



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

Our ref: PP_2015_TWEED_001_00 (15/05081)
Your ref: PP15/0001

Dear Mr Green

Planning proposal to amend Tweed Local Environmental Plan 2014

I am writing in response to your Council's letter dated 11 March 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend *Tweed LEP 2014* by rezoning the subject land at Pacific Motorway, Chinderah, amending the minimum lot size map, additional permitted uses map and the provisions of Schedule 1 to enable the expansion of the existing highway service centre.

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 section 117 Directions 1.2, 2.1, 4.1 and 4.3 are justified in accordance with the terms of the directions based on the information provided. No further approval is required in relation to these Directions other than Direction 4.3 if the additional hydraulic investigations identify any adverse impacts.'

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of section 117 Direction 4.4 Planning for Bushfire 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



Tim Hurst
Executive Director
Regions, Planning Services

30/3/15

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2015_TWEED_001_00): to amend Tweed Local Environmental Plan 2014 by rezoning the subject land, at Pacific Motorway, Chinderah, amending the minimum lot size map, additional permitted uses map and the provisions of Schedule 1 to enable the expansion of the existing highway service centre.

I, the Executive Director, Regions, 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 2014* to rezone the subject land, at Pacific Motorway, Chinderah, and amend the minimum lot size map, additional permitted uses map and the provisions of Schedule 1, to enable the expansion of the existing highway service centre, should proceed subject to the following conditions:

1. An E2 Environmental Conservation zone is not to be applied to any part of the subject land until the Review of E Zones in Far North Coast LEPs has been completed. This is necessary to ensure that the application of the E2 zone in the Tweed LEP 2014 is consistent with the final recommendations of the Review. Prior to community consultation, the planning proposal is to be amended to remove references to an E2 zone over that part of Lot 1 DP 1127741 not proposed to be zoned IN1 General Industrial. This land is to either continue to be deferred from the Tweed LEP 2014 or is to retain its RU2 Rural Landscape zoning.
2. Prior to community consultation:
 - (a) the planning proposal is to be amended to include current and proposed Additional Permitted Uses maps for the subject land;
 - (b) an updated Aboriginal cultural heritage assessment is to be prepared; and
 - (c) an updated hydraulic investigation is to be prepared to enable assessment against the most recent flood planning maps.
3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 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 Infrastructure 2013)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant section 117 Directions:
 - NSW Office of Environment and Heritage
 - NSW Roads and Maritime Services
 - NSW Rural Fire Service
 - Local Aboriginal Land Council

Each public authority 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 30th day of March 2015.



Tim Hurst
Executive Director
Regions, Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning