



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

Our ref: PP_2015_TWEED_006_00 (15/13957)
Your ref: PP15/0005

Dear Mr Green

Planning proposal to amend Tweed Local Environmental Plan 2014

I am writing in response to your Council's letter dated 17 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 define short-term rental accommodation, require development consent for short-term rental accommodation and schedule certain forms of short-term rental accommodation as exempt development.

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 Direction 3.1 Residential Zones is justified and of minor significance. No further approval is required in relation to this Direction.

Council will need to obtain the agreement of the Secretary to comply with the requirements of S117 Direction 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 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 of the Department's regional office to assist you. Mr Blandford can be contacted on (02) 6641 6612.

Yours sincerely

 1 October 2015

Craig Diss
Acting General Manager, Northern Region
Planning Services

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2015_TWEED_006_00): to define short-term rental accommodation, require development consent for short-term rental accommodation and schedule certain forms of short-term rental accommodation as exempt development.

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 define short-term rental accommodation, require development consent for short-term rental accommodation and schedule certain forms of short-term rental accommodation as exempt development should proceed subject to the following conditions:

1. Prior to the commencement of public exhibition, Council is to:
 - (a) amend Part 2 (Explanation of Provisions) of the planning proposal to a plain English description of the proposed LEP provisions and reasoning behind each proposed criterion;
 - (b) amend Part 5 (Timeline) of the planning proposal to remove references to an 'updated hydraulic study' and update the proposed monthly timeframes to correspond with the nominated "9 months to finish the plan".
2. 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)*.
3. 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:
 - Destination NSW
 - NSW Rural Fire Service

Consultation is also required with the following agencies:

- Holiday Rental Industry Association
- Destination Tweed
- North Coast Destination Network

- Tweed Heads Chamber of Commerce and Industry Inc.

Each public authority and agency 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.

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 1 day of October 2015.



Craig Diss
Acting General Manager, Northern Region
Planning Services

Delegate of the Minister for Planning