



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

Via email: tsc@tweed.nsw.gov.au
srussell@tweed.nsw.gov.au

Dear Mr Green

Planning proposal PP-2020-4058 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) in respect of the planning proposal to rezone Lot 1 DP 1032820, Scenic Drive (1 Walmsleys Road), Bilambil Heights, for residential development and environmental protection and management purposes.

As delegate of the Minister for Planning and Public Spaces, I have now 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 planning proposal's inconsistencies with section 9.1 Directions 1.5 Rural Lands, 2.1 Environment Protection Zones, 2.2 Coastal Management, 2.3 Heritage Conservation and 3.1 Residential Zones are justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Directions 2.6 Remediation of Contaminated Land, 4.2 Mine Subsidence and Unstable Land and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

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.

It is noted that the proposal involves rezoning part of the land to an RE2 Private Recreation zone as an interim measure to protect the environmental values of that land until a more suitable environmental zone (E zone) can be applied under Tweed LEP 2014. Whilst we recognise the current limitations on Council's ability to apply E zones, we encourage Council to accelerate the process of including E zones in the LEP to allow land with appropriate environmental values to be rezoned to a suitable E zone as soon as possible, including the land the subject of this planning proposal.

Council should also note that the Department's Biodiversity and Conservation Division (BCD) has raised concern regarding several Serious and Irreversible Impact (SAIL) species which are present in the proposed development area, including within the land already zoned R1 General Residential. The BCD has advised that, should any future development trigger the Biodiversity Offsets Scheme, the presence of these SAIL entities may present some challenges in intensifying development where those species occur. Early consultation with the BCD team prior to community consultation is required for this planning proposal.

Should you have any enquiries about this matter, I have arranged for Ms Carlie Boyd to assist you. Ms Boyd can be contacted on 6643 6404.

Yours sincerely



23 December 2020

Craig Diss
Acting Director, Northern Region
Local and Regional Planning

Encl: Gateway determination
Authorised plan-making reporting template