

DATE OF DECISION	26 August 2020
PANEL MEMBERS	Paul Mitchell (Chair), Penny Holloway, Stephen Gow, Stephen Phillips and Ned Wales
APOLOGIES	None
DECLARATIONS OF INTEREST	None

REZONING REVIEW

2020NTH001 – Tweed Shire Council – RR_2020_TWEED_001_00 - AT 225 Terranora Road, Banora Point (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site-specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has
 - ☐ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site-specific merit

The decision was unanimous.

REASONS FOR THE DECISION

The proposal has strategic and site-specific merit but with the latter being subject to clearer definition of the intended development and greater certainty about certain technical matters which are addressed in the Gateway conditions.



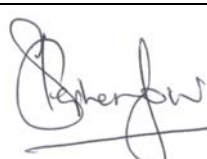
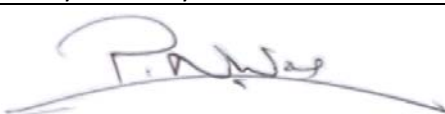
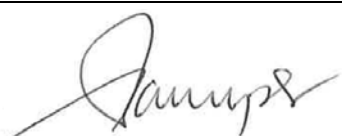
The Panel therefore recommends that the planning proposal proceed to a Gateway determination, subject to the following conditions being complied with prior to Gateway determination:

1. A concept masterplan is to be prepared for the land the subject of this application (the site). The concept plan is to contain no more than four lots, three of which are to be for future residential purposes and each residential lot is to have a minimum area of 10,000 square metres. The fourth lot is to contain the residual area.
2. The concept plan is to show, on each residential lot, the location of the footprint and envelope for all future buildings such that visual intrusion on the Terranora escarpment is minimised.
3. Geotechnical investigations are to be undertaken on each residential lot to determine the most suitable location and the area needed for disposal of treated sewage effluent. The investigations are to clearly specify the type of sewage treatment process that will be used and the resultant wastewater quality and volumes that will require land application and are to assume an occupancy rate per household of five persons.
4. Investigations are to be undertaken to demonstrate that sufficient water can be obtained from

each residential lot to meet normal household needs including an allowance for bushfire protection purposes. These investigations are to similarly assume an occupancy rate of five persons per household.

5. A draft Environmental Management Plan (EMP) is to be prepared which, when adopted, is to be implemented by the future Community Association. The draft EMP is to contain measures to protect the adjoining bushland and particularly the Critically Endangered Threatened Ecological Community (TEC) *Lowland Rainforest of Subtropical Australia* and is to include measures to control weeds, runoff, seepage and domestic pets, and is to take into account prevailing bushfire risks. The EMP must demonstrate that protection of the TEC can occur concurrently with the development proposed in the concept plan.

Following completion of the above investigations the Panel is to receive further briefing reports from DPIE and the Council on the adequacy of the concept plan and the studies produced.

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Penny Holloway
 Stephen Gow	 Ned Wales
 Stephen Phillips	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2020NTH001 – Tweed Shire Council – RR_2020_TWEED_001_00 - AT 225 Terranora Road, Banora Point
2	LEP TO BE AMENDED	Tweed Local Environmental Plan 2000
3	PROPOSED INSTRUMENT	<p>The proposal seeks to rezone to land at 225 Terranora Road, Banora Point (Lot 16 DP856265) to facilitate large lot residential development on land predominantly zoned 7(d) Environmental Protection (Scenic/escarpment) under Tweed LEP 2000.</p> <p>The lot is partly zoned R5 Large Lot Residential and part RU2 Rural Landscape under the Tweed LEP 2014 and partly zoned 7(d) Environmental Protection (Scenic/Escarpment), part 1(a) Rural and part 1(c) Rural Living under the Tweed LEP 2000.</p> <p>The request to Council to prepare a planning proposal sought to amend the Tweed LEP 2014 by:</p> <ul style="list-style-type: none"> • Amending the Land Application Map to bring part of the land into the Tweed LEP 2014; • Applying a R5 Large Lot Residential Zone to part of the land;

		<ul style="list-style-type: none"> • Applying a 1-hectare minimum lot size provision to the land being zoned R5; • Applying a 9m building height limit to the land being zoned R5; • Applying a 0.55:1 maximum floor space ratio to the land being zoned R5; and • - Applying a Class 5 acid sulfate soils classification to the land being zoned R5.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Rezoning review request documentation • Briefing report from Department of Planning, Industry and Environment • Tweed Shire Council submission dated 8 July 2020
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> • Site inspections: <ul style="list-style-type: none"> ○ Paul Mitchell: 26 August 2020 ○ Ned Wales: 25 August 2020 ○ Stephen Phillips: 21 August 2020 • Briefing with Department of Planning, Industry and Environment (DPIE): 26 August 2020, 9:45am <ul style="list-style-type: none"> ○ Panel members in attendance: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, Stephen Phillips and Ned Wales ○ DPIE staff in attendance: Jon Stone and Renee Trezise • Briefing with Proponent: 26 August 2020, 10:40am <ul style="list-style-type: none"> ○ Panel members in attendance: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, Stephen Phillips and Ned Wales ○ DPIE staff in attendance: Jon Stone and Renee Trezise ○ Proponent representatives in attendance: Luke Blandford, Josh Townsend, Alan Hope and Greg Vink • Briefing with Council: 26 August 2020, 11:55am <ul style="list-style-type: none"> ○ Panel members in attendance: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, Stephen Phillips and Ned Wales ○ DPIE staff in attendance: Jon Stone and Renee Trezise ○ Council representatives in attendance: Troy Green, Vince Connell, David Oxenham, Simone Gillespie, Danny Rose, Iain Lonsdale, Denise Galle, Grant Malcolmson, Phil Clark, Jacqui Cord