

The Department of Planning, Housing and Infrastructure issued a Gateway Determination on 24 November 2023. An assessment against the Gateway Determination has been undertaken (see **Table 1**).

The Planning Proposal Authority team is satisfied that the planning proposal and supporting documents have been updated to meet the conditions of the Gateway Determination and the planning proposal can proceed to finalisation.

Table 1 - Summary Against Gateway Determination

Gateway Condition	Assessment
1. The Planning Proposal is to be updated to:	
a) Apply a 1.3 hectare minimum lot size to the proposed R5 Large Lot Residential zone area	Condition met The provisions of the planning proposal have been amended to apply a minimum lot size of 1.3ha for the area proposed to be zoned R5 Large Lot residential.
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	Condition met Reference has been made in Parts 1 & 2 of the proposal to 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.
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.	Condition met Part 4 of the Planning Proposal has provided proposed and existing mapping for height of building (HOB), Floor Space Ratio (FSR), and Minimum Lot Size (MLS) controls.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:	Condition met
a) The planning proposal is categorised as standard as described in the Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2023) and must be made publicly available for a minimum of 20 working days; and	The planning proposal and its supporting documents has been publicly exhibited from 31 January 2024 to 28 February 2024 which meets the minimum 20 working days requirement and aligns with the Local Environmental Plan (LEP) Making Guidelines (Department of Planning and Environment, 2023).
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 the planning	

Gateway Condition	Assessment
proposals as identified in Local Environmental Plan Making Guidelines Department of Planning and Environment, 2023).	
<p>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:</p> <ul style="list-style-type: none"> • NSW Rural Fire Service • NSW Biodiversity and Conservation <p>Consultation is also required with the following organisations:</p> <ul style="list-style-type: none"> • Tweed Byron Local Aboriginal Land Council • Tweed Shire Council <p>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 working days to comment on the proposal.</p>	<p>Condition met</p> <p>Formal consultation with these public authorities and Council was completed during the public exhibition in accordance with the Gateway determination.</p>
<p>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).</p>	Noted.
<p>5. The LEP should be completed on or before 9 months following the date of the Gateway determination.</p>	<p>The LEP is on track to be completed within 9 months, with the indicative proposal completion timeframe stating that the proposal is to be submitted for finalisation within 6 months.</p>