

Gateway Determination

Planning proposal (Department Ref: PP-2024-463): to rezone 1 Clothiers Creek Road, Bogangar (Lot 1 DP 818394) to part C2 Environmental Conservation zone and part RU2 Rural Landscape zone and amend associated planning controls.

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 rezone 1 Clothiers Creek Road, Bogangar (Lot 1 DP 818394) to part C2 Environmental Conservation zone and part RU2 Rural Landscape zone and amend associated planning controls should proceed subject to the following Gateway conditions.

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

Gateway Conditions

1. Prior to agency and community consultation, the proposal is to be amended to:
 - (a) apply a 40-hectare minimum lot size and 10m building height to the subject land;
 - (b) amend the dwelling opportunity map to apply only to the proposed RU2 Zone area of the site;
 - (c) include acid sulfate soil and land application mapping for the site;
 - (d) revise the explanation or provisions consistent with the above requirements;
 - (e) include detail about the PMF flood level, velocity, flood planning levels, and access to critical services during flood events. Shelter-in place should also be discussed if this forms part of the proposed management response; and
 - (f) include existing and proposed maps of all changes.
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;
 - (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)
 - (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:
- Rural Fire Service
 - Department of Climate Change, Energy, Environment and Water
 - State Emergency Service
- 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 24 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