

Gateway Determination

Planning proposal (Department Ref: PP-2024-2340): to amend the minimum lot size applying to 133-139 Dulguigan Road, Dulguigan and rezone part of the land to C3 Environmental Management

I, the Director, Hunter and Northern Region 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 the minimum lot size applying to 133-139 Dulguigan Road, Dulguigan and rezone part of the land to C3 Environmental Management should proceed subject to the following Gateway conditions.

The LEP should be completed within 9 months of the date of the Gateway determination.

Gateway Conditions

1. The planning proposal is to be updated prior to agency and community consultation to:
 - identify, assess, and justify the proposed C3 zone, including how the proposed zone complies with the Northern Councils E Zone Review – Final Recommendations Report;
 - clearly specify the proposed amendments to the Tweed LEP 2014 minimum lot size and land zone controls in the explanation of provisions;
 - include suitable mapping showing the existing and proposed minimum lot size and land zone changes;
 - include detail about the PMF flood level, velocity, flood planning levels, and access to critical services during flood events to adequately demonstrate that suitable building envelopes can be established. Shelter-in place should also be discussed if this forms part of Council's emergency management response; and
 - accurately identify the findings of the Preliminary Contamination Investigation and confirm the requirement for a Detailed Site Investigation at the development application stage.
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* (August 2023) and must be made publicly available for a minimum of 20 working days;
 - (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* (August 2023);
 - (c) Consistent with the recommendations of the E Zone Review, Council must ensure that any landowner whose land is proposed to have a conservation zone applied, is notified in writing of the planning proposal and consultation arrangements; and

- (d) When Council has considered the submissions received during public exhibition and has endorsed the final planning proposal, the landowner whose land will be subject to a conservation zone must be notified in writing of Council's decision and advised that they have 28 days to notify the Department if they would like the Chief Planner (or equivalent) to review the proposed zoning of their property.
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 Act:
- NSW Department of Primary Industries and Regional Development - Agriculture
 - NSW Department of Climate Change, Energy, the Environment and Water - Biodiversity Conservation and Science
 - NSW Rural Fire Service
 - NSW State Emergency Service
 - Tweed Byron Local Aboriginal Land 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 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 21 January 2025



Craig Diss
Director, Hunter and Northern Region
Local Planning & Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces