

Rezone 420-434 Terranora Road, Terranora for residential use

Proposal Title : Rezone 420-434 Terranora Road, Terranora for residential use

Proposal Summary : The planning proposal relates to the rezoning of land known as 420-434 Terranora Road, Terranora (Lots 2-8 DP 28597) from non-urban to residential to facilitate residential development of the site.

PP Number : PP_2013_TWEED_003_00

Dop File No :

13/16057

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
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 5.3 Farmland of State and Regional Significance on the NSW Far 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 the planning proposal should proceed as a "routine" planning proposal, subject to the following conditions:

1. A community consultation period of 14 days is necessary.
2. The planning proposal is to be completed within 12 months.
3. The Director-General's delegate agree that the inconsistencies with S117 Directions 1.2 Rural Zones and 5.3 Farmland of State and Regional Significance on the NSW Far North Coast are justified as of minor significance.
4. Council should update the planning proposal prior to public exhibition as follows:
 - Part 1 Objective and Intended Outcomes should be updated to clearly inform the community of what is planned for the site.
 - Part 2 Explanation of provisions should be updated to refer to Figure 4 of the planning proposal and provide a clear explanation of how the objectives and intended outcomes are to be achieved.
 - All references to Council's conditional support for the proposal or non support towards design options should be removed.
 - Include maps which identify the proposed minimum lot size, maximum building height and floor space ratio provisions for the site prior to exhibition.
 - The Community Consultation section should be updated to address matters under Section 2.5 Part 5 – Community Consultation of 'A guide to preparing planning proposals'.
 - Any reference to Council requiring a Voluntary Planning Agreement as part of the rezoning process from the proponent shall be removed from the Planning Proposal.
 - Any reference requiring the submission of an Aboriginal Cultural Heritage 'Due Diligence' Assessment should be removed.
 - The format of the planning proposal should be updated to correlate with the 'components of a planning proposal' as specified in the department's 'A guide to preparing planning proposals', including:
 - Part 1 - Objectives and Intended Outcomes
 - Part 2 - Explanation of provisions
 - Part 3 - Justification

- Part 4 - Maps
- Part 5 - Community Consultation
- Part 6 - Project Timeline

5. Council shall undertake the following studies associated with the proposal prior to public exhibition:

- Driveway access
- Stormwater drainage
- Water and sewer servicing
- Site design
- Implementation and ongoing maintenance

Council shall include the outcomes of this assessment with the planning proposal for exhibition purposes to demonstrate the land is suitable for the proposed use.

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

- 1. The proposal represents logical infill development, consistent with the adjoining land uses.**
- 2. The inconsistencies of the proposal with the S117 directions are of minor significance.**
- 3. The proposal is otherwise consistent with all relevant local and regional planning strategies, Section 117 Directions and SEPPs.**
- 4. The recommended conditions to the Gateway are required to provide adequate consultation, accountability and progression.**
- 5. The additional site specific investigations will provide opportunity for the proponent and Council to negotiate appropriate means for addressing the site issues and ensuring the land is suitable for residential use.**

Panel Recommendation

Recommendation Date : 03-Oct-2013

Gateway Recommendation : Passed with Conditions

Panel Recommendation : The planning proposal should proceed subject to the following conditions:

- 1. Prior to undertaking public exhibition, Council is to update the planning proposal to:**
 - (a) include in the 'Objectives or Intended Outcomes' section a concise statement setting out the intended outcomes of the proposal and include in the 'Explanation of the Provisions' section a statement of how the intended outcome is to be achieved by means of amending the LEP. Council is to correct references between Figure 4 – Proposed Tweed Local Environmental plan 2000 and Figure 5 – Draft LEP 2012 in the planning proposal;**
 - (b) ensure all sections consistent with A Guide to Preparing Planning Proposals have been included in the planning proposal, including a project timeline to be consistent with the 12 month timeframe allocated for completing the proposal and 'Community Consultation' information consistent with Section 2.5 Part 5 of the Guide;**
 - (c) remove reference to Council's conditional support for the proposal or non-support towards the design options and remove reference to Council requiring a Voluntary Planning Agreement to be prepared and the submission of an Aboriginal Cultural Heritage 'Due Diligence' Assessment, as part of this rezoning process; and**
 - (d) include existing and proposed land zoning, height of buildings, lot size and floor space ratio maps, which are at an appropriate scale and clearly identify the subject site.**
- 2. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:**
 - stormwater drainage, water and sewer servicing
 - implementation and ongoing maintenance
 - site design and driveway access
- 3. 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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of 14 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).

4. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

5. 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).

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

Plan making delegation:

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

Signature:



Printed Name:

NEU Selman

Date:

10/10/2013