



Planning & Environment

Contact: Claire Purvis
Phone: (02) 6641 6600
Fax: (02) 6641 6601
Email: Claire.Purvis@planning.nsw.gov.au
Postal: Locked Bag 9022, Grafton NSW 2460

Our ref: PP_2014_TWEED_002_00 (14/06489)

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

Dear Mr Green,

Planning proposal to amend Tweed Local Environmental Plan 2014

I am writing in response to your Council's request for 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 land at Border Park Raceway, Tweed Heads from RE2 Private Recreation to B7 Business Park, increase the maximum building height from 10m to 40m and list the existing race track as an additional permitted use on the land.

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.

I have also agreed the planning proposal's inconsistency with S117 Direction 4.3 Flood Prone Land is of minor significance. No further approval is required in relation to this Direction.

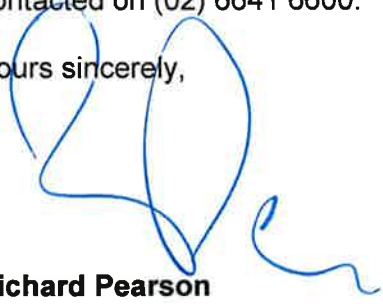
I note that Council has not formally accepted plan making delegation. Council is strongly encouraged to formally accept plan making delegations and nominate the officers or employee of Council who will be granted the proposed delegation as soon as possible, and advise the Department that delegations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

The amending Local Environmental Plan (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, I have arranged for Ms Claire Purvis of the Department of Planning and Environment's regional office to assist you. Ms Purvis can be contacted on (02) 6641 6600.

Yours sincerely,



Richard Pearson
Deputy Director General
Growth Planning and Delivery

5/5/14

Encl: Gateway Determination

Gateway Determination

Planning proposal (Dept Ref: PP_2014_TWEED_002_00): to facilitate the redevelopment of land at Border Park Raceway for business purposes.

I, the Deputy Director General, Growth Planning and Delivery 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 land at Border Park Raceway, Tweed Heads from RE2 Private Recreation to B7 Business Park, increase the maximum building height from 10m to 40m and list the existing race track as an additional permitted use on the land should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to remove reference to Tweed LEP 2000 and ensure that it correctly refers to the notified Tweed LEP 2014.
2. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - economic assessment
 - traffic and access study
 - stormwater management plan
 - infrastructure services feasibility investigation
 - biodiversity and habitat study
 - acid sulfate soils study
 - acoustic and lighting assessment

Once the above information has been obtained and consultation with public authorities has been undertaken, Council is to update its consideration of S117 Directions 4.1 Acid Sulfate Soils and 4.4 Planning for Bushfire Protection, to reflect the outcomes of the work and consultation undertaken.

3. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, an initial site contamination investigation report is to be prepared to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
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 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 and Environment 2013)*.
5. 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:
 - Office of Environment and Heritage

- Transport for NSW – Roads and Maritime Services
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome
- Tweed Byron Local Aboriginal Land Council (S117 Direction 2.3 Heritage Conservation)
- Tweed Council Aboriginal Advisory Committee (S117 Direction 2.3 Heritage Conservation)
- Gold Coast City Council
- Queensland Department of Transport and Main Roads
- Gold Coast Airport

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.

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 **12 months** from the week following the date of the Gateway determination.

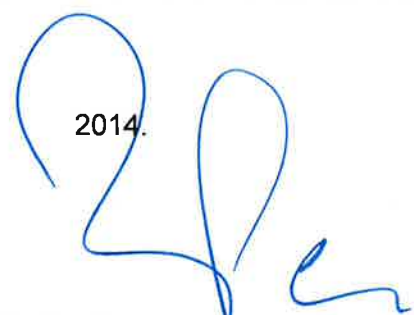
Dated

5

day of

May

2014.



Richard Pearson
Deputy Director General
Growth Planning and Delivery
Department of Planning and Environment

Delegate of the Minister for Planning