

5 June 2014

Our Ref: MET 07/133 Pt 11

Director General
Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Dear Sir

Submission to Northern Councils' E-Zone Review Interim Report,
Parsons Brinkerhoff, 30 September 2013

We act for Metricon (QLD) Pty Ltd, the owners of the following lots within the Tweed Shire Council Urban Release Area "E" at Terranora, New South Wales.

Altitude Aspire

Lot 1 DP 304649, Lot 1 DP 175235, Lot 1 DP 781687, Lot 2 DP 778727, Lot 1 DP 781697, Lot 1 DP 169490 and Lots 40 & 43 DP 254416, Fraser Drive, Terranora.

Altitude Summit

Lot 10 DP 252299, Lot 4 DP 582842, Lot 1 DP 984118, Lot 1 DP 723050, Lot 12 DP 534942, Lot 2 DP 785420 and Lots 1 & 2 DP 215959 Terranora Road, Terranora.

Altitude Promenade

Lot 1 DP 225183, Lots 376 & 377 DP 755740, Lot 1 DP 962558 and Lot 1 DP 635024 Mahers Lane, Terranora.

In March 2004, Parsons Brinckerhoff prepared a Local Environmental Study on behalf of Tweed Shire Council in respect of Area "E". The Local Environmental Study informed Tweed Local Environmental Plan 2000 Amendment No. 10 (Area E) which was published in the Government Gazette on 26 October 2007. A copy of the Amendment No. 10 Zoning Map is **attached**. The lots owned by Metricon (QLD) Pty Ltd are shown by green crosshatching on the zoning map.

We have reviewed the Northern Council's E-Zone Review Interim Report and on the basis that the location of the 7(a)/2(c) zone boundary reflects relatively recent data as contained in the Local Environmental Study, Recommendation 2 is supported. Recommendation 2 is in the following terms:

- "2. Where Environmental Protection Zones exist within previous LEP's, Ballina SC, Byron SC, Lismore CC and Tweed SC should transfer those zones stated in the table below, directly to the E2 Zone."

Tweed Local Environmental Plan 2000	
7(a)	Environmental Protection (Wetlands and Littoral Rainforests)
7(l)	Environmental Protection (Habitat)

Note: E2 zone means E2 – Environmental Conservation.

In relation to the current 7(d) Environmental Protection (Scenic Escarpment) zoned land, Recommendation 7 is as follows:

"7. Ballina SC, Byron SC, Lismore CC and Tweed SC should include environmentally sensitive areas into the E3 Zone on the basis of those areas meeting any of the following criteria Stated in the table below."

6	<p><i>Land identified within a validated special data set comprising the areas of land where strict controls on development should apply. Such land includes those areas of native vegetation where the eco-system services provided by the vegetation is critical, including:</i></p> <ul style="list-style-type: none"><i>• Where the risks of severe erosion and landslide are extremely high (ie steep land) and the consequences are potentially catastrophic;</i><i>• Where native vegetation that is critical to watershed protection (ie when vegetation protects against catastrophic floods or droughts and the destruction of fisheries where supporting grounds are protected by mangroves or riparian forests.</i>
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Note: E3 zone means E3 – Environmental Management.

The existing 7(d) zoned land comprises a vegetated watercourse and whilst its characteristics are not strictly consistent with E3 criteria (Item 6), it is nevertheless considered that an E3 zone is the most appropriate and equivalent to the current 7(d) zone.

For the reasons discussed above, in relation to Recommendation 2, it is therefore submitted that the existing 7(d) zoned land should be zoned E3 – Environmental Management.

To ensure that infrastructure and services to serve the adjoining Residential zoned land can be approved within the E2 and E3 zones, the Land Use Table in respect of those zones should permit development for the following purposes, with Development Consent:

"drainage means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land."

"earthworks means excavation or filling."

"public utility infrastructure, in relation to an urban release area, includes infrastructure for any of the following:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage."

"public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
 - (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,
- and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking."

"road means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road."

"sewerage system means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d)."

"telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network."

"telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both."

"water supply system means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,"
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c)."

The Department is also requested to ensure that the final Draft Zoning Maps and Planning Instrument are publicly exhibited to enable landowners to review and make submissions to the final draft documents.

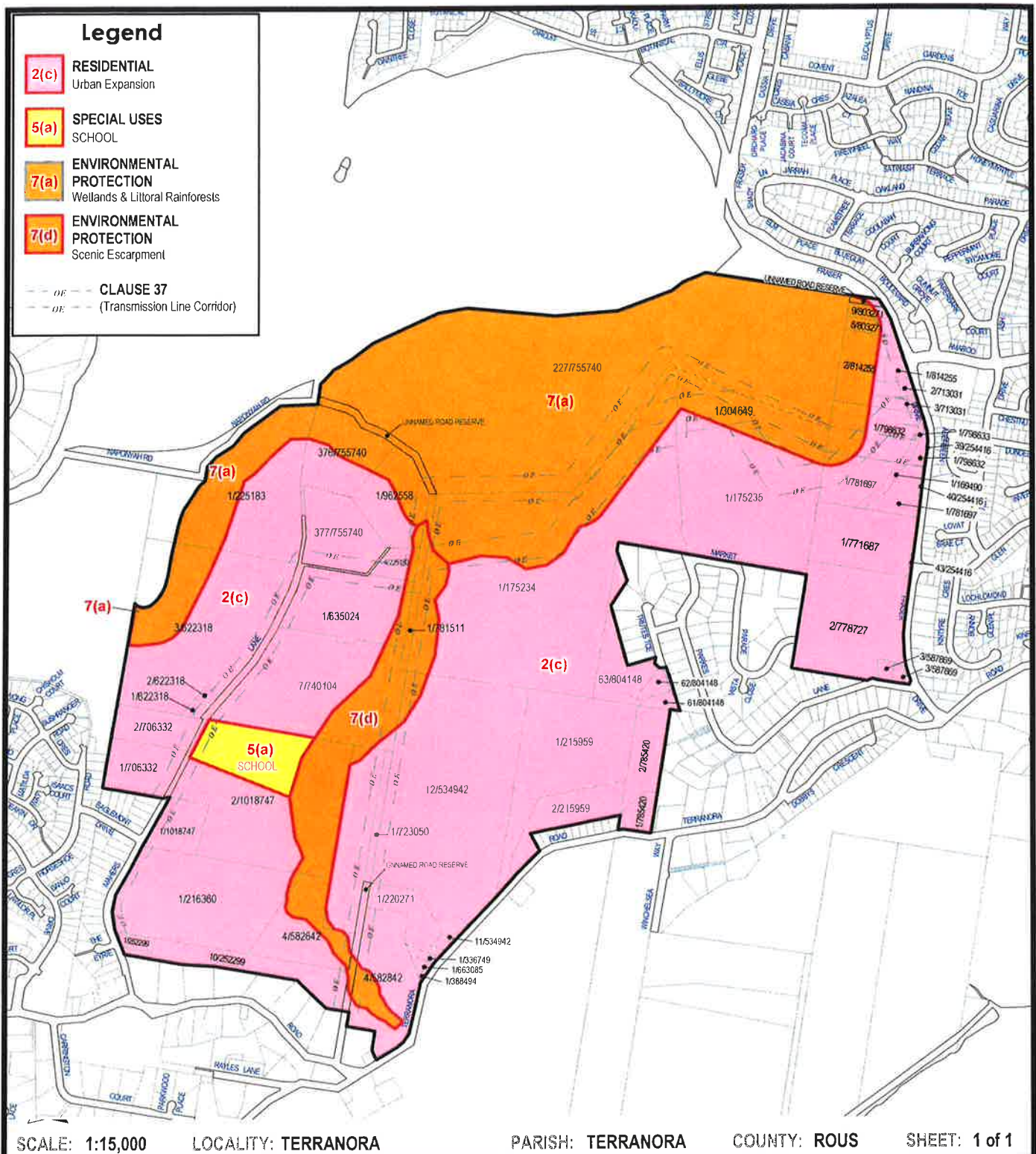
Please do not hesitate to contact Darryl Anderson should you require any further information in relation to this matter.

Yours faithfully
Darryl Anderson Consulting Pty Ltd



Darryl Anderson
Director

Encl.



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

TWEED

DRAFT LOCAL ENVIRONMENTAL PLAN 2000 AMENDMENT No. 10

DRAWN BY: **J. Batchelor** DATE: **07/10/2004**

SUPERVISING DRAFTER:

PLANNING OFFICER: **Eber Butron**

COUNCIL FILE No. **GTI/LEP/2000/10**

DEPT. FILE No.: **G94/00396**

GOVT. GAZETTE OF:

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMENDS: **TWEED LOCAL ENVIRONMENTAL PLAN 2000**

CERTIFIED IN ACCORDANCE WITH
THE ENVIRONMENTAL PLANNING &
ASSESSMENT ACT 1979, AND REGULATIONS

13/03/2006

GENERAL MANAGER

DATE