



qA378015

15/14754

Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING AND ENVIRONMENT

Planning Services

ALTERATION OF GATEWAY DETERMINATION FOR PLANNING PROPOSAL

PP 2015 TWEED 003 00

PURPOSE

- To recommend the General Manager, Northern Region, as delegate for the Minister agrees to alter the Gateway determination for Planning Proposal no. PP_2015_TWEED_003_00 for the rezoning of Lot 1 DP 1046935 at Old Lismore Road, Murwillumbah from the current R5 Large Lot Residential zone to R2 Low Density Residential, and zoning, floor space and height of building amendments to the wider Hundred Hills Release area, and issue an Alteration of Gateway Determination.

RECOMMENDATION

- It is recommended that the Minister's delegate:
 - **agrees** under s56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination for Planning Proposal no. PP_2015_TWEED_003_00 in accordance with the Alteration of Gateway Determination document at Tab A, which in summary involves the following:
 1. increasing the proposed minimum lot size for the rezoning of Lot 1 DP 1046935 to R2 Low Density Residential from 450m² to 600m².
 2. extending the time for completion of the Planning Proposal to 12 August 2016.
 - **agrees** that the community consultation requirements in condition (1) of the Gateway determination (which have not yet been met) are sufficient and that no further or different community consultation is required;
 - **signs** Alteration of Gateway Determination (Tab A); and
 - **signs** the letter to Tweed Shire Council (Tab B).

CURRENT POSITION

- Council has prepared a Planning Proposal to amend the Tweed LEP 2014 to rezone Lot 1 DP 1046935 at Old Lismore Road, Murwillumbah from the current R5 Large Lot Residential zone to R2 Low Density Residential, and zoning, floor space and height of building amendments to the wider Hundred Hills Release area. A locality map is at Tab C.
- The Gateway determination issued on 5 May 2015 (Tab D) determined that the proposal should proceed subject to conditions.
- Council has submitted a revised Planning Proposal (Tab E).
- The Council has revised the Planning Proposal for the following reasons:
 - the issue of an appropriate minimum lot size for Lot 1 was still to be clarified in the previous proposal; and
 - an assessment of lot size to slope matrices has since been undertaken to determine an appropriate lot size to accommodate a complying dwelling design.
- The Planning Proposal now involves
 - increasing the proposed minimum lot size for the rezoning of Lot 1 from 450m² to 600m²; and

- the completion of the Planning Proposal to be within six (6) months of lodgement of the Alternation to Gateway determination.
- It is considered that the proposed alteration to the Planning Proposal has merit as it ensures an appropriate minimum lot size for the subject site to accommodate a complying dwelling design.
- Council has also indicated that the completion of the Planning Proposal will be within six (6) months of lodgement of the Alternation to Gateway determination and therefore requested an extension to the original Gateway determination completion date of 12 February 2016 (Tab F).
- A six (6) month extension from the original Gateway determination completion date is considered appropriate.
- The delay in meeting this Gateway determination timeframe has arisen due to the time taken to complete an assessment of lot size to slope matrices to determine an appropriate minimum lot size.
- It is considered this extension is reasonable and necessary to enable Council time to exhibit the Planning Proposal and finalise the matters arising from community consultation.
- Community consultation in relation to the Planning Proposal in accordance with condition [1] of the Gateway determination has not yet occurred. It is considered that the community consultation that will take place under condition [1] of the Gateway determination is sufficient and that no further or different community consultation is required.



Stephen Murray
General Manager, Northern Region
Planning Services

14 October 2015

Approved / Not Approved

Contact Officer: Matthew Todd-Jones
Planning Officer, Northern Region
Phone: 6641 6603



Mr T Green
General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Our ref: PP_2015_TWEED_003_00
(15/06962)
Your ref: PP10/0005

Dear Mr Green

Planning Proposal PP_2015_TWEED_003_00 – Alteration of Gateway Determination

I refer to your letter of 28 September 2015 in relation to revisions to Planning Proposal PP_2015_TWEED_003_00 for the rezoning of subject site Lot 1 DP 1046935 at Old Lismore Road, Murwillumbah from the current R5 Large Lot Residential zone to R2 Low Density Residential, and zoning, floor space and height of building amendments to the wider Hundred Hills Release area, and request for an extension of time to complete the planning proposal.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 5 May 2015 for PP_2015_TWEED_003_00. The Alteration of the Gateway Determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Mr Matthew Todd-Jones to assist you. Mr Todd-Jones can be contacted on (02) 6641 6603.

Yours sincerely



14 October 2015
Stephen Murray
General Manager, Northern Region
Planning Services

Encl:
Alteration to Gateway Determination

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2015_TWEED_003_00)

I, the General Manager, Northern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 5 May 2015 for the proposed amendment to the Tweed Local Environmental Plan 2014 as follows:

1. Change the description of the proposal:

From

"... to rezone Lot 1 DP 1046935 at Old Lismore Road, Murwillumbah from the current R5 Large Lot Residential zone to R2 Low Density Residential, and zoning, floor space and height of building amendments to the wider Hundred Hills Release area."

To

"... to rezone Lot 1 DP 1046935 at Old Lismore Road, Murwillumbah from R5 Large Lot Residential zone to R2 Low Density Residential and apply a minimum lot size of 600m², and zoning, floor space and height of building amendments to the wider Hundred Hills Release area."

2. Delete Condition 4:

"4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination."

and replace with a new Condition 4:

"4. The LEP is to be completed by 12 August 2016"

Dated

14th

day of

October

2015



Stephen Murray

General Manager, Northern Region

Planning Services

Department of Planning and Environment

Delegate of the Minister for Planning