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Department Generated Correspondence (Y)

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Our ref: PP_2011_TWEED_001_00 (11/08759)
Your ref: PP11/0001

Mr Michael Rayner
General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Dear Mr Rayner,

Re: Planning Proposal to rezone land being Lot 378 DP 1148511, Overall Drive, Pottsville from part 2(a) Low Density Residential and part 7(1) Environmental Protection (Habitat) to 2(a) Low density Residential across the whole of the site

I am writing in response to your Council's letter dated 13 May 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Tweed Local Environmental Plan 2000 to rezone land being Lot 378 DP 1148511, Overall Drive, Pottsville from part 2(a) Low Density Residential and part 7(1) Environmental Protection (Habitat) to 2(a) Low density Residential across the whole of the site.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

Given the land has an approved residential subdivision and the rezoning will reflect the approved future use, Council is not required to formally exhibit the subject planning proposal. However, Council is encouraged to inform surrounding land owners of the rezoning and Gateway decision.

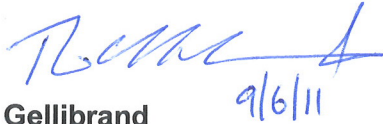
The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 2.1 Environmental Protection Zones is of minor significance. No further approval is required in relation to these Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 3 months of the week following the date of the Gateway Determination. As it has been determined that this is a minor amendment, the Department will commence drafting the instrument immediately. The Regional Planning Team will remain your principal contact on this matter and will be able to advise on the progress of the draft LEP.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact John Finlay of the Regional Office of the Department on 02 6641 6605.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Gellibrand', with a date '9/6/11' written below it.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_TWEED_001_00): to rezone land being Lot 378 DP 1148511, Overall Drive, Pottsville from part 2(a) Low Density Residential and part 7(1) Environmental Protection (Habitat) to 2(a) Low density Residential across the whole of the site

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Tweed Local Environmental Plan 2000 to rezone land being Lot 378 DP 1148511, Overall Drive, Pottsville from part 2(a) Low Density Residential and part 7(1) Environmental Protection (Habitat) to 2(a) Low density Residential across the whole of the site should proceed subject to the following conditions:

1. No community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act").
2. No consultation is required with State and Commonwealth public authorities under Section 56(2)(d) of the EP&A Act:
3. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act.
4. The timeframe for completing the LEP is to be **3 months** from the week following the date of the Gateway determination.

Dated 9th day of June 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure