

DEPARTMENT OF PLANNING*Development Assessment & Systems Performance**For decision***300 LOT RESIDENTIAL SUBDIVISION AT FRASER DRIVE, TERRANORA (09 0166)**
MAJOR PROJECT APPLICATION**PURPOSE**

- To seek the Minister's opinion that a proposed development in the Tweed local government area is of the kind described in Schedule 2 of *State Environmental Planning Policy (Major Developments) 2005* (MD SEPP 2005) and subsequently a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) applies.

BACKGROUND

- On 3 September 2009, Darryl Anderson Consulting Pty Ltd wrote to the Department (on behalf of Metricon Qld Pty Ltd) requesting confirmation that a proposal for residential subdivision is a project to which Part 3A of the Act applies (**Tag "A"**).
- The site (35.1 hectares in size) is identified as part of Urban Release Area E in the Tweed Residential Development Strategy 1991, and as part of the Proposed Future Urban Release area in the Far North Coast Regional Strategy 2006-2031 (**Tag "B"**).
- The proposal involves a 300 lot residential subdivision, the provision of all associated urban infrastructures and dedication of open space areas (**Tag "C"**).
- In January 2003, the statutory process for developing the planning framework for Urban Release Area E commenced with the preparation of Tweed Area *Local Environmental Study (LES)* by Parsons Brinckerhoff (March 2004).
- Subsequently, Amendment 10 to the *Tweed Local Environmental Plan 2000* (Tweed LEP) was gazetted on 26 October 2007.
- Subject to Clause 53D(3)(a) of the Tweed LEP, development consent may only be granted if a DCP has been prepared. The Draft Tweed DCP 2007, Part B17 (Terranora Urban Releases Area E) and Draft Section 94 Contribution Plan was prepared by Darryl Anderson Consulting Pty Ltd and are currently being assessed by Council.

PERMISSIBILITY

- The subject site is zoned part 2 (a) Low Density Residential and 7 (d) Environmental Protection (Scenic/Escarpment) under the Tweed LEP (**Tag "C"**).
- The proposed residential development is confined to the 2 (a) Low Density Residential and is permissible with consent.
- The Minister is not bound by the provisions of Clause 53D(3)(a) of the Tweed LEP and as such the Minister can determine the project without an adopted site-specific DCP.

EVALUATION

- The proposed development is identified by Schedule 2 clause 1(1)(b) of the MD SEPP 2005 being a residential subdivision of more than 100 lots that is wholly or partly in a sensitive coastal location outside the metropolitan coastal zone, and therefore Part 3A of the Act applies.

RECOMMENDATION

It is recommended that the Deputy Director-General, as a delegate of the Minister:

- form the opinion** that the proposed residential subdivision is development of a kind that is described in Schedule 2, clause 1(1)(b) of *State Environmental Planning Policy (Major Developments) 2005* and is a project to which Part 3A of the Act applies; and,
- sign** the Record of Minister's opinion (**Tag "D"**).

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Approved:

Richard Pearson
Deputy Director-General

Chris Wilson
Executive Director, MPA

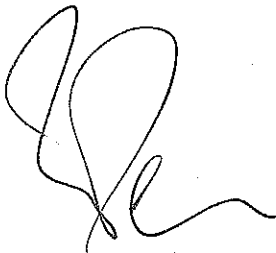
**Record of Minister's opinion for the purposes of Clause 6(1) of the State
Environmental Planning Policy (Major Projects) 2005**

I, the Deputy Director-General of the Department of Planning, as delegate of the Minister for Planning, under delegation executed on 4 March 2009 have formed the opinion that the development described in the Schedule below, is development of a kind that is described in Schedule 2 of the *State Environmental Planning Policy (Major Developments) 2005* – namely clause 1(1)(b) – residential subdivision what is wholly or partly in a sensitive coastal location outside the metropolitan coastal zone into more than 100 lots.

Schedule

300 lot residential subdivision at Lot 1 DP 304649, Lot 1 DP 175235, Lot 1 DP 781687, Lot 2 DP 778727, Lot 1 DP 781697, Lot 1 DP 169490, Lot 40 DP 254416 and Lot 43 DP 254416 Fraser Drive, Terranora

A 300 lot residential subdivision, provision of associated urban infrastructures and dedication of open space areas in the Tweed local government area, generally as described in a letter sent 3 September 2009 from Darryl Anderson Consulting Pty Ltd to the Department of Planning.



**Richard Pearson
Deputy Director-General**

Date:

15/9/09