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

Our ref: PP_2014_TWEED_003_00 (14/06534)
Your ref: PP10/0007

Dear Mr Green,

Planning proposal to amend Tweed Local Environmental Plan 2014

I am writing in response to your Council's letter dated 3 April 2014 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ('EP&A Act') in respect of the planning proposal to enable the urban expansion of Mooball village by rezoning land from RU2 Rural Landscape and RU5 Village and changing minimum lot sizes ('MLS') at 5861 and 5867 Tweed Valley Way to:

- RU2 Rural Landscape with 5ha MLS
- R5 Large Lot Residential with 1ha MLS
- RU5 Village with 450m² and 700m² MLS; and
- E3 Environmental Management with no MLS.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the variation and conditions in the attached Gateway determination.

Given that Environmental Zones ('E Zones') are deferred from the Tweed Local Environmental Plan ('LEP') 2014 and a comprehensive review of E Zones is currently underway, the proposed E3 Environmental Management zone is to be removed from the planning proposal. An appropriate alternative zone for the conservation areas such as RU1 Primary Production or similar should be applied; or the proposed conservation areas can be deferred until the E Zones review is complete and form the subject of a future planning proposal. The Department will work with Council to determine the best way to proceed.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 3.1 Residential Land and 4.3 Flood Prone Land have been justified and are of minor significance. No further approval is required in relation to these Directions.

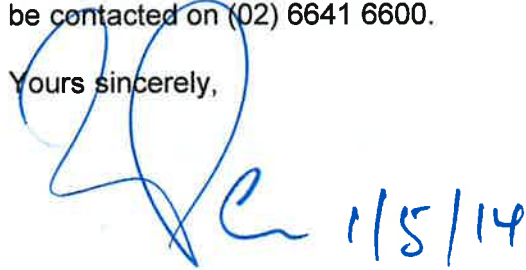
I note that Council has not formally accepted plan making delegation. Council is strongly encouraged to formally accept plan making delegations and nominate the officers or employee of Council who will be granted the proposed delegation as soon as possible, and advise the Department that delegations have been accepted. Accepting plan making delegations will enable locally significant proposals to be delegated back to Council.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Luke Blandford of the Department of Planning and Environment's regional office to assist you. Mr Blandford can be contacted on (02) 6641 6600.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'R Pearson', followed by the date '1/5/14' written in the same ink.

Richard Pearson
Deputy Director General
Growth Planning and Delivery

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2014_TWEED_003_00): to enable the urban expansion of Mooball village by rezoning land and changing minimum lot sizes.

I, the Deputy Director General, Growth Planning and Delivery at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Tweed Local Environmental Plan (LEP) 2014 to enable the urban expansion of Mooball village by rezoning land from RU2 Rural Landscape and RU5 Village and changing minimum lot sizes ('MLS') at 5861 and 5867 Tweed Valley Way to:

- RU2 Rural Landscape with 5ha MLS
- R5 Large Lot Residential with 1ha MLS
- RU5 Village with 450m² and 700m² MLS; and
- E3 Environmental Management with no MLS

should proceed subject to the following variation and conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - Remove the proposed E3 Environmental Management zone and apply an appropriate alternative zone or defer the proposed conservation areas until the review of Standard Instrument Environmental Zones is complete; and
 - Remove all reference to provisions under superseded Tweed LEP 2000 and update references to Tweed LEP 2014.
2. The specialist site investigations and studies prepared to date are satisfactory for the purposes of public exhibition. All studies which have been prepared to inform the planning proposal should be exhibited with the planning proposal.
3. The completion of any further site specific studies as required by Council should not delay the finalisation of the LEP beyond the 12 month timeframe specified by the Gateway determination.
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - the planning proposal must be made publicly available for a minimum of **28 days**; and
 - the relevant planning 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 section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Environment 2013)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.



Planning & Environment

6. A public hearing is not required to be held into the matter by any person or body under section 56(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).
7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

1

day of

May

2014.



Richard Pearson
Deputy Director General
Growth Planning and Delivery
Department of Planning and Environment

Delegate of the Minister for Planning