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Department Generated Correspondence (Y)

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Our ref: PP_2011_TWEED_002_00 (11/15355)
Your ref: PP11/0002

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

Dear Mr Rayner

Re: Planning Proposal to rezone land west of Pottsville on the Tweed Coast to 4(a) Industrial and 7(d) Environmental Protection (Scenic / Escarpment).

I am writing in response to your Council's letter dated 18 August 2011 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 amend the Tweed Local Environmental Plan 2000 by rezoning land west of Pottsville on the Tweed Coast (Lot 12 DP 1015369) to 4(a) Industrial and 7(d) Environmental Protection (Scenic / Escarpment).

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.

Council is to identify the likely impact on the local road network of additional traffic related to the proposed industrial zoning and subsequent development, in particular the safety and capacity of of Cudgera Creek Road interchange with the Pacific Highway. This information document is to form part of the planning proposal for public exhibition.

Council is required to comply with the provisions of State Environmental Planning Policy (SEPP) No 55 – Remediation of Land as part of the rezoning process. Council is to ensure that in accordance with the SEPP a preliminary Site Contamination Assessment Report is prepared and placed on public exhibition with the planning proposal.

The Director General's delegate has agreed that the planning proposal is consistent with S 117 Directions 1.1 Business and Industrial Zones, 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 3.4 Integrating Land Use and Transport, 5.1 Implementation of Regional Strategies, 6.1 Approval and Referral Requirements, 6.2 Reserving Land for Public Purposes and 6.3 Site Specific Provisions. No further approval is required in relation to these Directions.

The Director General's delegate has determined that the planning proposal's inconsistency with S117 Directions 1.2 Rural Zones and 1.5 Rural Lands is justified by a strategy, and is of minor significance as the land is identified as Employment Lands in the approved Far North Coast Regional Strategy. No further approval is required in relation to these Directions.

In regard to the planning proposal's inconsistency with S117 Direction 1.3 Mining, Petroleum and Extractive Industries, Council is to consult with the Department of Primary Industries - Minerals and Petroleum. In accordance with Section 117 Direction 4.4 Planning for Bush Fire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service.

In consultation with the Roads and Traffic Authority, and prior to exhibition, Council is to determine the most appropriate mechanism for ensuring that a buffer along the Pacific Highway is provided on the site in order to demonstrate consistency with S117 Direction 5.4 Commercial and Retail Development along the Pacific Highway, North Coast.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway 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 John Finlay of the North Coast Regional Office of the Department on 02 6641 6605.

Yours sincerely,



13/9/11
Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_TWEED_002_00): to rezone land west of Pottsville on the Tweed Coast for industrial development.

I, the Deputy Director General, Plan Making & Urban Renewal 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 west of Pottsville on the Tweed Coast (Lot 12 DP 1015369) to 4(a) Industrial and 7(d) Environmental Protection (Scenic / Escarpment) should proceed subject to the following conditions:

1. In consultation with the Roads and Traffic Authority, and prior to exhibition, Council is to determine the most appropriate mechanism for ensuring that a buffer along the Pacific Highway.
2. Council is to identify the likely impact on the local road network of additional traffic related to the proposed industrial zoning and subsequent development, in particular the safety and capacity of Cudgera Creek Road interchange with the Pacific Highway. This information document is to form part of the planning proposal for public exhibition.
3. Council is required to comply with the provisions of State Environmental Planning Policy (SEPP) No 55 – Remediation of Land as part of the rezoning process. Council is to ensure that in accordance with the SEPP a preliminary Site Contamination Assessment Report is prepared and placed on public exhibition with the planning proposal.
4. 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)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Catchment Management Authority
 - Office of Environment and Heritage
 - Department of Primary Industries - Agriculture
 - Department of Primary Industries – Minerals and Petroleum
 - NSW Rural Fire Service
 - Roads and Traffic Authority

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.

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

Dated 13th day of September 2011.



**Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure**