connected areas.
- Allows for shop-top housing and additional accommodation within the town centre contributing to town centre vibrancy.
- Contributes to Kingscliff's housing diversity to suit a range of people.
- Contributes to walkability and less car movements.
- Enables additional public domain and streetscape works as a result of developer contributions.

Measuring Building Heights

- The Tweed LEP 2014 prescribes a maximum height of buildings through the LEP maps and defines building heights as:

"building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like."

The existing building height limit in the Kingscliff Town Centre is 13.6m which can accommodate a 4 storey building. Proposed increases to 16.6m would result in an additional storey.



Well articulated building form, landscape and mix of materials reduces bulk.

Source: Bark Architects.

Figure 36: Kingscliff Locality Plan Community Workshop 03 Panel 08 Building Heights extract



Figure 37: KLP 2016 p. 14

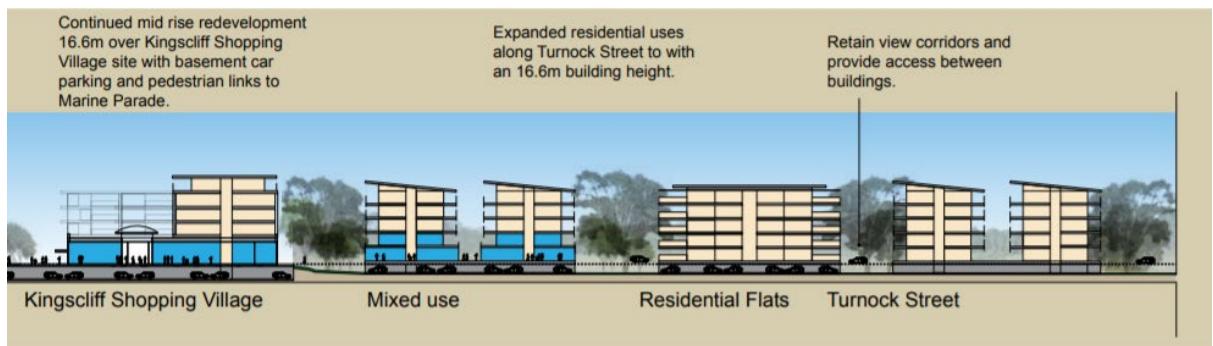


Figure 1.3 - Conceptual 30 yr Section of Kingscliff's Town Centre

Figure 38: KLP 2016 p. 15 (Figure 1.3) and same image on p. 35 (Figure 3.1)

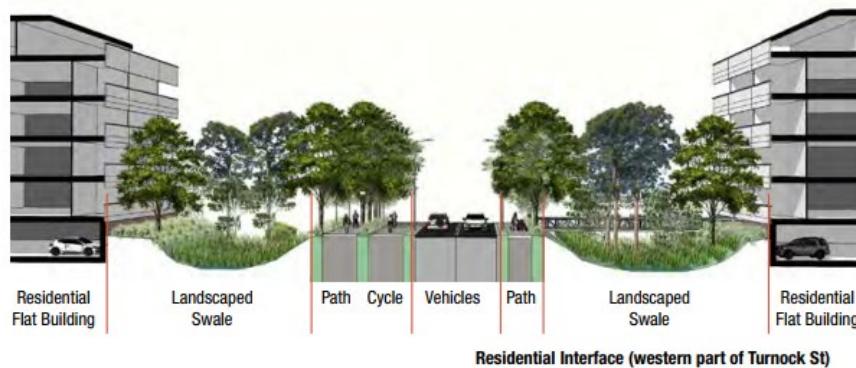


Figure 3.3 Indicative Turnock St Sections

Figure 39: KLP 2016 p. 38 – showing 5-storey Residential Interface and 5-storey Mixed Use Interface both with upper level set back



Indicative Montage

Turnock Street- Given Turnock Street will ultimately form the gateway entrance into Kingscliff township from the Tweed Coast Road, the precinct presents significant opportunity for a defining tree lined and landscape swale boulevard with dedicated shared (but separated) pedestrian and cycle path. There is similar opportunity for built form and urban development including a mix of residential flat buildings and mixed use development fronting Turnock St and a diversity of housing types across developable areas to the north.

Figure 40: Extract from KLP 2019 p. 221 – showing higher building form at the entrance to the Turnock Street Precinct



Indicative montage

Turnock Street – As the primary gateway entrance into Kingscliff from the Tweed Coast Road, Turnock Street will be designed as a character defining collector road integrating traffic movement, cycle and pedestrian movement, parking, shade and lighting with landscaping including street trees.

Figure 41: Extract from KLP 2020 p. 227 – showing 5-storey building form at the entrance to the Turnock Street Precinct (slightly reduced from that shown in KLP 2019)

8.3 BUSINESS AND KNOWLEDGE PRECINCT – COMMUNITY FEEDBACK

A Kingscliff Locality Plan Shopfront Exhibition was held by Tweed Shire Council 7-18 March 2016 with 828 visitors over two weeks, the largest community consultation carried out in order to seek community views concerning height.

As shown in the extract below from the Shopfront Exhibition Feedback Report:

- (i) Question 8 - there were 62 responses in favour of 20m business park height (44%) and 77 responses against 20m business park height (54%).

Q.8 Do you support a 20m (6 storeys) building height limit to encourage a business park over part of this site?



Shop front Feedback:

- 142 dot responses
- 62 responses in favour of 20m business park height (44%)
- 77 responses against 20m business park height (54%)
- 3 responses undecided (2%)

Figure 42: Shopfront Exhibition Feedback Report TSC 2016

The Planning Comment in response to Question 8 states:

"Those that generally supported the additional building height in this location acknowledge the good strategic access the site had to the Pacific Highway and the fact that this precinct is largely 'removed' from the Kingscliff township. As such they felt that the additional height in this location was unlikely to impact the overall character of the existing Kingscliff town centre. Many of the respondents who did not support additional building height in this location were of the view that a general 13.6m (3-storey) building height should be the maximum allowable building height to all parts of the locality regardless of proposed use and location ..."

"It was also noted during the shopfront that a number of people confused the location of the site initially thinking that the 20m (6-storey) height was located adjoining the existing town centre. Once the location adjoining the Chinderah Light Industrial Estate was clarified, many respondents were generally more accepting of higher buildings in this location."

The exhibited draft KLPs 2016, 2018 and 2019 contain the following recommendation:

"To maximise employment generating opportunity, there is opportunity for taller buildings up to 20m within the precinct to encourage large businesses and more intensive employment generating land uses, commercial and business opportunities".

No objections to the 20 metre maximum building height in the Business and Knowledge Precinct in the KLP 2019 were recorded in the TSC Summary of written submissions received during public exhibition – 03 December 2019-31 January 2020.

The above recommendation for buildings up to 20 metres was removed in the adopted KLP 2020 which was not re-exhibited and states:

"A building height of 20m was also conceptuses for the new Business and Innovation precinct which was based on building heights found across other business parks and university campuses regionally and nationally" (Section 4.3.3 Building Height consideration during KLP Community Consultation, p.135).

The removal of reference to 20 metres in the KLP 2020 was not exhibited and no substantive reasons are given for pursuing 13.6m in Business zones, other than stating that Council's meeting of 16 March 2017 resolved to nominate building heights to be "13.6m to other Business zones" and reference made to round table consultation workshop sessions. As detailed above, the largest community consultation undertaken in 2016 did not express a strong preference for increased building heights or retaining existing building heights in this precinct, but did note that once the location of the Business and Knowledge Precinct was clarified – being some distance away from existing Kingscliff residents and adjacent to the current Chinderah Light Industrial Estate – respondents who had been against were generally more accepting of higher buildings in this location.



Innovation Campus is part of Wollongong University focus's on establishing collaborative relationships between research and business communities by co-locating commercial and research organisations within an open campus typology.

Creating symbiotic relationships between tertiary education and business provides opportunity for diversity, future job creation outside of more traditional light industrial estates.

There is opportunity within the Kingscliff to establish or create a specific business niche especially in areas that are well connected to existing settlements and infrastructure.

Figure 43: KLP 2020 p. 142 and p. 251 showing an Innovation Campus



Business and Knowledge Precinct Public Domain - Public domain improvements within a Business Park context could include a series of smaller interconnected landscaped public domain areas fostering strong pedestrian connectivity, water sensitive urban design (WSUD) and a high level of outdoor amenity for workers and residents alike.

Figure 44: KLP Development Control Plan 2020 p. 55 showing 4-5 storey building form in Business and Knowledge Precinct Public Domain



There is opportunity to co-locate education facilities with a business park to build upon the existing industry pillars of tourism, health, agriculture and construction.

Images: Proposed Abercrombie Precinct - Sydney University.

Figure 45: Kingscliff Locality Plan Community Workshop 03 2016 Business and Knowledge Precinct Panel 13

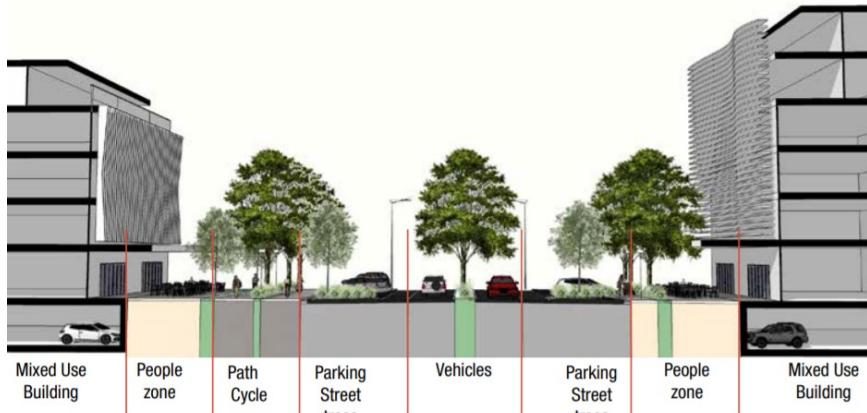


Figure 5.1 Indicative Business and Knowledge Precinct Boulevard

Figure 46: Kingscliff Workshop 2016 Panel 14; KLP 2016 p. 59 showing 5 and 6-storey Mixed Use Building ‘Indicative Business and Knowledge Precinct Boulevard’

8.4 GALES COMMUNITY CONSULTATION

- **Enquiry by Design Workshop** (2-3 September 2015) attended by Gales, Intrapac Property and Roberts Day including Roberts Day Presentation of Gales-Intrapac Masterplan to community representatives.
- **Ongoing Community Consultative Committee** for the Cudgen Lakes Sand Extraction Project which continues to inform members of operations and plans for the Cudgen Precinct (April 2017, November 2017, September 2018, November 2019 and April 2020).
- **Kingscliff Chamber of Commerce** presentation by Intrapac 19 July 2016 where the objective of the presentation was to:
 - Present the Gales-Intrapac Masterplan to Chamber members and detail the differences between the Masterplan and the Council KLP.
- **Guided tours for Councillors, Council officers, Kingscliff and Cudgen residents** of the West Kingscliff Precinct and proposed Sugar Mill Parklands, where the objective of the guided tours were to:
 - Show Council attendees and local residents the beauty and potential of the proposed parklands which are currently in private ownership and are intended to be dedicated as public parklands as part of the Planning Proposal.
 - 21 August 2017 (local residents)
 - 25 August 2017 (Council attendees)
 - 14 October 2017 (over 40 local residents, Tweed Daily News ‘Developer keen to show plan’ 18 October 2017)
 - 18 November 2019 (approximately 20 local residents)



Figure 47: Photo above from Gales guided tour for local residents of the proposed Sugar Mill Parklands 18 November 2019

- **Kingscliff Chamber of Commerce** presentation with Gales keynote speakers 20 August 2019 where the objective of the presentation was to:
 - Present the Gales Masterplan to the Chamber with a precinct-by-precinct overview;
 - Discuss opportunities and constraints of the Masterplan Area;
 - Show the range of different housing typologies planned for the urban release areas;
 - Convey Gales' vision of unlocking to the public significant parklands away from the coastal reserve which received unanimous support by way of feedback in a paper questionnaire;
 - Keynote speakers were Gales-Kingscliff directors who were able to address questions and options.
- **Kingscliff Beautiful Parklands Online Survey** and website www.kingsclifffbeautiful.com where the aim of the online presentation and survey was to:
 - Present the proposed parklands to the Kingscliff community;
 - Allow the Kingscliff community to comment on whether they prefer the areas currently in Gales ownership to be parklands (as favoured by Gales) or bushland conservation (as favoured by Council); and
 - Give residents the opportunity to express their preference for or against new parklands in Kingscliff – to achieve this the online survey was:
 - distributed to Kingscliff Residents and Ratepayers Association, Kingscliff Chamber of Commerce and Casuarina, Seaside and Salt Residents Association;
 - subject of the article '*Developer launches public survey*', Tweed Valley Weekly, 3 September 2020, which included a response from TSC who opposes the new parklands proposed by Gales;
 - subject of Facebook campaign which included Kingscliff, Chinderah, Cudgen, Seaside, Salt and Casuarina and surrounding areas;
 - Subject of advertisement in the Tweed Valley Weekly, 1 October 2020 titled '*Gales Community Survey – Do you want new parklands for Kingscliff?*'.

The online survey allowed the community to provide feedback on this issue as Council declined Gales' request to include these areas as possible public parklands in the exhibited Kingscliff Locality Plans or in the Open Space Strategy (TSC 2019) community consultation.

The online survey ran from 29 July 2020 to 9 October 2020 and **242 individual survey responses** were received. This is the largest community response on any issue undertaken as part of the KLP, Open Space Strategy and planning for Kingscliff. Most responses were not anonymous giving credibility to the survey.

Complete survey results and comments provided as part of the survey can be seen in New Kingscliff Parklands Community Survey Results and Responses (Gales 2020, refer to **Appendix 6.3**). A summary of the results is as follows and is shown on the graphs below.

The parks of Kingscliff:

- | | |
|--------------------------------------|---------------------|
| a. Kingscliff should have more parks | 84% (192 responses) |
| b. Kingscliff has enough parks | 16% (37 responses) |

In favour of "Sugar Mill Park" as:

- | | |
|---|---------------------|
| c. Parklands (as proposed by Gales) | 81% (185 responses) |
| d. Bushland conservation (as proposed by Council) | 19% (43 responses) |

In favour of "Quigan Park" as:

- | | |
|---|---------------------|
| a. Parklands (as proposed by Gales) | 76% (168 responses) |
| b. Bushland conservation (as proposed by Council) | 24% (59 responses) |

The parks of Kingscliff

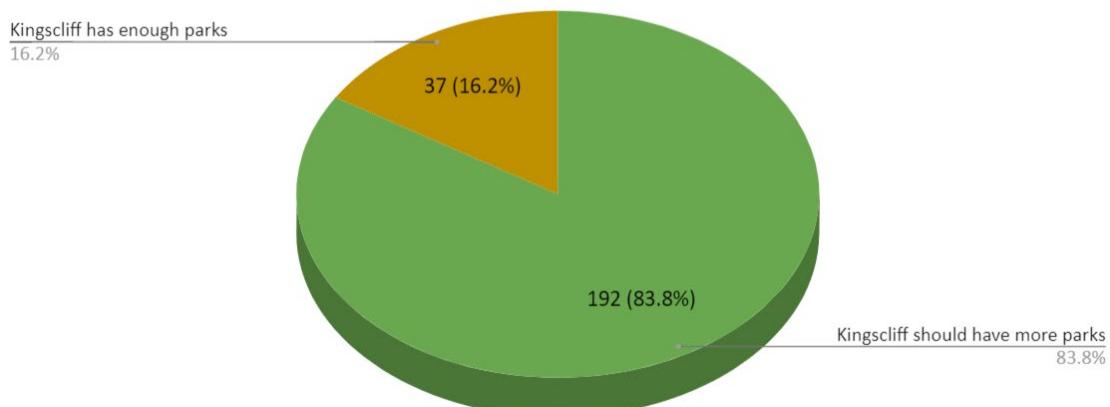


Figure 48: Community survey results – Whether Kingscliff should have more parks

Sugar Mill Park or Bushland Conservation Area - Which do you prefer?

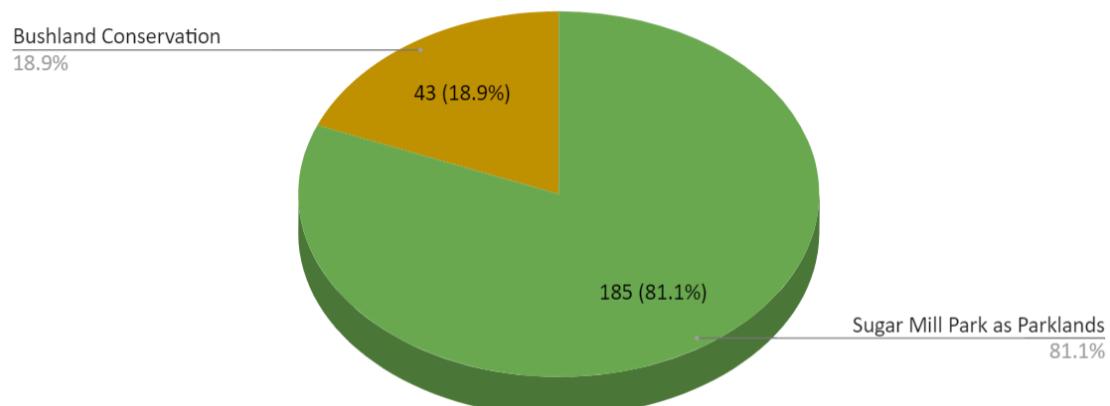


Figure 49: Community survey results for Sugar Mill Park

Quigan Park or Bushland Conservation Area - Do you prefer the area shown as "Quigan Park" as:

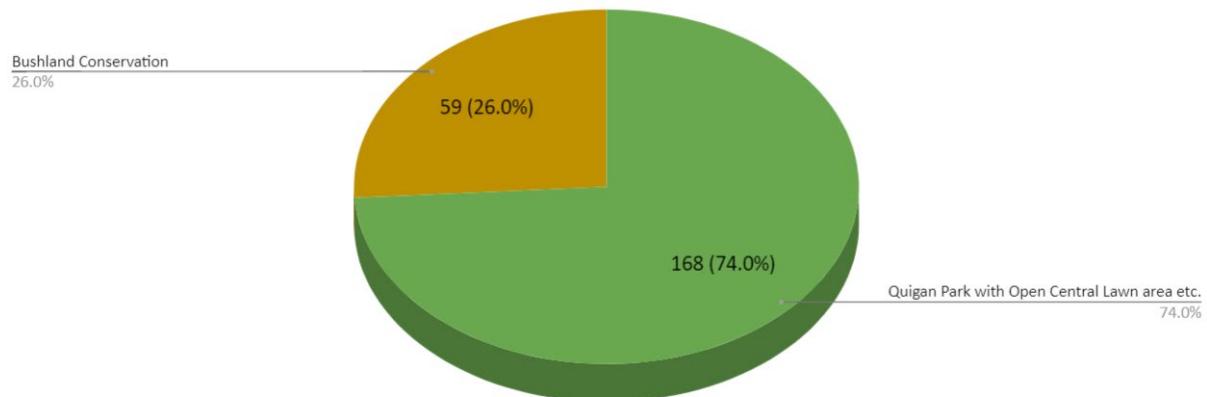


Figure 50: Community survey results for Quigan Park



APPENDIX 1.1

LFA Illustrative Concept Masterplan (LFA 2020)



APPENDIX 1.2

Gales Concept Masterplan Landuse Area Analysis (Mortons Urban Solutions 2020)

APPENDIX 1.3

Location Plan (B&P Surveys 2018)



APPENDIX 1.4

Masterplan Report (LFA 2020)

APPENDIX 2.1

SUMMARY OF PROPOSED AMENDMENTS TO PLANNING CONTROLS

LOT/DP:	AREA (ha):	LZN:	LSZ:		HOB:		FSR:	
			Current:	Proposed:	Current:	Proposed:	Current:	Proposed:
TURNOCK STREET PRECINCT								
11/871753	10.13	R1 General Residential	No change	450sqm	300sqm (200sqm for attached and semi-detached dwellings)	13.6m	Part 13.6m Part 16.6m	2:1 2:1 (3:1 with DEX)
12/871753	3.53 of 6.77	R1 General Residential	Part R1 General Residential Part B4 Mixed Use	450sqm	Part 300sqm (200sqm for attached and semi-detached dwellings)	13.6m	Part 13.6m Part 16.6m	2:1 Part 2:1 (3:1 with DEX)
13/871753	0.24 of 6.63	R1 General Residential	Part B4 Mixed Use	450sqm	N/A	13.6m	No change	2:1 2:1 (3:1 with DEX)
1/781714	0.3693	R1 General Residential	Part R1 General Residential Part RE1 Public Recreation Part E2 Environmental Conservation	450sqm	Part 300sqm (200sqm for attached and semi-detached dwellings)	13.6m	Part 13.6m	2:1 Part 2:1

LOT/DP:	AREA (ha):	LZN:	LSZ:		HOB:		FSR:	
			Current:	Proposed:	Current:	Proposed:	Current:	Proposed:
2/781714	0.3693	R1 General Residential	Part R1 General Residential Part RE1 Public Recreation Part E2 Environmental Conservation	450sqm Part 300sqm (200sqm for attached and semi-detached dwellings)	13.6m	Part 13.6m	2:1	Part 2:1
3/781714	0.3693	R1 General Residential	Part R1 General Residential Part RE1 Public Recreation Part E2 Environmental Conservation	450sqm Part 300sqm (200sqm for attached and semi-detached dwellings)	13.6m	Part 13.6m	2:1	Part 2:1
4/781714	0.3693	R1 General Residential	No change	450sqm 300sqm (200sqm for attached and semi-detached dwellings)	13.6m	No change	2:1	No change
5/781714	0.3693	R1 General Residential	No change	450sqm 300sqm (200sqm for attached and semi-detached	13.6m	No change	2:1	No change

LOT/DP:	AREA (ha):	LZN:	LSZ:		HOB:		FSR:	
			Current:	Proposed:	Current:	Proposed:	Current:	Proposed:
dwellings)								
6/781714	0.3693	R1 General Residential	No change	450sqm	300sqm (200sqm for attached and semi-detached dwellings)	13.6m	No change	2:1
dwellings)								
7/781714	0.3693	R1 General Residential	No change	450sqm	300sqm (200sqm for attached and semi-detached dwellings)	13.6m	No change	2:1
dwellings)								
8/781714	0.3693	R1 General Residential	No change	450sqm	Part 300sqm (200sqm for attached and semi-detached dwellings)	13.6m	No change	2:1
dwellings)								
9/781714	0.3693	R1 General Residential	B4 Mixed Use	450sqm	N/A	13.6m	16.6m	2:1
dwellings)								
14/871753	0.1857	R1 General	B4 Mixed Use	450sqm	N/A	13.6m	16.6m	2:1
dwellings)								

LOT/DP:	AREA (ha):	LZN:	LSZ:		HOB:		FSR:			
			Current:	Proposed:	Current:	Proposed:	Current:	Proposed:		
		Residential								(3:1 with DEX)
12/871753	3.24 of 6.77	R1 General Residential	Part R1 General Residential	450sqm	Part 300sqm (200sqm for attached and semi-detached dwellings)	13.6m	Part 13.6m Part 16.6m	2:1	Part 2:1 (3:1 with DEX)	
13/871753	6.39 of 6.63	R1 General Residential	Part R1 General Residential Part B4 Mixed Use Part E2 Environmental Conservation Part RE1 Public Recreation	450sqm	Part 300sqm (200sqm for attached and semi-detached dwellings)	13.6m	Part 13.6m Part 16.6m	2:1	Part 2:1 (3:1 with DEX)	
NORTH KINGSCLIFF PRECINCT										
4/1106447	20.95 of 41.83	R1 General Residential	Realign boundary to match E2 Environmental Conservation zone	450sqm	300sqm	13.6m	No change	2:1	No change	
		IN1 General	Part R1 General	2000sqm	300sqm	10m	13.6m	N/A	2:1	

LOT/DP:	AREA (ha):	LZN:		LSZ:		HOB:		FSR:	
		Current:	Proposed:	Current:	Proposed:	Current:	Proposed:	Current:	Proposed:
		Industrial	Residential						
	4(a) Industrial	Part E2 Environmental Conservation Part SP2 Infrastructure (Road)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
BUSINESS AND KNOWLEDGE PRECINCT									
4/1106447	20.88 of 41.83	IN1 General Industrial	Part B4 Mixed Use	2000sqm	N/A	10m	20m (28m with DEX)	N/A	2:1 (3.5:1 with DEX)
			Part B7 Business Park	2000sqm	N/A	10m	20m (28m with DEX)	N/A	N/A
			Part R1 General Residential	2000sqm	300sqm	10m	13.6m	N/A	2:1
			Part RE1 Public Recreation	2000sqm	N/A	10m	N/A	N/A	N/A
			Part E2 Environmental Conservation	2000sqm	N/A	10m	N/A	N/A	N/A

LOT/DP:	AREA (ha):	LZN:		LSZ:		HOB:		FSR:	
		Current:	Proposed:	Current:	Proposed:	Current:	Proposed:	Current:	Proposed:
1/1075645	18.18	5(a) Special Uses (Sewerage Treatment / Turf Farm)	Part B4 Mixed Use	N/A	N/A	N/A	20m (28m with DEX)	N/A	2:1 (3.5:1 with DEX)
			R1 General Residential	N/A	300sqm	N/A	13.6m	N/A	2:1
2/1111554	7.93	5(a) Special Uses (Sewerage Treatment / Turf Farm)	Part R1 General Residential	N/A	300sqm	N/A	13.6m	N/A	2:1
			Part E2 Environmental Conservation	N/A	N/A	N/A	N/A	N/A	N/A
WEST KINGSCLIFF PRECINCT									
4/727425	9.99 of 11.89	Part RU2 Rural Landscape Part 7(l) Environmental Protection (Habitat) Part 1(a) Rural Part 5(a) Special	Part R1 General Residential	Part 40ha	300sqm (200sqm for attached and semi-detached dwellings)	Part 10m	13.6m	N/A	2:1
			Part RE1 Public Recreation	40ha	N/A	10m	N/A	N/A	N/A

LOT/DP:	AREA (ha):	LZN:		LSZ:		HOB:		FSR:	
		Current:	Proposed:	Current:	Proposed:	Current:	Proposed:	Current:	Proposed:
		Uses (Drainage Reserve)	Part E2 Environmental Conservation	Part 40ha	N/A	Part 10m	N/A	N/A	N/A
26C/10715	11.69	Part R1 General Residential Part 7(l) Environmental Protection (Habitat)	Part R1 General Residential	450sqm	300sqm (200sqm for attached and semi-detached dwellings)	13.6m	No change	2:1	N/A
			Part RE1 Public Recreation	450sqm	N/A	13.6m	N/A	2:1	N/A
			E2 Environmental Conservation	Part 450sqm	N/A	Part 13.6m	N/A	Part 2:1	N/A
26D/10715	12.41	Part R1 General Residential Part 7(l) Environmental Protection (Habitat)	Part R1 General Residential	450sqm	300sqm (200sqm for attached and semi-detached dwellings)	13.6m	No change	2:1	No change
			Part E2 Environmental Conservation	Part 450sqm	N/A	Part 13.6m	N/A	Part 2:1	N/A
1/1223699	0.37	R1 General	No change	N/A	Part 300sqm	N/A	Part 13.6m	N/A	Part 2:1

LOT/DP:	AREA (ha):	LZN:		LSZ:		HOB:		FSR:	
		Current:	Proposed:	Current:	Proposed:	Current:	Proposed:	Current:	Proposed:
		Residential (200sqm for attached and semi-detached dwellings)							
3/828298	13.27	Part R1 General Residential Part 5(a) Special Uses (Drainage Reserve) Part 7(l) Environmental Protection (Habitat)	Part SP3 Tourist Part RE1 Public Recreation Part E2 Environmental Conservation	N/A Part 450sqm	N/A N/A	N/A Part 13.6m	10m N/A	N/A Part 2:1	N/A N/A

CUDGEN PRECINCT

4/727425	1.90 of 11.89	RU2 Rural Landscape	No change	40ha	No change	10m	No change	N/A	No change
51/1268405	30.38	RU1 Primary Production	Part RU2 Rural Landscape	40ha	No change	10m	No change	N/A	No change
21/1082482	33.76	RU1 Primary Production	RU2 Rural Landscape	40ha	No change	10m	No change	N/A	No change

GREEN EDGES PRECINCT (no changes requested)

1/1107697	0.0187	RU2 Rural Landscape	No change	40ha	No change	10m	No change	N/A	No change
2/1107697	3.897	RU2 Rural Landscape	No change	40ha	No change	10m	No change	N/A	No change
C/33290	2.026	RU2 Rural Landscape	No change	40ha	No change	10m	No change	N/A	No change

APPENDIX 2.2 NCRP GOALS, DIRECTIONS, ACTIONS

Table 6: Assessment of the Planning Proposal against the NCRP Goals, Directions and Actions

GOAL 1: THE MOST STUNNING ENVIRONMENT IN NSW				
Directions:	Actions:	Comment:	Planning Proposal:	
1. Deliver environmentally sustainable growth	1.1 Focus future urban development to mapped urban growth areas.	The majority of the urban development areas proposed under the Planning Proposal comprise established urban or urban growth areas under either the NCRP or KLP 2020. The variation in West Kingscliff Precinct is minor and has been considered against the land release criteria set out in Appendix A and B of the NCRP (addressed in Section 6.2.1 of this report).	JUSTIFIED	
	1.2 Review areas identified as “under investigation” within urban growth areas to identify and map sites of potentially high environmental value.	The Planning Proposal: <ul style="list-style-type: none"> ▪ is supported by an Ecological Constraints Assessment which identifies and maps sites of potentially high environmental value; ▪ Zoning is in accordance with minimising ecological impacts in the context of planned roads located on, and in vicinity of the land that is identified as “under investigation”. 	JUSTIFIED	
	1.3 Identify residential, commercial or industrial uses in urban growth areas by developing local growth management strategies endorsed by the Department of Planning and Environment.	Whilst the KLP 2020 has not yet been endorsed by DPIE, it provides a local growth management strategy for Kingscliff. The Planning Proposal is consistent with the intent of the KLP 2020 (refer to Section 7.2 of this report).	CONSISTENT	
	1.4 Prepare land release criteria to assess appropriate locations for future residential,	The urban development areas proposed under the Planning Proposal comprise established urban or	CONSISTENT	

		commercial and industrial uses.	urban growth areas under either the NCRP or KLP 2020 except for a minor area in the West Kingscliff Precinct which is identified as “Investigation Area - Urban Land” in the NCRP and has been considered against the land release criteria set out in Appendix A and B of the NCRP (addressed in Section 6.2.1 of this report).
2.	Enhance biodiversity, coastal and aquatic habitats, and water catchments	2.1 Focus development to areas of least biodiversity sensitivity in the region and implement the ‘avoid, minimise, offset’ hierarchy to biodiversity, including areas of high environmental value.	<p>The Planning Proposal:</p> <ul style="list-style-type: none">▪ Enables development primarily on disturbed, grazed vacant land with exotic grasses;▪ Zones two large patches of native vegetation totalling approximately 41.5 hectares as E2 Environmental Conservation; and▪ In accordance with the purposes of the Biodiversity Conservation Act, the proposal seeks to avoid and minimise disturbance to the most intact bushland areas, minimise impacts to native vegetation and biodiversity by developing the more disturbed parts of the Masterplan Area, and offset impacts that are unavoidable. <p>(Ecoplanning 2020, refer to Appendix 4.1).</p>

JUSTIFIED

		2.2 Ensure local plans manage marine environments, water catchment areas and groundwater sources to avoid potential development impacts.	The Planning Proposal is informed by a Masterplan which ensures the protection of watercourses in accordance with the “Guidelines for Controlled Activities on Waterfront Land” (Department of Industry 2018). Stormwater runoff impacts associated with the increased impervious area can be managed in accordance with the Regional Flood Impact Assessment Report (Venant Solutions 2020, refer to Appendix 5.2) and Stormwater Management Plan (Venant Solutions and E2 DesignLab 2020, refer to Appendix 5.2).	CONSISTENT
3. Manage natural hazards and climate change	3.1	Reduce the risk from natural hazards, including the projected effects of climate change, by identifying, avoiding and managing vulnerable areas and hazards.	The Planning Proposal is informed by a Regional Flood Impact Assessment Report (Venant Solutions 2020, refer to Appendix 5.1) and Bushfire Hazard Assessment (GHD 2020, refer to Appendix 7.3) which demonstrate that future development within the Masterplan Area can respond to natural hazards in the following ways:	CONSISTENT
	3.2	Review and update floodplain risk, bushfire and coastal management mapping to manage risk, particularly where urban growth is being investigated.	<ul style="list-style-type: none"> ▪ Filling of urban areas to avoid flood impacts in accordance with Council’s DCP A3 and 2.2 metres AHD in open space areas. Impacts outside of the development have been considered and deemed acceptable under the flooding and stormwater reports; and 	CONSISTENT
	3.3	Incorporate new knowledge on regional climate projections and related cumulative impacts in local plans for new urban development.	<ul style="list-style-type: none"> ▪ Implementation of APZs in accordance with PBP 2006 or 2019, depending on which is current at 	CONSISTENT

			the time of development assessment.	
4.	Promote renewable energy opportunities	4.1 Diversify the energy sector by identifying renewable energy resource precincts and infrastructure corridors with access to the electricity network. 4.2 Enable appropriate smaller-scale renewable energy projects using bio-waste, solar, wind, small-scale hydro, geothermal or other innovative storage technologies. 4.3 Promote appropriate smaller and community-scale renewable energy projects.	The Planning Proposal enables the staged development of up to 2,100 dwellings, approximately 20,000sqm of gross retail floor area distributed between the Turnock Street Precinct and the Business and Knowledge Precinct, and in the Business and Knowledge Precinct a further 65,000sqm Business Park and 100,000sqm Mixed Use/Knowledge Campus (Macroplan 2020, refer to Appendix 6.1). Individual developments will enable the provision of smaller-scale renewable energy projects such as rooftop solar in accordance with the complying development provisions in Section 37 of the Infrastructure SEPP.	CONSISTENT
				CONSISTENT
				CONSISTENT

GOAL 2: A THRIVING, INTERCONNECTED ECONOMY

Directions:	Actions:		Comment:	Planning Proposal:
5.	Strengthen communities of interest and cross-regional relationships	5.1 Collaborate on regional and intra-regional housing and employment land delivery, and industry development. 5.2 Integrate cross-border land use planning between NSW and South East Queensland, and remove barriers to economic, housing and jobs growth. 5.3 Encourage ongoing cooperation and land use planning between the City of Gold Coast and Tweed Shire Council.	The Planning Proposal responds to the burgeoning SEQ market by: <ul style="list-style-type: none">▪ Enabling the development of the Business and Knowledge Precinct as a regional employment hub, anticipated to provide commercial and retail uses, business park, tertiary or research-related facilities and innovative industrial spaces which will benefit from accessibility to the Pacific Highway which provides direct access to SEQ markets and domestic and international markets	CONSISTENT
				CONSISTENT
				CONSISTENT

- 5.4 Prepare a regional economic development strategy that drives economic growth opportunities by identifying key enabling infrastructure and other policy interventions to unlock growth.
- via the Gold Coast Airport;
 - Enabling the staged development of 2,100 dwellings of diverse types with a high degree of accessibility to opportunities available in SEQ, encouraging migration to Kingscliff as well as encouraging its younger and older residents to stay in the area as opposed to moving to larger populaces in search of smaller dwelling types and proximity to amenities; and
 - Enabling the provision of new east-west links between the established areas of Kingscliff and Tweed Coast Road, improving access to the Pacific Highway and SEQ.

CONSISTENT

6. Develop successful centres of employment
- 6.1 Facilitate economic activity around industry anchors such as health, education and airport facilities by considering new infrastructure needs and introducing planning controls that encourage clusters of related activity.

The Planning Proposal responds to the following industry anchors:

- Tweed Valley Hospital now under construction opposite Kingscliff TAFE and Kingscliff High School, resulting in a new health and education precinct which enables:
 - The staged development of 2,100 diverse dwellings which may prove an attractive option for hospital staff;
 - The development of tertiary or research-related facilities as supported in the KLP 2020 in the Business and Knowledge Precinct which could provide courses related to health, allied health and

CONSISTENT

education;

- The development of commercial offices in the Turnock Street Precinct and Business and Knowledge Precinct which may prove an attractive option for providers of health-related services associated with the hospital such as specialist clinics, allied health, labs and the like; and
- The development of a park adjoining the hospital which will provide passive recreation opportunities for hospital staff, visitors and patients.
- Gold Coast Airport (12 kilometres to the north, 12 minutes' drive by car): Enabling the development of the Business and Knowledge Precinct, anticipated to provide commercial and retail uses, business park, tertiary or research-related facilities and innovative industrial spaces which will benefit from accessibility to the Pacific Highway which provides direct access to SEQ markets and domestic and international markets via the Gold Coast Airport.

6.2	Promote knowledge industries by applying flexible planning controls, providing business park development opportunities and identifying opportunities for start-up industries.	It is proposed to enable the development of the Business and Knowledge Precinct through B4 Mixed Use and B7 Business Park land use zoning which enable a broad range of employment uses. The proposed minimum lot size and maximum heights and FSR ensure that development standards promote the development of a successful employment precinct.	CONSISTENT
6.3	Reinforce centres through local growth management strategies and local environmental plans as primary mixed-use locations for commerce, housing, tourism, social activity and regional services.	The extension of the Kingscliff Town Centre into the Turnock Street Precinct is permissible under current planning controls and supported in KLP 2020. The Business and Knowledge Precincts has been earmarked as an employment centre since TUELRS (TSC 2009). The majority of residential development areas proposed under the Planning Proposal comprise established urban or urban growth areas under either the NCRP or KLP 2020. The variation in the West Kingscliff Precinct is minor and has been considered against the land release criteria set out in Appendix A and B of the NCRP (addressed in Section 6.2.1 of this report).	CONSISTENT
6.4	Focus retail and commercial activities in existing centres and develop place-making focused planning strategies for centres.	The extension of the Kingscliff Town Centre into the Turnock Street Precinct is permissible under current planning controls and supported in KLP 2020. The Business and Knowledge Precincts has been earmarked as an employment centre since TUELRS (TSC 2009).	JUSTIFIED

6.5	Promote and enable an appropriate mix of land uses and prevent the encroachment of sensitive uses on employment land through local planning controls.	The extension of the Kingscliff Town Centre into the Turnock Street Precinct is permissible under current planning controls and supported in KLP 2020. The role and function of retail and commercial uses anticipated in the Turnock Street precinct are unlikely to be impacted by surrounding residential development. Residential development enabled by the Planning Proposal in the Business and Knowledge Precinct will benefit the adjoining business park and employment hub by creating residential opportunities for workers in the adjoining employment areas, as well as contribute the local captive population necessary to sustain the day-to-day functioning of the centre.	CONSISTENT
6.6	Deliver an adequate supply of employment land through local growth management strategies and local environmental plans to support jobs growth.	The extension of the Kingscliff Town Centre into the Turnock Street Precinct is permissible under current planning controls and supported in KLP 2020. The Business and Knowledge Precincts has been earmarked as an employment centre since TUELRS (TSC 2009) and is planned as a regional employment hub in the Planning Proposal, as supported in KLP 2020.	CONSISTENT
6.7	Ensure employment land delivery is maintained through an annual North Coast Housing and Land Monitor.	The North Coast Housing and Land Monitor (DPE 2019) provides the following regarding employment lands in the Tweed LGA: "Tweed Shire Council did not submit estimates of available employment and residential land for this financial year. As such, a land	N/A

			availability summary could not be developed for the Tweed LGA" (p. 83).
7.	Coordinate the growth of regional cities	7.1 Prepare action plans for regional cities that: <ul style="list-style-type: none"> ▪ ensure planning provisions promote employment growth and greater housing diversity; ▪ promote new job opportunities that complement existing employment nodes around existing education, health and airport precincts; ▪ identify infrastructure constraints and public domain improvements that can make areas more attractive for investment; and deliver infrastructure and coordinate the most appropriate staging and sequencing of development 	Whilst the KLP 2020 has not yet been endorsed by DPIE, it provides a local growth management strategy for Kingscliff. The Planning Proposal is consistent with the intent of the KLP 2020 (refer to Section 7.2 of this report). CONSISTENT
8.	Promote the growth of tourism	8.1 Facilitate appropriate large-scale tourism developments in prime tourism development areas such as Tweed Heads, Tweed Coast, Ballina, Byron Bay, Coffs Harbour and Port Macquarie.	The Planning Proposal promotes the growth of tourism in Kingscliff by zoning high land adjoining the proposed Sugar Mill Parklands as SP3 Tourist in the West Kingscliff Precinct and zoning the Cudgen Precinct as RU2 Rural Landscape which enables ecotourism CONSISTENT

			CONSISTENT
8.2	Facilitate tourism and visitor accommodation and supporting land uses in coastal and rural hinterland locations through local growth management strategies and local environmental plans.	adjoining the lake. In accordance with the Masterplan Report (refer to Appendix 1.4), tourism uses are also permitted with consent in the portion of the Masterplan Area located in the Green Edges Precinct. These are already permitted with consent in the existing RU2 Rural Landscape zone. Accordingly, no change in the land use zoning applying to that land is proposed. The proposed Sugar Mill Parklands are a significant new natural attraction with rainforest walk and open park vistas unique in the area.	N/A
8.3	Prepare destination management plans or other tourism focused strategies that:		
	<ul style="list-style-type: none">▪ identify culturally appropriate Aboriginal tourism opportunities;▪ encourage tourism development in natural areas that support conservation outcomes; and▪ strategically plan for a growing international tourism market.		
8.4	Promote opportunities to expand visitation to regionally significant nature-based tourism places, such as Ellenborough Falls, Dorrigo National Park, Wollumbin–Mount Warning National Park, Iluka Nature Reserve and Yuraygir Coastal Walk.		N/A
8.5	Preserve the region's existing tourist and visitor accommodation by directing permanent residential accommodation away from tourism developments, except where it is ancillary to existing tourism developments or part of an area otherwise identified for urban expansion in		CONSISTENT

an endorsed local growth management strategy.

9.	Strengthen regionally significant transport corridors	<p>9.1 Enhance the competitive value of the region by encouraging business and employment activities that leverage major inter-regional transport connections, such as the Pacific Highway, to South East Queensland and the Hunter.</p> <p>9.2 Identify buffer and mitigation measures to minimise the impact of development on regionally significant transport infrastructure including regional and state road network and rail corridors.</p>
		<p>The Planning Proposal enables the development of the Business and Knowledge Precinct, at the junction of the Pacific Highway and Tweed Coast Road, anticipated to be a regional employment hub which will provide commercial and retail uses, business park, tertiary or research-related facilities and innovative industrial spaces which will benefit from accessibility to the Pacific Highway which provides direct access to the burgeoning SEQ markets and domestic and international markets via the Gold Coast Airport.</p> <p>The Planning Proposal is supported by a Masterplan Development Traffic Impact Assessment (Bitzios 2020, refer to Appendix 5.4) which demonstrates that there is adequate capacity in the surrounding road network to accommodate the staged development of the Masterplan Area.</p>

CONSISTENT

CONSISTENT

	9.3	Ensure the effective management of the State and regional road network by: <ul style="list-style-type: none">▪ preventing development directly adjoining the Pacific Highway;▪ preventing additional direct 'at grade' access to motorway-class sections of the Pacific Highway;▪ locating highway service centres on the Pacific Highway at Chinderah, Ballina, Maclean, Woolgoolga, Nambucca Heads, Kempsey and Port Macquarie, approved by the Department of Planning and Environment and Roads and Maritime Services; and▪ identifying strategic sites for major road freight transport facilities.	The Planning Proposal does not enable new development adjoining the Pacific Highway, new connections to the Pacific Highway or new highway service centres or major road freight transport facilities.	CONSISTENT
10. Facilitate air, rail and public transport infrastructure	10.1	Deliver airport precinct plans for Ballina– Byron, Lismore, Coffs Harbour and Port Macquarie that capitalise on opportunities to diversify and maximise the potential of value- adding industries close to airports.	N/A	N/A

10.2	Consider airport-related employment opportunities and precincts that can capitalise on the expansion proposed around Gold Coast Airport.	The Planning Proposal enables the development of the Business and Knowledge Precinct, anticipated to provide commercial and retail uses, business park, tertiary or research-related facilities and innovative industrial spaces which will benefit from accessibility to the Pacific Highway which provides direct access to domestic and international markets via Gold Coast Airport.	CONSISTENT
10.3	Protect the North Coast Rail Line and high-speed rail corridor to ensure network opportunities are not sterilised by incompatible land uses or land fragmentation.	N/A	N/A
10.4	Provide public transport where the size of the urban area has the potential to generate sufficient demand.	The Planning Proposal enables the staged development of 2,100 dwellings and new employment centres which will generate increased patronage of existing bus services in the locality, as well as induce demand for additional services and routes.	CONSISTENT
10.5	Deliver a safe and efficient transport network to serve future release areas.	The Planning Proposal enables urban development which includes new east-west links which will improve vehicular, pedestrian and cycling accessibility between the established areas of Kingscliff and Tweed Coast Road, improving vehicular circulation and reducing reliance on existing congested connections.	CONSISTENT

11. Protect and enhance productive agricultural lands	11.1 Enable the growth of the agricultural sector by directing urban and rural residential development away from important farmland and identifying locations to support existing and small-lot primary production, such as horticulture in Coffs Harbour.	The majority of the urban development areas proposed under the Planning Proposal comprise established urban or urban growth areas under either the NCRP or KLP 2020. The variation in West Kingscliff Precinct is minor, does not result in any loss of existing farmland and has been considered against the land release criteria set out in Appendix A and B of the NCRP (addressed in Section 6.2.1 of this report).	JUSTIFIED
	11.2 Deliver a consistent management approach to important farmland across the region by updating the Northern Rivers Farmland Protection Project (2005) and Mid North Coast Farmland Mapping Project (2008).	The variation to the established urban or urban growth areas identified under either NCRP or KLP 2020 does not result in any loss of existing farmland.	JUSTIFIED
	11.3 Identify and protect intensive agriculture clusters in local plans to avoid land use conflicts, particularly with residential and rural residential expansion.	The Planning Proposal does not enable any new development which interfaces with agricultural land.	CONSISTENT
	11.4 Encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector's capacity to adapt to changing circumstances.	The Planning Proposal promotes the growth of tourism in Kingscliff by zoning high land adjoining the proposed Sugar Mill Parklands as SP3 Tourist in the West Kingscliff Precinct and zoning the Cudgen Precinct as RU2 Rural Landscape which enables ecotourism adjoining the lake. In accordance with the Masterplan Report (refer to Appendix 1.4), tourism uses are also proposed in the portion of the Masterplan Area located in the Green Edges Precinct. These are already permitted with consent in the existing RU2 Rural	CONSISTENT

			Landscape zone. Accordingly, no change in the land use zoning applying to that land is proposed.
	11.5	Address sector-specific considerations for agricultural industries through local plans.	N/A N/A
12.	Grow agribusiness across the region	12.1 Promote the expansion of food and fibre production, agrichemicals, farm machinery, wholesale and distribution, freight and logistics, and processing through flexible planning provisions in local growth management strategies and local environmental plans.	The Planning Proposal enables the development of the Business and Knowledge Precinct, anticipated to provide new offices and innovative industrial spaces which may prove an attractive option for businesses associated with the agricultural lands to the west such as food and fibre production, agrichemicals, farm machinery, wholesale and distribution, freight and logistics, and processing. CONSISTENT
	12.2	Encourage the co-location of intensive primary industries, such as feedlots and compatible processing activities.	N/A N/A

	12.3	Examine options for agribusiness to leverage proximity from the Gold Coast and Brisbane West Wellcamp airports.	The Planning Proposal enables the development of the Business and Knowledge Precinct, anticipated to provide new offices and innovative industrial spaces which: <ul style="list-style-type: none">▪ May prove an attractive option for businesses associated with the agricultural lands to the west such as food and fibre production, agrichemicals, farm machinery, wholesale and distribution, freight and logistics, and processing; and▪ Will benefit from accessibility to the Pacific Highway which provides direct access to domestic and international markets via Gold Coast and Brisbane West Wellcamp Airports.	CONSISTENT
	12.4	Facilitate investment in the agricultural supply chain by protecting assets, including freight and logistics facilities, from land use conflicts arising from the encroachment of incompatible land uses.	N/A	N/A
13. Sustainably manage natural resources	13.1	Enable the development of the region's natural, mineral and forestry resources by directing to suitable locations land uses such as residential development that are sensitive to impacts from noise, dust and light interference.	The Planning Proposal enables the structuring and staging of approved sand mining operations by dredge to enable the development of ecotourist facilities on the east side of the lake and creation of a recreational precinct around the lake while sand operations continue.	CONSISTENT

13.2	Plan for the ongoing productive use of lands with regionally significant construction material resources in locations with established infrastructure and resource accessibility.	CONSISTENT
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GOAL 3: VIBRANT AND ENGAGED COMMUNITIES

Directions:	Actions:	Comment:	Planning Proposal:
14. Provide great places to live and work	14.1 Prepare precinct plans in growth areas, such as Kingscliff, or centres bypassed by the Pacific Highway, such as Woodburn and Grafton, to guide development and establish appropriate land use zoning, development standards and developer contributions. 14.2 Deliver precinct plans that are consistent with the Precinct Plan Guidelines (Appendix C).	Whilst the KLP 2020 has not yet been endorsed by DPIE, it provides a local growth management strategy for Kingscliff which is consistent with the Precinct Plan Guidelines in Appendix C of the NCRP. The Planning Proposal, consistent with the intent of the KLP 2020 (refer to Section 7.2 of this report), is informed by a Masterplan Report (refer to Appendix 1.4) which is also consistent with Appendix C of the NCRP.	CONSISTENT
15. Develop healthy, safe, socially engaged and well-connected communities	15.1 Deliver best-practice guidelines for planning, designing and developing healthy built environments that respond to the ageing demographic and subtropical climate. 15.2 Facilitate more recreational walking and cycling paths and expand inter-regional and intra-regional walking and cycling links, including the NSW Coastline Cycleway.	The Planning Proposal enables development which will contribute to healthy, safe, socially engaged and well-connected communities through: <ul style="list-style-type: none">▪ Staged provision of up to 2,100 dwellings comprising a diversity of housing types, enabling Kingscliff to retain its younger and older residents who may otherwise look to the Gold Coast or Brisbane for smaller dwelling types and	CONSISTENT CONSISTENT

15.3	Implement actions and invest in boating infrastructure priorities identified in regional boating plans to improve boating safety, boat storage and waterway access.	proximity to amenities;
15.4	Create socially inclusive communities by establishing social infrastructure benchmarks, minimum standards and social impact assessment frameworks within local planning.	▪ Co-location of residential with employment uses in the Business and Knowledge Precinct, encouraging the development of a self-sustaining centre with a reduced reliance on private vehicles and increased pedestrian and cycling mode-share;
15.5	Deliver crime prevention through environmental design outcomes through urban design processes.	▪ New east-west vehicular links which will include shared paths for walking and cycling between the established areas of Kingscliff and Tweed Coast Road; ▪ Provision of a new shared path within the riparian corridor associated with Chinderah Drain and shared paths within and between new parklands; ▪ Provision of new parklands in all precincts, offering a variety of passive and active recreation spaces as well as ensuring that all new development areas are within 500 metres of open space; and ▪ New parks are either adjacent to roads or overlooked by Tweed Coast Hospital.
16.	Collaborate and partner with Aboriginal communities	CONSISTENT
16.1	Develop partnerships with Aboriginal communities to facilitate engagement during the planning process, including the development of engagement protocols.	The ACHA (Everick Heritage 2020, refer to Appendix 7.1) determined that all Aboriginal heritage areas identified within or proximate to the Masterplan Area under the Aboriginal Cultural Heritage Management
		CONSISTENT

		16.2 Ensure Aboriginal communities are engaged throughout the preparation of local growth management strategies and local environmental plans.	Plan (TSC 2018) are either incorrectly placed or are outside the development footprint or the Masterplan Area:	CONSISTENT
17. Increase the economic self-determination of Aboriginal communities	17.1	Deliver opportunities to increase the economic independence of Aboriginal communities through training, employment and tourism.	<ul style="list-style-type: none"> ▪ Incorrectly placed - the coordinates for AHIMS site 04-1-21 in Lot 4 DP 1106447 are in error by 1.6 kilometres. The midden site is located east of Chinderah Bay Drive in the vicinity of Walsh Street within the Chinderah village, outside of the Masterplan Area. 	CONSISTENT
	17.2	Foster closer cooperation with Local Aboriginal Land Councils to identify the unique potential and assets of the North Coast communities.	<ul style="list-style-type: none"> ▪ Outside of the development footprint - the details of the location of the mapped Aboriginal Place of Heritage Significance in Lot 26C DP 10715 adjoining the northern slope of the new Tweed Hospital site are restricted and not listed on the AHIMS database. The area is located among dense vegetation in the southern portion of the West Kingscliff Precinct which is to be conserved. 	CONSISTENT
	17.3	Identify priority sites with economic development potential that Local Aboriginal Land Councils may wish to consider for further investigation.	<ul style="list-style-type: none"> ▪ Outside of the Masterplan Area - The built-up area on Marine Parade has been constructed over a portion of hind dune which has the potential to contain Aboriginal shell midden and possibly Aboriginal burials. This area is located outside of the Masterplan Area. 	CONSISTENT
18. Respect and protect the North Coast's Aboriginal heritage	18.1	Ensure Aboriginal objects and places are protected, managed and respected in accordance with legislative requirements and the wishes of local Aboriginal communities.		CONSISTENT
	18.2	Undertake Aboriginal cultural heritage assessments to inform the design of planning and development proposals so that impacts to Aboriginal cultural heritage are minimised and appropriate heritage management mechanisms	Items of Aboriginal heritage significance generally	CONSISTENT

		are identified.	
	18.3	Develop local heritage studies in consultation with the local Aboriginal community, and adopt appropriate measures in planning strategies and local plans to protect Aboriginal heritage.	occur within undisturbed areas such as dense vegetation or adjoining creeks, both of which are to be protected through E2 Environmental Conservation zoning or, in the case of the creeks, the "Guidelines for Controlled Activities on Waterfront Land" (Department of Industry 2018). If any items of Aboriginal heritage significance are identified during development, they are to be dealt with in accordance with the unexpected finds protocol which is to be prepared as part of the DA process.
	18.4	Prepare maps to identify sites of Aboriginal heritage in 'investigation' areas, where culturally appropriate, to inform planning strategies and local plans to protect Aboriginal heritage.	CONSISTENT
19.	Protect historic heritage	19.1 Ensure best-practice guidelines are considered such as the Australia International Council on Monuments and Si'tes (ICOMOS) Charter for Places of Cultural Significance and the NSW Heritage Manual when assessing heritage significance.	A single listed heritage item occurs within the Masterplan Area, being the archaeological heritage item Cudgen Sugar Mill Remains (Item No. A2) pertaining to the entirety of the approximately 13.28 hectare Lot 3 DP 828298. Everick Heritage conducted a site inspection as part of its Statement of Heritage Impact (2020, refer to Appendix 7.2), observing that remains consistent with the Cudgen Sugar Mill (formed concrete tank, numerous bricks and general metal waste materials) were in fact located scattered across a much smaller 1,000sqm area adjoining Tweed Coast Road. The Planning Proposal seeks to enable the development of a park around the remains, creating new passive open space for current and future residents and visitors of the locality, as well as staff,
	19.2	Prepare, review and update heritage studies in consultation with the wider community to identify and protect historic heritage items, and include appropriate local planning controls.	CONSISTENT
	19.3	Deliver the adaptive or sympathetic use of heritage items and assets.	CONSISTENT

			visitors and patients of the adjoining Tweed Valley Hospital.
20. Maintain the region's distinctive built character	20.1 Deliver new high-quality development that protects the distinct character of the North Coast, consistent with the North Coast Urban Design Guidelines (2009)	Development enabled by the Planning Proposal can be consistent with the North Coast Urban Design Guidelines (DoP 2009) at the DA stage.	CONSISTENT
	20.2 Review the North Coast Urban Design Guidelines (2009).		N/A
21. Coordinate local infrastructure delivery	21.1 Undertake detailed infrastructure service planning to support proposals for new major release areas.	A sewerage and water augmentation strategy has been prepared by Mortons Urban Solutions (2020, refer to Appendix 5.3) to enable the development of the Masterplan Area. Kingscliff Wastewater Treatment Plant adjoins the Masterplan Area and the sewer strategy involves localised gravity reticulation pipework within the development footprint of each precinct to either the closest available gravity connection point (which in turn will discharge to an existing pump station), or augmentation of the existing reticulation system to accommodate the proposed flows. This may include the provision of new pump stations, upgrading of existing pump stations and upgrading of gravity networks or rising mains. The water strategy involves provision of reticulation pipework within the development footprint of each precinct to either the	CONSISTENT

closest available connection point or augmentation of the existing reticulation system to accommodate the proposed loads. This will include the provision of new mains where mains exists, augmentation of existing water mains or cross connection of existing water mains.

Both the sewer and water strategies for the Gales Masterplan will vary from precinct to precinct and will ultimately depend on final detailed design. As part of the detailed design there will be a need for liaison with Council to confirm the capacity of existing infrastructure. This process will involve modelling of Council's entire sewer network and any other new development proposals.

Detailed description of the sewerage and water augmentation strategy is provided in the Essential Services Report prepared by Mortons Urban Solutions (2020, refer to **Appendix 5.3**).

GOAL 4: GREAT HOUSING CHOICE AND LIFESTYLE OPTIONS

Directions:	Actions:	Comment:	Planning Proposal:
22. Deliver greater	22.1 Deliver an appropriate supply of residential land	Whilst the KLP 2020 has not yet been endorsed by	CONSISTENT

housing supply	within local growth management strategies and local plans to meet the region's projected housing needs.	DPIE, it provides a local growth management strategy for Kingscliff. The Planning Proposal is consistent with the intent of the KLP (refer to Section 7.2 of this report), enabling the staged delivery of up to 2,100 dwellings to meet the region's housing needs to 2036.	
22.2	Facilitate housing and accommodation options for temporary residents by: <ul style="list-style-type: none"> ▪ preparing planning guidelines for seasonal and itinerant workers accommodation to inform the location and design of future facilities; and ▪ working with councils to consider opportunities to permit such facilities through local environmental plans. 	The R1 General Residential zone, retained in parts of the Masterplan Area and proposed in others, enables a variety of dwelling types which can be delivered in response to the changing market over the lifetime of the development.	CONSISTENT
22.3	Monitor the supply of residential land and housing through the North Coast Housing and Land Monitor.	The proposed amendments to planning controls will not prevent the implementation of the North Coast Housing and Land Monitor.	CONSISTENT
23. Increase housing diversity and choice	23.1 Encourage housing diversity by delivering 40 per cent of new housing in the form of dual occupancies, apartments, townhouses, villas or dwellings on lots less than 400 square metres, by 2036. 23.2 Develop local growth management strategies to	The R1 General Residential zone, retained in parts of the Masterplan Area and proposed in others, and minimum lot size of 200sqm for attached dwellings in the Turnock Street and West Kingscliff Precincts enables a variety of dwelling types which can be delivered in response to the changing market over the lifetime of the development.	CONSISTENT

		respond to changing housing needs, including household and demographic changes, and support initiatives to increase ageing in place.	
24. Deliver well-planned rural residential housing areas	24.1	<p>Facilitate the delivery of well-planned rural residential housing areas by:</p> <ul style="list-style-type: none">▪ identifying new rural residential areas in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment; and▪ ensure that such proposals are consistent with the Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies (2007) or land release criteria (once finalised).	The Planning Proposal does not enable any new rural residential development. N/A
	24.2	<p>Enable sustainable use of the region's sensitive coastal strip by ensuring new rural residential areas are located outside the coastal strip, unless already identified in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment.</p>	 N/A
25. Deliver more opportunities for	25.1	Deliver more opportunities for affordable housing by incorporating policies and tools into	The Planning Proposal contributes to housing affordability by enabling the staged development of CONSISTENT

affordable housing	local growth management strategies and local planning controls that will enable a greater variety of housing types and incentivise private investment in affordable housing.	2,100 dwellings comprising a range of housing types, including small lot sizes for attached dwellings, increasing dwelling stock and diversity within the market.
25.2	Prepare guidelines for local housing strategies that will provide guidance on planning for local affordable housing needs.	CONSISTENT



APPENDIX 2.3 LSPS PLANNING PRIORITIES

Table 7: Assessment against the LSPS Planning Priorities -

ENVIRONMENT – THE MOST STUNNING ENVIRONMENT IN NSW		COMMENT:	PLANNING PROPOSAL:
Planning Priority 1:	Growth that is sustainable within a natural environment that is protected and enhanced.	The Planning Proposal enables the protection of over 41.5 hectares of native vegetation through E2 Environmental Conservation zoning and a further 12.5 hectares of native vegetation retained as parklands.	CONSISTENT
Planning Priority 2:	Conserve and enhance the scenic and ecological values of the Tweed's terrestrial and aquatic habitats.	The Planning Proposal is informed by a Masterplan Report (refer to Appendix 1.4) which demonstrates that riparian corridors can be established along the Chinderah Drain within the Masterplan Area in accordance with the "Guidelines for Controlled Activities on Waterfront Land" (Department of Industry 2018).	CONSISTENT
Planning Priority 3:	Resilience to natural hazards and climate change.	The Planning Proposal enables development which will be resilient to natural hazards in the following ways: <ul style="list-style-type: none"> ▪ Flooding and acid sulfate soils - Filling of urban areas to avoid flood impacts in accordance with Council's DCP A3 and 2.2 metres AHD in open space areas avoids the need to excavate into potential acid sulfate soils; and ▪ Bushfire - Implementation of APZs in accordance with PBP 2019. 	CONSISTENT
Planning Priority 4:	Sustainable use of natural resources and transition to renewable energy.	The Planning Proposal enables the structuring and staging of approved sand mining operations to enable the development of ecotourist facilities on the east side of the lake and a recreational precinct around the perimeter of the lake. Individual developments will enable the provision of smaller-scale renewable energy projects such as rooftop solar in accordance with the complying development provisions in Section 37 of the Infrastructure SEPP.	CONSISTENT

ECONOMY – A THRIVING, INTERCONNECTED ECONOMY		COMMENT:	PLANNING PROPOSAL:
Planning Priority 5:	Cross-border relationships enhanced to support economic development.	<p>The Planning Proposal responds to the burgeoning SEQ market by:</p> <ul style="list-style-type: none">▪ Enabling the development of the Business and Knowledge Precinct, anticipated to provide commercial and retail uses, business park, tertiary or research-related facilities and innovative industrial spaces which will benefit from accessibility to the Pacific Highway which provides direct access to SEQ markets and domestic and international markets via the Gold Coast Airport;▪ Enabling the staged development of 2,100 dwellings of diverse types with a high degree of accessibility to opportunities available in SEQ, encouraging migration to Kingscliff as well as encouraging its younger and older residents to stay in the area as opposed to moving to larger populaces in search of smaller dwelling types and proximity to amenities; and▪ Enabling the provision of new east-west links between the established areas of Kingscliff and Tweed Coast Road, improving access to the Pacific Highway and SEQ.	CONSISTENT
Planning Priority 6:	Employment land supports job opportunities		CONSISTENT

Planning Priority 7:	Promote Tweed Regional City as a green, lifestyle and employment destination.	The Planning Proposal enables development which will promote Tweed Regional City as a green, lifestyle and employment destination in the following ways: <ul style="list-style-type: none"> ▪ Staged provision of up to 2,100 dwellings comprising a diversity of housing types, enabling Kingscliff to retain its younger and older residents who may otherwise look to the Gold Coast or Brisbane for smaller dwelling types and proximity to amenities; ▪ Co-location of residential with employment uses in the Business and Knowledge Precinct, encouraging the development of a self-sustaining centre with a reduced reliance on private vehicles and increased pedestrian and cycling mode-share; ▪ New east-west vehicular links which will include shared paths for walking and cycling between the established areas of Kingscliff and Tweed Coast Road; ▪ Provision of a new shared path within the riparian corridor associated with Chinderah Drain; and ▪ Provision of new parklands in all precincts, offering a variety of passive and active recreation spaces as well as ensuring that all new development areas are within 500m of open space. 	CONSISTENT
Planning Priority 8:	Tourism protects and enhances local communities, culture.	The Planning Proposal promotes the growth of tourism in Kingscliff by zoning high land adjoining the proposed Sugar Mill Parklands as SP3 Tourist in the West Kingscliff Precinct and zoning the Cudgen Precinct as RU2 Rural Landscape which enables ecotourism adjoining the lake. In accordance with the Masterplan Report (refer to Appendix 1.4), tourism uses are also permitted with consent in the portion of the Masterplan Area located in the Green Edges Precinct. These are already permitted with consent in the existing RU2 Rural Landscape zone. Accordingly, no change in the land use zoning applying to that land is proposed.	CONSISTENT
Planning Priority 9:	Transport and land use planning improve connectivity.	The Planning Proposal enables urban development which includes new east-west links which will improve vehicular, pedestrian and cycling accessibility between the established areas of Kingscliff and Tweed Coast Road, improving vehicular circulation and reducing reliance on existing congested connections.	CONSISTENT

Planning Priority 10:	Airport-related employment opportunities.	The Planning Proposal responds to the Gold Coast Airport (12 kilometres to the north, 12 minutes' drive by car) in the following way: Enabling the development of the Business and Knowledge Precinct, anticipated to provide commercial and retail uses, business park, tertiary or research-related facilities and innovative industrial spaces which will benefit from accessibility to the Pacific Highway which provides direct access to SEQ markets and domestic and international markets via the Gold Coast Airport	CONSISTENT
Planning Priority 11:	Agricultural land is protected and sustainably utilised for innovative and diverse economic opportunities.	<p>Neither of the variations to the urban growth area results in any loss of agricultural land:</p> <ul style="list-style-type: none"> ▪ West Kingscliff Precinct (east) - Densely vegetated lands, currently zoned R1 General Residential, to be zoned to E2 Environmental Conservation are unsuited to agricultural uses; and ▪ West Kingscliff Precinct (west) - Cleared lands currently zoned RU2 Rural Landscape are used for cattle grazing and are not regionally significant agricultural lands. <p>The lands subject to urban growth area variation do not interface with agricultural activities.</p>	CONSISTENT
Planning Priority 12:	Natural resources are protected for on-going productive use.	<p>The Planning Proposal enables the protection of 41.5 hectares of native vegetation through E2 Environmental Conservation zoning.</p> <p>The Planning Proposal enables the structuring and staging of approved sand mining operations to enable the development of ecotourism facilities on the east side of the lake.</p>	CONSISTENT
COMMUNITY – VIBRANT AND ENGAGED COMMUNITY:		COMMENT:	PLANNING PROPOSAL:
Planning Priority 13:	Great places for people to live, work and play.	The Planning Proposal enables development which will contribute to healthy, safe, socially engaged and well-connected communities through:	CONSISTENT

Planning Priority 14:	Active, safe, engaged and connected communities.	<ul style="list-style-type: none"> ▪ Staged provision of up to 2,100 dwellings comprising a diversity of housing types, enabling Kingscliff to retain its younger and older residents who may otherwise look to the Gold Coast or Brisbane for smaller dwelling types and proximity to amenities; ▪ Co-location of residential with employment uses in the Business and Knowledge Precinct, encouraging the development of a self-sustaining centre with a reduced reliance on private vehicles and increased pedestrian and cycling mode-share; ▪ New east-west vehicular links which will include shared paths for walking and cycling between the established areas of Kingscliff and Tweed Coast Road; ▪ Provision of a new shared path within the riparian corridor associated with Chinderah Drain; and ▪ Provision of new parklands in all precincts, offering a variety of passive and active recreation spaces as well as ensuring that all new development areas are within 500 metres of open space. 	CONSISTENT
Planning Priority 15:	Enhanced partnerships with local Aboriginal communities.	The ACHA prepared by (Everick Heritage 2020, refer to Appendix 7.1) determined that all Aboriginal heritage areas identified within or proximate to the Masterplan Area under the Aboriginal Cultural Heritage Management Plan (TSC 2018) are either incorrectly placed or are outside of the development footprint or the Masterplan Area.	CONSISTENT
Planning Priority 16:	Aboriginal cultural heritage protected, respected, and managed.		CONSISTENT
Planning Priority 17:	Promote awareness, protection and management of historic heritage.	A single listed heritage item occurs within the Masterplan Area, being the archaeological heritage item Cudgen Sugar Mill Remains (Item No. A2) in Lot 3 DP 828298. The Planning Proposal seeks to enable the development of a park around the remains, creating new passive open space for current and future residents and visitors of the locality, as well as staff, visitors and patients of the adjoining Tweed Valley Hospital.	CONSISTENT

Planning Priority 18:	Desired future character identified, protected, and planned for.	The Planning Proposal is informed by a Masterplan Report (refer to Appendix 1.4) which provides a detailed analysis of the Masterplan Area's strategic context and site-specific considerations. The outcome of this analysis is used to develop a Concept Masterplan which responds to the surrounding character, context and environmental considerations including built form, flooding, riparian and waterways, ecology, bushfire, Aboriginal and non- Aboriginal heritage, accessibility, landscape character, views and vistas and utilities and infrastructure. The Masterplan Report concludes with a set of recommended changes to planning controls required to enable development consistent with the Concept Masterplan. This Planning Proposal seeks to enable those amendments to planning controls.	CONSISTENT
Planning Priority 19:	Local infrastructure delivery supports future growth.	The Planning Proposal is supported by an Essential Services Report (Mortons Urban Solutions 2020, refer to Appendix 5.3) which demonstrates that development enabled by the Planning Proposal, including the proposed variations beyond the established urban and urban growth areas, is capable of being adequately serviced.	CONSISTENT
LIFESTYLE – GREAT HOUSING CHOICE AND LIFESTYLE OPTIONS:		COMMENT:	PLANNING PROPOSAL:
Planning Priority 20:	Housing supply meets the needs of a growing population.	The Planning Proposal enables the staged deliver of up to 2,100 dwellings primarily within established urban or urban growth areas in Kingscliff as identified under the NCRP or KLP 2020. The new dwellings are to be delivered within an R1 General Residential zone, retained in parts of the Masterplan Area and proposed in others, enabling a diversity of dwelling types which can be delivered in response to the changing market over the lifetime of the development.	CONSISTENT
Planning Priority 21:	Housing diversity adapts to meet the needs of a changing population.	The Planning Proposal contributes to housing affordability by enabling the staged development of 2,100 dwellings comprising a range of housing types, including small lot sizes for attached dwellings, increasing dwelling stock and diversity within the market.	CONSISTENT
Planning Priority 22:	Affordable housing needs reviewed and responded to.		CONSISTENT

APPENDIX 2.4 COMMUNITY STRATEGIC PLAN 2017-2027

Table 8: Assessment of the Planning Proposal against the CSP 2017-2027 Streams and Sub-Streams

LEAVING A LEGACY: LOOKING OUT FOR FUTURE GENERATIONS	COMMENT:	PLANNING PROPOSAL:
1.1 Natural resource management Goal: Protect and manage the environment and natural beauty of the Tweed for current and future generations, and ensure that ecological sustainability and climate change consideration underpin decision making in Council.	The Planning Proposal zones two large patches of native vegetation totalling approximately 41.5 hectares as E2 Environmental Conservation. Riparian corridors along waterbodies occurring within the site are to be protected in accordance with the requirements of the "Guidelines for Controlled Activities on Waterfront Land" (NSW Department of Industry 2018).	CONSISTENT
1.2 Asset protection Goal: Protection of people and property by managing the risk of flooding and its impacts on property owners, the environment and the broader community.	The Planning Proposal enables development which will avoid flood impacts through filling of urban areas and open space to 3.1 metres AHD (1% AEP) and 2.2 metres AHD respectively. Downstream impacts have been considered and deemed acceptable under the Regional Flood Impact Assessment (Venant Solutions 2020, refer to Appendix 5.1).	CONSISTENT
1.3 Utility services Goal: Provide high quality and secure water, sewer, rubbish and recycling services that meet health and environmental requirements.	The Planning Proposal is supported by an Essential Services Report (Mortons Urban Solutions 2020, refer to Appendix 5.3) which demonstrates that development enabled by the Planning Proposal, including the proposed variations beyond the established urban and urban growth areas, is capable of being adequately serviced.	CONSISTENT
1.4 Managing community growth Goal: Plan for sustainable development which balances economic, environmental and social considerations. Promote good design in the built environment.	The Planning Proposal is informed by a Masterplan Report (refer to Appendix 1.4) which provides a detailed analysis of the Masterplan Area's strategic context and site-specific considerations. The outcome of this analysis is used to develop a Concept Masterplan which adequately responds to the surrounding character, context and environmental considerations including built form, flooding, riparian and waterways, ecology, bushfire, Aboriginal and non-Aboriginal heritage, accessibility, landscape character, views and vistas and	CONSISTENT

utilities and infrastructure. The Masterplan Report concludes with a set of recommended changes to planning controls required to enable development consistent with the Concept Masterplan. This Planning Proposal seeks to enable those amendments to planning controls.

The Planning Proposal is supported by the following reports which together demonstrate that a balance between economic, environmental, social and good design in the built environment are achieved: a Kingscliff Character Assessment Report (Aspect Architecture 2020, refer to **Appendix 3.1**); Ecological Constraints Assessment Report (Ecoplanning 2020, refer to **Appendix 4.1**); Housing, Retail and Employment Market Analysis (Macroplan 2020, refer to **Appendix 6.1**) and Community Infrastructure Assessment (Macroplan 2020, refer to **Appendix 6.2**).

MAKING DECISIONS WITH YOU: WE'RE IN THIS TOGETHER	COMMENT:	PLANNING PROPOSAL:
2.1 Built environment Goal: Regulate and deliver the built environment to balance the social, cultural, economic and environmental needs of the community.	The Planning Proposal is subject to public exhibition in accordance with the requirements of the Act, the <i>Environmental Planning and Assessment Regulation 2000</i> and Council policy. Previous iterations of the Concept Masterplan and proposed parklands have undergone community consultation (refer to Section 8 of this report) to ensure that the vision for the Masterplan Area is in line with community interests. The KLP 2020 which forms the basis for this Planning Proposal, has also been subject to extensive community consultation.	CONSISTENT
2.2 Engagement Goal: Provide public participation opportunities that inform decision-making processes on current and future Council infrastructure and service requirements of the community.		CONSISTENT

PEOPLE, PLACES AND MOVING AROUND: WHO WE ARE AND HOW WE LIVE	COMMENT:	PLANNING PROPOSAL:
3.1 People Goal: Provide social, cultural and economic opportunities enabling healthy, safer and more inclusive communities.	<p>The Planning Proposal enables development which will contribute to healthy, safe, socially engaged and well-connected communities through:</p> <ul style="list-style-type: none">▪ Land zonings which provide for the possibility of locating community infrastructure as identified in Macroplan's Community Infrastructure Assessment (refer to Appendix 6.2);▪ Staged provision of up to 2,100 dwellings comprising a diversity of housing types, enabling Kingscliff to retain its younger and older residents who may otherwise look to the Gold Coast or Brisbane for smaller dwelling types and proximity to amenities;▪ Co-location of residential with employment uses in the Business and Knowledge Precinct, encouraging the development of a self-sustaining centre with a reduced reliance on private vehicles and increased pedestrian and cycling mode-share;▪ New east-west vehicular links which will include shared paths for walking and cycling between the established areas of Kingscliff and Tweed Coast Road;▪ Provision of a new shared path within the riparian corridor associated with Chinderah Drain; and▪ Provision of new parklands in all precincts, offering a variety of passive and active recreation spaces as well as ensuring that all new development areas are within 500 metres of open space.	CONSISTENT
3.2 Places Goal: Provide places for people to live, work, visit, play and enjoy the Tweed.	<p>The Planning Proposal enables development which will provide:</p> <ul style="list-style-type: none">▪ Places to live: staged development of 2,100 dwellings, comprising a variety of dwelling types, including small lot sizes for attached dwellings, will contribute to housing mix and affordability and encourage new migrants to Kingscliff as well as	CONSISTENT

		encourage existing younger and older residents to stay rather than move to larger populaces where smaller dwelling types are more readily available;
		<ul style="list-style-type: none"> ▪ Places to work: approximately 20,000sqm of retail gross floor area distributed between an extension of the Kingscliff Town Centre into the Turnock Street Precinct and the Business and Knowledge Precinct, and in the Business and Knowledge Precinct a further 65,000sqm Business Park and 100,000sqm Mixed Use/Knowledge Campus (Macroplan 2020, refer to Appendix 6.1). ▪ Places to visit: new tourist accommodation in the West Kingscliff Precinct (proposed SP3 Tourist zone), the possibility of ecotourism in the Cudgen Precinct (proposed RU2 Rural Landscape zone) and Green Edges Precinct (no changes to land use zoning required, does not form part of this proposal). ▪ Places to play: Provision of new parklands in all precincts, offering a variety of passive and active recreation spaces as well as ensuring that all new development areas are within 500 metres of open space.
3.3	Moving around Goal: Provide an integrated, connected, safe and accessible transport network that facilitates efficient, coordinated and reliable movement of people, vehicles and air traffic.	The Planning Proposal enables urban development which includes new east- west links which will improve vehicular, pedestrian and cycling accessibility between the established areas of Kingscliff and Tweed Coast Road, improving vehicular circulation and reducing reliance on existing congested connections.
	BEHIND THE SCENES: PROVIDING SUPPORT TO MAKE IT HAPPEN	COMMENT:
4.1	Assurance Goal: Support Council to meet its legislative and compliance requirements and implement opportunities for organisational improvement.	N/A
		PLANNING PROPOSAL:
		N/A

4.2	Support services	N/A
	Goal: Foster safe, productive and professional workspaces, enabling Council staff to source, manage and maintain services to the community	N/A

APPENDIX 2.5

SECTION 9.1 MINISTERIAL DIRECTIONS

Table 9: Assessment of the Planning Proposal against the Ministerial Directions (s. 9.1 directions)

Direction	Applies	Proposal is Consistent with Direction	Comment
1.1 Business and Industrial Zones	Refer to clause 5(b) for justification	<p>This direction applies as the Planning Proposal will affect land within an existing or proposed business or industrial zone</p> <p>(4) A planning proposal must:</p>	<p>(a) give effect to the objectives of this direction, ✓ The proposal (a) encourages employment growth in suitable locations, (b) protects employment land in business and industrial zones, and (c) supports the viability of identified centres.</p> <p>(b) retain the areas and locations of existing business and industrial zones ✗ The proposal does not retain existing IN1 General Industry zoned land. This area is proposed as B7 Business Park which is considered a more appropriate zoning. It is considered that there is limited demand for IN1 General Industry zoned land (Macroplan 2020, refer to Appendix 6.1).</p> <p>(c) not reduce the total potential floor space area for employment uses and related public services in business zones ✓ The proposal creates a net increase in floor space of proposed business and employment zones enabling the provision</p>

of ample floor space to cater for the forecast employment and tertiary uses in the Business and Knowledge Precinct and further retail and commercial floor space along Turnock Street as the extension of the Kingscliff Town Centre. There is a significant net increase of the combined potential employment area.

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| <p>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</p> | <p>✗ Whilst the proposal removes the industrial zone from the Masterplan Area, it is considered that there is limited demand for IN1 General Industry zoned land (Macroplan 2020, refer to Appendix 6.1) and in any case the proposed B7 Business Park zone in the Business and Knowledge Precinct permits light industrial uses.</p> |
| <p>I ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.</p> | <p>Proposed employment areas are consistent with the North Coast Regional Plan.</p> |
| <p>(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:</p> | |
| <p>(a) justified by a strategy which:</p> | <p>N/A There is no applicable strategy approved by the Secretary or Director-</p> |
| <p>(i) gives consideration to the objective</p> | |
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		of this direction, and	General of the Department of Planning and Environment.
	(ii)	identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and	
	(iii)	is approved by the Secretary of the Department of Planning and Environment, or	
	(b)	justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or	✓ Refer to the Gales Kingscliff Market Analysis Housing Retail and Employment prepared by Macroplan (2020, refer to Appendix 6.1).
	(c)	in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or	✓ In terms of employment zones, the Planning Proposal is consistent with the NCRP in that it creates employment opportunities through B4 Mixed Use and B7 Business Park land use zonings. The accompanying R1 General Residential zone enables residential uses that will sustain the day-to-day function of the centre, as well as create opportunities for residents to live close to their place of employment.
	(d)	of minor significance.	N/A
1.2 Rural Zones	✓	Refer to	This direction applies when a relevant planning authority prepares a planning proposal that will affect

clause 5(b) for justification	land within an existing or proposed rural zone		
	(4) A planning proposal must:		
	(a)	not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.	✗ The proposal includes re-zoning of RU2 Rural Landscape to R1 General Residential in West Kingscliff.
	(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:		
	(a)	justified by a strategy which:	✓ The Planning Proposal is consistent with the Goals, Directions and Actions of the NCRP, except where it enables development within the Non-Urban Area in the West Kingscliff Precinct. Development within this area is: <ul style="list-style-type: none">▪ Consistent with the Goals, Directions and Actions of the NCRP (refer to Appendix 2.2), with particular reference to Figure 18 of the NCRP (DPE 2017, p. 71) where the entirety of the lot is identified as "Investigation Area – Urban Land";▪ Either consistent with the Section 9.1 (formerly Section 117) Ministerial Directions or is able to be inconsistent with the directions by way of the
	(i)	gives consideration to the objectives of this direction,	
	(ii)	identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and	
	(iii)	is approved by the Director-General of the Department of Planning, or	
	(b)	justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or	
	(c)	in accordance with the relevant Regional	

			Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or	<ul style="list-style-type: none"> ▪ “Consistency” provisions under each direction; ▪ Consistent with all relevant SEPPs (refer to Section 6.2.8-6.2.20 of this report); and ▪ Consistent with the intent of the applicable local growth management strategy, enabling development within generally the same area as identified under KLP 2020.
			(d) is of minor significance.	N/A
1.3 Mining, Petroleum Production and Extractive Industries	N/A	N/A	N/A - the proposal does not have the effect of prohibiting or restricting the potential development of resources of coal, other minerals, petroleum or extractive materials.	
1.4 Oyster Aquaculture	N/A	N/A	N/A – this direction does not apply if the proposal does not include a change in land use that could result in an adverse impact on or an incompatible use of land between a Priority Oyster Aquaculture Area or a current oyster aquaculture lease in the national parks estate.	
1.5 Rural Lands	Refer to clause 5(b) for justification ✓		<p>This direction applies as it will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) therefore Clause 3 (a) applies</p> <p>(4) A planning proposal to which clauses 3(a) or 3(b) apply must:</p> <p>(a) be consistent with any applicable strategic</p>	<p>✓ The Planning Proposal is consistent with</p>

	plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement	the Goals, Directions and Actions of the NCRP, except where it enables development within the Non-Urban Area in the West Kingscliff Precinct. Development within this area is:
(b)	consider the significance of agriculture and primary production to the State and rural communities	<ul style="list-style-type: none">▪ Consistent with the Goals, Directions and Actions of the NCRP (refer to Appendix 2.2), with particular reference to Figure 18 of the NCRP (DPE 2017, p. 71) where the entirety of the lot is identified as 'Investigation Area – Urban Land';▪ Either consistent with the Section 9.1 (formerly Section 117) Ministerial Directions or is able to be inconsistent with the directions by way of the "Consistency" provisions under each direction;▪ Consistent with all relevant SEPPs (refer to Section 6.2.8-6.2.20 of this report); and▪ Consistent with the intent of the applicable local growth management strategy, enabling development within generally the same area as identified under KLP 2020.
(c)	identify and protect environmental values,	✓ The Planning Proposal seeks to identify

	including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources	and protect environmental values in accordance with the Ecological Constraints Assessment (Ecoplanning 2020, refer to Appendix 4.1).
(d)	consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions	✓ The Planning Proposal is informed by a Masterplan Report (LFA 2020, refer to Appendix 1.4) which considers the natural and physical constraints of the Masterplan Area.
(e)	promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities	✓ The planning proposal maintains opportunities for investment in in productive, diversified, innovative and sustainable rural economic activities
(f)	support farmers in exercising their right to farm	N/A -The Proposal does not impact the right to farm.
(g)	prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses	✓ The Planning Proposal minimises the fragmentation of rural land and reduces the risk of land use conflict, particularly between residential land uses and other rural land uses.
(h)	consider State significant agricultural land identified in State Environmental Planning Policy (Primary Production and Rural Development) 2019 for the purpose of ensuring the ongoing viability of this land	✓ Important Farmland Interim Variation Criteria has been assessed in relation to this Planning Proposal to give consideration to the objective of this direction which is to protect the agricultural production value of rural land.

		(i) consider the social, economic and environmental interests of the community.	✓ Social, economic and environmental interests of the community are addressed in the Gales Kingscliff Market Analysis Housing, Retail and Employment (Macroplan 2020, refer to Appendix 6.1)
2.1 Environment Protection Zones	Refer to clause 6(b) for justification	<p>This Direction applies to all planning proposals.</p> <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).</p> <p>(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p>	<p>✓ The protection and conservation of environmentally sensitive areas is achieved in accordance with the Ecological Constraints Assessment (Ecoplanning 2020, refer to Appendix 4.1) forming part of this Planning Proposal.</p> <p>✗ The Planning Proposal seeks to rezone approximately 8,700sqm of land zoned 7(a) Environmental Protection (Habitat) under Tweed LEP 2000 to R1 General Residential as a result of the Turnock Street extension route agreed between the Proponent and Council and in accordance with the Ecological Constraints Assessment (Ecoplanning 2020, refer to Appendix 4.1).</p>

		(a) justified by a strategy which:	N/A There is no applicable strategy approved by the Secretary or Director-General of the Department of Planning and Environment.
		(i) gives consideration to the objectives of this direction,	
		(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and	
		(iii) is approved by the Director-General of the Department of Planning, or	
		(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or	✓ The protection and conservation of environmentally sensitive areas is achieved in accordance with the Ecological Constraints Assessment (Ecoplanning 2020, refer to Appendix 4.1) forming part of this Planning Proposal.
		(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or	N/A
		(d) is of minor significance.	N/A
2.2 Coastal Management	✓	Refer to clause 8(a) for	This direction applies as part of the land subject to the planning proposal is within the coastal zone, as defined under the <i>Coastal Management Act 2016</i> - comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as

justification	identified by the <i>State Environmental Planning Policy (Coastal Management) 2018</i> .	
(4)	A planning proposal must include provisions that give effect to and are consistent with:	
(a)	the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;	✓ The proposal is consistent.
(b)	the NSW Coastal Management Manual and associated Toolkit;	✓ The proposal is consistent.
(c)	NSW Coastal Design Guidelines 2003; and	✓ The proposal is consistent with the guidelines.
(d)	any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.	N/A There are no coastal management programs or Management Plans that apply to the planning proposal land.
(5)	A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:	
(a)	within a coastal vulnerability area identified by the <i>State Environmental Planning Policy(Coastal Management) 2018</i> ; or	✓ The proposal does not seek to rezone land identified as a coastal vulnerability area.
(b)	that has been identified as land affected by a current or future coastal hazard in a local	✓ The proposal does not seek to rezone land identified as affected by a current or

	environmental plan or development control plan, or a study or assessment undertaken:	future coastal hazard.
	(i) by or on behalf of the relevant planning authority and the planning proposal authority, or	
	(ii) by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.	
(6)	A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by the <i>State Environmental Planning Policy (Coastal Management) 2018</i> .	✖ The proposal seeks to rezone a small area of land which would enable more intensive land uses of land that is identified as Coastal Wetlands to enable the extension of Turnock Street which is a critical road for the Kingscliff road network (TRDS 2017). The route has been agreed between the Proponent and Council.
(7)	A planning proposal for a Local Environmental Plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under the <i>State Environmental Planning Policy (Coastal Management) 2018</i> :	The Planning Proposal does not seek to amend the maps referred to.
	(a) Coastal wetlands and littoral rainforests area map;	
	(b) Coastal vulnerability area map;	

(c) Coastal environment area map; and

(d) Coastal use area map.

Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the *Coastal Protection Act 1979* that continues to have effect under clause 4 of Schedule 3 to the *Coastal Management Act 2016*.

(8) A planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority can satisfy the Secretary of the Department of Planning and Environment (or their nominee) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a study or strategy prepared in support of the planning proposal which gives consideration to the objective of this direction, or

✓ The Planning Proposal is supported by an Ecological Constraints Assessment (Ecoplanning 2020, refer to **Appendix 5**) which gives consideration to the objective of this direction.

(b) in accordance with any relevant Regional Strategic Plan or District Strategic Plan, prepared under Division 3.1 of the *Environmental Planning and Assessment Act 1979* by the relevant strategic planning authority, which gives consideration to the objective of this direction, or

N/A There is no applicable strategy approved by the Secretary or Director-General of the Department of Planning and Environment.

	(c) of minor significance.	N/A
2.3 Heritage Conservation	This Direction applies to all planning proposals.	
	(4) A planning proposal must contain provisions that facilitate the conservation of:	
✓	(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, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,	✓The Planning Proposal includes updates to Tweed LEP mapping in relation to the Former Cudgen Sugar Mill.
✓	(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i> , and	N/A as outlined in ACHA report (Everick Heritage 2020, refer to Appendix 7.1)
	(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.	N/A as outlined in ACHA report (Everick Heritage 2020, refer to Appendix 7.1)
2.4 Recreation Vehicle Areas	✓	The proposal does not enable land to be developed for the purpose of a recreation vehicle area.

2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	This direction applies when a relevant planning authority prepares a planning proposal:	The proposal includes zoning a portion of the land to E2 Environmental Conservation.
✓	(a) that introduces or alters an E2 Environmental Conservation or E3 Environmental Management zone; (b) that introduces or alters an overlay and associated clause. (4) A planning proposal that introduces or alters an E2 Environmental Conservation or E3 Environmental Management zone or an overlay and associated clause must:	
✓	(a) apply the proposed E2 Environmental Conservation or E3 Environmental Management zones, or the overlay and associated clause, consistent with the Northern Councils E Zone Review Final Recommendations.	The land proposed to be zoned E2 is consistent with the Northern Councils E Zone Review Final Recommendations.
3.1 Residential Zones	This direction applies as the planning proposal includes altering the existing or proposed residential zone.	
✓	(4) A planning proposal must include provisions that encourage the provision of housing that will: (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.

(5) A planning proposal must, in relation to land to which this direction applies:

(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 ✓Essential Services Report outlines how the land subject to planning proposal may be serviced (Morton Urban Services 2020, refer to **Appendix 5.3**)

(b) not contain provisions which will reduce the permissible residential density of land. ✓The Planning Proposal does not reduce the permissible residential density of land.

3.2 Caravan Parks and Manufactured Home Estates	✓	✓	The Planning Proposal adopts existing land use zones under TLEP 2014.
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3.3 Home Occupations	✓	✓	The proposal adopts the existing TLEP 2014 land uses with the exception of E2 Environmental Conservation zone.
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3.4 Integrating Land Use and Transport	✓	✓	This direction applies and the proposal is consistent with this direction.
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(3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

			(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) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).
3.5 Development Near Regulated Airports and Defence Airfields	✓	✓	This direction applies as the Masterplan Area has airspace limitations identified in the airspace protection section of the Gold Coast Airport Masterplan. The proposed maximum building provisions do not encroach on the protected air space and the land is located outside of the ANEF contours.
3.6 Shooting Ranges	N/A	N/A	This direction does not apply as the planning proposal land is not adjacent to and/ or adjoining an existing shooting range.
3.7 Reduction in non-hosted short term rental accommodation period	N/A	N/A	This direction does not apply it only applies to Byron Shire Council.
4.1 Acid Sulfate Soils	Refer to direction clause 8(a) for justification)	✓	The land forming part of the planning proposal is mapped as class 2 and 3 under Tweed LEP 2014. (4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present. (5) 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:

(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or

(b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.

(6) 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 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.

(7) 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).

(8) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or	✓Land subject to Preliminary Acid Sulfate Soil Investigation (HMC 2020, refer to Appendix 7.6)
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(b) of minor significance.	✗The area is not of minor significance
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4.2 Mine Subsidence and Unstable Land

N/A

N/A

This direction only applies to Mine Subsidence Districts and identified unstable land. The land subject to the planning proposal is not in a mine subsidence district or on identified unstable land.

4.3 Flood Prone Land	Refer to direction clause 9 for justification	This direction applies as the planning proposal involves alteration to zones and provisions that affect flood prone land.	
✓		<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	<p>✓The planning proposal gives effect through existing TLEP 2014 Clause 7.4.</p> <p>* The proposal includes rezoning land that is zoned 5 (a) Special Uses (Sewerage treatment / Turf farm) under Tweed LEP to B4 Mixed Use under Tweed LEP 2014.</p> <p>✓The planning proposal gives effect through existing TLEP 2014 Clause 7.4.</p>

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 structures in floodways or high hazard areas), roads or exempt development.

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- (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). ✓The planning proposal does not seek to impose new flood related controls.
- (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 *Guideline on Development Controls on Low Flood Risk Areas*) 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). ✓The planning proposal does not seek to determine new flood planning levels.
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			hazard reduction without consent.
5.1 Implementation of Regional Strategies	N/A	N/A	This direction is N/A – This direction does not apply the land subject to this proposal.
5.2 Sydney Drinking Water Catchments	N/A	N/A	This direction is N/A – This direction does not apply the land subject to this proposal.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Refer to direction clause 5(a) for justification)		<p>This direction applies due to a portion of the Masterplan Area being identified as: Important Farmland under the North Coast Regional Plan 2036.</p> <p>4) A planning proposal must not:</p> <p class="list-item-l1">(a) rezone land identified as “State Significant Farmland” for urban or rural residential purposes.</p> <p>✖The Planning Proposal seeks to rezone land identified as ‘Important Farmland’ under the North Coast Regional Plan 2036 to a mix of RE1 Public Recreation, SP3 Tourist and E2 Environmental Conservation. This is an acceptable outcome as:</p> <ul style="list-style-type: none"> ▪ The land is too steep and densely vegetated for farming activities; ▪ The land has heritage listing associated with the Former Cudgen Sugar Mill; and ▪ Rezoning to urban purposes is consistent with the NCRP Important Farmland Interim Variation Criteria.

			(b) rezone land identified as "Regionally Significant Farmland" for urban or rural residential purposes.	*land is for urban purposes
			(c) rezone land identified as "significant non-contiguous farmland" for urban or rural residential purposes.	N/A – land forming part of the planning proposal is not identified as "significant non-contiguous farmland".
			(5) A planning proposal may be inconsistent with the terms of this direction only if council can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary) that the planning proposal is consistent with:	
			(a) the North Coast Regional Plan 2036, or	Land has been assessed in accordance with Important Farmland Interim Variation Criteria as outlined as part of the North Coast Regional Plan 2036
			(b) Section 4 of the report titled <i>Northern Rivers Farmland Protection Project - Final Recommendations, February 2005</i> , held by the Department of Planning and Environment.	N/A – does not apply.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A	This direction does not apply as the planning proposal land is not in the vicinity of the existing and/or proposed alignment of the Pacific Highway. The Planning Proposal does not have frontage or access to the Pacific Highway.	
<i>Directions 5.5- 5.8 are repealed</i>				
5.9 North West Rail	N/A	N/A	This direction is N/A – This direction does not apply the land subject to this proposal.	

**Link Corridor
Strategy**

5.10 Implementation of Regional Plans	✓	✓	This direction applies and is consistent with a Regional Plan released by the Minister for Planning applicable to the land – The North Coast Regional Strategy. Refer to Appendix 2.2 for summary of consistency with North Coast Regional Strategy Actions.
5.11 Development of Aboriginal Land Council land	N/A	N/A	This direction is N/A – the subject land is not shown on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019.
6.1 Approval and Referral Requirements	✓	✓	This direction applies, no concurrence, consultation or referral is proposed as part of the proposal and does not identify designated development.
6.2 Reserving Land for Public Purposes	✓	✓	This direction applies, the proposal seeks to identify land for a public purpose (roads and public open space) the land is to be acquired by Council.
6.3 Site Specific Provisions	✓	✓	<p>This direction applies. The proposal is consistent with the requirements of this direction:</p> <p>(4) <i>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</i></p> <p class="list-item-l1">(a) <i>allow that land use to be carried out in the zone the land is situated on, or</i></p> <p class="list-item-l1">(b) <i>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</i></p> <p class="list-item-l1">(c) <i>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.</i></p> <p>(5) <i>A planning proposal must not contain or refer to drawings that show details of the development proposal.</i></p>

Metropolitan Planning Directions 7.1-7.10 do not apply to the land subject to this proposal



APPENDIX 3.1

Kingscliff Character Assessment Report (Aspect Architecture 2020)

APPENDIX 3.2

Visual Impact Assessment (Zone Landscape Architecture 2020)



APPENDIX 4.1

Ecological Constraints Assessment Report (Ecoplanning 2020)

APPENDIX 4.2

**Comparative assessment of the ecological value of vegetation on
Gales southern landholdings and its use for parklands or
restoration (Idyll Spaces Environmental Consultants | Elks 2020)**



APPENDIX 4.3

New Kingscliff Parklands Report (PDS Landscape Architects and Urban Designers 2020)

APPENDIX 5.1
Kingscliff Masterplan Regional Flood Impact Assessment Report
(Venant Solutions 2020)



APPENDIX 5.2

Kingscliff Masterplan Stormwater Management Plan (Venant Solutions and E2 DesignLab 2020)

APPENDIX 5.3

Essential Services Report (Mortons Urban Solutions 2020)



APPENDIX 5.4

Masterplan Development Traffic Impact Assessment (Bitzios Consulting 2020)

APPENDIX 6.1

Housing, Retail and Employment Market Analysis (Macroplan 2020)

APPENDIX 6.2

Community Infrastructure Assessment Market Assessment (Macroplan 2020)

APPENDIX 6.3

New Kingscliff Parklands Community Survey Results and Responses (Gales 2020)



APPENDIX 7.1

Aboriginal Cultural Heritage Assessment Report (Everick Heritage 2020)

APPENDIX 7.2

Statement of Heritage Impact (Everick Heritage 2020)



APPENDIX 7.3

Bushfire Hazard Assessment (GHD 2020)

APPENDIX 7.4

Planning Proposal Acoustic Review (Cardno 2020)



APPENDIX 7.5

Preliminary Site Investigation (HMC Environmental Consulting 2020)

APPENDIX 7.6

Preliminary Acid Sulfate Soil Investigation (HMC Environmental Consulting 2020)