

PLANNING PROPOSAL AUTHORITY
RECORD OF DECISION TO SUBMIT REVISED PLANNING
PROPOSAL TO GATEWAY DETERMINATION
 STRATEGIC PLANNING PANEL of the
 NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	4 November 2023
DATE OF DECISION	26 October 2023
PANEL MEMBERS	Dianne Leeson (Chair), Juliet Grant, Stephen O'Connor, Ned Wales and Pat Miller
APOLOGIES	DPE - Louise McMahon, Douglas Cunningham and Renee Ezzy (Agile team); Craig Diss and Jon Stone (Northern team); and Lisa Kennedy (Planning Panels)
DECLARATIONS OF INTEREST	None

PLANNING PROPOSAL

PP-2021-5615 – Tweed LGA – 225 Terranora Road, Banora Point

The revised planning proposal seeks to amend the Tweed Local Environmental Plan 2014 (LEP 2014) for Lot 16 DP 856265, 225 Terranora Road, Banora Point to enable large lot residential development on part of the land.

PANEL CONSIDERATION AND DECISION

The Strategic Planning Panel of the Northern Regional Planning Panel met with Tweed Shire Council (Council), the proponent (Planit Consulting) (Proponent) and Alan Hope and Gregory Vink (Landowners) for a Pre-Gateway site inspection and briefing to consider whether the additional information provided by the proponent had addressed the previous Panel's conditions from the Panel Briefing of 29 March 2022.

The conditions to be complied with prior to the planning proposal proceeding to a Gateway determination are:

1. A revised concept plan that removes reference to residential development on the residual lot is to be provided. This lot is not to be shown as having potential for residential development. The residual lot is to be managed for environmental conservation purposes as a community title lot with management responsibility being borne by the community association for the land.
2. A draft Environmental Management Plan (EMP) is to be prepared to be implemented by the future community association. The draft EMP is to be a complete document that contains measures to protect the adjoining bushland and particularly the Critically Endangered Threatened Ecological Community Lowland Rainforest of Subtropical Australia and is to include measures to control weeds, runoff, seepage and domestic pets and bushfire risks.
3. The revised concept plan is to show, for each residential lot, the location of the future building footprint and building envelope, with the footprints and envelopes being sited and designed to avoid any material loss of views from dwellings to the north and any material intrusion into the views of the escarpment from the south.
4. A draft Community Management Statement describing responsibilities for implementation of the draft EMP and any other relevant activities is to be provided.

As the Planning Proposal Authority, the Panel determined that the Planning Proposal should be submitted to the Department of Planning and Environment for a Gateway determination with instructions that when drafting the amendments required to LEP 2014, it is to be made clear that the proposed subdivision must be undertaken under the Community Land Development Act 2021 and

the non-residential allotment is to be managed as Community Land in accordance with an Environmental Management Plan.

The Panel's decision was unanimous.






REASONS FOR THE DECISION

The Panel noted the Department's Pre-Gateway Briefing Report, 14 August 2023, considered the documentation, and heard extensively from the Proponent and Council during the site inspection.

The Panel determined the proposal has been satisfactorily amended to incorporate the requirements of the Panel's decision of 29 March 2022, namely:

1. A revised concept plan (Drawing 001 Rev 05 prepared by Planit Consulting, dated 3 May 2023) has been submitted that contains no reference to residential development on the residual lot.
2. A draft Environmental Management Plan (EMP) has been prepared including provisions relating to weed control, run off and domestic pet controls to protect the residual land comprising bushland and Critically Endangered Threatened Ecological Community Lowland Rainforest of Subtropical Australia.
3. The revised concept plan shows, for each residential lot, the location of future building footprint. The concept proposal includes minimum lot sizes of 1 hectare and proposed height limits of 9 metres. These controls are designed to avoid any material loss of views from dwellings to the north and any material intrusion into the views of the escarpment from the south. Future design controls should be considered by Council to ensure use of appropriate materials and colours that complement the surrounding bushland and further mitigate visual intrusion when viewed from the south.
4. A draft Community Management Statement describing the responsibilities for implementation of the draft EMP has been provided. The draft Statement is considered satisfactory for this stage.

There are no additional or unresolved issues that would prevent the revised planning proposal from proceeding to Gateway.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Juliet Grant
 Stephen O'Connor	 Ned Wales
 Pat Miller	

SCHEDULE 1		
1	LGA – ADDRESS	PP-2021-5615 – Tweed LGA 225 Terranora Road, Banora Point
2	LEP TO BE AMENDED	Tweed Local Environmental Plan 2014
3	PROPOSED INSTRUMENT	<p>The revised planning proposal seeks to amend the Tweed Local Environmental Plan, 2014 to:</p> <ul style="list-style-type: none"> • Include the portion of the site within the Concept Plan into the Tweed LEP 2014 by amending the Land Application Map; • Apply a R5 Large Lot Residential Zone to the subject land, by amending the Land Zoning Map; • Apply a 1ha minimum lot size to the part of the site be zoned R5; • Apply a 9m maximum building height to the part of the site being zoned R5; • Apply a 0.55:1 maximum floor space ratio to the land being zoned R5; and • Apply 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"> • Pre-Gateway Briefing Report, Department of Planning and Environment, 14 August 2023
5	SITE INSPECTION AND BRIEFING BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and Briefing with Tweed Shire Council, Planit Consulting (Proponent) and Alan Hope and Gregory Vink (Landowner): 11:00am – 11:45am, 26 October 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Dianne Leeson (Chair), Juliet Grant, Stephen O'Connor, Ned Wales and Pat Miller ○ DPE staff in attendance: Taylah Fenning ○ Tweed Shire Council representatives in attendance: Matthew Zenkteler ○ Planit Consulting (Proponent) and landholder representatives in attendance: Josh Townsend, Alan Hope and Gregory Vink ○ Key issues discussed: <ul style="list-style-type: none"> • Management of residual lot • Environmental Management Plan • Biodiversity Corridor • Deferred matter in Tweed LEP 2014 – mapping of Conservation zones • Tweed Growth Management and Housing Strategy • Access road • Visual impacts on the escarpment • Bushfire management and mitigation • Panel Discussion: 11:45am – 11:55am, 26 October 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Dianne Leeson (Chair), Juliet Grant, Stephen O'Connor, Ned Wales and Pat Miller ○ DPE staff in attendance: Taylah Fenning ○ Council representatives in attendance: Matthew Zenkteler