

<b>DATE OF DECISION</b>	5 November 2020
<b>PANEL MEMBERS</b>	Paul Mitchell (Chair), Penny Holloway, Stephen Gow, Stephen Phillips and Ned Wales
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

## REZONING REVIEW

2020NTH001 – Tweed Shire Council – RR\_2020\_TWEED\_001\_00 - AT 225 Terranora Road, Banora Point

The proposal seeks to amend Tweed Local Environmental Plan 2000 by rezoning 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. 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.

The request to Council to prepare a planning proposal sought to amend the Tweed LEP 2014 by:

- 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;
- 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.

The panel considered the above rezoning review and determined on 26 August 2020 that it should proceed to Gateway.

## APPOINTMENT OF PANEL AS PLANNING PROPOSAL AUTHORITY

Following the review, Tweed Shire Council was advised of the panel's decision and given the opportunity to continue in the role of planning proposal authority (PPA) for the proposal. Council has advised that they do not wish to continue as the PPA for this matter.

## PANEL DECISION

In accordance with section 3.32(1) (formerly section 54(1)) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has considered the matter and determined to appoint itself as the PPA to finalise this matter.



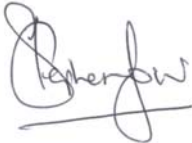
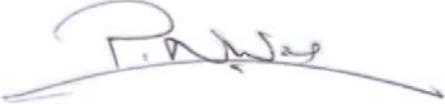

In accordance with the panel's decision on the rezoning review the panel requests that the planning proposal be submitted for a Gateway determination, subject to the following conditions being complied with prior to Gateway determination:

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 approximately 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.

The panel requests that the proponent provide the additional information specified in the conditions above and the Department of Planning, Industry and Environment assess and report to the panel on its adequacy prior to a Gateway determination.

The decision was unanimous.

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