



Contact: Claire Purvis
Phone: (02) 6641 6600
Fax: (02) 6641 6601
Email: Claire.Purvis@planning.nsw.gov.au
Postal: Locked Bag 9022, Grafton NSW 2460

Our ref: PP_2012_TWEED_001_00 (12/09647)
Your ref: PP11/0004

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

Dear Mr Rayner,

Planning Proposal to rezone land at Tweed Heads South from 2(b) Medium Density Residential 3(c) Commerce and Trade and 6(b) Private Recreation to 3(b) General Business, to facilitate the expansion of the adjoining Tweed City Shopping Centre.

I am writing in response to your Council's letter dated 29 May 2012 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the above mentioned planning proposal.

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.

It is noted that land at 54-56 Kirkwood Road has not been included within the proposal for rezoning from 2(b) to 3(b). In the interest of meeting the objectives of the planning proposal to 'enable the orderly expansion of the existing Tweed City Shopping Centre' Council is encouraged to consider the inclusion of these two properties within the rezoning to 3(b). Council should amend the planning proposal accordingly, if considered appropriate.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 3.1 Residential Zones, 4.1 Acid Sulphate Soils and 6.2 Reserving Land for Public Purposes are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within nine (9) months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (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 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 Claire Purvis of the Regional Office of the Department on 02 6641 6600.

Yours sincerely,

A handwritten signature in black ink that reads "SHaddad". The signature is written in a cursive style with a horizontal line underneath the name.

Sam Haddad
Director-General

28/6/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_TWEED_001_00): to rezone land at Tweed Heads South from 2(b) Medium Density Residential, 3(c) Commerce and Trade and 6(b) Private Recreation to 3(b) General Business, to facilitate the expansion of the adjoining Tweed City Shopping Centre.

I, the Director General, Department of Planning and Infrastructure 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 at Tweed Heads South from 2(b) Medium Density Residential, 3(c) Commerce and Trade and 6(b) Private Recreation to 3(b) General Business, to facilitate the expansion of the adjoining Tweed City Shopping Centre should proceed subject to the following conditions:

1. Council is to clarify its intention as to whether the entirety or part of Lot 1 DP 524806 58-62 Minjumbal Drive is to be included in the proposed rezoning. Council needs to amend the 'Explanation of Provisions' section or the zoning maps at Figures 5 and 6 of the planning proposal accordingly and provide the Department's Northern Region Planning Team with a copy of the revised planning proposal.
2. Council is to amend the 'Explanation of Provisions' section of the planning proposal to describe how the re-zoning will amend either the Tweed LEP 2000 or the draft Tweed LEP 2010, depending on the timing of Council's Standard Instrument LEP. Council needs to address this prior to commencement of community consultation.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Transport for NSW – Roads and Maritime Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning 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 EP&A 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).



Planning & Infrastructure

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

Dated

28th

day of

June

2012.

Sam Haddad

**Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure**