

Gateway Determination

Planning proposal (Department Ref: PP_2018_TWEED_001_00): to make housekeeping amendments to the Tweed Local Environmental Plan 2014.

I, the Deputy Secretary, Planning Services at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Tweed Local Environmental Plan (LEP) 2014 to make housekeeping amendments should proceed subject to the following:

1. The planning proposal is to be updated prior to community consultation to:
 - a) remove all written and mapped references to building heights in storey or storey-based controls;
 - b) remove all references to amendments to clause 4.6;
 - c) remove all references to changes to Kingscliff height of building provisions;
 - d) remove comments that relate to the amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 being a metropolitan-focused document;
 - e) amend the proposed provision in the planning proposal to introduce a minimum lot size for medium-density housing in the low-density zone to include manor houses in addition to the other types of medium density housing listed;
 - f) change references to reflect the numbering within the amended *Environmental Planning and Assessment Act 1979*; and
 - g) update the project timeline to allow 12 months for completion.
 - h) provide a quantitative analysis to assess the impacts of the proposal on housing diversity and supply as follows:
 - i. the total area of land currently zoned R2 Low Density Residential in the local government area;
 - ii. the number of lots eligible for dual occupancy and manor houses/multi-dwelling housing under the Low Rise Medium Density Housing Code in the R2 Low Density Residential zone, taking into account the SEPP exclusions; and
 - iii. the number of multi-dwelling housing and dual occupancy developments approved in the R2 Low Density Residential zone in the local government area in the last five years;
2. After being updated in accordance with condition (1), the planning proposal is to be submitted to, and approved by, the Department prior to community consultation and agency consultation.



3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - b) the planning proposal 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 local environmental plans (Department of Planning and Environment 2016).
 - c) Council is to write to all affected landowners providing notice of the proposal and public exhibition in regard to the proposed changes to minimum lot size.
4. Consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the 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.
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).
6. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.

Dated *8th* day of *August* 2018.

Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning