

Gateway Determination

Planning proposal (Department Ref: PP-2021-5615): rezone part of Lot 16 DP 856265, 225 Terranora Road, Banora Point and apply appropriate development provisions to facilitate 3 large lot residential allotments and an associated residue under the Community Land Development Act 2021.

I, the Director, Northern Region at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Tweed Local Environmental Plan 2014 to rezone part of Lot 16 DP 856265, 225 Terranora Road, Banora Point and apply appropriate development provisions to facilitate 3 large lot residential allotments and an associated residue under the Community Land Development Act 2021 should proceed subject to the following conditions:

1. Prior to community and agency consultation, the proposal is to be amended to:
 - (a) apply a 1.3 hectare minimum lot size to the proposed R5 Large Lot Residential zone area;
 - (b) clarify that the development will be undertaken under the Community Land Development Act 2021 and the non-residential lot will be managed as Community Land in accordance with an Environmental Management Plan; and
 - (c) include maps that show the current and proposed height of building controls, floor space ratio controls and minimum lot size controls, and a proposed land application map.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - NSW Rural Fire Service
 - NSW Biodiversity and Conservation Division

Consultation is also required with the following organisations

- Tweed Byron Local Aboriginal Land Council
- Tweed Shire Council

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 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 3.34(2)(e) of the EP&A 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 LEP should be completed on or before 9 months following the date of the Gateway determination.

Dated 24 day of November 2023.



Jeremy Gray
Director, Northern Region
Local and Regional Planning
Department of Planning and Environment

**Delegate of the Minister for Planning and
Public Spaces**