



Mr Tony Green  
General Manager  
Tweed Shire Council

Email to: [tsc@tweed.nsw.gov.au](mailto:tsc@tweed.nsw.gov.au)

Dear Mr Green

**Planning proposal PP\_2020\_TWEED\_004\_00 to amend Tweed Local Environmental Plan 2014**

I write in response to Council's request for a Gateway determination under section 3.34(1) of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to facilitate the development of Potential Employment Land Area 6 – Wardrop Valley East (Area 6) through the introduction of appropriate zones and development controls.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands, 4.1 Acid Sulfate Soils is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions 1.1 Business and Industrial Zones, 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection, 5.10 Implementation of Regional Plans and 6.2 Reserving Land and Public Purposes. These Directions remain unresolved until further justification has been provided. Council should ensure this occurs prior to submitting a revised planning proposal.

The proposal to rezone parts of Area 6 to R5 Large Lot Residential zone is not supported at this time as it is inconsistent with the goals and objectives of the North Coast Regional Plan 2036; Tweed Local Strategic Planning Statement, Tweed Community Strategic Plan and the Tweed Urban and Employment Lands Release Strategy 2009.

The use of a large lot residential zone as a transition or buffer to the existing rural and industrial uses as it is likely to lead to land use conflict. Alternative zoning may be investigated for this area to provide an appropriate transition from the employment land uses to the rural land to the south.

It is also recommended that zone objectives for the proposed B2 Local Centre and B7 Business Park confirm the strategic intent and role in the commercial/retail hierarchy for the region.

In accordance with section 3.34(2)(b) of the Act, the planning proposal will be required to be amended and resubmitted to the Department for assessment prior to public exhibition.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence revision of the planning proposal as soon as possible. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made eight 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Melissa Thomson to assist you. Ms Thomson can be contacted on 5778 1486.

Yours sincerely



16/10/2020

**Monica Gibson**  
**Executive Director**  
**Local and Regional Planning**

Encl: Gateway determination