



Our Ref: J5193
Your Ref: MP06_0318

Date: 9 March 2017

The Director General
The Department of Planning
GPO Box 39
SYDNEY NSW 2001
Via email: Natasha.Harras@planning.nsw.gov.au

Att: Natasha Harris

RE: Kings Forest - Amendments to MP06_0318 and Development Code

Dear Natasha,

Planit Consulting has been engaged by Northern Water Solutions Pty Ltd to seek the modification of Major Project MP06_0318 and associated Development Code. This will be Modification number 7 to this project.

As per Schedule 6A, section 3C(1) of the *Environmental Planning and Assessment Act 1979*, we hereby seek the Department of Planning and Environment (DoPE) support in formalising the requested change to the Major Project MP06_0318 and Development Code so as to facilitate the construction of a private Water and Waste Water Treatment Plant (WWTP) (pursuant to the provisions of the *Water Industry Competition Act 2006*) and associated sewerage and water supply infrastructure upon land owned by Project 28 Pty Ltd (the Kings Forest Development).

This request seeks to include provision for alternative water and sewerage services and infrastructure, so as to allow for the efficient servicing of the land for the purposes of either connecting into Council reticulated water and sewerage services or by providing standalone water and sewerage services for the development pursuant to a licence granted under the *Water Industry Competition Act 2006*. As such, the proposed modifications within Attachment 1 attempt to allow flexibility in choice and facilitate the attainment of objectives under the *Water Industry Competition Act 2006*, should the proponent seek to utilise this option once a licence has been granted.

Whilst the *Water Industry Competition Act 2006* (WICA) and to a lesser extent, the SEPP – Infrastructure, have highlighted the appropriate paths with respect to the implementation of Private Water and Waste Water Utilities, in this instance, Project 28 Pty Ltd, who have engaged Northern Water Solutions Pty Ltd to provide such utilities, is unable to implement a privately owned system given the current wording of the Major Project Approval MP06_0318.

As such, should any other section within the approval be identified by the DoPE as restricting the developer's ability to connect solely to a local government water and sewer provider and/or a WICA licenced system, it is respectfully requested these additional sections also be amended to ensure flexibility for either a local government or a private water and sewer utility provider to be selected for the Kings Forest Development.

Upon acceptance of the proposed change and upon the issuing of an operator's licence by IPART, the proposed Water and Sewerage System will be subject to the relevant Environmental Assessment provisions provided for under Part 5 of the *Environmental Planning & Assessment Act 1979*.

Amendments to Concept Plan Map and Rezoning of 2(c) land

This request also seeks to rezone and change a portion of the development site from Community Facilities zoned land to SP2 – Infrastructure as identified in the plans contained at Attachment 2. The site of this request is known legally as a portion of Lot 1 in DP781633. The intent is to allow for the efficient servicing of the land for the purposes of providing alternate water and sewerage services. We recognize that the concept plan already permits 'sewerage reticulation system' within the Community Facilities precinct, however the clear delineation of this use, separate to the remaining permitted uses for the precinct is of benefit to all parties. Accordingly, we also seek to amend the current zoning of the land from 2(c) in this location to SP2 – Infrastructure to ensure an adequate location of land is secured for this service.

The proposed site of the WWTP is currently being assessed for odour and acoustic impacts. The current nearest sensitive receptor is over 360m north east of the proposed site. In terms of the Kings Forest development and future planning for the locality, the surrounding land uses include a neighbourhood centre 150m South-West of the proposed site, and future council open space areas (not part of the Kings Forest development) located 70m West of the proposed WWTP location separated from the proposed WWTP by a 20m wide by 230m long landscape screen (totaling 4600m² in area). The location of any future residential development occurs to the South of the proposed WWTP location which is separated further by Community Facility land and positioned a minimum distance of 150m from the proposed WWTP site (refer to Figure 1 below).

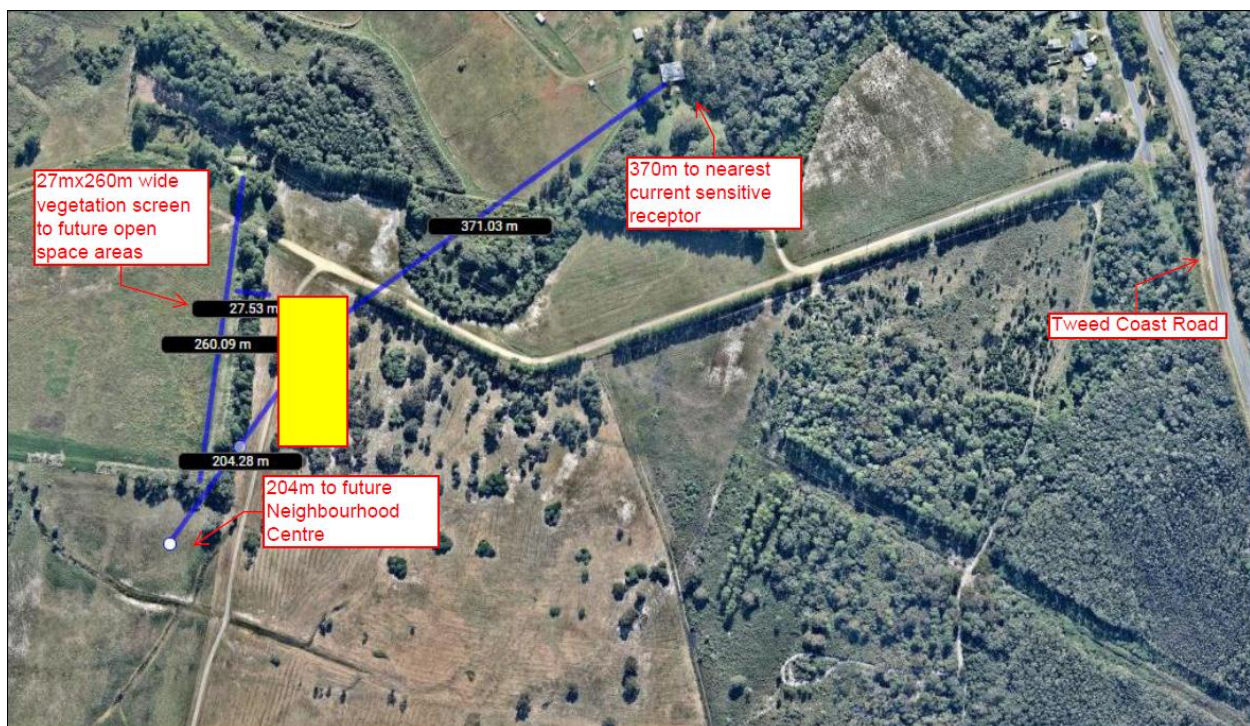


Figure 1. Surrounding current and future sensitive receptors

The WWTP will be designed and sited to ensure there is no impact upon any current nor future nearby sensitive receptors. This location is suitable for the intended use as the design of the WWTP will be such that it will comply with the 2 odour unit (OU) criteria at all current and future sensitive receptor locations.

This amendment will require a minor change to the Concept Plan and the Precinct Plan which clearly nominates a suitable location within the development area to site the infrastructure under appropriate zoning. The specifics of this part of our request are as follows:

1. Amend the land use zoning map by way of inclusion of the SP 2 – Infrastructure (Sewerage System) as shown on the plan contained at **Attachment 2**. The area shown as SP2 – Infrastructure (Sewerage System) represents the site selected by the proponent and Northern Water Solutions for the site of a proposed private wastewater treatment plant (as a component of a Sewerage System).

2. Inclusion of additional Objectives specific to the SP2 zone within clause 5.1 of the Development Code, as per **Attachment 1**.

It is important to note that the addition of the SP2 area occurs on top of the existing approved plan content. There is no alteration to any other component of the plans that have not already been assessed.

State Environmental Planning Policy (State Significant Precincts) 2005

In relation to the SEPP (State Significant Precincts) 2005, this amendment as indicated previously requires amendment to the zoning map for Kings Forest within this SEPP. In particular, Part 6 of Schedule 3. The location for the proposed zone change is within the 2(c) Urban Expansion zoned land and is adjacent the ecological buffer. Therefore the assessment items under this part, and in particular clause 7 are not impacted by this change in this instance. The amendment to the concept plans does not impact upon this SEPP. The SEPP zoning plan will require modification for this minor change and odour and acoustic assessments have been provided in support for this minor zone amendment to the SEPP. Updates to this Part of the SEPP have also been provided within Attachment 1.

We would be pleased if you could review the details contained in this correspondence and advise as to any further information that the Department will require in respect of the request made. Please contact the undersigned on 02 6674 5001.

Yours sincerely



Simon Halcrow
Senior Town Planner
Planit Consulting Pty Ltd

Enc –

Attachment 1 – Modifications as listed

Attachment 2 – Revised Concept Plan and Zoning Plan

Attachment 1 – Modifications as Listed

Method: delete the ~~strikethrough~~, insert the underlined.

Concept Approval MP06_0318 Schedule 2, item A2

The project will be undertaken generally in accordance with the following drawings:

Design, Landscape and Survey Drawings			
Drawing No.	Revision	Name of Plan	Date
1056-RD19	A	Kings Forest Cadastre Plan	4 March 2008
01	B <u>C</u>	Revised Concept Plan	5 December 2013 <u>March 2017</u>
02	A	Scope of Works	21 August 2012
03	A	Site Analysis	23 August 2012
04	B	Revised Precinct Plan	5 December 2013
05	B	Revised Open Space Network	5 December 2013
06	A	Road Hierarchy	23 August 2012
07	A	Potential Bus Route	23 August 2012
08	B	Density Matrix Summary	12 October 2012
09	B	Development Matrix	12 October 2012
Figure 12 of Buffer Management Plan Precincts 1 & 5	-	Revised Heath Regeneration and Revegetation Areas	20 August 2012
Figure 9 of Buffer Management Plan Precinct 2-4 & 6-14	-	Revised Heath Regeneration and Revegetation Areas	20 August 2012
Figure 10 of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10A of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10B of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10C of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10D of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012

Figure 10E of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10F of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10G of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10H of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10I of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10J of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10K of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012
Figure 10L of Precinct 1 & 5 Buffer Management Plan	-	Proposed Compensatory Habitat	15 October 2012

except for:

- (1) any modifications which may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (2) otherwise provided by the conditions of this approval.

The following are the requested changes to the Development Code necessary to achieve the flexibility for an alternate water/sewer provider to that of the local authority.

Method: delete the strikethrough, insert the underlined.

Development Code

Part A

2.0 Exempt and Complying Development

2.1 Exempt Development

Objectives

To specify minor development with minor environmental impacts that can proceed without any planning approval.

Controls

- (1) Comply with the standards in **Schedule 1 for the** relevant development type and the controls (2)-(3) below.
- (2) To be *exempt development*, the development must:
 - (a) Meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, or if those provisions do not apply, shall be structurally adequate, and
 - (b) be more than 1 metre from any easement or public sewer main, stormwater main, water main or related fixture and comply with the requirements of the local relevant sewer and water authority, and
 - (c) If it relates to an existing building, not cause the building to contravene the *Building Code of Australia*, and
 - (d) Not be designated development, and
 - (e) Be installed in accordance with the manufacturer's specifications, if applicable, and
 - (f) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent, and
 - (g) Not be in conflict with any existing services, and
 - (h) If work involves any plumbing or drainage works, approval for such work under the Local Government Act must be obtained from the local relevant water and sewer authority.
 - (i) not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
- (3) Development that relates to an existing building that is classified under the Building Code of Australia as Class 1b or Class 2–9 is exempt development only if:
 - (a) The building has a current fire safety certificate or fire safety statement, or
 - (b) No fire safety measures are currently implemented, required or proposed for the building.

Note 1. Specifying a type of development as *exempt development* does not authorise the contravention of any condition of a development consent or any design guideline applying to the land on which the *exempt development* is carried out, nor does it remove the need for any approval that may be required under other legislation or legal instrument.

Note 2. Adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licenses, permits and authorities still apply. For example, requirements relevant to development in this Code are contained in the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, various SEPPs, the *Protection of the Environment Operations Act 1997*, the *Roads Act 1993*, the *Swimming Pools Act 1992*, and Acts applying to various infrastructure authorities. If the development is in proximity to infrastructure, including water, stormwater and sewer mains, electricity power lines and telecommunications facilities, the applicant should contact the relevant infrastructure authority before commencing development.

2.1.64 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) have a capacity of:
 - (i) if for an educational establishment—not more than 25,000 litres, and
 - (ii) in any other case—not more than 10,000 litres, and
 - (b) be located at least 0.45m from each lot boundary if the tank has a *height* of more than 1.8m above *ground level (existing)*, and
 - (c) be located no less than 0.9m behind the *frontage building line* of any road or public land frontage, and
 - (d) be screened with fencing of 1.8m *height* located between the development and the road or public land frontage and/or any other lot, and
 - (e) not rest on the footings of an existing building for support, and
 - (f) not require cut and fill of more than 1m below or above *ground level (existing)* or that is within 0.9m of any lot boundary, and
 - (g) be fitted with a first-flush device that causes initial run-off rainwater to bypass the tank which is of a colour *matching* the colour of the tank, and
 - (h) have a sign affixed to it stating the water in it is rainwater, and
 - (i) be constructed or installed to prevent mosquitoes breeding in it, and
 - (j) have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property or cause a nuisance to adjoining owners, and
 - (k) be constructed in low-reflective, factory pre-coloured materials.
- (2) Pumps attached to the development must be housed in a soundproof enclosure.
- (3) If reticulated water is provided to the lot, the development must not be connected to reticulated water without the prior approval of the ~~local~~ relevant water authority.
- (4) In this clause:

educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

2.1.66 Development standards

- (1) The standards specified for that development are that the development must:
 - (a) be fitted with a first-flush device that causes initial run-off rainwater to bypass the tank, and
 - (b) have a sign affixed to it stating the water in it is rainwater, and
 - (c) be constructed or installed to prevent mosquitoes breeding in it, and
 - (d) have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners, and
 - (e) be located no less than 0.9m behind the *frontage building line* of a road or public land frontage unless completely submerged below ground with the exception of a cover that either is screened within a garden with planting or is exposed in a paved area and treated with the same paving finish as the surrounding area.
- (2) Pumps attached to the development must be housed in a soundproof enclosure.
- (3) If reticulated water is provided to the lot, the development must not be connected to reticulated water without the prior approval of the ~~local~~ relevant water authority.

2.1.80 Development standards

- (1) The standards specified for that development are that the development must:

- (a) Be located on the lot in relation to which a current development consent has been granted, and
- (b) If it contains plumbing fixtures, have those fixtures connected to an approved waste water treatment device or an approved connection to the sewer, and
- (c) Not be used for residential purposes, and
- (d) Be removed from the lot immediately after completion of the works for which the development consent was granted.
- (e) Not be connected to a reticulated water supply or sewer without the prior approval of the local relevant water and sewerage authority.

5.1 Precinct Plan

Objectives

- (1) To ensure the orderly development of the land and assist in the co-ordinated programming and provision of necessary infrastructure and casual open space.
- (2) To identify the position of Casual Open Space within the subdivision design of the Precinct.
- (3) Provide a planning framework for subsequent plans of development and *nominated lots*.
- (4) To provide for infrastructure within the SP2 zone and related uses consistent with the intended use of surrounding lands where required.

Controls

- (1) Submit a precinct plan with the first development application for subdivision of each precinct (location illustrated in **Figure 5.1.1**).
- (2) Provide a permeable, hierarchical street pattern that relates to the original topography, and facilitates 'way' finding.
- (3) Provide a main street, focal point and identifiable public domain.
- (4) Provide lot sizes and configurations to support a range of housing types that integrate into the street pattern.
- (5) Identify an open space network.
- (6) Connect parks, public spaces, main streets, services, infrastructure and natural features.
- (7) Use streets and footpaths to define the edges to public open spaces.
- (8) Provide water sensitive urban design within appropriate open spaces.
- (9) Identify the proposed staging of subdivision within each precinct.
- (10) Identify an estimated development yield.
- (11) Prevent development that is not compatible with or that may detract from the provision of infrastructure relevant to SP2 zoned services

5.2 Relationship to Tweed Shire Council Development Control Plan 2008 Section A5 - Subdivision Manual

Objectives

- (1) To clarify the relationship of the subdivision controls of the *Code* with the subdivision controls of *Council Development Control Plan 2008 Section A5 - Subdivision Manual*.
- (2) Where water and sewer provision is provided under a WIC Act License, that Authority is not bound by any council standard in relation to the provision.

Controls

- (1) This *Code* adopts the following provisions of Tweed Development Control Plan 2008 Section A5 – Subdivision Manual
 - Part A5.4 Urban Subdivision Design Guidelines & Development Standards, except where varied by this *Code*
 - Part A5.6 The Assessment & Decision Making Process

- Part A5.7 Implementing a Subdivision Consent
- Appendix A - Subdivision Works - Development Design Specifications
- Appendix B - Subdivision Works - Development Construction Specifications
- Appendix C - Subdivision Works, Compliance Certification except as otherwise approved by Council
- Attachment C1 - Subdivision Works, Compliance Certificate
- Appendix D - Subdivision Infrastructure Inspections
- Appendix E - Recommended Buffers
- And the Development Design Specifications and Development Construction Specifications referred to in Appendix A and Appendix B above.

Except where varied by the departures contained in Section 5 of this Code.

References to "development applications" in A5 may also be deemed to be references to Part 3A "Project Applications" except where such references may be inconsistent with Part 3A of the act.

The following sections of the Development Code (5.9 and additional 5.10) are an important inclusion within the code as these sections ensure adequate protection of, and access to infrastructure whether they be council or private assets.

The addition of a new section 5.9 as follows:

5.9 Private Services Infrastructure

Objectives

- (1) To facilitate alternate services provision in accord with the Water Industry Competition Act 2006 and to ensure that the approvals process is structured so as to achieve the intent of that legislation.
- (2) to minimise infrastructure works and potential environmental impacts associated with High Water Table, Acid Sulfate Soils and discharges to the natural environment.
- (3) To facilitate alternate means of sewer and water infrastructure provision.

Controls

- (1) In the event that the proponent seeks to pursue Water and or Sewerage connections in accord with the Water Industry Competition Act, 2006, then a licence must be sought and issued by I PART for such works, with the exception of those works that are exempted from approval under the Water Industry Competition Act 2006.
- (2) Both conventional gravity sewerage (connection to Tweed Shire Council) and or an alternate Pressure Sewer System pursued under the Water Industry Competition Act 2006, must be designed in a manner consistent with the provisions of Tweed Shire Council Development Design Specification D12.
- (3) Before undertaking any works requiring approval under Section 68 of the Local Government M, the proponent must ensure that these works are consistent with the conventional sewerage or pressure sewer system requirements of Control No.2 above.
- (4) Should the proponent seek to carry out works in respect of the exemption listed in 1 above and any subsequent Section 68 approval, then in the event that the proponent does not receive a WICA licence and the infrastructure has been constructed on land to be dedicated to Council in the future, then such infrastructure must be removed entirely from the site before Council will accept dedication of the land. Such removal must be done at the cost of the proponent
- (5) Where a dual reticulation water supply for recycled water is provided throughout the development, this must be designed and constructed generally in accordance with WSA Dual Water Supply Systems and Tweed Shire Council Water Supply Specifications.
- (6) The developer must incorporate on the title for all allotments created, relevant Restrictions as to the User which enforce the need for all dwellings and buildings with plumbing (including commercial buildings and the like) to make provision for recycled water service facilities to the approval of the relevant water and sewerage authority

Amendments to Part 6, Schedule 3 of State Environmental Planning Policy (State Significant Precincts) 2005

Part 6 Kings Forest site

1 Definitions

In this Part:

agricultural buffer means an area within the Kings Forest site indicated by distinctive marking as “Agricultural Buffer—150m” on the [Land Zoning Map](#).

ecological buffer means an area within the Kings Forest site indicated by distinctive marking as “Ecological Buffer—50m” on the [Land Zoning Map](#).

Kings Forest site means the land identified on the [Land Application Map](#).

Land Application Map means the *State Environmental Planning Policy (Major Development) 2005 Kings Forest Land Application Map*.

Land Zoning Map means the *State Environmental Planning Policy (Major Development) 2005 Kings Forest Land Zoning Map*.

native vegetation has the same meaning as in the [Native Vegetation Act 2003](#).

2 (Repealed)

3 Application of Part

- (1) Subject to subclauses (2) and (3), this Part applies with respect to development within the Kings Forest site and so applies whether or not the development is a transitional Part 3A project.
- (2) This Part does not apply to the land comprising Lot 19, DP 112061 unless and until that land has been vacant for one continuous period of 12 months, being a period that commences on or after the commencement of this Part.
- (3) Nothing in this Part applies to or with respect to development for the purposes of a public utility undertaking.

4 Land use zones and objectives

- (1) For the purposes of this Policy, land within the Kings Forest site is in a zone specified below if the land is shown on the [Land Zoning Map](#) as being within that zone:
 - (a) Zone 2 (c) Urban Expansion,
 - (b) (Repealed)
 - (c) Zone 7 (a) Environmental Protection (Wetlands and Littoral Rainforests),
 - (d) Zone 7 (l) Environmental Protection (Habitat).
 - (e) Zone SP2 Infrastructure.**
- (2) Subject to the other provisions of this Part, the provisions of [Tweed Local Environmental Plan 2000](#), as in force at the commencement of this clause, apply to land within a zone in the same way as they apply to land within a zone of the same name under that Plan and so apply as if those provisions were provisions of this Policy.
- (3) The consent authority must have regard to the objectives for development in a zone within the Kings Forest site when determining a development application in respect of land within that zone.

5 Zone 2 (c)

(1) Subdivision

Subdivision of land within Zone 2 (c) is permitted with consent regardless of the size of each allotment to be created by the subdivision.

(2) Dwelling houses

Development for the purposes of a dwelling house is permitted with consent on land within Zone 2 (c) regardless of the size of the allotment on which the house is to be located.

6 Zones 7 (a) and 7 (l)

(1) Subdivision that is permitted

Subdivision of land within Zone 7 (a) or 7 (l) is permitted with consent if the subdivision is for one or more of the following purposes:

- (a) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,

(b) a minor realignment of boundaries to reflect the zone boundaries, being a realignment that does not involve the creation of a greater number of lots.

(2) **Other subdivision**

Subdivision of land within Zone 7 (a) or 7 (l) for any other purpose is prohibited.

(2) **Temporary development**

The consent authority must not consent to development on land within Zone 7 (a) or 7 (l) for which consent may be granted under [Tweed Local Environmental Plan 2000](#) only because the development is carried out for not more than 14 days, whether consecutive or not, in any one year.

(3) **Dwelling houses**

Development for the purposes of a dwelling house is prohibited on land within Zone 7 (l).

(4) **Earthworks**

Development for the purposes of earthworks is permitted with consent on land within Zone 7 (l), but only if the applicant for consent has demonstrated to the consent authority's satisfaction that:

(a) the development is necessary for any one of the following reasons:

(i) it needs to be in the locality in which it is proposed to be carried out due to the nature, function or service catchment of the development,

(ii) it meets an identified urgent community need,

(iii) it comprises a major employment generator, and

(b) there is no other appropriate site on which the development is permitted with consent (other than as advertised development) in reasonable proximity, and

(c) the development is generally consistent with the scale and character of existing and future lawful development in the immediate area, and

(d) the development is consistent with the aims of [Tweed Local Environmental Plan 2000](#) (to the extent that those aims are consistent with this Policy) and at least one of the objectives of Zone 7 (l).

7 Zone SP2 Infrastructure

(1) The objectives of Zone SP2 Infrastructure are as follows:

(a) to provide for infrastructure and related land uses,

(b) to prevent development that is not compatible with or that may detract from the provision of infrastructure,

(c) to minimise any adverse effect of infrastructure on other land uses and the environment.

(2) Development for any of the following purposes is permitted without consent within Zone SP2 Infrastructure: environmental protection works.

(3) Development for any of the following purposes is permitted with consent within Zone SP2 Infrastructure:

infrastructure (including railways, roads, conveyors, electricity transmission and distribution lines, gas pipelines, water pipelines, stormwater systems, flood management facilities, sewerage systems and telecommunications facilities), except if it is for the purposes of a public utility undertaking and is carried out by or on behalf of a public authority.

(4) Except as otherwise provided by this Policy, development is prohibited within Zone SP2 Infrastructure unless it is permitted by subclause (2) or (3).

78 Ecological buffers

(1) Consent must not be granted to development on land within an ecological buffer unless the consent authority is satisfied, after considering a detailed environmental assessment, that:

(a) the development complies with the objectives for ecological buffers and other provisions of this clause, and

(b) there is no practicable alternative to siting the development within the buffer.

(2) The objectives for ecological buffers are:

(a) to protect wetlands or areas of particular habitat significance, and

(b) to restrict development so that, as far as practicable, it does not occur within ecological buffers, and

(c) to help ensure that development is designed, sited and managed so as to minimise its impact on the ecological and hydrological functions of ecological buffers, and

- (d) to encourage the restoration and maintenance of native vegetation and the ecological processes of land within and adjacent to wetlands or areas of particular habitat significance.
- (3) Development on land within an ecological buffer is to:
 - (a) incorporate effective measures to manage wetlands or areas of particular habitat significance, and
 - (b) be designed and sited to maintain connectivity of vegetation and minimise vegetation clearing, soil disturbance and alterations to the rate, volume or quality of surface and ground-water flows, and
 - (c) retain and maintain all existing native vegetation outside the area immediately required for the development, and
 - (d) incorporate measures to regenerate native vegetation for all disturbed areas within the buffer, and
 - (e) incorporate appropriate stormwater and erosion control measures to protect the buffer from surface water run-off or other disturbance.
- (4) When considering whether or not there is a practicable alternative to siting development inside an ecological buffer, the consent authority must consider:
 - (a) the design, type and site cover of the proposed development, and
 - (b) the physical characteristics of the land on which the development is proposed to be carried out, and
 - (c) the suitability of the land for the proposed development.
- (5) Before deciding whether or not to grant consent to development on land within an ecological buffer, the consent authority must consult the Department.

89 Agricultural buffers

Consent must not be granted to development on land within an agricultural buffer unless the consent authority:

- (a) has considered the potential impact of the proposed development on agricultural activities on land adjoining the buffer and of those agricultural activities on future occupiers of land within the buffer, and
- (b) has consulted the Department of Primary Industries.

910 Complying development

For the purposes of determining whether development within the Kings Forest site is complying development, the provisions in *Tweed Development Control Plan No 40* (as adopted by Tweed Shire Council on 6 October 2004) relating to single dwelling houses, or to development ancillary to single dwelling houses, are taken not to apply to the Kings Forest site.

4911 Relationship with other environmental planning instruments

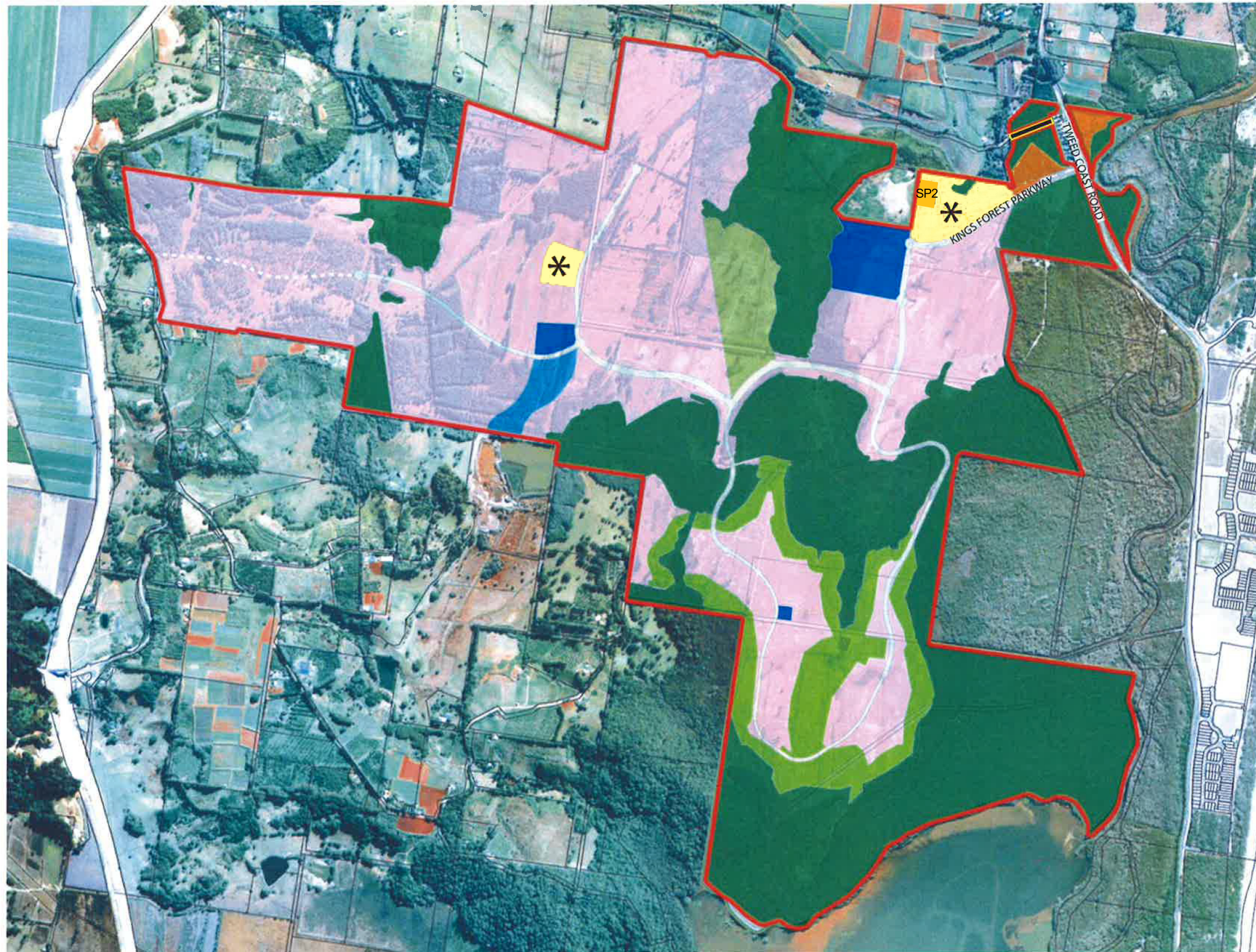
The only environmental planning instruments that apply, according to their terms, to or in respect of development within the Kings Forest site are as follows:

- (a) in the case of development that is a transitional Part 3A project—this Policy and all other State environmental planning policies otherwise applicable to the land, except [State Environmental Planning Policy No 1—Development Standards](#),
- (b) in the case of all other development—all environmental planning instruments otherwise applicable to the land, except [State Environmental Planning Policy No 1—Development Standards](#), but only to the extent that those instruments are not inconsistent with this Policy.

4412 Infrastructure development and the use of existing buildings of the Crown

- (1) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development that is permitted to be carried out with or without consent or that is exempt development under [State Environmental Planning Policy \(Infrastructure\) 2007](#).
- (2) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

Attachment 2 – Revised Concept Plan and Zoning Plan



- TOWN CENTRE / NEIGHBOURHOOD CENTRE
- RESIDENTIAL SMALL LOT INTERGREATED / ATTACHED
- COMMUNITY FACILITIES / EDUCATION
- EMPLOYMENT LAND
- GOLD COURSE
- STRUCTURED OPEN SPACE (ACTIVE) 18.96Ha
- ENVIRONMENTAL PROTECTION AREA
- LAKE
- INDICATIVE STATE SCHOOL SITE
- LOT 19 DP112061 EXCLUDED FROM CONCEPT PLAN
- SP2 INFRASTRUCTURE



0 100 200 400 600 800 1000 m
SCALE 1:20000@A3

CONCEPT PLAN

KINGS FOREST



CONSULTING
REVISION 2 | 14.03.17