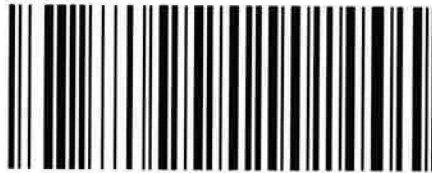


Council Reference: PP10/0007
Your Reference:



TWEED
SHIRE COUNCIL

19 December 2012



PGF001693

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Regional Director
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- 2 JAN 2013

13/01036

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Please address all communications
to the General Manager

ABN: 90 178 732 496

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

Please find attached a Planning Proposal prepared in response to a request from Planit Consulting Pty Ltd in accordance with section 55 of the Environmental Planning and Assessment Act 1979 and the Department of Planning's guides titled "*A guide to preparing local environmental plans*", and "*A guide to preparing planning proposals*".

The Planning Proposal (PP) seeks to facilitate a change in zoning from 1(a) Rural, to 2(d) Village, 5(a) Special Uses (Sewerage Treatment), 7(d) Environmental Protection (Scenic/Escarpment) and 7(l) Environmental Protection (Habitat) to enable the orderly expansion of the Mooball village. The subject site contains Nos. 5861 and 5867 Tweed Valley Way, Mooball, both of which were identified within the Tweed Urban Release Strategy 2009 as a potential future urban release area.

Of particular note, Council's waste water treatment plant currently under construction on Pottsville-Mooball Road does not have a surplus capacity to accommodate the proposed development and is not amenable to an upgrade of a capacity the new development will necessitate. In response to this 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).

Obtaining a licence under the WIC Act is anticipated to be a lengthy and costly process. Accordingly the proponent has requested that the PP advance ahead of obtaining a licence, enabling the certainty of the rezoning prior to committing significant resources to a lengthy process. This request has been made with the understanding that Council will require the WIC Act licence be obtained prior to any development application being lodged for the site.

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 sewerage infrastructure in a timely manner. It is anticipated that this Planning Agreement will be drafted and placed on public exhibition with the PP.

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 EPAA. Council also requests that any Gateway Determination issued reflect the need for a Planning Agreement, or like arrangement, to address the servicing of the site prior to a PP being made by the Minister. Finally, Council advises that the delegation of the Plan Making functions is not being sought in this instance

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

Encl.