

Tweed LEP - Chinderah Highway Service Centre

Proposal Title : **Tweed LEP - Chinderah Highway Service Centre**

Proposal Summary : **The proposal seeks to amend the Tweed Local Environmental Plan (LEP) 2000 or Tweed Draft LEP 2013 (whichever is in force at the time of publication) to permit a Highway Service Centre at the intersection of Pacific Highway and Tweed Valley Way, Chinderah.**

PP Number : **PP_2014_TWEED_001_00**

Dop File No :

14/02449

Planning Team Recommendation

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

S.117 directions :

- 1.2 Rural Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 1.5 Rural Lands**
- 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**
- 5.3 Farmland of State and Regional Significance on the NSW Far North Coast**
- 5.4 Commercial and Retail Development along the Pacific Highway, North Coast**
- 6.3 Site Specific Provisions**

Additional Information : **It is recommended that the planning proposal should proceed as a "routine" planning proposal, subject to the following conditions:**

- 1. A community consultation period of 28 days is necessary;**
- 2. The planning proposal is to be completed within 9 months;**
- 3. The Director-General's delegate agree that inconsistencies with s117 Directions 1.2 Rural Zones, 4.3 Flood prone land and 5.4 Commercial and Retail Development along the Pacific Highway, North Coast are justified as of minor significance;**
- 4. it is noted that inconsistency with section 117 direction 4.4 will need to be resolved following consultation with the Rural Fire Service;**
- 5. an Onsite Waste Water Management Plan be completed, assessed by Council and included in the public exhibition documentation.**
- 6. a map showing the proposed subdivision layout be prepared for public exhibition.**
- 7. consultation take place with the Department of Primary Industry (Agriculture); Transport for NSW (Roads and Maritime Services) and the Rural Fire Service; and**
- 8. Council update the planning proposal prior to exhibition to update the Project Timeline to comply with the additional requirements above.**

Supporting Reasons : **The reasons for the above recommendations for the planning proposal are as follows:**

- 1. There is an identified need for a northbound Highway Service Centre Site within the locality, and the site has been identified as the preferred site.**
- 2. The inconsistencies with the S117 Directions are of minor significance.**
- 3. The proposal is otherwise consistent with all relevant local and regional planning strategies, S117 Directions and SEPPs.**
- 4. The recommended conditions to the Gateway are required to provide adequate consultation, accountability and progressions.**
- 5. The additional site specific investigations will provide opportunity for the proponent and Council to negotiate appropriate means for addressing site issues and ensuring the land is suitable for use as a Highway Service Centre before the planning proposal proceeds.**

Panel Recommendation

Recommendation Date : **13-Feb-2014**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The Planning Proposal should proceed subject to the variations as outlined in the following conditions:**

1. The use of Schedule 1 to permit a Highway Service Centre is not supported. Council is to rezone the subject land to an appropriate zone such as B2 Local Centre or an SP 'Special Purpose' zone which permits the proposed land use. Council is to amend the planning proposal accordingly prior to undertaking public exhibition.

2. Prior to undertaking public exhibition, Council is to update the planning proposal to include:

- (a) Existing and proposed land zoning, floor space ratio, height of buildings and minimum lot size maps where relevant, prepared at an appropriate scale which clearly identifies the subject land,
- (b) A map showing the proposed lot configuration that clearly identifies the proposed site for the Highway Service Centre use; and,
- (c) An updated project timeline consistent with Section 2.6 Part 6 of 'A Guide to Preparing Planning Proposals'.

3. Council is to ensure a completed Onsite Waste Water Management Plan is included as part of the public exhibition material.

4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 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 & Infrastructure 2013).

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

- Department of Primary Industries (Agriculture)
- Roads and Maritime Services
- Commissioner, NSW Rural Fire Service

Each public authority 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.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).

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

The Minister delegated his plan making powers to councils in October 2012. To date, Council has not accepted this delegation.

Tweed LEP - Chinderah Highway Service Centre

Signature:



Printed Name:

JAMES MATTHEWS

Date:

20/2/14