

Alteration of Gateway determination for planning proposal PP-2020-4058

Purpose: To recommend the Manager, Local and Regional Planning, Northern Region, as delegate of the Minister, agree to alter the Gateway determination for planning proposal no. PP-2020-4058.

Analysis: A Gateway determination was issued on 23 December 2020 for the planning proposal, which seeks to rezone land at 1 Scenic Drive (Walmsleys Road), Bilambil Heights, for residential development and environmental protection purposes. Tweed Shire Council has requested a Gateway alteration to extend the timeframe for completion of the planning proposal. The request is considered to have merit and an alteration to the Gateway determination has been prepared.

Approval required: 2 December 2021

Reason for deadline: To meet the 15-day KPI for the alteration of a Gateway determination.

Recommendation

That the Manager, Local and Regional Planning, Northern Region, as delegate of the Minister:

1. **agree** under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination for planning proposal no. PP-2020-4058 in accordance with the Alteration of Gateway determination document (**Attachment A**), which in summary involves the following:
 - extending the timeframe for completion of the planning proposal by 6 months;
2. **agree** that the community consultation requirements in condition 5 of the Gateway determination (which have not yet been met) are sufficient and that no further or different community consultation is required;
3. **sign** the Alteration of Gateway determination (**Attachment A**); and
4. **sign** the letter to Tweed Shire Council (**Attachment B**).

Director approval



Approved

Craig Diss

Manager, Local and Regional Planning

Northern Region

Date: 17 November 2021

Key reasons

Planning proposal

Tweed Shire Council has prepared a planning proposal to rezone land at 1 Scenic Drive (Walmsleys Road), Bilambil Heights, for residential development and environmental protection purposes.

The Gateway determination issued on 23 December 2020 (**Attachment C**) determined that the proposal should proceed subject to conditions.

Council requests an extension of time to complete the planning proposal

The Gateway determination required that the local environmental plan (LEP) be finalised in 12 months from the date of the Gateway determination expiring on 23 December 2021.

Council has requested that the period to complete the LEP be extended for a further 12 months.

The delay in meeting this Gateway determination time frame has arisen due to the need to prepare a Voluntary Planning Agreement with an accompanying Habitat Restoration Plan (HRP) to protect areas of environmental significance outside of the urban footprint, in the absence of available Environment/Conservation zones. To date, the Applicant has not provided the draft HRP and Council has therefore been unable to proceed to the public consultation stage.

Council states that work has been undertaken to meet other Gateway conditions issued by the department in relation to bushfire, environmental management and contaminated land.

A 12-month extension of time is considered excessive in this case, as work relating to other Gateway conditions is underway or completed. It is instead considered that the date be extended by 6 months to 23 June 2022. This should allow sufficient time to complete the public exhibition of the planning proposal, report the final planning proposal to Council and make the LEP. Council should also be advised that if the proposal can not be completed within this timeframe, that further extensions may not be supported, and that consideration should be given to terminating the current proposal, with a new proposal then submitted for Gateway determination when it is ready to proceed in a timely fashion.

Community consultation

Community consultation in relation to the planning proposal in accordance with condition 5 of the Gateway determination has not yet occurred. It is considered that the community consultation that will take place under condition 5 of the Gateway determination is sufficient and that no further or different community consultation is required.

Attachments

Attachment	Title
A	Alteration of Gateway determination
B	Letter to Council
C	Gateway determination

Departmental approval and contact

Approver	Position	Date approved
Craig Diss	Manager, Local and Regional Planning	17/11/21
Contact name	Position	Phone number
Carlie Boyd	Senior Regional Planner	6643 6404