



Planning & Environment

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

Our ref: 14/16130
Your ref: PP13/0002

Attention: Matthew Zenkteler

Dear Mr Green

Planning proposal to amend Tweed Local Environmental Plan 2014

I am writing in response to your Council's letter dated 10 September 2014 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 part of Lot 10 DP 1190061 and part of Lot 1 DP 1197599, Barneys Road, Banora Point from 7(a) Environmental Protection (Wetlands & Littoral Rainforests) to RE2 Private Recreation, apply a height of buildings control of 10m to the subject land and amend the Land Application, Flood Planning and Acid Sulfate Soils Maps to include the subject 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 inconsistencies with s117 Directions 1.5 Rural Lands, 2.1 Environment Protection Zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are of minor significance. 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 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 Jon Stone of the Department's regional office to assist you. Mr Stone can be contacted on (02) 6701 9688.

Yours sincerely

 25 September 2014
Stephen Murray
General Manager, Northern Region
Planning Services

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2014_TWEED_006_00): to rezone part of Lot 10 DP 1190061 and part of Lot 1 DP 1197599, Barneys Road, Banora Point from 7(a) Environmental Protection (Wetlands & Littoral Rainforests) to RE2 Private Recreation, apply a height of buildings control of 10m to the subject land and amend the Land Application, Flood Planning and Acid Sulfate Soils Maps to include the subject 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 EP&A Act that an amendment to the Tweed Local Environmental Plan (LEP) 2014 to rezone part of Lot 10 DP 1190061 and part of Lot 1 DP 1197599, Barneys Road, Banora Point from 7(a) Environmental Protection (Wetlands & Littoral Rainforests) to RE2 Private Recreation, apply a height of buildings control of 10m to the subject land and amend the Land Application, Flood Planning and Acid Sulfate Soils Maps to include the subject land should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to:
 - (a) include the outcomes of the proposed Aboriginal Cultural Heritage Due Diligence Report; and
 - (b) include the proposed Land Application, Land Zoning, Height of Buildings, Flood Planning and Acid Sulfate Soils Maps.
2. 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).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and to comply with the requirements of relevant S117 Directions:
 - NSW Rural Fire Service; and
 - Office of Environment and Heritage

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.

4. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 25th day of September 2014.


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

Delegate of the Minister for Planning