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Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING AND ENVIRONMENT

Planning Services

TWEED SHIRE COUNCIL GATEWAY DETERMINATION: PP 2015 TWEED 003 00

The attached draft Gateway determination and letter is submitted for the General Manager's **signature**, if approved.

 5 May 2015
Stephen Murray
General Manager, Northern Region
Planning Services

Contact Officer: Matthew Todd-Jones
Planning Officer
Northern Region
Phone number: (02) 6641 6603



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

Our ref: PP_2015_TWEED_003_00 (15/06962)
Your ref: PP10/0005

Dear Mr Green

Planning proposal to amend Tweed Local Environmental Plan 2014

I am writing in response to your Council's letter dated 22 April 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone Lot 1 DP 1046935, Old Lismore Road, Murwillumbah from R5 Large Lot Residential zone to R2 Low Density Residential, and zoning, floor space and height of building amendments to the wider Hundred Hills Release area.

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 3.1 Residential Land and 4.3 Flood Prone Land 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 **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 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 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 Matthew Todd-Jones of the Department's regional office to assist you. Mr Todd-Jones can be contacted on (02) 6641 6603.

Yours sincerely

 5 May 2015
Stephen Murray
General Manager, Northern Region
Planning Services

Encl:
Gateway Determination



Gateway Determination

Planning proposal (Department Ref: PP_2015_TWEED_003_00): to rezone Lot 1 DP 1046935, Old Lismore Road, Murwillumbah from R5 Large Lot Residential zone to R2 Low Density Residential, and zoning, floor space and height of building amendments to the wider Hundred Hills Release area.

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* (the Act) that an amendment to the Tweed Local Environmental Plan (LEP) 2014 to rezone Lot 1 DP 1046935, Old Lismore Road, Murwillumbah from the current R5 Large Lot Residential zone to R2 Low Density Residential, and zoning, floor space and height of building amendments to the wider Hundred Hills Release area, should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the 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 Infrastructure 2013)*.
2. Consultation is required with the NSW Rural Fire Service under section 56(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.
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 **9 months** from the week following the date of the Gateway determination.

Dated 5th day of May 2015


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

Delegate of the Minister for Planning