

**PLANNING PROPOSAL AUTHORITY
RECORD OF DECISION POST EXHIBITION AND
FINALISATION**
STRATEGIC PLANNING PANEL OF THE
NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Monday, 2 September 2024
DATE OF PANEL DECISION	Thursday, 29 August 2024
PANEL MEMBERS	Dianne Leeson (Chair), Juliet Grant, Stephen O'Connor, Peter (Ned) Wales & Patrick Miller
APOLOGIES	None
DECLARATIONS OF INTEREST	None

PLANNING PROPOSAL

PP-2021-5615 – Tweed LGA – 225 Terranora Road, Banora Point (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4, and the material presented at the briefing listed at item 5 in Schedule 1.

As the Planning Proposal Authority, the Panel determined to recommend to the Minister that the proposed instrument, as described in Schedule 1, should be made.

The Panel's decision was unanimous.

REASONS FOR THE DECISION

The Panel considered the Department of Planning, Housing and Infrastructure's Post-Exhibition Report, 22 August 2024 and met with the Department, Tweed Shire Council, Planit Consulting (Proponent) and Alan Hope (Landholder), in a post exhibition briefing. The Panel heard from all parties on the various aspects of the planning proposal, with noted discussion on matters arising from the community during exhibition and Council and agency consultation.

The Panel concurred with the Department's Post Exhibition Report that the planning proposal demonstrated strategic and site-specific merit, the conditions of the Gateway had been met, agency and community consultation had occurred in accordance with the Gateway Determination requirements and submissions raised had been adequately addressed by the Department.

The Panel noted their agreement with the response to key issues outlined within the Department's Post Exhibition Report with respect to:

- Submissions from Biodiversity, Conservation and Science (BCS) recommending the application of C2 zoning, with the Panel specifically noting that the land the subject of the BCS submission relates to an area of the site outside of the land subject to PP-2021-5615. The Panel therefore noted BCS's position but declined to recommend the rezoning of areas of the site outside of the extent of the Planning Proposal. The Panel further noted that neither Council nor BCS have provided any assessment justifying the proposed C2 zone. The Panel is satisfied the existing 7(d) Environmental Protection zone (Scenic/escarpment) (Tweed LEP 2000) is adequate to protect the land pending Council's comprehensive review currently underway.
- Submission from the proponent requesting a reduction of the minimum lot size to 1ha and inclusion of

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the site under Clause 4.2A 'Area A' of the Tweed LEP 2014, with the Panel specifically noting that the Panel's consideration, assessment and subsequent support for the planning proposal to date has been based on a three residential lot outcome as presented and evaluated in the planning proposal and supporting documents and not upon the application of a 1ha minimum lot size or the inclusion of the application of Clause 4.2A to the site. The Panel therefore declined to recommend amendment of the planning proposal to apply these controls.






Consequently, the Panel determined that the proposed instrument detailed at item 5 in Schedule 1 warranted support and provided no additional recommendations for consideration in the making of the instrument.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions during public exhibition. The Panel notes that issues of concern included:

- contaminated land risking the environment and health;
- sewerage runoff;
- impacts on the Tweed River;
- visual impacts on the escarpment;
- damage to the ecosystem; and
- road safety and traffic.

The Panel considers that the concerns raised by the community have been adequately addressed in the Department's Post-Exhibition Report.

PANEL MEMBERS	
 Dianne Leeson	 Juliet Grant
 Stephen O'Connor	 Peter (Ned) Wales
 Patrick Miller	

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SCHEDULE 1		
1	PANEL REF – LGA – PLANNING PROPOSAL NO. – ADDRESS	PP-2021-5615 – Tweed LGA – 225 Terranora Road, Banora Point
2	LEP TO BE AMENDED	Tweed Local Environmental Plan (LEP) 2014
3	PROPOSED INSTRUMENT	<p>The exhibited planning proposal seeks to amend Tweed Local Environmental Plan (LEP) 2014 to:</p> <ul style="list-style-type: none"> • 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
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Department of Planning, Housing and Infrastructure Post-Exhibition Report, 22 August 2024 • Previous decisions made by the Strategic Planning Panel of the Northern Regional Planning Panel and previous reports prepared by the Department; Council Minutes and Council Officer Reports. • Written submissions including emails during and after public exhibition: 1 submission • Total number of unique submissions received by way of objection: 1 objection • Verbal submissions at the Panel's Post Exhibition and Finalisation Briefing 12:00pm – 12:30pm, 29 August 2024
5	SITE INSPECTIONS AND BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> • Panel Briefing with Department of Planning, Housing & Infrastructure (DPHI): 11:30am – 12:00pm, 29 August 2024 <ul style="list-style-type: none"> ○ Panel members: Dianne Leeson (Chair), Juliet Grant, Stephen O'Connor, Peter (Ned) Wales & Patrick Miller ○ DPHI staff: Alex Galea, Tim Coorey, Kate McKinnon & Taylah Fenning • Panel Briefing with Tweed Shire Council and Planit Consulting (Proponent): 12:00pm – 12:30pm, 29 August 2024 <ul style="list-style-type: none"> ○ Panel members: Dianne Leeson (Chair), Juliet Grant, Stephen O'Connor, Peter (Ned) Wales & Patrick Miller ○ DPHI staff: Alex Galea, Tim Coorey, Craig Diss, Kate McKinnon & Taylah Fenning ○ Council staff: Matthew Zenkteler ○ Proponent: Josh Townsend & Alan Hope • Panel Determination: 12:30pm – 12:40pm, 29 August 2024 <ul style="list-style-type: none"> ○ Panel members: Dianne Leeson (Chair), Juliet Grant, Stephen O'Connor, Peter (Ned) Wales & Patrick Miller ○ DPHI staff: Alex Galea, Tim Coorey, Craig Diss, Kate McKinnon & Taylah Fenning