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

Our ref: PP_2013_TWEED_003_00 (13/16057)
Your ref: PP12/0001

Dear Mr Green,

Planning proposal to amend Tweed Local Environmental Plan 2000

I am writing in response to your Council's letter dated 23 September 2013 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 420-434 Terranora Road, Terranora from non-urban to low density residential purposes.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

As you may be aware, the department received a letter from Planit Consulting dated 24 September 2013, on behalf of the proponent, requesting that an alternative relevant planning authority be appointed to progress the planning proposal because of concerns regarding the timing and finalisation of the proposal. I have considered the request and can advise that Council will continue to be the relevant planning authority for this planning proposal, however the department will monitor the progress of the proposal to ensure it is progressed in accordance with the Gateway determination.

I note that the planning proposal advises that a Voluntary Planning Agreement (VPA) is to be negotiated between Council and the proponent in order for this rezoning to be supported. Reference to Council requiring the preparation of a VPA is to be removed from the planning proposal because it is inconsistent with section 93F of the EP&A Act, which states that a planning agreement must be a 'voluntary' agreement between a planning authority and a person (the developer).

Council is to update the 'Objectives or Intended Outcomes' and 'Explanation of the Provisions' sections of the planning proposal to clearly indicate what is planned for the site. This should include removing terminology in the planning proposal such as 'to evaluate a change' and 'to determine the suitability of rezoning'. This is to be done prior to Council undertaking public exhibition.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 5.3 Farmland of State and Regional Significance on the NSW Far North Coast are justified and are of minor significance. No further approval is required in relation to these Directions.

The amending of the 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, please contact Luke Blandford of the regional office of the department on 02 6641 6600.

Yours sincerely,

 14/10/13
Andrew Jackson
Acting Deputy Director General
Planning Operations & Regional Delivery

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2013_TWEED_003_00: to rezone land at Terranora Road, Terranora for low density residential purposes.

I, the Acting Deputy Director General, Planning Operations and Regional Delivery at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Tweed Local Environmental Plan (LEP) 2000 to rezone land at 420-434 Terranora Road, Terranora from non-urban to low density residential purposes should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - (a) include in the 'Objectives or Intended Outcomes' section a concise statement setting out the intended outcomes of the proposal and include in the 'Explanation of the Provisions' section a statement of how the intended outcome is to be achieved by means of amending the LEP. Council is to correct references between Figure 4 – Proposed Tweed Local Environmental plan 2000 and Figure 5 – Draft LEP 2012 in the planning proposal;
 - (b) ensure all sections consistent with *A Guide to Preparing Planning Proposals* have been included in the planning proposal, including a project timeline to be consistent with the 12 month timeframe allocated for completing the proposal and 'Community Consultation' information consistent with Section 2.5 Part 5 of the Guide;
 - (c) remove reference to Council's conditional support for the proposal or non-support towards the design options and remove reference to Council requiring a Voluntary Planning Agreement to be prepared and the submission of an Aboriginal Cultural Heritage 'Due Diligence' Assessment, as part of this rezoning process; and
 - (d) include existing and proposed land zoning, height of buildings, lot size and floor space ratio maps, which are at an appropriate scale and clearly identify the subject site.
2. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - stormwater drainage, water and sewer servicing
 - implementation and ongoing maintenance
 - site design and driveway access
3. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **14 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 & Infrastructure 2013)*.
4. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
5. 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

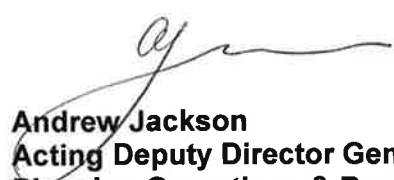


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may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated *14* day of *October* 2013.



Andrew Jackson
Acting Deputy Director General
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

Delegate of the Minister for Planning & Infrastructure