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Our ref: PP_2013_TWEED_002_00 (13/06181)
Your ref: PP11/0005

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

Dear Mr Green,

Planning proposal to amend Tweed Local Environmental Plan (LEP) 2000 or draft Tweed LEP 2012

I am writing in response to your Council's letter dated 27 March 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal (Amendment No 95) to rezone part Lot 2 DP 1040576 at Leisure Drive, Banora Point from 6(b) Recreation to 3(b) General Business under Tweed Local Environmental Plan (LEP) 2000 or to B2 Local Centre under draft Tweed LEP 2012.

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 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes. No further approval is required in relation to these Directions.

I note that Council has not formally accepted plan making delegation. Council is strongly encouraged to formally accept plan making delegation and nominate the officers or employee of Council who will be granted the proposed delegation as soon as possible and advise the department that delegations have been accepted to enable locally significant proposals to be delegated back to Council.

The amending 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, please contact Denise Wright of the regional office of the department on 02 6641 6600.

Yours sincerely,



Neil McGaffin
Executive Director
Rural and Regional Planning

23.4.13

Gateway Determination

Planning proposal (Department Ref: PP_2013_TWEED_002_00): to rezone land at Leisure Drive, Banora Point for business purposes.

I, the Executive Director, Rural and Regional Planning 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 the Tweed Local Environmental Plan (LEP) 2000 to rezone part Lot 2 DP 1040576 at Leisure Drive, Banora Point from 6(b) Recreation to 3(b) General Business or amend draft Tweed LEP 2012 to rezone the subject land to B2 Local Centre should proceed subject to the following conditions:

1. 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 2012)*.
2. 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:
 - Gold Coast Airport Pty Ltd (S117 Direction 3.5 Development Near Licensed Aerodromes)
 - Commonwealth Department of Infrastructure and Transport (S117 Direction 3.5 Development Near Licensed Aerodromes)

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. 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).
4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 23rd day of April 2013.



Neil McGaffin
Executive Director
Rural and Regional Planning
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure