

Tweed LEP 2014 - Border Park Raceway commercial uses

Proposal Title : **Tweed LEP 2014 - Border Park Raceway commercial uses**

Proposal Summary : **The proposal is to zone an 11 ha site at Border Park Raceway, Tweed Heads, from RE2 Private Recreation to B7 Business Park, to increase the height limit from 10 metres to 40 metres, and to list the existing greyhound track as an additional permitted use.**

PP Number : **PP_2014_TWEED_002_00** Dop File No : **14/06489**

Planning Team Recommendation

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

S.117 directions :

- 1.1 Business and Industrial Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 3.4 Integrating Land Use and Transport**
- 3.5 Development Near Licensed Aerodromes**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 5.4 Commercial and Retail Development along the Pacific Highway, North Coast**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**

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

- 1) The Planning Proposal be supported subject to conditions:**
- 2) The Planning Proposal be altered so that it amends Tweed LEP 2014.**
- 3) The following studies/assessments and plans be undertaken before exhibition:**
 - * economic assessment**
 - * traffic and access study**
 - * stormwater management plan**
 - * infrastructure services feasibility investigation**
 - * biodiversity and habitat study;**
 - * acid sulfate soils study;**
 - * land contamination assessment;**
 - * acoustic and lighting assessment**
- 4) The Planning Proposal be considered a 'routine' planning proposal exhibited for a period of 28 days;**
- 5) Consultation with the following agencies and organisations should be required prior to public exhibition:**
 - NSW Rural Fire Service;**
 - Transport for NSW - Roads and Maritime Services;**
 - Office of Environment and Heritage;**
 - Department of the Commonwealth responsible for aerodromes and the Lessee of the aerodrome; and**
 - the Tweed Byron Local Aboriginal Lands Council**
 - the Tweed Council Aboriginal Advisory Committee;**
- 6) The Director General's delegate agree that the inconsistency with s117 Direction 4.3 is justified;**
- 7) That the unresolved inconsistency with s117 Directions 4.1 and 4.4 be noted;**
- 8) The Planning Proposal should be completed within 12 months; and**
- 9) That an authorisation to exercise plan making delegations not be issued to Council.**

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

1. The proposal has the potential to generate employment within the Town and Village Growth Boundary.
2. The inconsistency of the proposal with S117 direction 4.3 is of minor significance.
3. The potential unresolved inconsistency with S117 directions 4.1 and 4.4 can be resolved.
4. The proposal is otherwise consistent with all relevant local and regional planning strategies, Section 117 Directions and SEPPs.
5. The recommended conditions to the Gateway are required to provide adequate consultation, accountability and progression.
6. The additional site specific investigations will provide opportunity for the proponent and Council to negotiate ways to address the site issues, ensuring the land is suitable for commercial use.

Panel Recommendation

Recommendation Date : **24-Apr-2014**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to update the planning proposal to remove reference to Tweed LEP 2000 and ensure that it correctly refers to the notified Tweed LEP 2014.
2. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - economic assessment
 - traffic and access study
 - stormwater management plan
 - infrastructure services feasibility investigation
 - biodiversity and habitat study
 - acid sulfate soils study
 - acoustic and lighting assessment

Once the above information has been obtained and consultation with public authorities has been undertaken, Council is to update its consideration of S117 Directions 4.1 Acid Sulfate Soils and 4.4 Planning for Bushfire Protection, to reflect the outcomes of the work and consultation undertaken.

3. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, an initial site contamination investigation report is to be prepared to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be 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 and Environment 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
- Transport for NSW – Roads and Maritime Services
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome
- Tweed Byron Local Aboriginal Land Council (S117 Direction 2.3 Heritage Conservation)

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- Tweed Council Aboriginal Advisory Committee (S117 Direction 2.3 Heritage Conservation)
- Gold Coast City Council
- Queensland Department of Transport and Main Roads
- Gold Coast Airport

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.

Signature:



Printed Name:

JAMES MATTHEWS

Date:

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