



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

Our ref: PP_2015_TWEED_005_00 (15/13546)
Your ref: PP 15/0004

Dear Mr Green

Planning proposal to amend Tweed Local Environmental Plan 2012

I am writing in response to your Council's letter dated 9 September 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 enable water extraction and bottling facilities in the RU1 Primary Production and RU2 Rural Landscape Zones.

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 inconsistency with S117 Directions 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 will need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Direction 4.4 Planning for Bushfire Prone Land. 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 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 8 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 Jim Clark of the Department's regional office to assist you. Jim can be contacted on (02) 6641 6604.

Yours sincerely



23 September 2015

Craig Diss
Acting General Manager, Northern Region
Planning Services

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2015_TWEED_005_00): to enable water extraction and bottling facilities in the RU1 Primary Production and RU2 Rural Landscape Zones.

I, the Acting 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 enable water extraction and bottling facilities in the RU1 Primary Production and RU2 Rural Landscape Zones should proceed subject to the following conditions:

1. The Planning Proposal is to be amended, prior to community consultation, to:
 - delete the site specific reference from the title of the proposal;
 - add to the "Background" section, consideration of water extraction and bottling facilities as a form of "light industry";
 - delete the first dot point of "Objectives and Intended Outcomes" as it refers to a largely superseded planning instrument and is not appropriate for this proposal;
 - replaces the current "Explanation of Provisions" with a plain English explanation of how the intended outcomes will be achieved by an amendment to the Tweed LEP 2014 which inserts into Schedule 1 – Additional permitted uses, "light industry" constituting water extraction and bottling facilities as being permitted with development consent in the RU1 Primary Production and RU2 Rural Landscape Zones.
2. Lodgement of the revised planning proposal for approval by the Minister's delegate prior to community consultation.
3. 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).

4. Consultation is required under section 56(2)(d) of the Act with

- NSW Rural Fire Service; and
- Department of Primary Industries – Office of Water.

These agencies are 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. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 23 day of September 2015



Craig Diss
Acting General Manager, Northern Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning