

Tweed LEP 2014 – Rezoning of approximately 3.6 hectares of land at 225 Terranora Road, Banora Point, to enable the development of approximately 2 rural residential allotments.

Proposal Title : **Tweed LEP 2014 – Rezoning of approximately 3.6 hectares of land at 225 Terranora Road, Banora Point, to enable the development of approximately 2 rural residential allotments.**

Proposal Summary : **The planning proposal seeks to apply the provisions of Tweed LEP 2014 to part of Lot 16 DP 856265, 225 Terranora Road, Banora Point. 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 mapping of the land as Class 5 on the Acid Sulfate Soils Map of Tweed LEP 2014. The remainder of the land will retain the existing 7(d) and RU2 Rural Landscape zones.**

PP Number : **PP_2017_TWEED_003_00** Dop File No : **17/06029**

Planning Team Recommendation

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

- S.117 directions:
- 1.2 Rural Zones**
 - 1.5 Rural Lands**
 - 2.1 Environment Protection Zones**
 - 2.2 Coastal Protection**
 - 2.3 Heritage Conservation**
 - 3.1 Residential Zones**
 - 3.2 Caravan Parks and Manufactured Home Estates**
 - 3.3 Home Occupations**
 - 3.4 Integrating Land Use and Transport**
 - 4.1 Acid Sulfate Soils**
 - 4.3 Flood Prone Land**
 - 4.4 Planning for Bushfire Protection**
 - 5.1 Implementation of Regional Strategies**
 - 6.1 Approval and Referral Requirements**
 - 6.3 Site Specific Provisions**

- 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. discussion relating to S117 Direction 5.10 Implementation of Regional Plans is to be included in appendix 12 to reflect the fact that the North Coast Regional Plan 2036 has been released and is relevant to the planning proposal. Discussion on direction 5.1 Implementation of Regional Strategies can be deleted as the direction no longer references the Far North Coast Regional Strategy;**
 - b. the title page of the planning proposal is to be amended to correct the error in the Deposited Plan number in the description of the subject property.**
 - 3. Prior to community consultation the following site investigations are to be undertaken and included with the documentation used for community consultation:**
 - a. potential site contamination;**
 - b. Aboriginal cultural heritage significance; and**
 - c. on-site effluent disposal capability.**
 - 4. A community consultation period of 14 days is necessary.**
 - 5. The RPA is to consult with the following State agencies and organisations;**

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- a. NSW Office of Environment and Heritage;
- b. NSW Rural Fire Service;
- c. The Local Aboriginal Land Council

6. The Secretary's delegate agree that the inconsistencies of the proposal with S117 directions 2.1, 3.1, 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 directions 2.3 and 4.4 cannot be resolved until further investigations and consultation has occurred.

8. The planning proposal is to be completed within 12 months.

Supporting Reasons :

The reasons for the recommendation are as follows;

1. The proposal will enable the development of two (2) new rural residential lots in the Terranora area.
2. The site is relatively unconstrained and the inconsistencies with the strategic planning framework are considered to be of minor significance.

Panel Recommendation

Recommendation Date : 08-May-2017

Gateway Recommendation : Passed with Conditions

Panel Recommendation :

This matter is considered to deal only with issues of local significance and can be dealt with appropriately by the Director Regions, Northern.

Gateway Determination

Decision Date : 08-May-2017

Gateway Determination : Passed with Conditions

Decision made by : Regional Director, Northern Region

Exhibition period : 14 Days

LEP Timeframe : 9 months

Gateway

Determination :

1. Prior to community consultation the planning proposal is to be amended as follows:

- (a) discussion relating to S117 Direction 5.10 Implementation of Regional Plans is to be included in appendix 12 to reflect the fact that the North Coast Regional Plan 2036 has been released and is relevant to the planning proposal. Discussion on Direction 5.1 Implementation of Regional Strategies can be deleted as the direction no longer references the Far North Coast Regional Strategy; and
- (b) the title page of the planning proposal is to be amended to correct the error in the Deposited Plan number in the description of the subject property.

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

- (a) potential site contamination;
- (b) Aboriginal cultural heritage significance; and
- (c) on-site effluent disposal capability.

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 Environment 2016) 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:

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- NSW Office of Environment and Heritage
- NSW Rural Fire Service
- 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. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Craig Diss

Date:

8/5/17

