



Mr Troy Green
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Dear Mr Green

Tweed Shire Council (2020) Rural Land Strategy – The future of rural land in Tweed Shire

Reference is made to Council's correspondence of 17 June 2020 regarding the Tweed Shire Council (2020) Rural Land Strategy – The future of rural land in Tweed Shire.

I wish to congratulate Council on the completion of this strategy and Council's ongoing commitment to delivering a strategic, evidence-based planning framework for your community.

Following consideration of the strategy, I am pleased to conditionally approve the Tweed Shire Council (2020) Rural Land Strategy – The future of rural land in Tweed Shire subject to:

- The removal of Action 11, which proposes to investigate amending Tweed LEP 2014 to retain a dwelling entitlement where a subdivision of land for primary production purposes under clause 4.2 Rural subdivision results in creation of a 'homestead' parcel that is less than the minimum lot size and contains an existing legal dwelling on the non-agricultural parcel created. Clause 4.2 is compulsory if clause 4.1 is adopted and is a standard clause pursuant to the *Standard Instrument – Principal Local Environmental Plan*. As such, it is not appropriate that it be altered.
- Actions 80 (preparation of growth management objectives and principles for all development within rural Tweed) and 81 (preparation of planning objectives, principles, guidelines and development standards for dwellings in rural Tweed) are to be completed prior to any LEP changes regarding future growth and development in rural Tweed being finalised.
- Action 90 states that prior to investigating options, amend Tweed LEP 2014 to remove the permissibility of multiple occupancy (including rural landsharing communities) and if appropriate, prepare guidelines for the conversion of existing legal multiple occupancy and rural landsharing community developments to an appropriate alternative that provides legal title to at least part of the property.

It is important that any potential impacts to agricultural production as well as land use conflicts are minimised through the preparation of appropriate guidelines. It is therefore considered appropriate that the LEP be amended following the investigation of options and consideration of potential impacts.

Additional matters for Council to consider are noted in **Attachment 1**.

Should you have any enquiries about this matter, I have arranged for Ms Renee Trezise, Manager, from the Department of Planning, Industry and Environment, Northern Region office, to assist you. Ms Trezise can be contacted on 6670 8656.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray', written in a cursive style.

7-10-2020

Jeremy Gray
Director, Northern Region
Local and Regional Planning

Attachment 1

Action 88 proposes to amend Tweed LEP 2014 clause 4.2B (3) to include a further basis for a dwelling being permitted on an existing lot or parcel of rural zoned land as follows: "... is a lot or a group of lots identified as having one Dwelling opportunity on the Dwelling Opportunity Map." After two years delete clauses 4.2B (3) (c) and (d). While it is appropriate that Council have the option to alter or sunset its dwelling provisions, a comprehensive analysis of the landuse and equity implications of the amendment should be undertaken to ensure the proposed changes are broadly communicated in the community.

Action 89 proposes the preparation of guidelines for planning proposals seeking a dwelling entitlement for a single house. It is recommended that the planning proposal that includes the introduction of the Dwelling Opportunity Map incorporate a delayed deletion of clauses 4.2B (3) (c) and (d) so that no further planning proposal is required at the end of the two years.

The Department of Planning, Industry and Environment and Department of Primary Industries – Agriculture would be pleased to provide advice and guidance regarding the following actions once draft strategies / guidelines / planning provisions have been developed:

- Action 31 - Guidelines for environmental protection and enhancement are developed where the benefit of an additional dwelling is provided;
- Action 32 - That the concept of a density bonus be considered in any strategy for closer settlement or higher density rural living opportunities;
- Action 55 - Investigate the implications of making function centres permissible with consent in the RU1 and RU2 zones;
- Action 58 - Investigate, amending Tweed LEP 2014, to make rural industries permissible with consent in the RU1 Primary Production zone;
- Action 62 - Review and investigate amending the range of permissible with consent landuses in the RU1 and RU2 zones in Tweed LEP 2014;
- Action 65 - Amend Tweed LEP 2014 to include an additional local provision which supports and defines rural tourism development;
- Actions 66 and 67 - Review options to amend Tweed LEP 2014 to permit a range of 'tourist and visitor accommodation' and 'restaurants and cafes' in the RU1 and RU2 zones;
- Action 82 - Pending the findings of actions 80 and 81, amend Tweed LEP 2014 to permit with consent dual occupancy (detached) as a use on properties equal to or greater than 40 hectares in the RU1 and RU2 zones;
- Action 83 - Pending the findings of actions 80 and 81, amend Tweed LEP 2014 to permit with consent secondary dwellings as a use on properties equal to or greater than 10 hectares in the RU1 and RU2 zones;
- Action 84 - Pending the findings of actions 80 and 81, amend Tweed LEP 2014 Erection of rural workers' dwellings in Zones RU1 and RU2 by removing 4.2C(3)(d) which requires the land to be in a remote or isolated location. Consideration of the inclusion of a provision that limits actions 82, 83 and 84 to only enable one additional dwelling on a property is recommended to limit land use conflict and the continued increase in land values above the return available from farming enterprises;

- Action 91 - Investigate options to amend Tweed LEP 2014 to include a local provision for rural landsharing communities which reflects their desired future in the Tweed, and is consistent with the requirements of the Department of Planning, Industry and Environment;
- Action 92 - Investigate the ability for properties typically less than 10ha in existing clusters and R5 Large Lot Residential zoned land to be further subdivided to increase housing density without expanding the footprint of the cluster, impacting agricultural land, environmental values, scenic amenity or character of the locality; and
- Action 94 - Clarify the use of Tweed LEP 2014 clause 4.6 as a means of varying development standards, including variations to the minimum lot size and allocation of dwelling entitlement.

The following matters should be addressed by Council in any future review of the strategy:

- Appendix 10 addresses consistency of the strategy with the North Coast Regional Plan 2036. However, rather than addressing consistency with the Directions of the Plan, the strategy has addressed the specific Actions. The North Coast Regional Plan Implementation Plan 2017 – 2019 notes that not all actions are required to be delivered by Councils. It is therefore recommended that future iterations of the strategy address compliance with the Directions of the Plan to ensure that the justification is relevant;
- References to outdated Department names in the implementation plan should be updated;
- Superseded references to the Act (e.g. Actions 33, 109) should be removed; and
- Superseded references to legislation (e.g. Action 41, Appendix 2, Appendix 3, pg. 124) should be removed.