



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

Dear Mr Green

Planning proposal PP_2018_TWEED_001_00 to amend Tweed Local Environmental Plan 2014

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 29 January 2018 in respect of the planning proposal for housekeeping amendments to the Tweed Local Environmental Plan 2014.

I appreciate and commend Council for seeking to address housing controls through the planning proposal to ensure that the future character of the Tweed urban areas is protected while providing different opportunities housing types for the community.

In response to your request the Minister for Planning agreed that the Tweed Council area would be deferred from the commencement of the Low Rise Medium Density Code until 1 July 2019. This deferral provides the opportunity for Council to work closely with the community and industry to provide housing controls that reflect the character of the Tweed. The department is available to work closely with you over the next 12 months to achieve this outcome if required.

I am pleased to support the alignment of height of building controls in metres within the Area E locality plan, and the application of a minimum lot size for medium-density development in low-density zones proceeding as part of the planning proposal.

There are a few matters in the planning proposal that require further work before they can be advanced.

In relation to the proposed height of building changes in Kingscliff, the Department encourages Council to use the locality planning process to determine the community's views and the need for such changes prior to amendments to be included in this proposal proceeding. This approach ensures the planning outcome is supported by community comment and a sound strategic basis.

I understand that it is proposed to exhibit the locality plan soon. Advancing the proposed changes to the heights in this proposal before seeking community comment

on the locality plan could be viewed by the community as pre-determining the outcome of the consultation on the locality plan.

Once the locality planning process has been completed and community feedback is considered, Council can apply appropriate building height controls in this locality through a planning proposal.

In terms of changes to building height, I note it is proposed to change the controls to limit the number of storeys and include an overall height in metres. I understand the reasons for this proposed change, however, it is important that the community is not confused by two different controls applying to the land i.e. the number of storeys and height in metres, and that additional complexity in planning controls is kept to a minimum. This matter requires further investigation and could be achieved more simply and directly by a reduction in the current height control in metres.

I note the proposal seeks to remove the ability to vary height and lot size controls in certain areas. Clause 4.6 is generally available to applicants who demonstrate that a better planning outcome can be achieved by a variation to the prescribed standard. It is a mechanism to encourage good design, with well-justified applications able to be supported by Council and poorly-justified proposals able to be refused.

Until the outcomes of the proposed changes are known it is premature to remove the flexibility provided to development standards through the application of clause 4.6 for heights and medium-density development in the low-density zone.

To achieve the desired outcomes the Department's Northern Region is available to work with you to assist in providing the supporting information to justify the changes to your planning controls.

As delegate of the Minister for Planning, I have determined that the planning proposal should proceed in respect to alignment of height of building controls in metres within the Area E locality plan, and the application of a minimum lot size for medium-density development in low-density zones, subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 3.1 Residential Zones is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Council will still need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to community consultation.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

The Department is committed to helping Council ensure the local planning framework meets the needs of the community. I have asked Ms Tamara Prentice, Team Leader, Northern, to be available to meet with you to discuss this proposal. Should you have any further enquiries about this matter, please contact Ms Prentice on 6641 6610.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

08/08/2018

Encl: Gateway determination