



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

Our ref: PP_2016_TWEED_002_00 (16/04134)
Your ref: PP16/0001

Dear Mr Green

Planning Proposal to amend Tweed Local Environmental Plan 2014

I am writing in response to your Council's correspondence dated 4 March 2016 and 8 March 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the Planning Proposal to facilitate the erection of a dwelling on part of Lot 8 DP 12676, Eviron Rd, Eviron.

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 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are 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 Directions 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 a minimum 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 Mr Luke Blandford to assist you. Mr Blandford can be contacted on (02) 6641 6612.

Yours sincerely



16 March 2016

Craig Diss
Acting Director Regions, Northern
Planning Services

Encl:
Gateway Determination

Gateway Determination

Planning Proposal (Department Ref: PP_2016_TWEED_002_00): to facilitate the erection of a dwelling on part of Lot 8 DP 12676, Eviron Rd, Eviron.

I, the Acting Director Regions, Northern, 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 facilitate the erection of a dwelling on part of Lot 8 DP 12676, Eviron Rd, Eviron, should proceed subject to the following conditions:

1. The Planning Proposal is required to be updated prior to community consultation, to include the following:
 - (a) confirm in the proposal title and throughout the document that the LEP amendment relates to 'part of Lot 8 DP 12676'.
 - (b) update Part 2 – Explanation of Provisions to include a plain English description of the intended outcomes;
 - (c) append a copy of the AHIMS search records; and
 - (d) reference the Tweed Community Action Plan.
2. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant s117 Directions:
 - (a) NSW Rural Fire Service; and
 - (b) 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.

3. Community consultation is required under sections 56(2)(c) of the Act as follows:
 - (a) the Planning Proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning and 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 and Infrastructure 2013)*.
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 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 16 day of March 2016

**Craig Diss
Acting Director Regions, Northern
Planning Services
Department of Planning and Environment**

Delegate of the Minister for Planning