

Exhibition of Planning Proposal 225 Terranora Road, Banora Point (PP-2021-5615)

The planning proposal seeks to rezone a portion of the site to R5 Large Lot Residential, and apply new height, floor space ratio and minimum lot size development standards.

Site description

The site is located at 225 Terranora Road, Banora Point and is legally described as Lot 16 DP 856265. The site, which is largely vacant land other than dense vegetation, has an area of ~10 hectares, has a primary frontage to Terranora Road to the north and a secondary frontage to River Road to the south. This site is 3.5km south-west of Tweed Heads South.

The central area of the site, the planning proposal area, which is outlined yellow below in Figure 1, is a ~4 hectare area of cleared, vacant land which was previously used as a hard rock quarry.

The area subject to the planning proposal contains several zones under two different planning instruments. It is predominantly zoned 7(d) Environmental Protection (Scenic/Escarpment) with a small area zoned as 1(c) Rural Living under the Tweed LEP 2000 and a small portion of the site is zoned R5 Large Lot Residential under the Tweed LEP 2014.

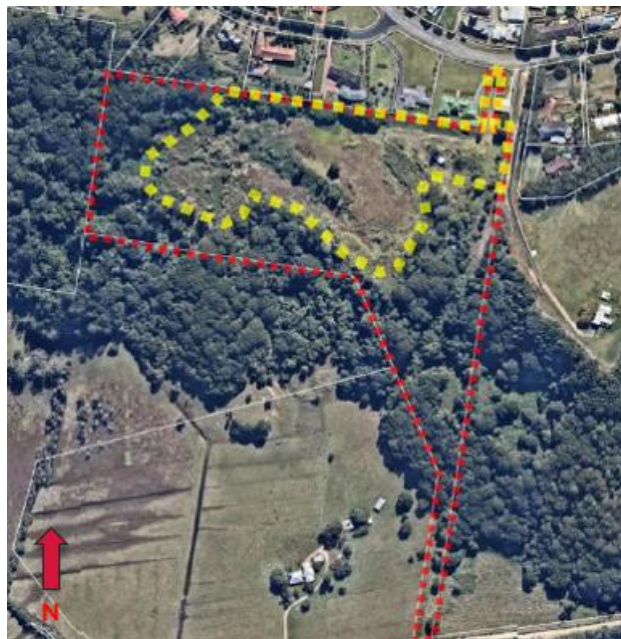


Figure 1 - Subject site (outlined in red) and planning proposal area (outlined in yellow) (Source: Planning Proposal, December 2023)

What the planning proposal will do

The objective of the planning proposal is to allow for large lot residential development across three lots and create 1 new community lot. In summary, the proposal seeks to:

- Incorporate a portion of the site into the Tweed LEP 2014 by amending the Land Application Map, to include the entire planning proposal area under one LEP;
- Rezone to R5 Large Lot Residential,
- Apply a Floor Space Ratio (FSR) of 0.55:1,
- Apply a maximum Height of Buildings (HOB) of 9m,
- Apply a minimum Lot Size of 1.3ha, and
- Identify the area on the Acid Sulfate Maps

What is a planning proposal?

A planning proposal (or “PP”) explains the intended effect of a proposed LEP or proposed amendments to an LEP. It describes the intended outcomes and proposed LEP provisions, identifies and addresses the potential impacts that the changes may have and provides justification for making the LEP.

A planning proposal is a key part of the LEP making process because it describes how a new or amended LEP will ‘give effect’ to strategic and site-specific planning outcomes. It is the first step in making the statutory link between strategic plans and planning controls which apply to development.

Note: Any physical development of the land occurs under separate planning processes.

What is an LEP?

An LEP provides a statutory framework for the way land can be developed and used.

An LEP contains land use zones which establish where residential, commercial, recreation and other uses can occur. It has development controls for buildings and land, including controls for maximum building heights, floor space, subdivision and lot size. LEPs also include provisions which address local matters, hazards and constraints, such as flooding, protection of biodiversity, heritage conservation, or land that is being reserved by the government to build more public infrastructure in the future. An LEP is made under the Environmental Planning and Assessment Act 1979.

What are the Council’s, the Northern Regional Planning Panel and the Departments role in the process?

The Council’s role for this planning proposal

This planning proposal originally was submitted to Tweed Shire Council in February 2020. In May 2020, Council resolved not to support the planning proposal (resolution of Council from 17

November 2016). The proponent subsequently lodged a rezoning review request for the proposal, which resulted in the Northern Regional Planning Panel (Panel) supporting the proposal progression for Gateway determination subject to changes on 26 August 2020.

Following amendments being made, the proposal was then supported by the Panel to progress for Gateway Determination, on 4 November 2023. Council is now considered a key stakeholder and will be consulted as part of the public exhibition.

Northern Regional Planning Panel's role for this proposal

The Northern Regional Planning Panel acts as the independent body in rezoning reviews within the Tweed Shire Local Government Area. Given Council did not support the progression of the planning proposal, the Panel was requested by the proponent to review the rezoning request.

The Panel determined that the proposal demonstrated strategic and site-specific merit and should proceed to Gateway determination. The Panel was appointed as the Planning Proposal Authority and is therefore responsible for preparing the package of planning proposal documents for public exhibition and running the public consultation. The Panel will consider public submissions on the planning proposal prior to making a decision about whether the planning proposal should proceed to finalisation.

The Department's role for this planning proposal

The Department assesses and guides planning proposals through the LEP making process. This includes active management of the planning proposal through the LEP making process, issue resolution, and finalising the LEP (if the Minister is the local plan-making authority).

On 6 November 2023, the updated planning proposal was submitted to the Department for Gateway determination. An assessment of the proposal was undertaken, and a Gateway determination was issued on 24 November 2023 stating the proposal should proceed subject to the conditions, including the public exhibition of the proposal.

A final assessment of the planning proposal will be undertaken by the Department after the public exhibition. At this stage further amendments may be made to respond to matters raised by community members or public authorities. The Department is the local plan-making authority and will determine if the LEP amendment will be made.

Additional information about the planning proposal

More information about the proposal and details about how you can get involved can be found on the NSW Planning Portal. Go to www.planningportal.nsw.gov.au/ppr/under-exhibition/225-terranora-road.

How to make submissions

Submissions on the planning proposal should be made to the Department through the NSW Planning Portal. Go to www.planningportal.nsw.gov.au/ppr/under-exhibition/225-terranora-road.

Your submission must be lodged by 5pm on 28 February 2024 and must include:

- if the submission relates to the planning proposal
- a statement on whether you support or object to the proposal; and
- the reasons why you support or object to the proposal.

Persons lodging submissions must declare reportable political donations (including donations of \$1000 or more) made in the previous two years.

Your personal information is protected under the Privacy and Personal Information Act 1998.

We may publish any personal information you have included in your submissions on a proposal. Do not include any personal information in your submission that you do not want published. If you do not want your name and address to be made public, please ensure you tick the relevant box and clearly state this on the front page of your submission. Making a submission is entirely voluntary and you are under no obligation to provide us with any of your personal information, except as otherwise required by law.

Who should I direct my Planning Proposal inquiries to?

For questions relating to the planning proposal, please contact Shruthi Sriram on (02) 9228 6362.

What is a Planning Proposal Authority (PPA)?

In the planning proposal process, the PPA is responsible for preparing the package of planning proposal documents and submitting them to the Department for a Gateway determination.

A Gateway determination is an approval required before the proposal can proceed to public exhibition. This approval is usually subject to conditions.

The PPA is responsible for satisfying the conditions of the Gateway determination, public exhibition of the planning proposal, and finalisation.

An alternate PPA may be appointed under certain circumstances, where directed by the Minister. As the planning proposal is the result of a rezoning review the Northern Regional Planning Panel is the Planning Proposal Authority and the Department will be the Local Plan-Making Authority.

What is a Local Plan-Making Authority (LPMA)?

The LPMA is the authority responsible for making the LEP as identified by the Gateway determination. This may be the Minister (or delegate) or the relevant council. The LPMA undertakes the statutory functions in making the LEP.