

Proposed urban expansion to the Mooball village area

Proposal Title : **Proposed urban expansion to the Mooball village area**

Proposal Summary : **The proposal seeks to amend the Tweed Local Environmental Plan 2014 to permit residential development at 5861 & 5867 Tweed Valley Way, Mooball (Lot 2 DP 534493 and Lot 7 DP 593200).**

PP Number : **PP_2014_TWEED_003_00** Dop File No : **14/06534**

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**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**

Additional Information : **It is recommended that the Planning Proposal should proceed as a "routine" Planning Proposal.**

The Director-General's delegate should agree that inconsistencies with s117 Directions 1.2 Rural Zones, 3.1 Residential Land and 4.3 Flood Prone Land have been justified. Delegation to finalise the LEP should not be issued to the RPA.

The Planning Proposal should proceed subject to the following conditions:

- 1. Prior to undertaking community consultation, the RPA should update the planning proposal to:**
 - remove all reference to provisions under the superseded Tweed LEP 2000;
 - update all references to the Draft LEP to Tweed LEP 2014; and
 - apply an appropriate alternative zone for the intended conservation areas, such as RU1 or similar or seek to defer the proposed conservation areas until the conclusion of the 'E' zone review.
- 2. All site investigation studies which have been prepared to inform the Planning Proposal should be exhibited with the Planning Proposal.**
- 3. The completion of any site specific study, as required by the RPA, should not delay the finalisation of the LEP beyond the timeframe specified by the Gateway.**
- 4. A community consultation period of 28 days is necessary.**
- 5. Consultation is required with the NSW Rural Fire Service to comply with the requirements of s117 Direction 4.4 Planning for Bushfire Protection**
- 6. Consultation should be undertaken with the Office of Environment and Heritage given the existing natural resources, flooding constraints and planned environmental protection zones.**
- 7. The Planning Proposal is to be completed within 12 months.**

Proposed urban expansion to the Mooball village area

Supporting Reasons : The reasons for the above recommendations for the Planning Proposal are as follows:

1. Release of the land for urban purposes will provide housing and economic opportunity in line with the RPA's Urban Land Release Strategy.
2. The inconsistencies with the s117 Directions are justified by a study and/or are of minor significance.
3. Consistency with s117 4.4 Planning for Bushfire Protection is currently unresolved until consultation has occurred with the NSW Rural Fire Service.
4. The proposal is otherwise consistent with all relevant local and regional planning strategies, s117 Directions and SEPPs.
5. The recommended conditions to the Gateway are required to provide adequate consultation, accountability and progression.

Panel Recommendation

Recommendation Date : 17-Apr-2014

Gateway Recommendation : Passed with Conditions

Panel

Recommendation :

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - Remove the proposed E3 Environmental Management zone and apply an appropriate alternative zone or defer the proposed conservation areas until the review of Standard Instrument Environmental Zones is complete; and
 - Remove all reference to provisions under superseded Tweed LEP 2000 and update references to Tweed LEP 2014.
 2. The specialist site investigations and studies prepared to date are satisfactory for the purposes of public exhibition. All studies which have been prepared to inform the planning proposal should be exhibited with the planning proposal.
 3. The completion of any further site specific studies as required by Council should not delay the finalisation of the LEP beyond the 12 month timeframe specified by the Gateway determination.
 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:
 - the planning proposal must be made publicly available for a minimum of 28 days; and
 - 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 (Planning and 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:
 - Office of Environment and Heritage
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- 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.

Council has not formally accepted plan making delegation.

Proposed urban expansion to the Mooball village area

Signature:

d. Matthews

Printed Name:

JAMES MATTHEWS

Date:

24/4/14