



Mr Troy Green
General Manager
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Via email: tsc@tweed.nsw.gov.au
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Attention: Ms Rachel Heath

Dear Mr Green

Planning proposal PP_2020_TWEED_005_00 to amend Tweed Local Environmental Plan 2014

I am writing 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) to enable a Council Pound and Rehoming Centre as an additional permitted use at 92 Lundberg Drive, South Murwillumbah.

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 inconsistencies with section 9.1 Directions 2.6 Remediation of Contaminated Land, 3.6 Shooting Ranges, 4.1 Acid Sulfate Soils, and 4.3 Flood Prone Land are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions 3.5 Development Near Regulated Airports and Defence Airfields and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

It should be noted that Gateway determination requires that that proposal be amended prior to agency or community consultation to allow the additional permitted use with consent. This was considered appropriate as the development is located in close proximity to private dwellings and has the potential to generate potential amenity impacts that are most appropriately considered and addressed through an open and transparent development application process in which the community can fully participate. This approach is also considered to be more consistent with the intent of Council's Community Engagement and Participation Plan 2019-2024.

I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

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 the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

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.

If you have any questions in relation to this matter, I have arranged for Ms Helen Willis to assist you. Ms Willis can be contacted on 5778 1489.

Yours sincerely



5/11/2020

Jeremy Gray
Director, Northern Region
Local and Regional Planning

Encl: Gateway determination
Authorised plan-making reporting template