



Planning & Infrastructure

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

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

Our ref: PP_2014_TWEED_001_00 (14/02449)
Your ref: PP13/0003

Dear Mr Green,

Planning proposal to amend either Tweed Local Environmental Plan 2000 or the draft Tweed Local Environmental Plan 2014

I am writing in response to your Council's letter dated 3 February 2014 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 include a Highway Service Centre at the intersection of Pacific Highway and Tweed Valley Way, Chinderah as an additional permitted use.

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

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 4.3 Flood Prone Land and 5.4 Commercial and Retail Development along the Pacific Highway, North Coast are of minor significance. No further approval is required in relation to this Direction.

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 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 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 Tamara Prentice of the Department's regional office to assist you. Ms Prentice can be contacted on (02) 6641 6600.

Yours sincerely,

Richard Pearson
Deputy Director General
Growth Planning & Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2014_TWEED_001_00): to include a Highway Service Centre at Pacific Highway, Chinderah as an additional permitted use.

I, the Deputy Director General, Growth Planning and Delivery at the 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 either the Tweed Local Environmental Plan (LEP) 2000 or the draft Tweed LEP 2014 to include a Highway Service Centre at the intersection of Pacific Highway and Tweed Valley Way, Chinderah as an additional permitted use should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include:
 - (a) A map showing the proposed lot configuration that clearly identifies the proposed site for the Highway Service Centre use; and,
 - (b) An updated project timeline consistent with Section 2.6 Part 6 of 'A Guide to Preparing Planning Proposals' (Department of Planning & Infrastructure 2013).
2. Council is to ensure a completed Onsite Waste Water Management Plan is included as part of the public exhibition material.
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 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 & Infrastructure 2013).
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Department of Primary Industries (Agriculture)
 - Roads and Maritime Services
 - Commissioner, NSW Rural Fire Service

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 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 23 day of February 2014.

**Richard Pearson
Deputy Director General
Growth Planning & Delivery
Department of Planning & Infrastructure**

**Delegate of the Minister for Planning &
Infrastructure**