

Tweed LEP 2014 – Rezoning of 7 hectares of land at Winchelsea Way, Terranora to enable the development of approximately 20 rural residential allotments.

Proposal Title :	Tweed LEP 2014 – Rezoning of 7 hectares of land at Winchelsea Way, Terranora to enable the development of approximately 20 rural residential allotments.		
Proposal Summary :	The planning proposal seeks to apply the provisions of Tweed LEP 2014 to land in Winchelsea Way, Terranora. The planning proposal will rezone part of the subject land from 7(d) Environmental Protection (Scenic/escarpment) under the Tweed LEP 2000 to R5 Large Lot Residential under the Tweed LEP 2014. The proposal also seeks to apply a 1 hectare minimum lot size, 9m maximum building height limit and 0.55:1 floor space ratio to the land being rezoned R5. The integration of the land to be zoned R5 into the Tweed LEP 2014 will also necessitate an amendment to the Land Application Map and inclusion of the land as Class 5 on the Acid Sulfate Soils Map of Tweed LEP 2014. The remainder of the land will retain the 7(d) zone.		
PP Number :	PP_2017_TWEED_002_00	Dop File No :	17/05341

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 2.1 Environment Protection Zones
 - 2.2 Coastal Protection
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.3 Flood Prone Land
 - 5.1 Implementation of Regional Strategies
 - 6.1 Approval and Referral Requirements
 - 6.3 Site Specific Provisions
 - 5.10 Implementation of Regional Plans

- Additional Information :
- It is recommended that the planning proposal should proceed subject to the following;
1. The planning proposal proceed as a 'routine' planning proposal.
 2. Prior to community consultation the planning proposal is to be amended as follows:
 - a. Figure 5 on page 10 of the planning proposal is to be deleted or amended so that it does not depict an E2 zone over the land currently zoned 7(d) Environmental Protection (Scenic/escarpment);
 - b. The discussion relating to S117 Direction 5.10 Implementation of Regional Plans is to be amended to reflect the fact that the North Coast Regional Plan 2036 has been released and is relevant to the planning proposal;
 - c. Page 15 is to be amended to list s117 Direction 4.4 Planning for Bushfire Protection as applying to the subject land;
 - d. Appendix 12 is to be amended to include discussion on the consistency of the proposal with S117 direction 4.4 Planning for Bushfire Protection;
 - e. The assessment against the Settlement Planning Guidelines at Appendix 9 is to be completed;
 - f. The discussion on the North Coast Regional Environmental Plan in Appendix 11 is to be removed as the NCREP has been repealed;
 3. Prior to community consultation the following site investigations are to be undertaken and included with the documentation used for community consultation:
 - a. Flora and fauna;
 - b. Potential site contamination;
 - c. Potential impacts on traffic infrastructure in the area;
 - d. The provision of water and sewer infrastructure; and,

Tweed LEP 2014 – Rezoning of 7 hectares of land at Winchelsea Way, Terranora to enable the development of approximately 20 rural residential allotments.

- e. Visual impact of the proposal.
4. A community consultation period of 14 days is necessary.
5. The RPA is to consult with the following State agencies and organisations;
- NSW Office of Environment and Heritage;
 - NSW Roads and Maritime Services;
 - NSW Rural Fire Service;
 - The Local Aboriginal Land Council
6. The Secretary's delegate agree that the inconsistencies of the proposal with S117 directions 2.1, 3.1, 5.1 and 5.10 are justified in accordance with the terms of the directions.
7. The Secretary's delegate note that the inconsistency of the proposal with direction 4.4 cannot be resolved until consultation has occurred with the Commissioner of the NSW Rural Fire Service.
8. The planning proposal is to be completed within 12 months.
- Supporting Reasons : The reasons for the recommendation are as follows;
- The proposal will enable the development of approximately 20 new rural residential lots in the Terranora area.
 - The site is relatively unconstrained and the inconsistencies with the strategic planning framework are considered to be of minor significance.

Panel Recommendation

Recommendation Date : Gateway Recommendation :

Panel Recommendation : This planning proposal is considered of local significance and the Gateway Determination is to be issued under delegation by the Acting Director Regions, Northern. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date : 27-Apr-2017 Gateway Determination : Passed with Conditions

Decision made by : Regional Director, Northern Region

Exhibition period : 14 Days LEP Timeframe : 12 months

Gateway Determination : The amendment to the Tweed Local Environmental Plan (LEP) 2014 and Tweed LEP 2000 to rezone land from 7(d) Environmental Protection (Scenic/escarpment) to R5 Large Lot Residential and amend associated planning controls at Winchelsea Way, Terranora, to facilitate rural residential development should proceed subject to the following conditions:

- Prior to community consultation the planning proposal is to be amended as follows:
 - figure 5 on page 10 of the planning proposal is to be deleted or amended so that it does not depict an E2 zone over the land currently zoned 7(d) Environmental Protection (Scenic/escarpment);
 - the discussion relating to S117 Direction 5.10 Implementation of Regional Plans is to be amended to reflect the fact that the North Coast Regional Plan 2036 has been released and is relevant to the planning proposal;
 - page 15 is to be amended to list s117 Direction 4.4 Planning for Bushfire Protection as applying to the subject land;
 - appendix 12 is to be amended to include discussion on the consistency of the proposal with S117 direction 4.4 Planning for Bushfire Protection;
 - the assessment against the Settlement Planning Guidelines at Appendix 9 is to be completed; and
 - the discussion on the North Coast Regional Environmental Plan in Appendix 11 is to be removed as it has been repealed.

Tweed LEP 2014 – Rezoning of 7 hectares of land at Winchelsea Way, Terranora to enable the development of approximately 20 rural residential allotments.

2. Prior to community consultation the following site investigations are to be undertaken and included with the documentation used for community consultation:

- (a) flora and fauna;
- (b) potential site contamination;
- (c) potential impacts on traffic infrastructure in the area;
- (d) the provision of water and sewer infrastructure; and
- (e) visual impact of the proposal.

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013) and must be made publicly available for a minimum of 14 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2016).

4. Consultation is required with the following public authorities or organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- NSW Office of Environment and Heritage;
- NSW Roads and Maritime Services;
- NSW Rural Fire Service; and
- The Local Aboriginal Land Council.

Each public authority or organisation is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. Any mapping material must meet the specifications in the current Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment 2015).

7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature: _____



Printed Name: _____

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Date: _____

1/5/17

