

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

Dear Mr Green

### **Planning proposal to amend Tweed Local Environmental Plan 2014**

I am writing in response to your Council's letter requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to rezone land from 7(d) Environmental Protection (Scenic/escarpment) to R5 Large Lot Residential and amend associated planning controls at 225 Terranora Road, Banora Point, to facilitate rural residential development.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with S117 Directions 2.1 Environment Protection Zones, 3.1 Residential Zones and 5.10 Implementation of Regional Plans are of minor significance. No further approval is required in relation to these Directions.


Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Directions 2.3 Heritage Conservation and 4.4 Planning for Bush Fire Protection. Council should ensure this occurs prior to the plan being made.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

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 section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Paul Garnett of the Department's regional office to assist you. Mr Garnett can be contacted on (02) 6641 6607.

Yours sincerely

 8 May 2017

**Craig Diss**  
**Acting Director Regions, Northern**  
**Planning Services**

Encl:  
Gateway Determination

## Gateway Determination

***Planning proposal (Department Ref: PP\_2017\_TWEED\_003\_00): to rezone land from 7(d) Environmental Protection (Scenic/escarpment) to R5 Large Lot Residential and amend associated planning controls at 225 Terranora Road, Banora Point, to facilitate rural residential development.***

I, the Acting Director Regions, Northern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Tweed Local Environmental Plan (LEP) 2014 to rezone land from 7(d) Environmental Protection (Scenic/escarpment) to R5 Large Lot Residential and amend associated planning controls at 225 Terranora Road, Banora Point, to facilitate rural residential development should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be amended as follows:
  - (a) discussion relating to S117 Direction 5.10 Implementation of Regional Plans is to be included in appendix 12 to reflect the fact that the North Coast Regional Plan 2036 has been released and is relevant to the planning proposal. Discussion on Direction 5.1 Implementation of Regional Strategies can be deleted as the direction no longer references the Far North Coast Regional Strategy; and
  - (b) the title page of the planning proposal is to be amended to correct the error in the Deposited Plan number in the description of the subject property.
2. Prior to community consultation the following site investigations are to be undertaken and included with the documentation used for community consultation:
  - (a) potential site contamination;
  - (b) Aboriginal cultural heritage significance; and
  - (c) on-site effluent disposal capability.
3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning and Environment 2016)* and must be made publicly available for a minimum of **14 days**; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Environment 2016)*.

4. Consultation is required with the following public authorities or organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- NSW Office of Environment and Heritage
- NSW Rural Fire Service
- Local Aboriginal Land Council

Each public authority or organisation is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 8 day of May 2017



**Craig Diss**  
**Acting Director Regions, Northern**  
**Planning Services**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for**  
**Planning**