



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

Our ref: PP_2017_TWEEED_001_00 (17/01222)

Dear Mr Green

Planning proposal to amend Tweed Local Environmental Plan (2014) – Creek Street

I am writing in response to your Council's letter dated 8 February 2017 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the planning controls at 40 Creek Street, Hastings Point to limit the residential density and area in keeping with the Tweed Development Control Plan (Hastings Point Code) and introduce the E2 Environmental Conservation Zone into Tweed LEP 2014.

As delegate of the Minister for Planning, I have now determined the planning proposal should not proceed.

While acknowledging that the site has a number of environmental constraints, Council has included buffers in the proposed E2 Environmental Conservation Zone and prohibited 'extensive agriculture' in the E2 Zone. These outcomes are inconsistent with the Northern Councils E Zone Review Final Recommendations and the related Section 117 Direction. Council's existing DCP could not be considered to constitute a negotiated outcome for the purposes of the E Zone Final Recommendations as the landowner does not support the DCP. The Department cannot support Council's alternate approach of 'unzoning' the land due to the lack of certainty this would provide to the landowner or the community with no certainty in regard to the possible future use and development potential of the land.

I also understand that Council is yet to determine two development applications seeking to develop the land under the existing planning controls. As I have indicated previously, it is the Department's view that these applications and any associated processes should be finalised before a change in planning controls is sought.

Should you have any queries in regard to this matter, I have arranged for Ms Jenny Johnson of the Department's regional office to assist you. Ms Johnson can be contacted on (02) 6641 6614.

Yours sincerely

Marcus Ray
Deputy Secretary
Planning Services

Department of Planning and Environment
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06/04/2017



Gateway Determination

Planning proposal (Department Ref: PP_2017_TWEED_001_00): to amend the planning controls at 40 Creek Street, Hastings Point to limit the residential density and area in keeping with the Tweed Development Control Plan (Hastings Point Code) and introduce the E2 Environmental Conservation Zone into the Tweed Local Environmental Plan 2014.

I, the Deputy Secretary, Planning Services at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) to amend the planning controls at 40 Creek Street, Hastings Point to limit the residential density and area in keeping with the Tweed Development Control Plan (Hastings Point Code) and introduce the E2 Environmental Conservation Zone into the Tweed Local Environmental Plan 2014 should not proceed for the following reasons:

1. The planning proposal is inconsistent with Northern Councils E Zone Review Final Recommendations and Section 117 Direction 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs.

Dated 6th day of April 2017

A handwritten signature in blue ink that reads 'Marcus Ray'.

**Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment**

Delegate of the Minister for Planning