

**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

**Proposal Details**

<b>Date Planning Proposal Received :</b>	<b>26-Apr-2017</b>	<b>LGA covered :</b>	<b>Tweed</b>
<b>Region :</b>	<b>Northern</b>	<b>RPA :</b>	<b>Tweed Shire Council</b>
<b>State Electorate :</b>	<b>TWEED</b>	<b>Section of the Act :</b>	<b>55 - Planning Proposal</b>
<b>LEP Type :</b>	<b>Spot Rezoning</b>		

**Location Details**

<b>Street :</b>	<b>225 Terranora Road</b>		
<b>Suburb :</b>	<b>Banora Point</b>	<b>City :</b>	<b>Tweed Heads</b>
<b>Land Parcel :</b>	<b>Lot 16 DP 856265</b>	<b>Postcode :</b>	<b>2484</b>

**DoP Planning Officer Contact Details**

**Contact Name :** Paul Garnett  
**Contact Number :** 0266416607  
**Contact Email :** paul.garnett@planning.nsw.gov.au

**RPA Contact Details**

**Contact Name :** Stuart Russell  
**Contact Number :** 0266702455  
**Contact Email :** srussell@tweed.nsw.gov.au

**DoP Project Manager Contact Details**

**Contact Name :** Tamara Prentice  
**Contact Number :** 0266416610  
**Contact Email :** tamara.prentice@planning.nsw.gov.au

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**Land Release Data**

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	<b>North Coast Regional Plan 2036</b>	Consistent with Strategy :	<b>No</b>
MDP Number :		Date of Release :	
Area of Release (Ha) :	<b>3.60</b>	Type of Release (eg Residential / Employment land) :	<b>Residential</b>
No. of Lots :	<b>0</b>	No. of Dwellings (where relevant) :	<b>2</b>
Gross Floor Area :	<b>0</b>	No of Jobs Created :	<b>0</b>

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Northern Region office has not met any lobbyists in relation to this proposal, nor has the Region been advised of any meeting between other officers within the agency and lobbyists concerning this proposal.**

**Supporting notes**

Internal Supporting Notes :

External Supporting Notes :

**Adequacy Assessment**

**Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? **Yes**

Comment : **The Statement of objectives describes the intention of the planning proposal. The proposal intends to facilitate large lot residential development on part of the subject land to enable the development of a maximum of two lots, while protecting and rehabilitating other parts of the property that have ecological and visual significance.**

**Explanation of provisions provided - s55(2)(b)**

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions addresses the intended method of achieving the objectives of the planning proposal. The proposal intends to:**

- 1. amend the Land Zoning Map to apply an R5 Large Lot Residential zone under the Tweed LEP 2014 to part of the subject land. This will effectively rezone part of the land from 7(d) Environmental Protection (Scenic/Escarpment) under the Tweed LEP 2000 to R5 Large Lot Residential under the Tweed LEP 2014;**
- 2. amend the Lot Size Map to apply a 1 hectare minimum lot size (MLS) to that part of the**

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- land being zoned R5, subject to a review to ensure that no more than 2 rural residential lots can be created. This will be done prior to community consultation;
3. amend the Height of Building Map to apply a 9m maximum building height to the land being zoned R5;
  4. amend the Floor Space Ratio Map to apply a floor space ratio (FSR) of 0.55:1 to the land being zoned R5;
  5. amend the Land Application Map to include the land being zoned R5 in the Tweed LEP 2014; and
  6. amend the Acid Sulfate Soils Map to apply a class 5 acid sulfate soils classification to that part of the land being zoned R5.

The planning proposal indicates that a planning agreement will be sought to achieve a net environmental benefit though no further detail is provided.

**Justification - s55 (2)(c)**

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

**1.2 Rural Zones**

**1.5 Rural Lands**

\* May need the Director General's agreement

**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**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

**SEPP No 55—Remediation of Land**

**SEPP No 71—Coastal Protection**

**SEPP (Rural Lands) 2008**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **See the assessment section of this report.**

**Mapping Provided - s55(2)(d)**

Is mapping provided? **Yes**

Comment :

**The planning proposal contains maps which adequately show the subject land and the current and proposed zones and the current and proposed planning controls. These maps are considered to be suitable for community consultation. Maps which comply with the Standard Technical Requirements for SI LEP Maps will need to be prepared before the LEP is made.**

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**Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment : **The planning proposal states that the proposal is considered to be a low impact planning proposal and a 14 day consultation period is appropriate.**

**In accordance with "A Guide to Preparing Local Environmental Plans" (the 'Guide'), it is considered that the planning proposal is a low impact planning proposal as it is consistent with the surrounding land zoning pattern and inconsistencies with the strategic planning framework are of minor significance. The proposal does not reclassify land. The Guide also suggests written notification to the affected and adjoining land owners. It is therefore considered that a community consultation period of 14 days is appropriate and affected and adjoining properties should be notified in writing. However there is no impediment to Council conducting a longer community consultation.**

**Additional Director General's requirements**

Are there any additional Director General's requirements? **No**

If Yes, reasons :

**Overall adequacy of the proposal**

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **Time Line**  
**The planning proposal includes a project time line which estimates completion of the LEP amendment in December 2017. To ensure the RPA has adequate time to undertake the required site investigations, complete community consultation, reporting, and forward the proposal to the Department for finalisation, it is recommended that a time frame of 12 months is appropriate.**

**Delegation.**  
**Council has not accepted delegation of plan making functions nor has it requested delegation to finalise the subject proposal. It is recommended that an authorisation to exercise delegation not be issued to Council in this instance.**

**Overall Adequacy**  
**The planning proposal satisfies the adequacy criteria by;**  
**1. Providing appropriate objectives and intended outcomes.**  
**2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes.**  
**3. Providing an adequate justification for the proposal.**  
**4. Outlining a proposed community consultation program.**  
**5. Providing an overall time frame for completion of the planning proposal.**

**Proposal Assessment**

**Principal LEP:**

**Due Date :**

**Comments in relation to Principal LEP : The Tweed LEP 2014 is in force. This planning proposal seeks an amendment to the Tweed LEP 2014.**

## **Assessment Criteria**

Need for planning proposal :

The proposal is not the result of a study or report. The planning proposal has been prepared in response to a request from the land owner who wishes to develop their land for rural residential purposes.

The subject land is located approximately 3.5km south west of Banora Point Shopping Centre. A small area of land in the north east corner of the site is zoned R5 Large Lot Residential. The land is bordered by existing rural residential land to the north and north east, residential land to the north of Terranora Road and a vegetated escarpment to the east, south and south west. The southern portion of the site at the base of the escarpment comprises an access handle to River Road and is zoned RU2 Rural Landscape. South of River Road is the Tweed River. The remaining majority of the land is currently deferred from the Tweed LEP 2014 and is zoned 7(d) Environmental Protection (Scenic/escarpment) under the Tweed LEP 2000.

The site has previously been operated as a hard rock quarry though the quarry is no longer operational and has been maintained as cleared grassland. This former quarry area constitutes approximately 3.6 hectares of the site. The 7(d) zone extends over the former quarry area. This former quarry area is the part of the subject lands being investigated for a proposed R5 zone. The site has a history of illegal dwelling construction and the placement of fill without consent as detailed in the Council report in Appendix 13 of the Planning Proposal.

To support the proposal the proponent has submitted to Council a draft concept plan for a 16 lot community title subdivision over the land to be zoned R5. The proposed lots are a minimum of 2000m<sup>2</sup> in size. Council resolved not to support this level of development on the land and has obtained agreement from the land owner to rezone the land and amend the minimum lot size provisions to enable development of only two rural residential lots.

The proposed 1 hectare minimum lot size would appear to enable the creation of more than two rural residential lots however the planning proposal indicates the proposed minimum lot size will be further investigated prior to community consultation.

The planning proposal indicates that the land is not likely to be able to be serviced with reticulated water or sewerage and the soil characteristics resulting from the former quarry mean further investigation for on site effluent disposal systems will be required and the land is not expected to be capable of accommodating 16 lots as originally proposed by the proponent.

The entire land has an area of approximately 10 hectares. The proposal seeks to increase the area of the R5 zone by approximately 3.6 hectares.

The proposal also seeks to apply the following planning controls to the land being zoned R5:

1. amend the Lot Size Map to apply a 1 hectare minimum lot size (MLS) to that part of the land being zoned R5;
2. amend the Height of Building Map to apply a 9m maximum building height to the land being zoned R5;
3. amend the Floor Space Ratio Map to apply a floor space ratio (FSR) of 0.55:1 to the land being zoned R5;

These development controls are consistent with other R5 zoned land in the vicinity and are considered to be appropriate.

Council has identified that further investigations will be necessary to address the following matters:

1. Potential site contamination;
2. Aboriginal cultural heritage significance;

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3. The suitability of the site for on-site effluent disposal;
4. Geotechnical stability of the site;
5. Bush fire; and
6. Visual impact assessment.

The site has previously been used as a hard rock quarry and part of the site has been filled without development consent. A report into the potential contamination of the site was prepared in 2002. Given the time that has lapsed since this report was undertaken and the fact the report did not address the fill placed on the site, it is considered to be appropriate that an updated site contamination report be prepared prior to community consultation.

The fill on the land also needs to be investigated in relation to potential geotechnical instability. This matter can be addressed at development application stage when the siting and design of the proposed dwellings are known, and does not need to be a requirement of the Gateway determination.

The proposal indicates that the future rural residential lots will not be connected to Council's reticulated water infrastructure. Water will be provided by on-site collection. An assessment of the suitability of the site for on-site effluent disposal has been prepared however the planning proposal indicates that this assessment does not address the shallow soil depth, potential for upslope seepage and the need for importation of soil due to the previous quarrying activities on the site. Given that reticulated sewerage will not be available for the site it is appropriate that the effluent disposal investigations are conducted prior to community consultation as the proposed minimum lot size will be dependent on the capacity of the land to accommodate on-site effluent disposal systems.

The planning proposal identifies that the subject land is visible from neighbouring properties and elevated land from the Tweed Valley Way and Pacific Highway. The proposal also recognises that while roof tops of adjoining dwellings are visible from most vantage points, the escarpment is not dominated by any particular development. The planning proposal indicates that approvals for the construction of dwellings will need to ensure visual impacts are fully considered. Since the proposal will only yield two dwellings it is considered that visual impact can be addressed at development application stage. The proposal does not intend to introduce controls relating to visual amenity and therefore the proposal is not inconsistent with the Northern Councils E Zone Review Final Recommendations.

A bushfire assessment was provided with the rezoning request for the land. This assessment identified that the proposed dwellings can be located within required asset protection zones. Should further investigation be necessary this can be addressed at development application stage. Consultation with the NSW Rural Fire Service will need to occur prior to community consultation in accordance with S117 Direction 4.4.

The proposal to rezone the land and apply the proposed development controls is the best means of achieving the intent of the proposal which is to enable the development of part of the land for rural residential development.

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Consistency with strategic planning framework :

**FAR NORTH COAST REGIONAL STRATEGY (FNCRS)**

The planning proposal includes discussion relating to consistency with the FNCRS and concludes that the proposal is consistent with the objectives and settlement and housing provisions of the FNCRS. The subject land is located outside of the growth area boundary and is located within the coastal area.

The FNCRS has been superseded by the North Coast Regional Plan 2036, released in March 2017 and with the issue of the revised S117 Direction 5.1 Implementation of Regional Strategies the FNCRS is no longer applicable to the land.

**NORTH COAST REGIONAL PLAN 2036**

The planning proposal includes discussion regarding the consistency with the North Coast Regional Plan 2036. As can be seen from the discussion below, the inconsistency with the NCRP is considered to be of minor significance and justified.

The land is not located within the urban growth area for Terranora as defined by the NCRP. However there is a significant area of R5 zoned land in this vicinity which is also located outside of the urban growth area. The subject land is also located within the Coastal Strip

The actions most relevant to the planning proposal are as follows.

**Action 18.2 of the NCRP states:**

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 are identified.

Council has advised that an Aboriginal cultural heritage assessment will be undertaken for the subject land prior to community consultation and consultation with the Local Aboriginal Land Council will be undertaken post Gateway determination. The planning proposal is therefore considered to be consistent with this Action.

**Action 21.2 of the NCRP states:**

Maximise the cost-effective and efficient use of infrastructure by directing development towards existing infrastructure or promoting the co-location of new infrastructure.

The land is not serviced with reticulated sewerage and water infrastructure. The planning proposal indicates that the land cannot be serviced by these utilities and therefore the potential lot yield is intended to be limited to two lots which will utilise on site collection of water and disposal of waste water. The proposal is not however inconsistent with this action as it will not require the provision of significant new infrastructure to service the eventual development of the site.

**Actions 24.1 of the NCRP states:**

Facilitate the delivery of well-planned rural residential housing areas by:

- 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 or land release criteria (once finalised).

The proposal is inconsistent with this direction as Tweed Council does not have a rural residential land release strategy. The planning proposal does however include an assessment against the Settlement Planning Guidelines. The inconsistency of the proposal with this action is considered to be of minor significance for the following reasons:

1. The site is largely unconstrained by flooding and acid sulfate soils. It is expected that bushfire and geotechnical instability risk can be mitigated at development application stage and adequate evacuation routes to non-bushfire prone land exist. The potential visual impact of the future development of the land (2 dwellings) can be addressed at development application stage;

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2. The existing 7(d) zoned land will provide an appropriate buffer between the proposed R5 zone and the future development and the surrounding natural landscape features; and
3. The proposed rural residential development is located adjoining existing rural residential land and is close to the local centre of Banora Point and the larger centre of Tweed Heads. The land is not identified for future urban expansion meaning the proposal will not prevent the land from being developed for an identified higher purpose.

Actions 24.2 of the NCRP states:

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.

The proposal is inconsistent with this action as it proposes new rural residential development within the coastal strip identified in the North Coast Regional Plan 2036. The inconsistency is however considered to be of minor significance as the proposal is for the rezoning of a small area (3.6 hectares) of land which is expected to yield only 2 rural residential lots. The land to be rezoned is located adjoining existing R5 zoned land which is also in the coastal strip.

The proposal is generally consistent with the intent of the NCRP even though there are inconsistencies with some of the actions. The inconsistencies are considered to be of minor significance and the land is considered to be suitable for rezoning to R5 Large Lot Residential for the following reasons:

1. The proposed R5 zone will apply only to an area of approximately 3.6 hectares which is a disused quarry;
2. The land is on the edge of the existing rural residential and urban area of Terranora and will not require the provision of new or significantly upgraded water and sewerage infrastructure;
3. The proposal has availability to public transport along Terranora Road to Tweed Heads;
4. The subject land is serviced by existing road infrastructure which Council's engineers are satisfied is adequate for the proposed scale of future development;
5. The proposal will provide an additional rural residential housing option in Tweed LGA;
6. The site is largely unconstrained by flooding and acid sulfate soils. It is expected that bushfire risk can be mitigated at development application stage and adequate evacuation routes to non-bushfire prone land exist;
7. The land does not contain significant natural resources and the proximity to existing residential land, and the existing residences on the subject land, would likely preclude the use of the land for sustainable commercial agriculture or future extractive industry use;
8. The land proposed to be zoned R5 is not mapped as containing significant mineral resources and is located outside of the transition zone for the Dodds Island construction sand resource identified by the Department of Industry and Investment Mineral Resource Audit; and
9. The relatively small area of the proposed R5 zone (3.6ha) and minor lot yield (2 lots) will not create an unreasonable demand for health, education and other social services in the area.

**Consistency with Council's Local Strategies.**

Tweed Shire Council does not have rural residential strategy for the Tweed LGA. The preparation of a rural residential strategy is an option in the draft rural lands strategy which is currently being developed by Council.

The proposal is not inconsistent with Council's Community Strategic Plan.

**SEPPs**

The proposal lists the State environmental planning policies (SEPPs) applicable to the land. Many SEPPs apply to the subject land and the proposal is not inconsistent with these SEPPs.



#### **SEPP 55 Remediation of Land**

The site has previously been used as a hard rock quarry and fill has been placed on the site without development consent. A report into the potential contamination of the site was prepared in 2002. Given the time that has lapsed since this report was undertaken and the fact the report does not include the fill placed on the site, Council intends to obtain an updated site contamination report prior to community consultation. Council's approach is considered to be appropriate and will address the requirement of SEPP 55 to undertake a preliminary assessment of the potential contamination of the site prior to the land being rezoned.

#### **SEPP Rural Lands**

SEPP Rural Lands is relevant to the planning proposal. The SEPP include Rural Planning Principles with which a planning proposal must be consistent. The proposal is considered to be consistent with the Rural Planning Principles for the following reasons;

1. The proposal will not compromise opportunities for productive and sustainable agriculture. The land proposed to be rezoned is not identified as regionally or State significant farmland and is located between existing rural residential land and the escarpment on the northern side of the Tweed River, thereby ensuring there will be no land use conflict with surrounding agricultural activities on regionally significant farmland to the south of the Tweed River;
2. The proposal will achieve a balance between social, economic and environmental interests by limiting the proposed R5 zone to land which adjoins existing rural residential land and is cleared of significant native vegetation;
3. The proposal will not require the provision of significant new infrastructure to service the proposed rural residential lots; and,
4. The proposal is not considered to be inconsistent with the intent of the North Coast Regional Plan 2036.

The proposal is consistent with other State environmental planning policies.

#### **S117 Directions.**

The following S117 directions are applicable to the proposal, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.2 Coastal Zone, 2.3 Heritage Conservation, 2.4 Recreational Vehicle Areas, 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, 4.4 Planning for Bush Fire Protection, 5.10 Implementation of Regional Plans, 6.1 Approval and Referral Requirements, 6.2 Reserving Land for Public Purposes, and 6.3 Site Specific Provisions.

The proposal is considered to be consistent with all relevant S117 Directions except the following:

Direction 2.1 Environmental Protection Zones is relevant to the planning proposal. The direction states that a planning proposal must include provisions that facilitate the protection of environmentally sensitive areas and not reduce the environmental protection standards that apply to the land.

The planning proposal seeks to rezone part of the subject land from 7(d) Environmental Protection (Scenic/escarpment) to R5 Large Lot Residential. The area of land intended to be rezoned R5 is generally cleared of significant native vegetation and is a disused quarry. That fact that this land is cleared of native vegetation and level due to the previous quarry operations means it does not possess the attributes that would warrant a 7(d) Environmental Protection zone and it is appropriate that the land be investigated for rural residential purposes. A terrestrial flora and fauna assessment was provided by the proponent in support of the proposal. The assessment concluded that the proposal would not have any adverse impact on critical habitat or threatened species. It is therefore considered that the inconsistency of the proposal with the direction is of minor significance and justified in accordance with the terms of the direction.

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Direction 2.3 Heritage Conservation is relevant to the planning proposal. The direction provides that a planning proposal must contain provisions which facilitate the conservation of items and places of heritage significance. The proposal states that investigations into the Aboriginal cultural heritage significance of the site have yet to be undertaken and consultation with the Local Aboriginal Land Council will occur after a Gateway determination is issued. It is therefore considered that any inconsistency of the proposal with this direction cannot be resolved until the heritage assessment has been completed.

Direction 3.1 Residential Zones is relevant to the planning proposal. The direction provides that a planning proposal must reduce the consumption of land for housing and urban development on the urban fringe. The planning proposal seeks to rezone land from 7(d) Environmental Protection (Scenic/escarpment) on the edge of an existing rural residential area to R5 Large Lot Residential.

The direction provides that a planning proposal may be inconsistent if the inconsistency is of minor significance or justified by a strategy. The inconsistency of the proposal with the direction is considered to be of minor significance since the proposal will yield only approximately 3.6 hectares of R5 zoned land (maximum 2 lots) and as previously discussed in this report the inconsistency with the strategies are considered to be justified. It is therefore considered that the inconsistency of the proposal with the direction is justified in accordance with the terms of the direction.

Direction 4.1 Acid Sulfate Soils is relevant to the planning proposal. The Tweed Shire acid sulfate soils map indicates the subject land as class 5. The proposal will include the land to be zoned R5 as class 5 land on the Tweed LEP 2014 Acid Sulfate Soils Map. Acid sulfate soils are generally not found on class 5 land, the class being essentially a buffer to other classes of acid sulfate soil land where development on class 5 land which may reduce the water table on class 1-4 land must be considered. The proposed rural residential subdivision is not likely to result in development that reduces the water table in neighbouring class 1-4 land. It is therefore considered that acid sulfate soils investigations are unnecessary and the proposal is not considered to be inconsistent with the direction.

Direction 4.4 Planning for Bushfire Protection is relevant to the proposal. The subject land is identified as being bush fire prone. The direction provides that the RPA must consult with the Commissioner of the NSW Rural Fire Service, and the draft plan must include provisions relating to bushfire control. Consultation with the RFS is required after a Gateway Determination is issued and before public exhibition and until this consultation has occurred the inconsistency of the proposal with the direction remains unresolved.

Direction 5.1 Implementation of Regional Strategies was relevant to the planning proposal. The planning proposal includes discussion on direction 5.1 however the direction has been amended and re-issued on 1 May 2017. Direction 5.1 no longer applies to the planning proposal.

Direction 5.10 Implementation of Regional Plans is relevant to the planning proposal. The direction provides that a planning proposal must be consistent with the NCRP. As discussed previously in this report, the proposal is inconsistent with the NCRP. The Direction provides that a proposal may be inconsistent with the NCRP if it is of minor significance and achieves the overall intent of the regional plan. It is considered that the inconsistency of the proposal with the NCRP is of minor significance and as previously discussed is consistent with the overall intent of the NCRP. Therefore it is considered that the inconsistency of the proposal with the direction is justified in accordance with the terms of the direction.

The proposal is not considered to be inconsistent with the provisions of any of the relevant S117 directions.

Environmental social economic impacts :

The proposal is not expected to have an adverse impact on critical habitat or threatened species, populations or ecological communities or their habitats. The land currently constitutes cleared grassland over a former quarry. A terrestrial flora and fauna assessment was prepared in 2015 which related to a more intensive subdivision proposal

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for 16 lots. This report concluded that there is unlikely to be a significant impact on critical habitat or threatened species or their habitats. The proposed R5 zone has been configured consistent with the recommendations of this report.

The planning proposal does not include an Aboriginal Cultural Heritage Assessment (ACHA). Even though the site has been substantially disturbed it is appropriate that an assessment of the potential for impacts on Aboriginal cultural heritage or relics be undertaken. It is recommended that the Local Aboriginal Land Council be consulted to confirm the findings of the ACHA.

The subject land is not located within the flood planning area nor is it mapped as regionally or State significant farmland.

**Agency Consultation.**

The planning proposal does not indicate what consultation with State agencies is proposed. It is considered that Council should consult with the following State agencies and organisations:

1. NSW Office of Environment and Heritage;
2. NSW Rural Fire Service;
3. The Local Aboriginal Land Council

**Assessment Process**

Proposal type :	<b>Routine</b>	Community Consultation Period :	<b>14 Days</b>
Timeframe to make LEP :	<b>12 months</b>	Delegation :	<b>RPA</b>
Public Authority Consultation - 56(2)(d) :	<b>Office of Environment and Heritage NSW Rural Fire Service</b>		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

**Contamination**

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

**Documents**

Document File Name	DocumentType Name	Is Public
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2017-04-26 Draft Tweed LEP Amendment 21 - 225  
Terranora Road - GATEWAY VERSION 1.pdf

Proposal

Yes

**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;
  - 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.

**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.**

Signature: 

Printed Name: Craig Diss Date: 4/5/17

