



Planning

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Mr M Rayner
General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Our ref: GRA 63323927
Your ref: GT1/LEP/2006

LEP REVIEW - 2006

TWEED SHIRE COUNCIL	
FILE No:	GT1/LEP/2006 PT. 14
DOC. No:	9877568
RECD:	10 DEC 2009
ASSIGNED TO:	LONSDALE, F
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Dear Mr Rayner

Tweed Shire Local Environmental Plan 2010

9423926
Thank you for your letter of 27 November 2009 and earlier correspondence advising of the Council's decision to prepare the above local environmental plan and requesting a Certificate to allow public exhibition of the draft local environmental plan.

Following consideration of the draft plan the Director General has certified that the plan may be exhibited. A copy of the certificate issued under section 65(2) of the Environmental Planning and Assessment Act 1979 is attached. Please note that the Certificate issued on 30 July 2008 for an earlier version of the draft plan is no longer valid.

The section 65(2) condition relates to a requirement that Council exhibit the local environmental plan attached to this letter. As well as the draft plan and supporting documents, Council is requested to exhibit the vegetation study and all other relevant material prepared for draft Amendment 21 to Tweed LEP 2000. This is required as the draft Shire plan has incorporated a number of zoning changes derived from this Amendment.

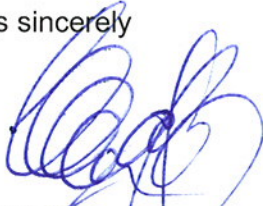
It would be appreciated if Council could prepare and send (both hard copy and disc) of the exhibited instrument and the maps. Any formatting errors should be corrected.

As you are aware, the Department has agreed, in relation to section 117 direction 4.3 item (7) that certain residential accommodation in RU5, R1, R2, R3 and R5 zones can be included as a sensitive land use within Clause 7.8 *Floodplain Risk Management* for the purposes of exhibition, and that the "exceptional circumstances" approval previously sought by Council for its inclusion under *Planning Circular PS07-003 New guideline and changes to section 117 direction and EP&A Regulation on flood prone land* can be finalised after the issue of a section 65 Certificate. Council will therefore still need to obtain this approval before the Plans can be made if the clauses are to be retained in their current form. As advised to Council in the Deputy Director General's letter of 2 August 2009, during the Section 66 exhibition period, the State Emergency Service should be consulted, particularly in relation to the concept of 'safe occupation'. In addition any existing or proposed local Development Control Plan flood provisions should be consistent with the clauses in accordance with Section 74C(5) of the Act.

We note that Council has named the draft plan Tweed LEP 2010. While this is understandable given the likely time frame for publication, it may cause confusion with the Parliamentary Counsel-endorsed City Centre LEP 2009, when both are exhibited together. Council should exhibit a note explaining the reason for the difference.

We appreciate the assistance provided by Council in the completion of the draft plan to this stage. Please contact the North Coast office if there are any enquiries.

Yours sincerely



Neil McGaffin
Executive Director
Planning Operations

8-12-09

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

SECTION 65 CERTIFICATE

I the Director-General, Department of Planning, under section 65(2) of the Environmental Planning and Assessment Act, 1979, as in force before 1 July 2009, certify that the draft plan named in Schedule 1 may be publicly exhibited under Section 66 of the Act, subject to the condition in Schedule 2. (GRA6323927).

Date: 8.12.09



Signed by me **Neil McGaffin**
as delegate of the Director-General
of Planning and I certify that I have
no notice of revocation of such
delegation.

SCHEDULE 1

The draft local environmental plan applying to the Shire, known as *Tweed Local Environmental Plan 2010*

SCHEDULE 2

Council is required to amend the draft Tweed Local Environmental Plan 2010 in accordance with the amended draft Local Environmental Plan attached to this certificate marked "EXHIBITION DRAFT DECEMBER 2009"