



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

Our ref: PP\_2016\_TWEED\_001\_00 (15/16470)  
Your ref: PP15/0008

Dear Mr Green

### **Planning proposal to amend Tweed Local Environmental Plan 2014**

I am writing in response to your Council's correspondence dated 6 November 2015 and 18 January 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to undertake policy and housekeeping amendments.

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.

Given Council's approach under this planning proposal to zone land in accordance with its existing use, Council should consider the suitability for applying a residential zone and suitable development standards to No. 25 Ozone Street, Kingscliff (Proposed Amendment Item 8). This would appear consistent with the recent residential approvals that have been granted over this land. This matter could be considered under this proposal or a separate planning proposal process.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 4.1 Acid Sulfate Soils are justified in accordance with the terms of the Directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Directions 1.5 Rural Lands, 3.1 Residential Zones, 4.4 Planning for Bushfire Protection, 4.3 Flood Prone Land and 5.1 Implementation of Regional Strategies. Council should ensure this occurs prior to the plan being made.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 LEP should be made a minimum 8 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 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 Mr Luke Blandford to assist you. Mr Blandford can be contacted on (02) 6641 6612.

Yours sincerely

  
**Stephen Murray**  
**Director Regions, Northern**  
**Planning Services**

*27 January 2016*

Encl:  
Gateway Determination

## Gateway Determination

***Planning proposal (Department Ref: PP\_2016\_TWEED\_001\_00): to undertake policy and housekeeping amendments.***

I, the Director Regions, Northern, 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* (the Act) that an amendment to the *Tweed Local Environmental Plan (LEP) 2014* to undertake policy and housekeeping amendments subject to the following conditions:

1. The Planning Proposal is required to be updated prior to community consultation, to include the following:
  - (a) a strategic and site specific merit review for Proposed Amendment Item 13, considering matters such as:
    - site suitability and constraints for residential development;
    - impacts on housing supply and demand;
    - potential to impact future residential development in the area;
    - environmental, economic and social impacts; and
    - consistency with the relevant s117 Directions 1.5 Rural Lands, 3.1 Residential Zones and 5.1 Implementation of Regional Strategies, the Regional and Local Growth Strategies and the Rural Lands SEPP;
  - (b) the suburbs/localities for Proposed Amendment Items 4, 5, 6, 7, 9 and 11 are to be included;
  - (c) the words 'permitted with development consent' under Proposed Amendment Item 9 are to be replaced with 'permitted without development consent';
  - (d) proposed Amendment Item 17 is to include a plain English description of the proposed LEP provisions and reasoning behind each proposed provision;
  - (e) the words 'Australian Standard 2021-2015' under Proposed Amendment Item 18 are to be replaced with 'current revision of Australian Standard 2021'; and
  - (f) maps which identify the proposed zones and / or development standards for each Proposed Amendment Item.

Council is to provide the Department with a copy of the material for community consultation for approval, as required by section 57(2) of the Act.

2. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant s117 Directions:
  - (a) NSW Rural Fire Service; and
  - (b) Office of Environment and Heritage in relation to flooding.

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.

3. Community consultation is required under sections 56(2)(c) of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of **28 days**;
  - (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)*; and
  - (c) all affected and adjoining landowners for Proposed Amendment Items 1 – 13 are to be notified in writing of the Planning Proposal's public exhibition.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 27<sup>th</sup> day of January 2016



Stephen Murray  
Director Regions, Northern  
Planning Services  
Department of Planning and Environment  
  
Delegate of the Minister for Planning