

Mr Troy Green  
General Manager  
Tweed Shire Council  
PO Box 816  
Murwillumbah NSW 2484

Our ref: IRF25/4

Via email: [tsc@tweed.nsw.gov.au](mailto:tsc@tweed.nsw.gov.au)

Attention: Matthew Zenkteler

Dear Mr Green

**Planning proposal (PP-2024-463) to amend Tweed Local Environmental Plan 2014**

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal 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.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act 1.1 Implementation of Regional Plans, 4.5 Acid Sulfate Soils and 9.2 Rural Lands are justified in accordance with the terms of the Direction. No further approval is required in relation to the Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act; 3.1 Conservation zones, 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs, 4.1 Flooding and 4.3 Planning for Bushfire Protection. Council should ensure this occurs prior to public exhibition.

Consistent with the former Secretary's letter to Ballina Council on 1 March 2016, which specified plan making delegations, an authorisation to act as the Local Plan-Making Authority is not to be issued where a planning proposal seeks to apply a conservation zone to land. This is to ensure a consistent approach to the finalisation of rezoning decisions consistent with the E Zone Review Final Recommendations Report. Therefore, I have determined not to authorise Council to be the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised on or before 9 months of the Gateway determination date. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Housing and Infrastructure to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Paul Maher to assist you. Mr Maher can be contacted on 4904 2719.

Yours sincerely



24/1/25

**Craig Diss**  
**Director, Hunter and Northern Region**  
**Local Planning & Council Support**

Encl: Gateway determination