



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

Our ref: PP_2015_TWEED_002_00 (15/06169)
Your ref: PP15/0002

Dear Mr Green

Planning proposal to amend Tweed Local Environmental Plan 2014

I am writing in response to your Council's letter dated 13 April 2015 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 rezone land at 16A Anconia Avenue, Tweed Heads West, from E1 National Parks and Nature Reserves to R2 Low Density Residential and apply a maximum building height, minimum lot size and floor space ratio to 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, as delegate of the Secretary, the planning proposal's inconsistencies with S117 Directions 2.1, 3.5 and 4.1 are of minor significance and justified in accordance with the terms of the directions. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

The amending Local Environmental Plan (LEP) is to be finalised within **6 months** of the week following the date of the Gateway determination. Council's request for the Department of Planning and Environment 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 Mr Paul Garnett of the Department's regional office to assist you. Mr Garnett can be contacted on (02) 66416607.

Yours sincerely

 15 April 2015
Stephen Murray
General Manager, Northern Region
Planning Services

Encl:
Gateway Determination



Gateway Determination

Planning proposal (Department Ref: PP_2015_TWEED_002_00): to rezone land at 16A Anconia Avenue, Tweed Heads West, from E1 National Parks and Nature Reserves to R2 Low Density Residential and apply a maximum building height, minimum lot size and floor space ratio to the land.

I, the General Manager, Northern Region 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* (EP&A Act) that an amendment to the Tweed Local Environmental Plan (LEP) 2014 to rezone land at 16A Anconia Avenue, Tweed Heads West, from E1 National Parks and Nature Reserves to R2 Low Density Residential and apply a maximum building height, minimum lot size and floor space ratio to the land, should proceed subject to the following conditions:

1. No community consultation is required under sections 56(2)(c) and 57 of the EP&A Act.
2. Consultation is required with the Commissioner of the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act in relation to S117 Direction 4.4 Planning for Bush Fire Protection. The NSW Rural Fire Services 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 **6 months** from the week following the date of the Gateway determination.

Dated 15th day of April 2015

Stephen Murray
General Manager, Northern Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning