

3 April 2014

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Dear Sir

Planning Proposal for amendment of Tweed Local Environmental Plan 2000 – Amendment No.94, Mooball Residential Development; Seeking Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979

Tweed Shire Council (Council) has received a request to prepare a Planning Proposal (PP) from Planit Consulting on behalf of Jefferson Lane Pty Ltd (the Proponent) for Lot 2 in DP 534493 and Lot 7 in DP 593200, located at 5861 and 5867 Tweed Valley Way, Mooball (the site). The PP involves an expansion of the existing Mooball village footprint and is subject to a number of Council resolutions, dating back to 21 April 2009.

Council has considered the request, and has prepared a PP in accordance with section 55 of the Environmental Planning and Assessment Act 1979 and NSW Planning and Infrastructure's guides titled "*A guide to preparing local environmental plans*", and "*A guide to preparing planning proposals*". Please find 1 x hard copy, 1 x CD electronic copy of the PP attached.

The site is located directly adjacent to the existing Mooball village, and is identified as a potential urban area within Council's Tweed Urban Land Release Strategy. Parts of the site are proposed to be zoned for village purposes, whilst ecologically significant areas are proposed to be zoned for environmental protection. The balance of the site is to be generally zoned for rural purposes, including an area around Lot B in DP419641, with this lot not forming part of the PP.

The PP complies with the high level strategic provisions, and through the provision of detailed documentation at the Development Application stage, will have the ability to comply with detailed provisions pertaining to the site. Inconsistencies with section 117 Directions 1.2, 1.5, 4.3 and 4.4 are justified, and in the case of 4.4, can be resolved through consultation with the NSW Rural Fire Services.

A number of actions are required prior to Public Exhibition (some of which are as a result of a Council resolution of 21 November 2013). These actions are to prepare:

- A Planning Agreement – to address wastewater provision, revegetation works (including buffering to Lot B) and test pits to establish items of Aboriginal cultural heritage significance
- A Bushfire Hazard Assessment
- A Geotechnical and Slope Stability Assessment

- A Flood Impact Study
- A Site Contamination Report (in response to SEPP 55)
- An intended Development Control Plan that seeks to (but not limited to) protect the existing land use on Lot B, and retain the rural amenity on that land
- An updated Land Use Conflict Risk Assessment in that it addresses any potential impacts to the east or west of the site.

Appropriate terms of reference will need to be established for those items.

In relation to wastewater provisions, Council's waste water treatment plant that services Mooball village does not have a surplus capacity to accommodate the proposed development. In response, the proponent is currently exploring opportunities to augment Council's existing system. Should augmentation not be feasible, the proponent is committed to providing a stand-alone private wastewater disposal utility scheme and to obtain a licence under the Water Industry Competition Act 2006 (WIC Act) administered by the Independent Pricing and Regulatory Tribunal (IPART).

In order to formalise this arrangement, both Council's technical officers and the proponent have indicated a willingness to enter into a Planning Agreement to ensure the provision of appropriate wastewater infrastructure in a timely manner. As detailed previously, it is anticipated that this Planning Agreement will be drafted and placed on public exhibition with the PP.

It is considered the PP is not consistent with the definition of a 'Low Impact Planning Proposal' and will therefore require a 28 day exhibition period. Overall, the PP will assist in the Tweed region meeting the housing requirements as defined within the Far North Coast Regional Strategy and as such an amendment to the LEP is recommended.

Upon receipt of a Gateway Determination, approximately 48 weeks are expected to be required in order to finalise the Planning Proposal. The breakdown of the anticipated work program is listed in the Table below.

Table 1 Expected work program

Week(s)	Task(s)
1	Review Gateway Determination
2 to 17	• Complete the Planning Agreement or equivalent framework • Complete additional studies
18 and 19	Prepare public exhibition materials
20 to 25	Undertake public exhibition
20 to 25	Undertake State agency consultation
25 to 31	Review submissions
31 to 40	Investigate necessary amendments and draft final Planning Proposal
41 to 46	Complete Council reporting
47 to 48	Issue to NSW Planning and Infrastructure for finalisation of Planning Proposal

It is noted that the draft Tweed Local Environmental Plan 2012 is currently with the Minister and soon to be made as LEP 2014. Conversation between Josh Townsend (TSC) and Luke Blandford (P&I) confirmed that a planning proposal may be submitted at this time addressing both the LEP 2000 and the dLEP 2012. It is also noted that, subject to a gateway determination, the PP will be updated prior to public exhibition to reflect the imminent LEP 2014.

Tweed Shire Council requests that this planning proposal be referred to the LEP Review Panel for a Gateway Determination in accordance with section 56 of the EP&A Act.

Any enquiries should be directed to Josh Townsend on (02) 6670 2693, or by email at JTownsend@tweed.nsw.gov.au

Yours Faithfully


Iain Lonsdale
Coordinator Planning Reform

Attachments

1. Hard Copy Planning Proposal Request Version 1 for Gateway Determination.
2. Hard Copy Planning Proposal Information Checklist
3. Electronic copy of Attachments 1 and 2.

