

Tweed LEP 2014 Amendment - Palm Lake Resort, Banora Point

Proposal Title : **Tweed LEP 2014 Amendment - Palm Lake Resort, Banora Point**

Proposal Summary : **The Planning Proposal seeks to amend the Tweed LEP 2014 by:**

- 1. Rezoning part of Lot 10 DP 1190061 and part of Lot 1, DP 1197599, Barneys Road, Banora Point from 7(a) Environmental Protection (Wetlands & Littoral Rainforests) under Tweed LEP 2000 to RE2 Private Recreation under the Tweed Local Environmental Plan 2014;**
- 2. Applying a height of buildings control of 10m to the subject land; and**
- 3. Amending the Land Application, Flood Planning and Acid Sulfate Soils Maps to include the subject land.**

PP Number : **PP_2014_TWEED_006_00** Dop File No : **15/15750**

Planning Team Recommendation

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

S.117 directions: **1.5 Rural Lands**
2.1 Environment Protection Zones
2.2 Coastal Protection
3.2 Caravan Parks and Manufactured Home Estates
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

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

- 1. The Planning Proposal be supported;**
- 2. Council shall undertake an Aboriginal Cultural Heritage Due Diligence Report for the subject land. Council shall include the outcomes of this report in the Planning Proposal prior to public exhibition;**
- 3. Council shall prepare the proposed Land Application, Land Zoning, Height of Building, Flood Planning and Acid Sulfate Soils Maps for the land and include the maps in the public exhibition material;**
- 4. That consultation with the NSW Rural Fire Service and the Office of Environment and Heritage be undertaken;**
- 5. The Planning Proposal be exhibited for 28 days;**
- 6. The Planning Proposal be completed within 9 months; and**
- 7. That the Secretary's delegate determine that the inconsistencies with s117 Direction 1.5 Rural Lands, 2.1 Environment Protection Zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are justified as the matters are of minor significance.**

Supporting Reasons : **This Planning Proposal will rectify an existing mapping error that identifies the land as 7(a) Environmental Protection (Wetlands and Littoral Rainforest) and provide a zoning that is more appropriate and reflective of the land use and which will help facilitate any future redevelopment of the overall site.**

Panel Recommendation

Recommendation Date : **24-Sep-2014**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **This planning proposal is considered minor and the Gateway determination is to be issued under delegation by the General Manager. Therefore the planning proposal will not be considered by the panel.**

Gateway Determination

Decision Date : **25-Sep-2014** Gateway Determination : **Passed with Conditions**

Decision made by : **General Manager, Northern Region**

Exhibition period : **28 Days** LEP Timeframe : **9 months**

Gateway Determination : **The Planning Proposal should proceed subject to the following conditions:**

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to:
 - (a) include the outcomes of the proposed Aboriginal Cultural Heritage Due Diligence Report; and
 - (b) Include the proposed Land Application, Land Zoning, Height of Buildings, Flood Planning and Acid Sulfate Soils Maps.
2. 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).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and to comply with the requirements of relevant S117 Directions:
 - NSW Rural Fire Service; and
 - Office of Environment and Heritage

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.

4. 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).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

STEPHEN MURRAY

Date:

25 SEPTEMBER 2014