

Rezoning land for residential development and expansion of Mooball village (Draft Amendment No 94)

Proposal Title :	Rezoning land for residential development and expansion of Mooball village (Draft Amendment No 94)		
Proposal Summary :	The planning proposal seeks to change the zoning of 5861 and 5867 Tweed Valley Way, Mooball from 1(a) Rural to 2(d) Village, 5(a) Special Uses (Sewerage Treatment), 7(d) Environmental Protection (Scenic/Escarpment) and 7(l) Environmental Protection (Habitat) to enable residential development of the southern end of Mooball township, by extending the village footprint. The Draft Tweed LEP is currently on exhibition. Should the draft Tweed LEP be made before this planning proposal the land will be rezoned part RU5 Village, part E3 Environmental Management and part SP2 Water Recycling Facility.		
PP Number :	PP_2013_TWEED_001_00	Dop File No :	13/01036

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
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection

Additional Information : **It is recommended that:**

- 1) The planning proposal be supported;
- 2) The planning proposal be exhibited for a period of 28 days;
- 3) The planning proposal should be completed within 12 months;
- 4) The Director General (or an officer nominated by the Director General) agree that the inconsistencies with s117 Directions 1.2, 1.5 and 4.3 are justified and accept that 4.4 will be resolved through consultation with the NSW Rural Fire Service before or during exhibition.
- 5) Consultation with Office of Environment & Heritage on vegetation, flooding and heritage issues be undertaken prior to or during exhibition.
- 6) An odour assessment should be prepared addressing potential air quality issues from the proposed wastewater facility.
- 7) Flora and fauna studies were suggested by the Sustainability Criteria assessment and should be undertaken to address the vegetation issue that relate to the placement of 7(d) and 7(l) (or E3 - Environmental Management under the SI LEP) zones.

Supporting Reasons : The rezoning of 5861 and 5867 Tweed Valley Way, Mooball for urban purposes to enable development south of the Mooball township is a strategically planned release area which will contribute to Council's housing targets as set by the Far North Coast Regional Strategy.

Panel Recommendation

Recommendation Date : **17-Jan-2013** Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The Planning Proposal should proceed subject to the following conditions:**

1. Council is to prepare an odour assessment to determine the potential effect of odour from the proposed Sewerage Treatment Plant, on the proposed residential development. Council is to undertake the necessary assessment and the planning proposal is to be amended to reflect the outcomes of this work.
2. Council is to provide additional information regarding flora and fauna in regards to the

**Rezone land for residential development and expansion of Mooball village (Draft
Amendment No 94)**

areas identified as ecologically significant and areas proposed to be zoned for environmental purposes. Council is to undertake the necessary work and the planning proposal is to be amended to reflect the outcomes of this additional information.

3. Council is to consult with the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, to take into consideration any comments made prior to the commencement of public exhibition.

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 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 and Infrastructure 2012).

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage
- NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning 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.

Signature: _____

Printed Name: _____

Date: _____