



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

Our ref: PP_2015_TWEED_004_00 (15/06851)
Your ref: PP14/0001

Dear Mr Green

Planning proposal to amend Tweed Local Environmental Plan (2014)

I am writing in response to your Council's letter dated 20 April 2015 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 implement the strategic outcomes of the Hastings Point and Pottsville Locality Based Development Codes and minor housekeeping amendments to the *Tweed Local Environmental Plan 2014* (LEP).

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, that the planning proposal's inconsistencies with Section 117 Directions 1.1 Business and Industrial Zones, 2.1 Environmental Protection Zones and 3.1 Residential Zones are of minor significance. In relation to Section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the creation of land for public purposes on the basis that the land is being utilised for public recreation and the rezoning better reflects the use of the land. No further approval is required in relation to these Directions.

The proposed E2 – Environmental Conservation zone over Lot 156 DP 628026 is not supported at this stage. The matter can be reconsidered pending the final outcomes of the North Coast E Zone review. In the interim the current deferred area can continue to apply. The land zoned R1 – General Residential proposed to be zoned E2 – Environmental Conservation could be zoned RU2 - Rural Landscape with an appropriate minimum lot size, or another appropriate zone in the interim.

The amending Local Environmental Plan 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 Local Environmental Plan should be made eight weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 EP&A 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 Ms Jenny Johnson of the Department's Northern regional office to assist you. Ms Johnson can be contacted on (02) 6641 6614 (Tuesday to Friday).

Yours sincerely



Tim Hurst 12/5/15
Executive Director
Regions, Planning Services

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2015_TWEED_004_00): to implement the strategic outcomes of the Hastings Point and Pottsville Locality Based Development Codes and minor housekeeping amendments to the Tweed Local Environmental Plan (LEP) 2014.

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* (EP&A Act) that an amendment to the *Tweed Local Environmental Plan 2014* to implement the Hastings Point and Pottsville Locality Based Development Codes strategic outcomes and minor housekeeping amendments should proceed subject to the following conditions:

1. Prior to community consultation amend the planning proposal by:
 - removing the proposed E2 zone from the area to which it is proposed to apply at Lot 156 DP 628026 Creek Street, Hastings Point; and
 - removing the proposed altered Acid Sulfate Soils and Flood Planning maps.
2. Lodgement of the revised planning proposal for approval by the Minister's delegate prior to community consultation.
3. Community consultation is required under sections 56(2)(c) and 57 of the EP&A 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. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

12th day of May

2015.



Tim Hurst
Executive Director,
Regions, Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning