

Gateway Determination

Planning proposal (Department Ref: PP-2023-2444): amend zoning and development standards at 45 Bells Boulevard, Kingscliff (Part Lot 4 DP 1234959).

I, the Director, Northern at the Department of Planning, Housing and Infrastructure, 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 amend zoning and development standards at 45 Bells Boulevard, Kingscliff (Part Lot 4 DP 1234959) should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed within six months from the date of the Gateway determination.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to:
 - (a) reference that the proposal applies to part Lot 4 DP 1234959;
 - (b) detail the scope of the amendment including proposed alterations to the LEP 2014 land application map, land zoning map, minimum lot size map, height of buildings map and floor space ratio map;
 - (c) include a land zoning map that demonstrates the proposed zoning on the subject land as well as the existing zoning of surrounding allotments;
 - (d) consider the provisions of Council's Local Strategic Planning Statement – 2020.
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 Guideline* (Department of Planning and Environment, August 2023) 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 Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with NSW Rural Fire Service under section 3.34(2)(d) of the Act. The NSW RFS is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working 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 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).

Dated 1 March 2024



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

Delegate of the Minister for Planning and
Public Spaces