



Planning & Environment

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

Our ref: PP_2014_TWEED_004_00 (14/13970)
Your ref: PP14/0005

Attention: Matt Zenkteler

Dear Mr Green

Planning proposal to amend Tweed Local Environmental Plan 2014

I am writing in response to your Council's letter dated 14 August 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 rezone part of Lot 2 DP1084992, 1200 Clothiers Creek Road from Zone RE2 Private Recreation to Zone R5 Large Lot Residential and amend various associated development standards for the land to correct a mapping error that occurred in the preparation of Tweed Local Environmental Plan 2014.

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.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 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 6 months of the week following the date of the Gateway determination. 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 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 Gina Davis of the Department's regional office to assist you. Ms Davis can be contacted on (02) 6701 9687.

Yours sincerely


Stephen Murray
General Manager, Northern Region
Housing, Growth and Economics

Encl:
Gateway Determination



Gateway Determination

Planning proposal (Department Ref: PP_2014_TWEED_004_00): to rezone part of Lot 2 DP1084992, 1200 Clothiers Creek Road from Zone RE2 Private Recreation to Zone R5 Large Lot Residential and amend various associated development standards for the land to correct a mapping error that occurred in the preparation of Tweed LEP 2014.

I, the General Manager, Northern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Tweed Local Environmental Plan (LEP) 2014 to rezone part of Lot 2 DP1084992, 1200 Clothiers Creek Road from Zone RE2 Private Recreation to Zone R5 Large Lot Residential and amend various associated development standards for the land to correct a mapping error that occurred in the preparation of Tweed LEP 2014 should proceed subject to the following conditions:

1. No community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act").
2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. The NSW Rural Fire Service 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.
3. Land zoning, lot size, height of building and floor space ratio maps in accordance with the Department's technical mapping requirements are to be prepared prior to seeking the drafting of the amendment.
4. The landowner is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 14 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 **6 months** from the week following the date of the Gateway determination.

Dated 22nd day of August 2014.

Stephen Murray
General Manager, Northern Region
Housing, Growth and Economics
Department of Planning and Environment

Delegate of the Minister for Planning