

Draft LEP Amendment No. **20**

**Planning Proposal for  
Minor Policy and Housekeeping Amendments**

Version 2 – Public Exhibition  
March 2016

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## Part 1 Objectives and intended outcomes

In accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), this planning proposal has been prepared to amend the provisions of the Tweed Local Environmental Plan 2014 (LEP 2014) to resolve several housekeeping and minor policy amendment matters that have been identified since its gazettal on 4 April 2014. Specifically, these amendments aim to:

- Correct a number of mapping anomalies,
- Update Schedule 5 *Environmental Heritage* to rectify incorrect descriptions of three (3) sites,
- Undertake minor policy amendments resulting from ongoing monitoring and review of the Tweed LEP 2014, and
- Carry out a number of minor spot rezonings giving effect to certain Council resolutions.

The above corrections and changes to the Tweed LEP 2014 have been grouped together in one planning proposal to rationalise a number of amendments to Council's principle planning instrument. In summary, there are 19 proposed changes, ranging from written amendments to minor mapping changes. A detailed explanation, justification and draft versions of the intended amendments are provided in Part 2 and Part 3 of this document. Part 4 outlines community and agency consultation and will be updated throughout the further stages of the project. Part 5 comprises mapping, including proposed amendments to the Additional Permitted Uses Map pursuant to Clause 2.5. Part 6 includes an indicative timeframe of the process.

The amendments have been divided into a *Housekeeping amendments* group, which includes mapping anomalies and minor corrections to the heritage register under Schedule 5 of the Tweed LEP 2014, and a *Minor policy amendment* group, which includes amendments to the clauses of the Tweed LEP 2014.

The planning proposal has been prepared in accordance with the NSW Department of Planning and Infrastructure's Guideline *A guide to preparing planning proposals*.

## Part 2 Explanation of provisions

### Housekeeping amendments

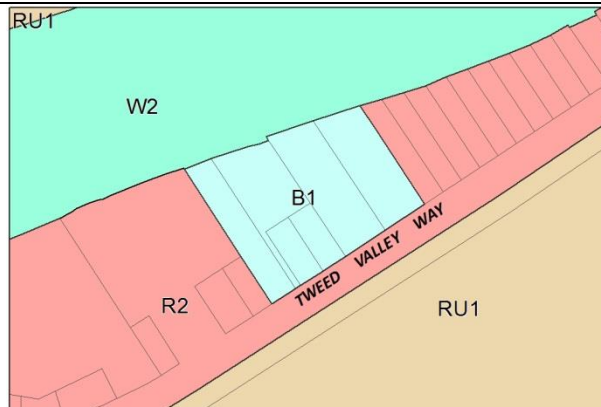
The 'housekeeping amendments' section of this planning proposal seeks amendments to 16 sites (referred to as items). Detailed mapping outlining the scope of mapping changes to the Tweed LEP 2014 is provided within Part 4 of this document.

#### Item 1

Commercial development at 51-65 Tweed Valley Way, South Murwillumbah

Lots affected:

Lot 7 DP 701483  
 Lot 3 DP 1105863  
 Lot 2 DP 1105863  
 Lot 1 DP 1105863  
 Lot 1 DP 546904  
 Lot 2 DP 546904



Tweed LEP 2014: Land zoning map

#### Description of issue:

Conversion of LEP 2000 zone 3(c) to B1 Neighbourhood Centre does not correlate with the uses on site and is not consistent with the methodology applied in the preparation of the Tweed LEP 2014. The existing development and use of the land (motel, service station, liquor store), is consistent with the objectives and land uses of the B2 Local Centre zone.

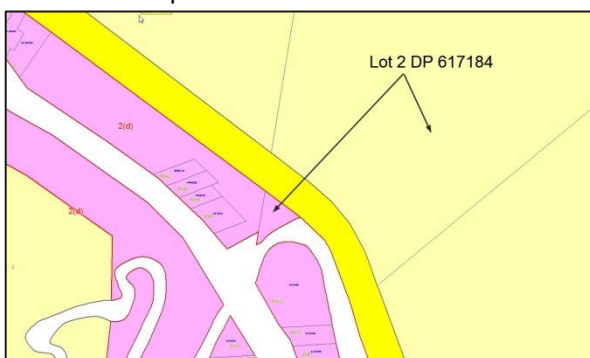
#### Proposed amendment:

- Rezone B2 Local Centre.
- Other LEP development standard maps to remain unchanged.

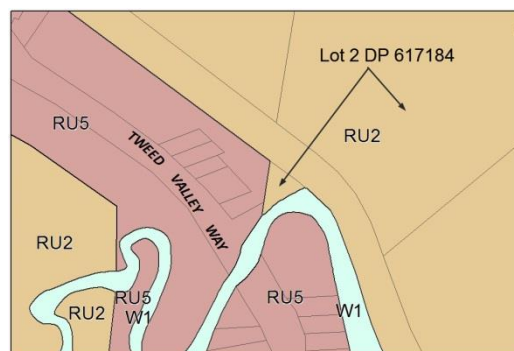
#### Item 2

Land at 53 Kielys Road, Tweed Valley Way, Burringbar

Lots affected: part of Lot 2 DP 617184



Tweed LEP 2000: Land zoning map



Tweed LEP 2014: Land zoning map

#### Description of issue:

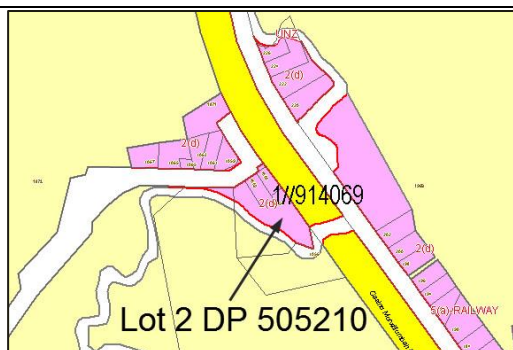
Mapping anomaly. Part of Lot 2 DP 617184 was incorrectly translated from 2(d) Village to RU2 Rural Landscape zone as outlined on the images above.

#### Proposed amendment:

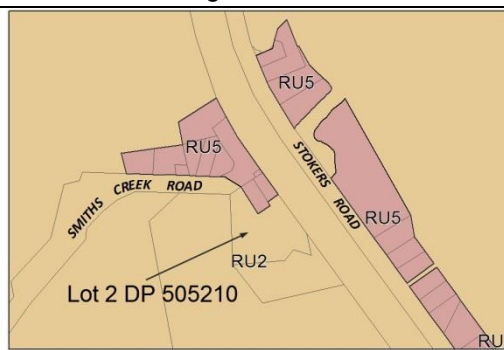
- Rezone Part of Lot 2 DP 617184 from RU2 Rural Landscape zone to RU5 Village.
- Amend development standard maps: Floor Space Ratio (FSR) of 2:1, Lot Size (LSZ) of 450 m<sup>2</sup> and Height of Building (HOB) of 13.6m, being standard controls for the RU5 zone.

### Item 3

Part of Lot 2 DP 505210 at 1054 Smiths Creek Road, Stokers Siding



Tweed LEP 2000: Land zoning map



Tweed LEP 2014: Land zoning map

#### Description of issue:

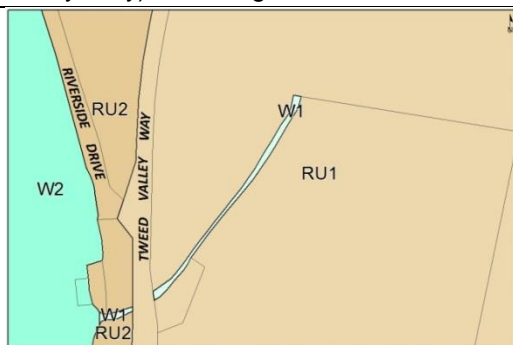
Mapping anomaly. Part of Lot 2 DP 505210 was incorrectly rezoned from 2(d) Village under the LEP 2000 to RU2 Rural Landscape zone.

#### Proposed amendment:

Rezone to RU5 Village, amend development standard maps: Floor Space Ratio (FSR) of 2;1, Lot Size (LSZ) of 450 m<sup>2</sup> and Height of Building (HOB) of 13.6m, being standard controls for the RU5 zone.

### Item 4

Zoning of a former agricultural drain (waterway reserve) adjoining Lot 2 DP 792808 (8590 Tweed Valley Way), Tumbulgum



Tweed LEP 2014: Land zoning map



Aerial imagery of the subject area

#### Description of issue:

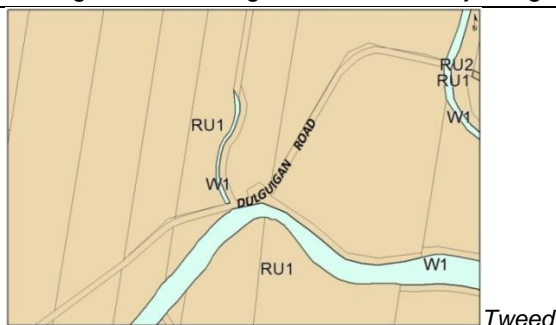
Zone W1 Natural Waterways was incorrectly applied over land use as agricultural drain in the past. This is inconsistent with the methodology of applying this zone as part of the LEP review. According to this methodology, W1 Natural Waterways zone should be limited to natural waterways only.

#### Proposed amendment:

Rezone to RU1 Primary Production, amend overlay maps: HOB (10m) and LSZ (40 ha) consistent with the RU1 zone applied over adjoining land.

## Item 5

Zoning of a former agricultural drain adjoining Lot 4 DP 876455, 558 Dulguigan Road, Dulguigan



LEP 2014: Land zoning map



Aerial imagery of the subject area

### Description of issue:

Zone W1 Natural Waterways was incorrectly applied over land used as a drain in the past. This is inconsistent with the methodology of applying this zone as part of the LEP review. According to this methodology, W1 Natural Waterways zone should be limited to natural waterways only.

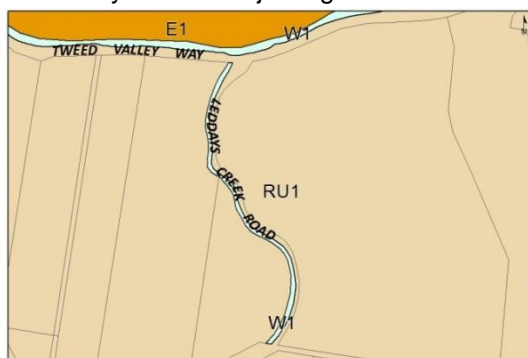
### Proposed amendment:

Rezone to RU1 Primary Production, amend development standards: HOB (10m), LSZ (40 ha) consistent with the RU1 zone applied over adjoining land.

## Item 6

Zoning of existing agricultural drain, Stotts Creek

Waterway reserve adjoining Lot 110 DP 1049253, Leddays Creek Rd/Tweed Valley Way



Tweed LEP 2014: Land zoning map



Aerial imagery of the subject area

### Description of issue:

W1 Natural Waterways zone was incorrectly applied to an agricultural drain. This is inconsistent with the methodology of applying this zone as part of the LEP review. According to this methodology, W1 Natural Waterways zone should be limited to natural waterways only.

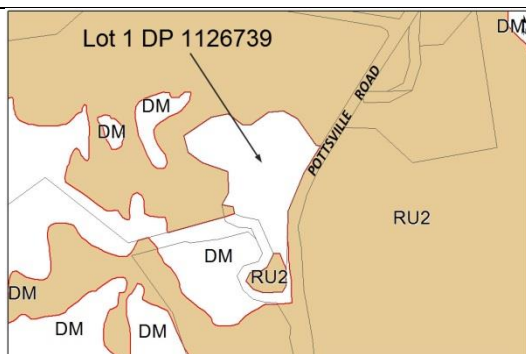
### Proposed amendment:

Rezone to RU1 Primary Production, amend development standards: HOB (10m), LSZ (40 ha) consistent with the RU1 zone surrounding.

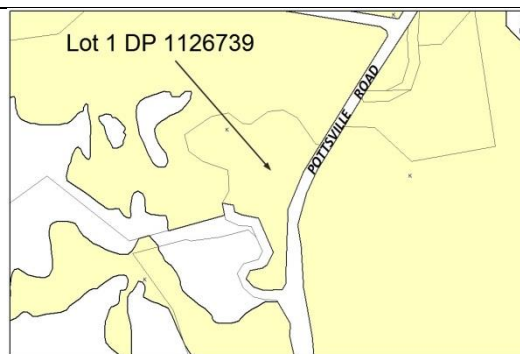


**Item 7**

Overlay and development standard maps for part of Lot 1 DP 1126739 at 793 Pottsville Road, Cudgera Creek



Tweed LEP 2014: Land zoning map



Tweed LEP 2014: Height of building map

**Description of issue:**

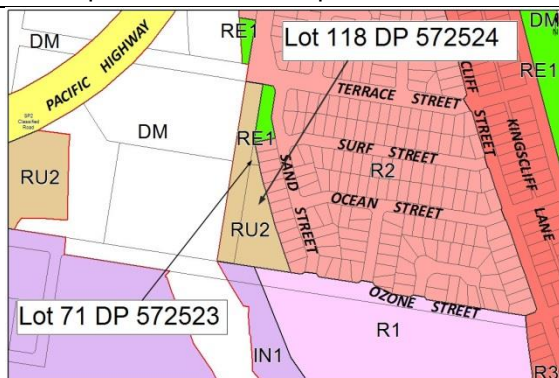
The subject land (Part of Lot 1 DP 1126739 as illustrated above) has been deferred from the LEP but overlay maps and development standard maps have not been updated consistently with the deferral. Land mapped on the Land Zoning Map as a deferred matter should be omitted from the rest of the map series in the LEP.

**Proposed amendment:**

Amend the development standard and overlay maps to omit the subject site in accordance with *Standard Technical Requirements for LEP maps*.

**Item 8**

Development standard maps for Lot 118 DP 572524 and Lot 71 DP 572523 at 25 Ozone St., Kingscliff



Tweed LEP 2014: Land zoning map

**Description of issue:**

Both allotments are zoned RU2 Rural Landscape but no development standard mapping has been applied which is inconsistent with the translation approach.

**Proposed amendment:**

Apply development standards for RU2 zone, being: LSZ (40 ha), HOB (10m).

**Item 9**

Use of Council land at 100 Altona Road, Lot 20 DP 1082482, Chinderah



Tweed LEP 2014: Land zoning map

**Description of issue:**

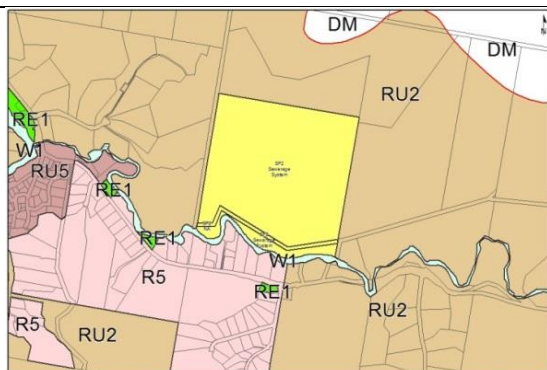
The site is known as Kingscliff sewage treatment plant and community meeting/education centre. Currently the land is zoned SP2 but historically the western portion of the land had been used for cattle grazing under the LEP 2000, consistent with the surrounding land uses. Since the implementation of the LEP 2014 cattle grazing has become a prohibited use. Council is of the view that this land use should be reinstated through an appropriate amendment.

**Proposed amendment:**

Amend Schedule 1 to allow "extensive agriculture" as a permitted use without development consent.

## Item 10

Use of Council land at 165 Smiths Creek Road, Smiths Creek (Lot 2 DP 550508)



Tweed LEP 2014: Land zoning map

### Description of issue:

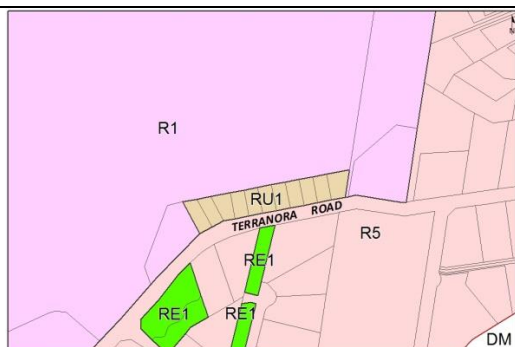
Under the land use table of the LEP 2000, the use of this land was not limited to infrastructure only, but also included 'any use compatible with adjacent uses and with uses allowed in adjacent zones' and Council was considering development of an outdoor recreation facility (mountain bike club) on the site. Implementation of the Standard Instrument LEP 2014 limited the permissibility of land uses on the subject site.

### Proposed amendment:

Amend Schedule 1 to permit "Recreation Facility (Outdoor)" with the current development consent.

## Item 11

Residential land at 418 and 436-440 Terranora Rd, Terranora zoned RU1 Primary Production



Tweed LEP 2014: Land zoning map



### Description of issue:

A separate planning proposal seeks to rezone lots known as 420-434 Terranora Road to a residential zone. Adjoining land at 418 and 436-440 Terranora Rd is already developed with single dwellings therefore rezoning to R2 will ensure a consistent outcome for the locality. This is consistent with the recommendation of the Joint Regional Planning Panel (JRPP meeting of 18 July 2013).

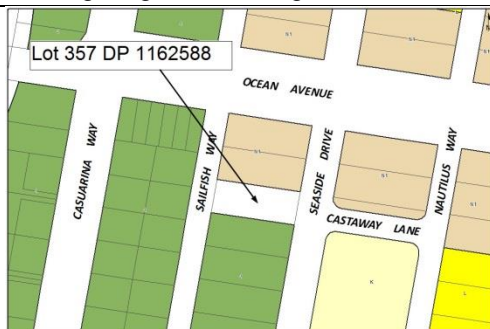
### Proposed amendment:

Rezone land at 418 and 436-440 Terranora Road to R2 Low Density Residential

Amend development standard maps: LSZ (450 m<sup>2</sup>), HOB (9 m) and FSR (0.8) consistent with R2 zone.

## Item 12

Missing height of building control for Lot 357 DP 1162588 located at Seaside Drive, Kingscliff



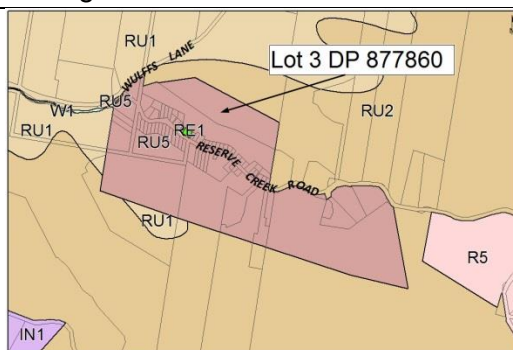
Tweed LEP 2014: Height of Building map

### Description of issue:

Mapping anomaly: The maximum height of building has not been applied.

### Proposed amendment:

Amend the Height of Building Map to apply 9 metres, in accordance with Tweed DCP Section B11 and with the surrounding properties.

**Item 13****Zoning of Part of Lot 3 DP 877860 in Kielvale (adjacent to 59 Reserve Creek Rd)***Tweed LEP 2014: Land zoning map***Description of issue:**

Owners of Lot 3 DP 877860 requested that the RU5 Village zoning applicable to part of their land be back-zoned to RU2 Rural Landscape. This request has been supported by petitions from the local residents of Kielvale, received by Council during the public exhibition of the Tweed LEP 2014.

The site was zoned for village expansion under LEP 2000, however, this land is currently farmed for cane and the owners wish for this to remain as farmland. Council resolved on 16 May 2013 to consider an appropriate zone for the site through a planning proposal.

**Proposed amendment:**

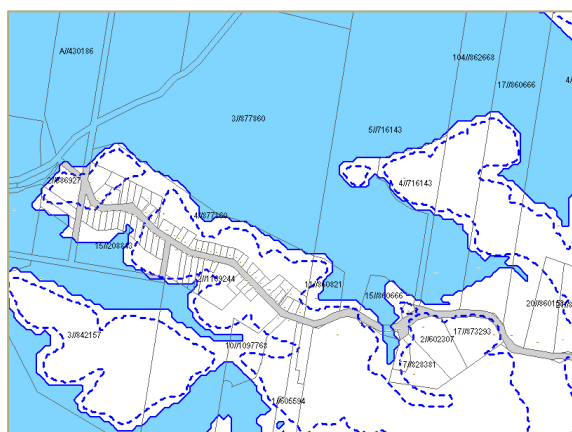
- Apply the RU2 Rural Landscape zone,
- Amend development standard maps: HOB (10m) and LSZ (40 ha) and FSR (no maximum floor space ratio), being the standard development controls for this zone.

The proposal to rezone the site in Kielvale is not a result of an identified mapping anomaly. As outlined on the previous page, it has been recommended for inclusion within this planning proposal consistently with the landowner's request to 'backzone' the site, supported by the Council resolution of 16 May 2013.

The following strategic justification has been prepared to explain the rezoning:

**1. Suitability of the site and constraints for residential development**

Suitability of the subject site for residential development is severely constrained by the flood risk and proximity to agricultural activities requiring an appropriate buffer, which in this instance significantly reduces the footprint of the potential development area. The mapping provided below indicates that the subject site is entirely within the flood planning area, as identified on the Tweed LEP 2014 Flood Planning Map.

*Tweed LEP 2014 Flood Planning Map**Agricultural activities adjoining and currently on the site*

In addition, no adequate infrastructure exists in the locality. As outlined in Tweed Urban and Employment Land Release Strategy, any new development in Kielvale area should involve examination of appropriate sewerage options, including the possibility of a package sewerage treatment plant. Additionally, the intersection of the Reserve Creek Road and Tweed Valley Way has capacity limitations requiring upgrading.

**2. Impacts on housing supply and demand**

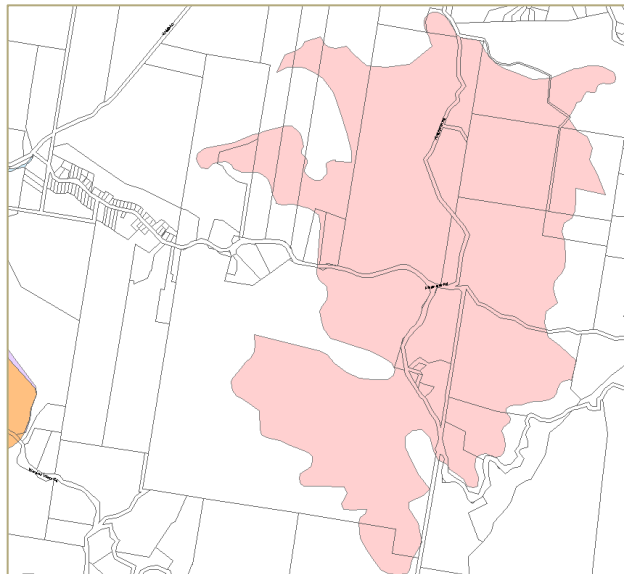
Rezoning the site to RU2 Rural Landscape should not have a significant impact on housing supply and demand. The site is severely constrained and the requirement to accommodate an adequate buffer from the adjoining sugar cane areas heavily reduces the potential of the land for housing development. The Tweed



Urban and Employment Land Release Strategy identifies alternative land for residential development in this locality which appears to be less constrained and more able to respond to housing demand.

### 3. Potential to impact future residential development in the area

The Tweed Urban and Employment Land Release Strategy (TUELRS) identifies a large area suitable for residential development in close proximity to the subject site. This land, known as East Kielvale (Area 1), has been identified as suitable for residential development as it is mostly cleared of native vegetation and elevated from the floodplain. The total area of this land is 370 hectares. Rezoning of Part Lot 3 DP 877860 to RU2 Rural Landscape may expedite potential rezoning and subdivision of this land, as long as sufficient demand for housing in this locality is identified. No other impacts to future residential development resulting from rezoning of part of Lot 3 DP 877860 have been identified.



*Image from the TUELRS showing future residential growth Area 1.*

### 4. Environmental, economic and social impacts

Rezoning of Lot 3 DP 877860 to RU2 Rural Landscape should not have any significant environmental, economic and social impacts as this reflects the current use of the land: the site does not have significant environmental values and is used for sugar cane farming. Rezoning of this site to RU2 is consistent with the current use of the land and will ensure that the land is used for that purpose.

No significant social impacts have been identified at this stage. As highlighted on previous pages, rezoning of this land has been supported by petitions from the Kielvale community concerned about any development proposals in this locality. Rezoning to RU2 appears consistent with community expectations.

### 5. Consistency with the Far North Coast Regional Strategy (FNCRS)

The site is located within the Town and Village Growth Boundary. However, provisions of the FNCRS state as follows: *Not all land identified within the Town and Village Growth Boundary can be developed for urban uses. Land that is subject to significant natural hazards and/or environmental constraints will be excluded from development.*

Part 4 Environment and Natural Resources of the FNCRS states that *new development adjoining or adjacent to farmland, extractive resources, waterways, wetlands, and areas of high biodiversity value will incorporate buffers to avoid land use conflict.*

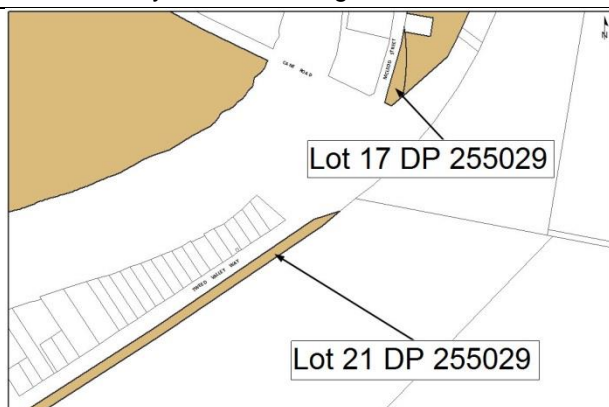
Part 6 Natural hazards provides that local environmental plans will zone areas subject to high hazard to reflect the capabilities of the land.

The desired outcome of this planning proposal is consistent with the above provisions, as the subject land is significantly constrained by flood risk, proximity to agricultural land and high costs of infrastructure supply.



#### Item 14

Remains of the Condong Sugar Mill Rail Line at Tweed Valley Way and Cane Road intersection – inconsistency between listing in Schedule 5 and the mapping.



*Tweed LEP 2014: Heritage Map*

#### **Description of issue:**

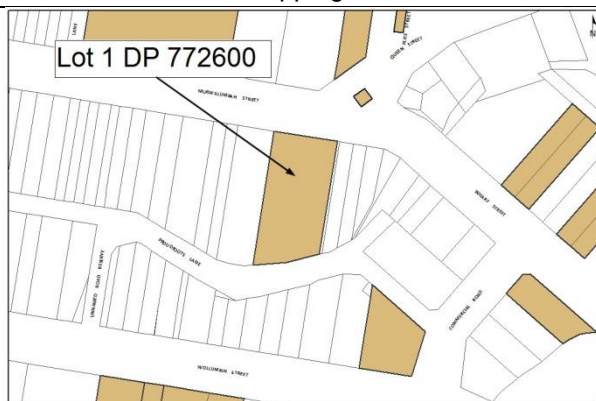
This heritage item comprises of Lot 21 DP 255029 and Lot 17 DP 255029. Both lots have been correctly mapped in the LEP 2014, but only Lot 17 DP 255029 has been listed in Schedule 5 (as Item 15).

#### **Proposed amendment:**

Amend Schedule 5 to include Lot 21 DP 255029 as part of Item 15 together with Lot 17 DP 255029.

#### Item 15

36-42 Murwillumbah Street, Murwillumbah (National Australia Bank site) – inconsistency between listing in Schedule 5 and the mapping.



*Tweed LEP 2014: Heritage Map*

#### **Description of issue:**

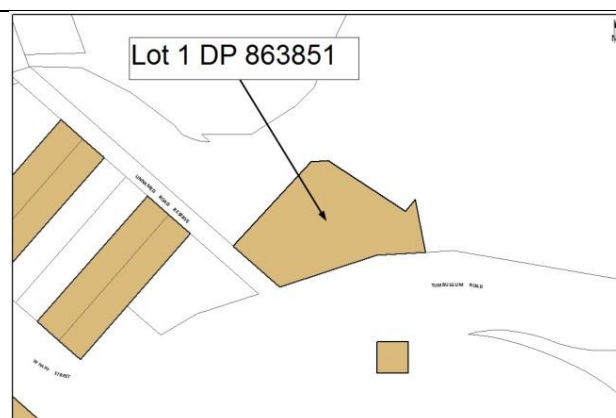
This heritage Item (NAB Bank site) is described under Schedule 5, Item 67 as 38 Murwillumbah St, being Lot 1 DP 772600. The correct description, consistent with the mapping and house address should be 36-42 Murwillumbah St.

#### **Proposed amendment:**

Amend Schedule 5 to update the address to 36-42 Murwillumbah Street for heritage Item 67.

#### Item 16

War Memorial Cenotaph, 10-14 Tumbulghum Road, Murwillumbah – Typographical error in DP description.



Tweed LEP 2014: Heritage Map

#### Description of issue:

This heritage item (War Memorial Cenotaph site) is described in Schedule 5, Item 80 as located on Part Lot 1 DP 863854. There is a typographical error with the DP. The correct description should be Lot 1 DP 863851.

#### Proposed amendment:

Amend Schedule 5 item 80 to Lot 1 DP 863851.

## Minor policy amendments

### Item 17 Boundary adjustments between lots in certain rural and residential zones

Boundary adjustments are a minor form of development involving relatively small changes to lot boundaries where they do not create any additional lots or dwellings. Boundary adjustments result in positive planning outcomes by creating more logical lot boundaries that are better aligned with the inherent constraints or ownership of land.

Previously, most boundary adjustments were exempt development under the Tweed Exempt and Complying DCP. However, introduction of the Codes SEPP as the only *exempt and complying* controls applying following repeal of the Exempt and Complying DCP upon gazettal of the LEP 2014 have made the application of the exempt provisions for boundary adjustments very restrictive.

This Planning Proposal aims to introduce an additional clause to Part 4 Principal Development Standards to maintain the previous level of minor boundary adjustments. The proposed, draft wording of this clause is provided below for further consultation with State agencies, local community and other stakeholders.

#### 4.2C Boundary adjustments of land in certain rural and residential zones [local]

- (1) The objective of this clause is to facilitate boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size and the objectives of the relevant zone can be achieved.
- (2) This clause applies to land in the following zones:  
Zone RU1 Primary Production, and  
Zone RU2 Rural Landscape, and  
Zone R5 Large Lot Residential.
- (3) Despite Clause 4.1, development consent may be granted to subdivide land by way of a boundary adjustment between adjoining allotments where one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land, if the consent authority is satisfied that:

- (a) the subdivision will not create additional lots or the opportunity for additional dwellings, and
  - (b) the number of dwellings or opportunities for dwellings on each lot after subdivision must be the same as before the subdivision, and
  - (c) the potential for land use conflict will not be increased as a result of the subdivision, and
  - (d) the agricultural viability of the land will not be adversely affected as a result of the subdivision.
- (4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following:
- (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
  - (b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
  - (c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
  - (d) whether or not the subdivision is likely to be incompatible with a use on land in any adjoining zone,
  - (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),
  - (f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
  - (g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.
- (5) This clause does not apply:
- (a) in relation to the subdivision of individual lots in a strata plan or community title scheme, or
  - (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.

**Table 3.** *Proposed new clause to Part 4 Principal Development Standards*

*Explanation of each subclause*

- Subclause (1) explains the objectives of the provisions. The Codes SEPP provides for certain rural boundary adjustment subdivision to be exempt development, however, there are exclusions to this exemption, including lots that are wholly mapped as heritage items and rural boundary adjustments that are not considered to be minor.
- Subclause (2) defines zones to which the proposed provisions apply,
- Subclause (3) indicates that despite minimum lot size provisions contained in the Tweed LEP 2014, subdivision of undersized allotments may occur where Council is satisfied that no additional dwellings would be created, the potential for land use conflicts does not increase and the agricultural viability of the land will not be affected,
- Subclause (4) lists matters to be taken to account during development assessment stage. Particular emphasis in this subclause is placed on compatibility of the proposed boundary adjustment with use of land in the vicinity,
- Subclause (5) specifies circumstances where clause 4.2C will not apply.

## **Item 18 Amendments to clause 7.9 Development in areas subject to aircraft noise**

Minor amendment is sought to clause 7.9 Development in areas subject to aircraft noise to recognise current revision of Australian Standard 2021.

## **Item 19 Removal of Flood Planning Map, with amendments to clauses 7.3 Flood Planning and 7.4 Floodplain Risk Management**

Currently, the flood planning areas are identified via two mechanisms: Flood Planning Maps of the Tweed LEP 2014 and Council's Tweed Valley Floodplain Risk Management Study and Plan. Any development proposal on land identified as flood liable by either of these mechanisms must comply with the relevant flood planning provisions within both the Tweed LEP 2014 and Tweed DCP 2008 (*Section A3 Development of Flood Liable Land*). This arrangement may potentially lead to inconsistencies: Council's flood studies are able to be amended and approved by Council when needed, for example as a result of conducting more detailed flood assessment, or following fill works on a development site. Meanwhile, the Tweed LEP 2014 maps must undergo an LEP amendment process which may take up to 12 months or longer.

Through this Planning Proposal, Council requests removal of the flood planning maps from the LEP, and amendments to Clauses 7.3 and 7.4 to remove references to these. The exclusion of flood mapping from the Tweed LEP 2014 will ensure development assessment process relies on current and appropriate planning for flood prone areas, based on amended LEP clauses and mapping provided within planning studies external to the LEP. This amendment aims to implement Recommendation No 36 endorsed by Council on 16 May 2013 (review of submissions made to draft LEP), which stated as follows:

### *Recommendation/Action:*

36 No amendment to the DLEP at this stage. The revised flood modelling and amendment to the Flood Planning Map to be undertaken through a separate LEP amendment process.

## **Part 3 Justification**

### **Part 3.1 Justification of housekeeping amendments**

#### **Section A Need for the planning proposal**

##### **1 Is the planning proposal a result of any strategic study or report?**

This Planning Proposal is not the result of any strategic study or report. Instead, the amendments to the Tweed LEP 2014 are primarily a housekeeping exercise to resolve mapping and clause errors and anomalies. This Planning Proposal is a result of the review of the Tweed LEP 2014, during the 18 months of the plan being operational. Given that a number of anomalies have been identified in the Tweed LEP 2014, it was deemed appropriate that a Housekeeping Planning Proposal would be prepared. Mapping amendments contained within the "housekeeping" part of this Planning Proposal predominantly aim to rectify errors and mapping anomalies that were made during the preparation of the draft LEP 2014.

##### **2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes. The intended outcome of this Planning Proposal is to resolve errors and anomalies within the Tweed LEP 2014. Accordingly, this Planning Proposal is considered the only way of achieving this outcome.

## **Section B      Relationship to strategic planning framework**

### **1      Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

Tweed Shire is subject to the *Far North Coast Regional Strategy (FNCRS) 2006-2031*. This Planning Proposal is consistent with the overall vision statement provided under the FNCRS (*A healthy, prosperous and sustainable future for the diverse communities of the Far North Coast Region*). It is also noted that the proposed amendments are predominantly administrative and will generally have little to no impact on the objectives and actions of the FNCRS.

Consistency with Part 5 *Heritage* of the FNCRS:

Part 5 *Heritage* of the FNCRS includes the following action:

- Councils and the Department of Planning will review the scope and quality of the existing statutory lists of heritage items and ensure that all places of significance are included in the heritage schedules of local environmental plans.

This Planning Proposal responds to this action by correcting inaccuracies in the heritage register provided under Schedule 5 of the LEP.

Consistency with the Mapping section of the FNCRS:

According to map titled: *Town and Village Growth Boundaries Sheet 1 – Tweed*, Items 3 and 11 are located outside the Town and Village Growth Boundary. The recommendation to rezone these sites to a village zone is considered to be justifiably inconsistent as these two items aim to correct an obvious zoning anomaly by re-instating the previous zoning (village).

Additional consideration of provisions of the FNCRS has been provided within Part 2 in relation to Item 13 (rezoning of land in Kielvale).

Overall, no inconsistencies between this Planning Proposal and the FNCRS have been identified.

### **2      Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?**

The *Tweed Community Strategic Plan 2013/2023 (CSP)* is the long term strategic plan for the future of the Tweed Shire area. It identifies the community's main priorities and expectations for the future and ways to achieve these goals. The CSP is established on four thematic sections: Civic Leadership, Supporting Community Life, Strengthening the Economy, and Caring for the Environment.

This Planning Proposal does not directly respond to any of the key issues or actions identified under the CSP; nonetheless, it responds to the following objective contained under the Civic Leadership theme:

Action:	Comment:
1.5.3 The Tweed Local Environmental Plan will be reviewed and updated as required to ensure it provides an effective statutory framework to meet the needs of the Tweed community.	The planning proposal seeks to rectify a number of mapping anomalies and amend certain clauses to improve their efficiency in Tweed's statutory planning framework.

### 3 Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPPs)?

While assessing consistency of this Planning Proposal with State Environmental Planning Policies, consideration was given to the scope of proposed changes to the LEP, which predominantly are limited to housekeeping and minor policy amendment matters. Council considers that these changes will not lead to an increase in development (such as subdivision, increased density or erection of additional dwellings) or additional, negative impact on the natural environment.

Out of approximately 66 SEPPs made and published by the NSW Government, many of them apply to land within Tweed Shire and regulate matters of State or regional environmental planning significance. Key SEPPs usually considered as applicable to planning proposals in the Tweed include SEPP 14 Coastal Wetlands, SEPP 26 Littoral Rainforests, SEPP 71 Coastal Protection, SEPP 26 Caravan Parks, Infrastructure SEPP, Rural Lands SEPP, SEPP 44 Koala Habitat Protection, Exempt and Complying Development Codes and BASIX.

- Two of the housekeeping (mapping) amendments, being Items 9 and 10, affect infrastructure sites by allowing additional land uses, facilitating commercial use of superfluous land. These amendments are considered consistent with the Infrastructure SEPP as they do not limit the use of land for infrastructure.
- Item 13 (rezoning of a site in Kielvale) has been reviewed for consistency with the provisions of SEPP (Rural Lands) 2008. The desired outcome of this Item, rezoning of Part of Lot 3 DP 877860, is consistent with the Rural Planning Principles provided under this SEPP as it will ensure adequate protection of land used for sugar cane farming. This item does not involve further subdivision of land therefore the outcome of this item is not inconsistent with the Rural Subdivision Principles.
- Item 17 (boundary adjustments between lots in certain rural and residential zones) refers to matters considered under the SEPP (Rural Lands) 2008. Clause 9(3) of that SEPP states as follows:

*“However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot”.*

The proposed boundary adjustments clause is considered consistent with this SEPP, in particular with its aims, rural planning principles and rural subdivision principles as no additional dwellings will be encouraged or permitted.

#### 4 Is the planning proposal consistent with applicable Ministerial Directions (s117 Directions)?

The Planning proposal is consistent with the Ministerial s117 Directions, as outlined in the following table.

*The consistency with applicable s117 Directions is assessed in the following table 4.*

*Table 4- Consistency with s117(2) Directions*

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
<b>1. Employment and Resources</b>			
1.1 Business and Industrial Zones	The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.	Relevant to this Planning Proposal as some of the proposed amendments affect land in business zones (Item 1). The proposal does not reduce the area of the business zone, rather the change is zoning reflects the uses of the site.	Rezoning of the site included in Item 1 is consistent with the objectives of this direction.
1.2 Rural Zones	<p><u>Objectives:</u> The objective of this direction is to protect the agricultural production value of rural land.</p> <p><u>Application:</u> Clause 4(a) of this direction is applicable to this planning proposal.</p>	Relevant to this Planning Proposal as some of the proposed amendments affect land located in rural zones, being items 2, 3, 4, 5, 6, 8 and 11, as well as the clause proposed under item 17 (Boundary Adjustments).	<p>Justifiably inconsistent. Items 2 and 3 seek to rezone land from RU2 Rural Landscape to RU5 Village to rectify a zoning anomaly which occurred during the preparation of the LEP 2014. Under the LEP 2000 items 2 and 3 had a village zoning.</p> <p>Item 17, boundary adjustment clause, will modify current subdivision controls however, this will not increase the permissible density of land in rural zones.</p>



Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
1.5 Rural Lands	<p><u>Objectives:</u> To protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes.</p> <p><u>Application:</u> This direction applies to all planning proposals to which State Environmental Planning Policy (Rural Lands) 2008 applies, including Tweed Shire when there is any alteration of a rural zoning.</p>	<p>Relevant to this Planning Proposal as some of the proposed mapping amendments affect land located in rural zones.</p> <p>Items 2, 3, 7 and 8 correct drafting anomalies. Items 4, 5 and 6 seek to change zoning of agricultural drains from W1 to RU1 reflecting the agricultural use of the land and consistent with the surrounding RU1 zone.</p> <p>Item 13 aims to zone land use for sugar cane farming from RU5 Village to RU2 Rural Landscape. This change of zone will protect the agricultural production value of this site and is consistent with this direction.</p> <p>Item 17 aims to introduce additional clause affecting rural land (boundary adjustments between lots in certain rural and residential zones).</p>	Consistent. Both the mapping and policy amendments meet the requirements of this Direction by protecting the agricultural value of the land
<b>2. Environment and Heritage</b>			
2.1 Environment Protection Zones	<p><u>Objective:</u> The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p><u>Application:</u> This direction applies to all relevant planning</p>	This Direction is of limited relevance to this Planning Proposal as the State Government deferred E2 and E3 zones from Tweed LEP 2014. The only environmental zone that remains in the LEP (E1 zone) prohibits dwellings.	N/A



Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	authorities.		
2.2 Coastal Protection	<p><u>Objective:</u> The objective of this direction is to implement the principles in the NSW Coastal Policy.</p> <p><u>Application:</u> This direction applies to the coastal zone, as defined in the Coastal Protection Act 1979.</p>	<p>This Direction applies as some sites subject to the minor mapping changes are located within the coastal zone, being items 4, 5, 6, 8, 11 and 12.</p>	<p>Generally consistent. Amendments within this Planning Proposal will not affect public access to the Tweed River or any other waterbody or generate the need to provide new access; the proposal will not affect the scenic amenity of the waterbodies or cause overshadowing or major view impacts; amendments will not affect threatened species or wildlife corridors; are not likely to cause conflicts with water or land based activities; will not cause impacts on waterbodies such as the Tweed River as long as appropriate on site wastewater disposal is implemented and storm water controls are implemented; and will not impact on cultural heritage of significance as it predominantly applies to already developed areas.</p>
2.3 Heritage Conservation	<p><u>Objective:</u> The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p><u>Application:</u> This direction applies to all relevant planning authorities.</p>	<p>Relevant as this Planning Proposal aims to amend the description of Items 15, 67 and 80 in Schedule 5 Heritage.</p> <p>The Planning proposal does not alter the identification of any heritage item or object, rather corrects inconsistency between the mapping and Schedule 5.</p>	<p>Consistent.</p>

Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
<b>3. Housing, Infrastructure and Urban Development</b>			
3.1 Residential Zones	<p><u>Objective:</u> To encourage a variety and choice of housing types, to make efficient use of existing infrastructure and services and to minimise the impact of residential development on the environment and resource lands. This direction applies to all relevant planning authorities where the proposal may affect residential land or land where residential development may be permitted</p>	<p>This Planning Proposal affects certain land in residential zones therefore this Direction applies.</p> <p>In relation to Item 13 (rezoning of land in Kielvale), this rezoning will reduce the potential impact of residential development on resource land.</p>	<p>Housekeeping amendments resulting from the need to correct a mapping anomaly are considered consistent with this Direction.</p> <p>Item 13 (rezoning in Kielvale) is generally consistent with objective c) of this direction.</p>
<b>4. Hazard and Risk</b>			
4.1 Acid Sulfate Soils	<p>Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.</p>	<p>Items 1 ,2, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of this Planning Proposal are located on land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Map of the Tweed LEP 2014. The Tweed LEP 2014 includes Clause 7.1 Acid Sulfate Soils, which contains provisions to regulate the works undertaken on and in proximity to acid sulphate soils. Management of the acid sulfate soils will be dealt with at the development assessment stage.</p>	Consistent

Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
4.3 Flood Prone Land	<p>Development of flood prone land should be consistent with the NSW Government's Flood Prone Land Policy.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that creates, removes, or alters a zone or a provision that affects flood prone land.</p>	<p>Relevant as the Proposal aims to remove the Flood Planning Map from the Tweed LEP 2014 and amend clauses 7.3 and 7.4 by removing references to the LEP mapping.</p> <p>Also, certain individual items are applicable to this direction as they are located within the flood planning area or level of probable maximum flood: items 1, 2, 4, 5, 6, 7, 8, 9 and 13. Each of these is considered as consistent with the flood planning.</p>	<p>Consistent. Nothing in this planning proposal aims to increase density of development within the flood prone areas of the Tweed Shire.</p> <p>Item 2, aiming to re-instate the village zoning over land incorrectly translated to RU2 Rural Landscape is considered to be the correction of a zoning anomaly.</p>
4.4 Planning for Bushfire Protection	<p><u>Objectives:</u></p> <p>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) to encourage sound management of bush fire prone areas. Where this direction applies</p> <p><u>Application:</u></p> <p>All local government areas in which the responsible Council is required to prepare a bush fire prone land map under section 146 of the Environmental Planning and Assessment Act 1979 (the EP&amp;A Act), or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.</p>	<p>This Direction applies as this Planning Proposal affects land located within, or in proximity to bushfire prone land, being items 2, 3, 6, 7, 8, and 10. Notwithstanding the proposed amendments are to correct draft anomalies, this Planning Proposal will be referred for consultation with the NSW Rural Fire Services.</p>	<p>Consistency will be verified through consultation with the NSW RFS during the public exhibition stage.</p>

Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
<b>5. Regional Planning</b>			
5.1 Implementation of Regional Strategies	<p><u>Objective:</u> To give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</p> <p><u>Application:</u> This direction applies to land to which the regional strategies, including the Far North Coast Regional Strategy, apply.</p>	<p>All planning proposals must be consistent with the Far North Coast Regional Strategy, released by the Minister for Planning.</p> <p>Compliance with the FNCRS is discussed in Section B.</p>	Consistent.
5.3 Farmland of State and Regional Significance	<p><u>Objective:</u> To ensure agricultural land is protected for future generations and to minimise land use conflict</p> <p><u>Application:</u> Applies to land mapped as State or regionally significant</p>	<p>Items 2, 4, 5, 6 and 11 are located on regionally significant cane farmland.</p> <p>Item 2 aims to re-instate the village zoning on land incorrectly rezoned RU2 Rural Landscape during the preparation of the Standard Instrument LEP.</p> <p>Items 4, 5 and 6 of the proposal seek to retain the RU1 zoning and the farmland uses.</p> <p>Item 11 aims to apply a residential zone over land subdivided for urban development in 1958 and subsequently developed with low density residential dwellings.</p>	Justifiably inconsistent. Item 2 aims to rectify a zoning error. Item 11 aims to apply a residential zone over land subdivided and developed for urban purposes prior to the implementation of the Tweed Local Environmental Plan in 1988.

Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
<b>6. Local Plan Making</b>			
6.1 Approval and Referral Requirements	<u>Objective:</u> To ensure that LEP provisions encourage the efficient and appropriate assessment of development. This direction applies to all relevant planning authorities.	The planning proposal will not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.	Consistent
6.3 Site Specific Provisions	<u>Objective:</u> To discourage unnecessarily restrictive site specific planning controls. This direction applies to all relevant planning authorities.	The planning proposal seeks to zone the land appropriate to the land uses proposed. The planning proposal does not contain schematic drawings.	Consistent as this planning proposal applies to all zones where dwelling houses are permissible with consent.

## **Section C      Environmental, Social and economic impact**

### **1      Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?**

There will be no impact on any of these matters as a result of this Planning Proposal.

### **2      Are there any other environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The overarching aim of this Planning Proposal is to correct zoning anomalies and undertake minor policy amendments as described within Part 2, therefore no significant environmental effects have been identified.

Overall, amendments sought through this Planning Proposal are not expected to create opportunities for additional development that is not already permitted within the existing zones under Tweed LEP 2014. As such, no environmental effects are likely to result of this Planning Proposal.

### **3      How has the planning proposal adequately addressed any social and economic effects?**

The overarching aim of this Planning Proposal is to correct zoning anomalies and undertake minor policy amendments as described within Part 2, therefore social and economic effects are expected to be negligible.

Social and economic effects of rezoning a site in Kielvale (Item 13) have been addressed within the Part 2 Explanation of Provisions section of this planning proposal.

The removal of Flood Planning Maps from the LEP may increase clarity of development within the flood prone land by removing unnecessary duplication of flood mapping and will enable the mapping to be kept current as required..

## **Section D      State and Commonwealth interests**

### **1      Is there adequate public infrastructure for the planning proposal?**

Not applicable as this planning proposal does not aim to facilitate any new development. Instead, it is of a housekeeping nature and aims to correct mapping or clause anomalies and improve clarity of Tweed LEP 2014.

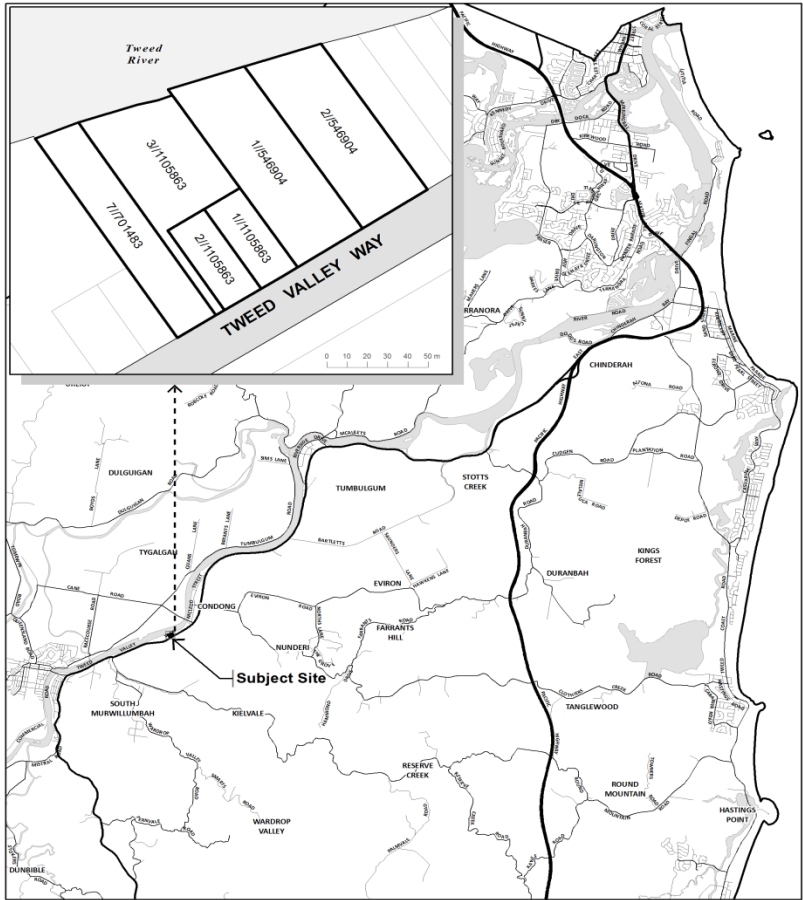
### **2      What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

This planning proposal will be referred to the NSW Department of Planning & Environment seeking a Gateway Determination.

This section of the Planning Proposal will be further updated once relevant consultation has been undertaken consistent with conditions of the Gateway Determination.

## Part 4 Mapping

This part of the planning proposal outlines the desired scope of changes to the Tweed LEP 2014 mapping resulting from amendments identified as Items 1-14 of the *Housekeeping amendment* section of this document.



**Item 1**

**Locality Plan Draft Amendment No.20**

**Commercial Development - Rezoning**

**Affected Properties:** Lot 7 DP701463, Lots 1-3 DP1105863, Lots 1-2 DP546904

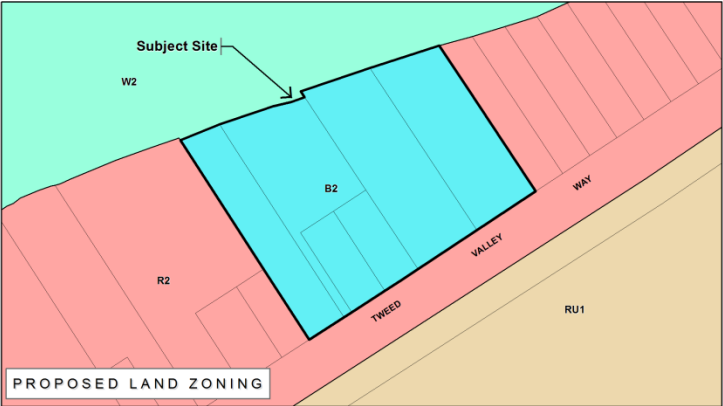
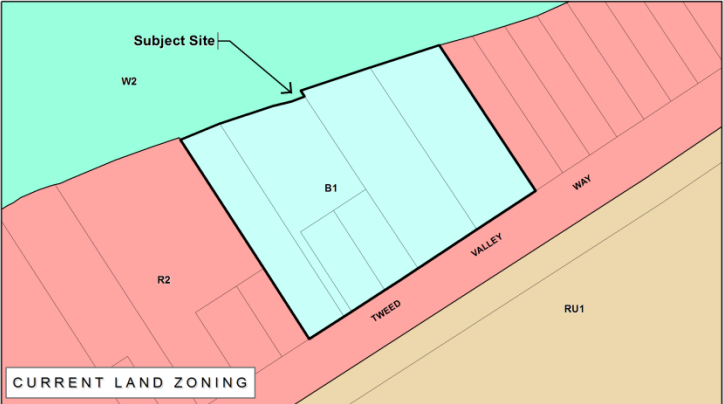
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**Council File [PP15/0008]**

**Revised | 19/02/2016**



**Item 1**

**Tweed Local Environmental Plan 2014**

**DRAFT Amendment No.20**

**Commercial Development - Rezoning**

**Affected Properties:** Lot 7 DP701463, Lots 1-3 DP1105863, Lots 1-2 DP546904

**Cadastre:** 19 February, 2016

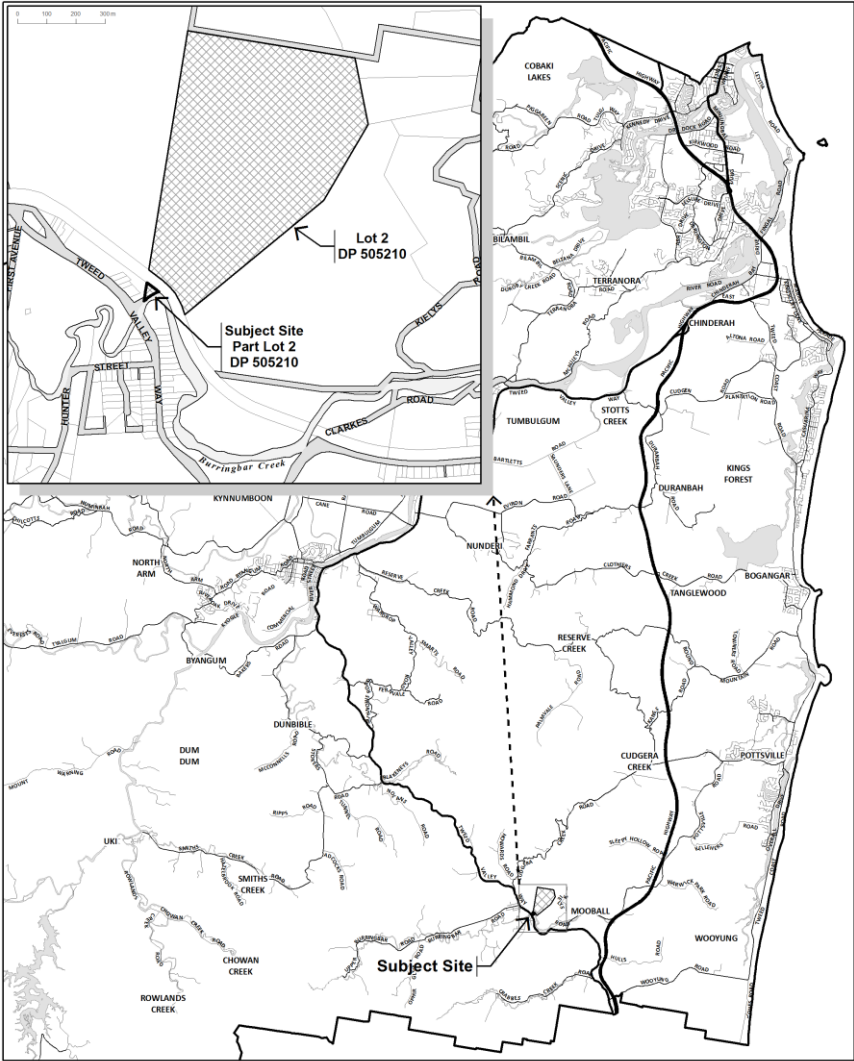
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**Affected Property** **Subject Site**

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0 1 2 3 Km  
SD NOT SCALE  
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Map Projection: Universal Transverse Mercator  
Geoid Datum of Australia 1984  
GDA: Map Grid of Australia, Zone 56  
TWEED  
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Murrumbidgee NSW 2484  
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W www.tweed.nsw.gov.au  
E planning@tweed.nsw.gov.au

**Locality Plan**  
**DRAFT Amendment No.20**  
Rezoning  
Affected Property: Part of Lot 2 DP 617184  
Tweed Valley Way, Burringbar

Council File | PP15/0008  
Revised | 19/02/2016

**Item 2**

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**Tweed Local Environmental Plan 2014**  
**Land Zoning**

<b>B1</b> Neighbourhood Centre	<b>E1</b> National Parks & Nature Reserves	<b>R5</b> Large Lot Residential	<b>SP1</b> Special Activities	<b>DM</b> Deferred Matter
<b>B2</b> Local Centre	<b>IN1</b> General Industrial	<b>RE1</b> Public Recreation	<b>SP2</b> Infrastructure	<b>MD</b> SEPP (Major Development) 2005
<b>B3</b> Commercial Core	<b>IN4</b> Working Waterfront	<b>RE2</b> Private Recreation	<b>SP3</b> Tourist	<b>TCC</b> Tweed City Centre LEP 2012
<b>B4</b> Mixed Use	<b>R1</b> General Residential	<b>RU1</b> Primary Production	<b>W1</b> Natural Waterways	
<b>B5</b> Business Development	<b>R2</b> Low Density Residential	<b>RU2</b> Rural Landscape	<b>W2</b> Recreational Waterways	
<b>B7</b> Business Park	<b>R3</b> Medium Density Residential	<b>RU5</b> Village	<b>W3</b> Working Waterways	

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**Tweed Local Environmental Plan 2014**  
**DRAFT Amendment No.20**  
Rezoning  
Affected Property: Part of Lot 2 DP 617184  
Tweed Valley Way, Burringbar

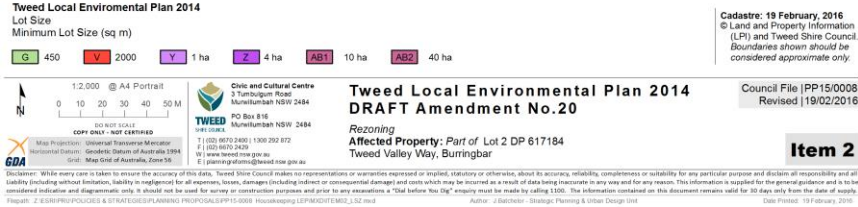
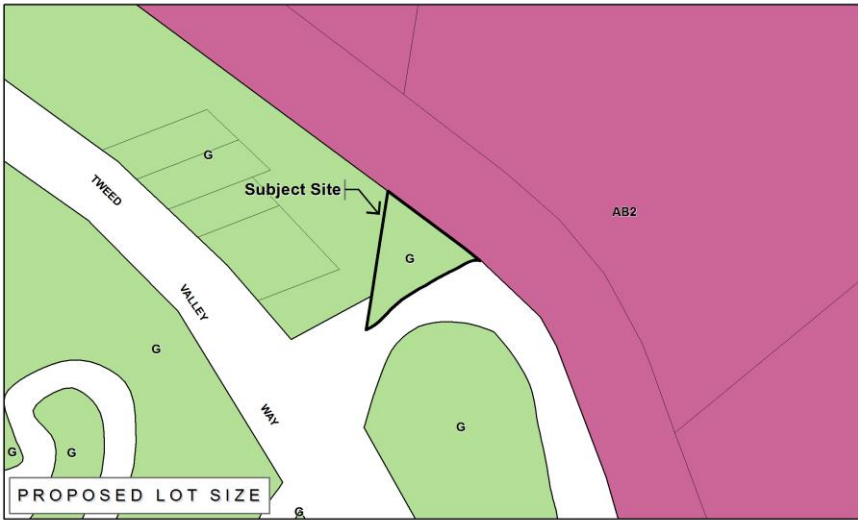
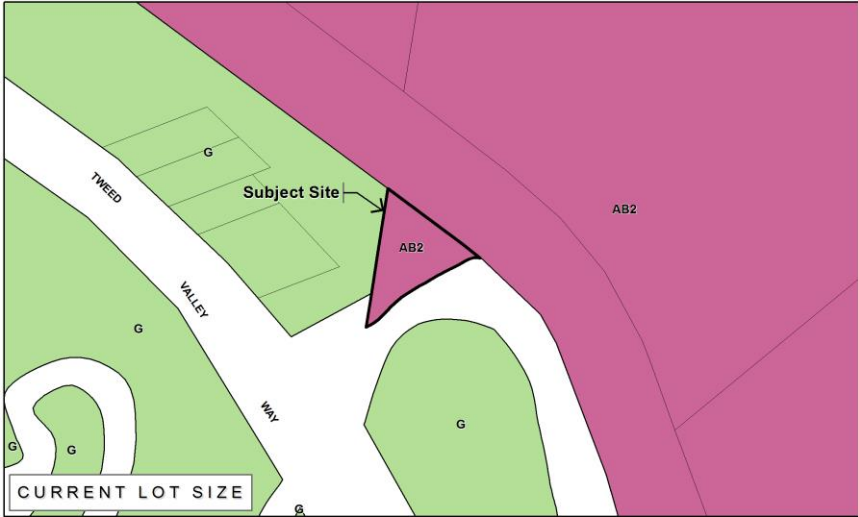
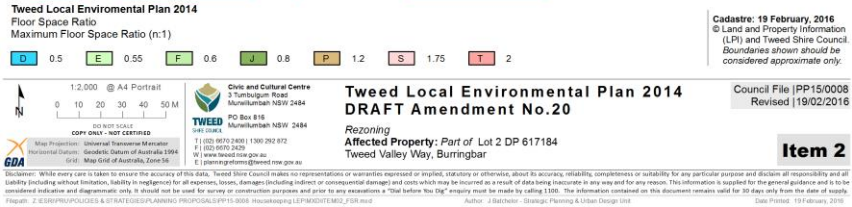
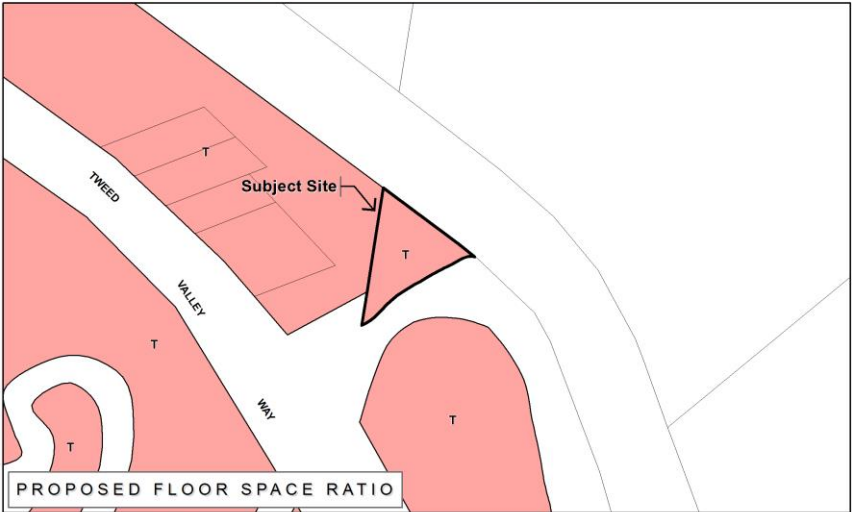
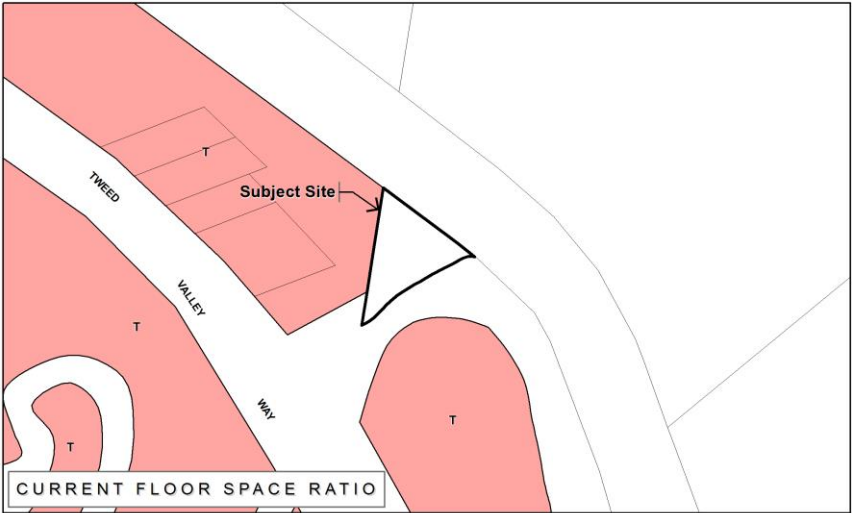
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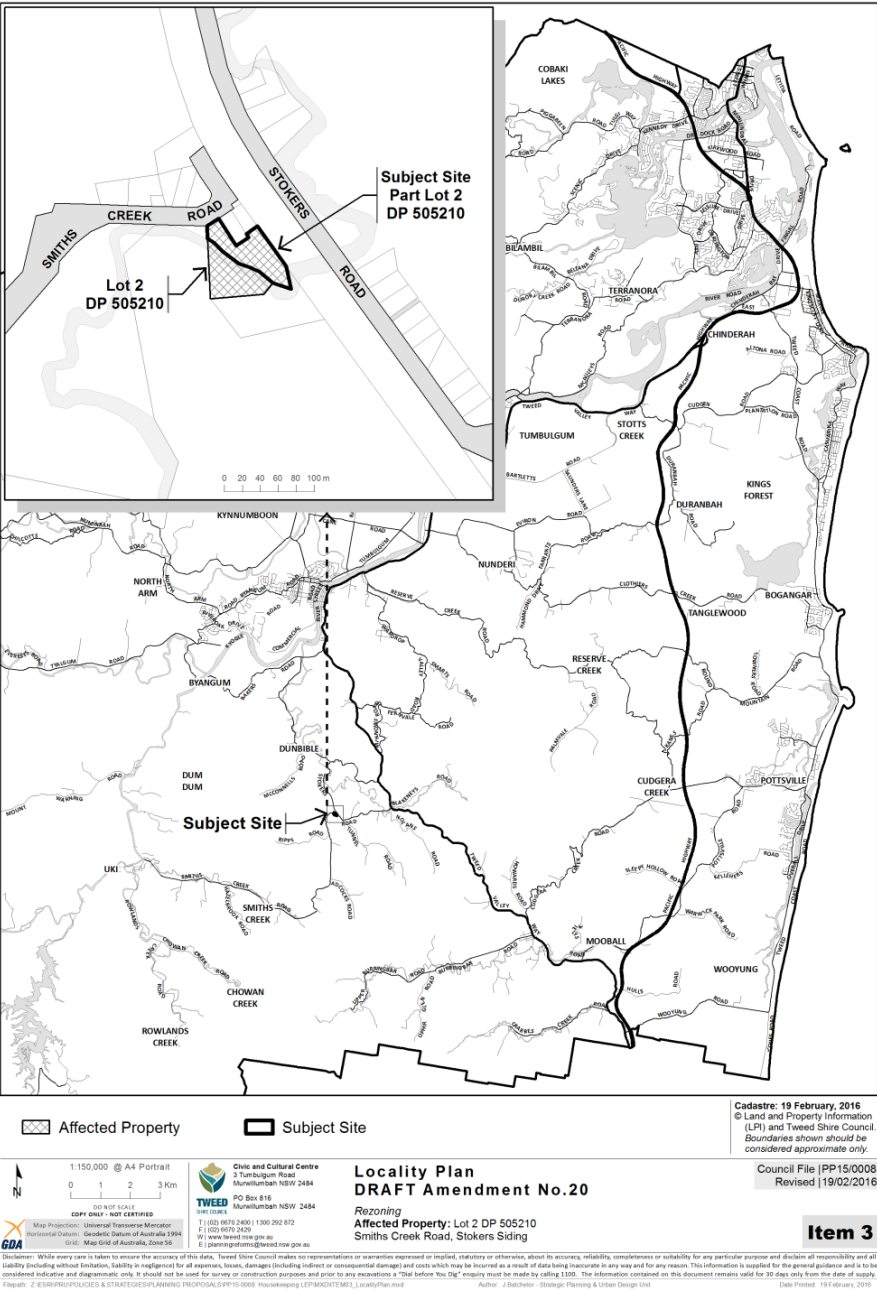
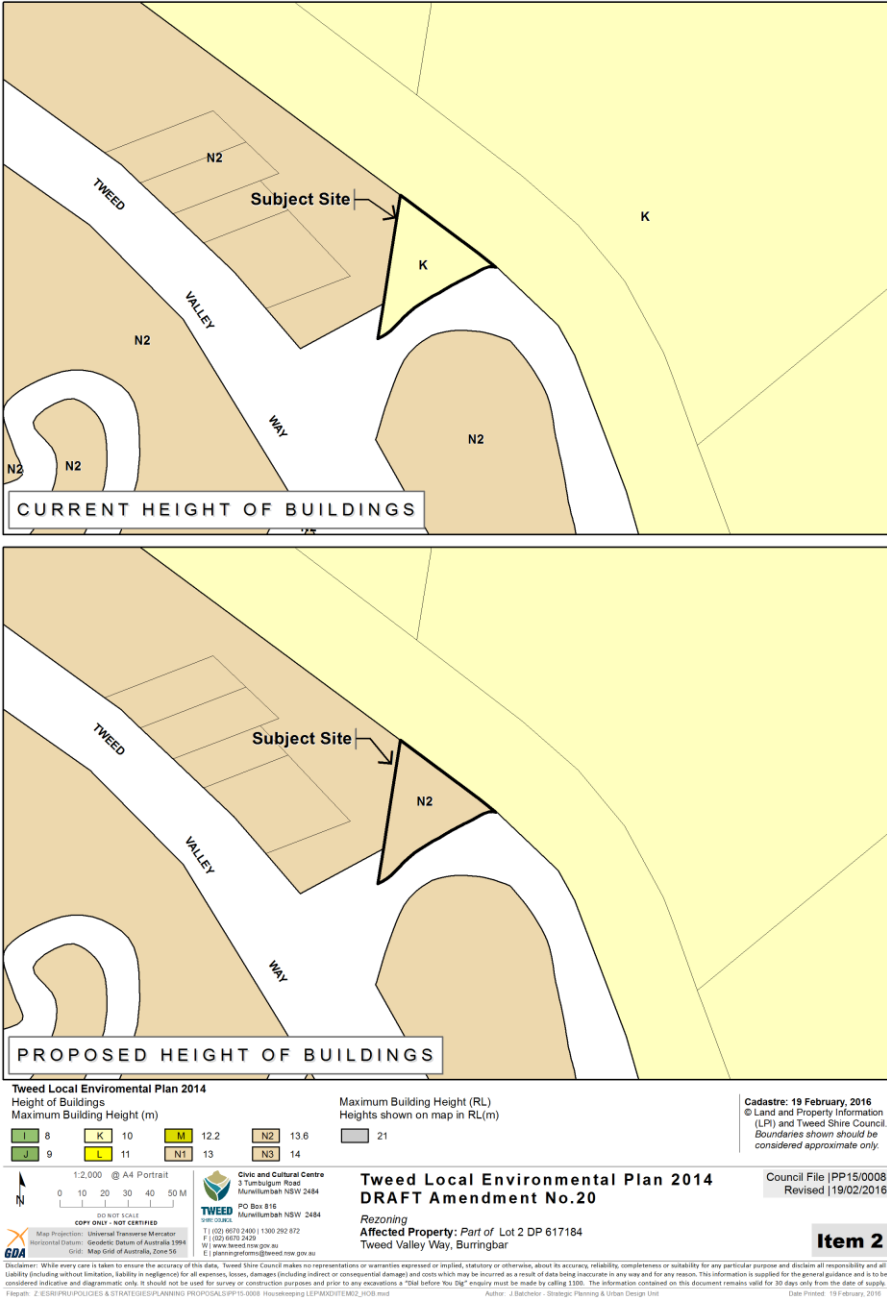
**Item 2**

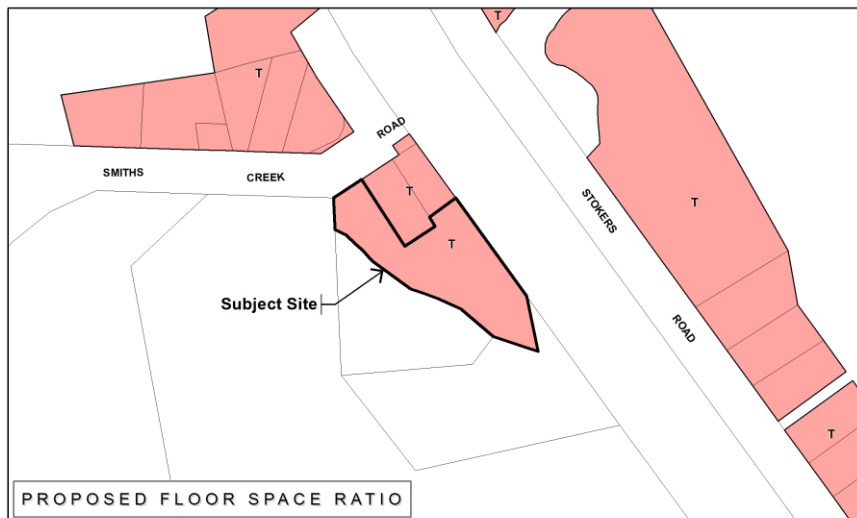
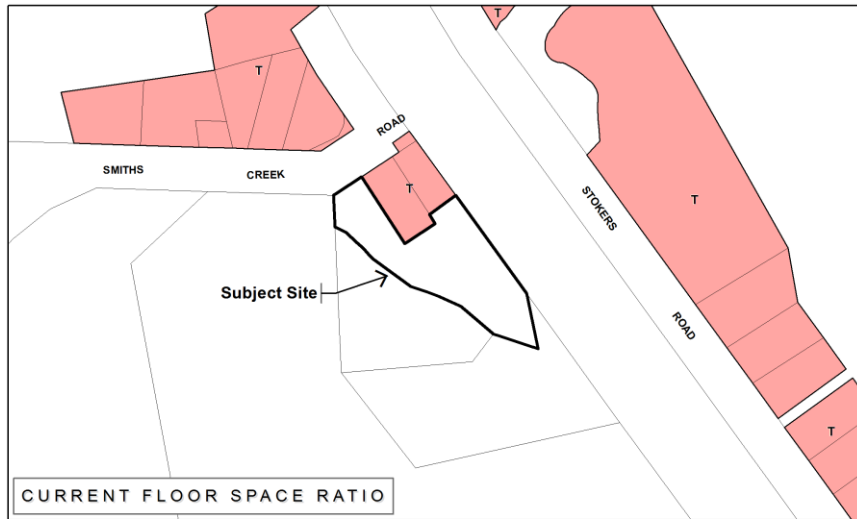
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**Tweed Local Environmental Plan 2014**  
Floor Space Ratio  
Maximum Floor Space Ratio (n:1)

D	0.5	E	0.55	F	0.6	J	0.8	P	1.2	S	1.75	T	2
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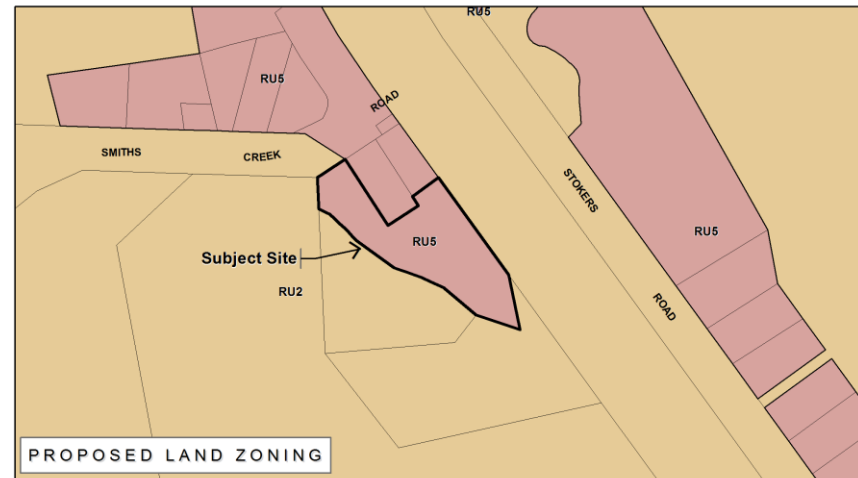
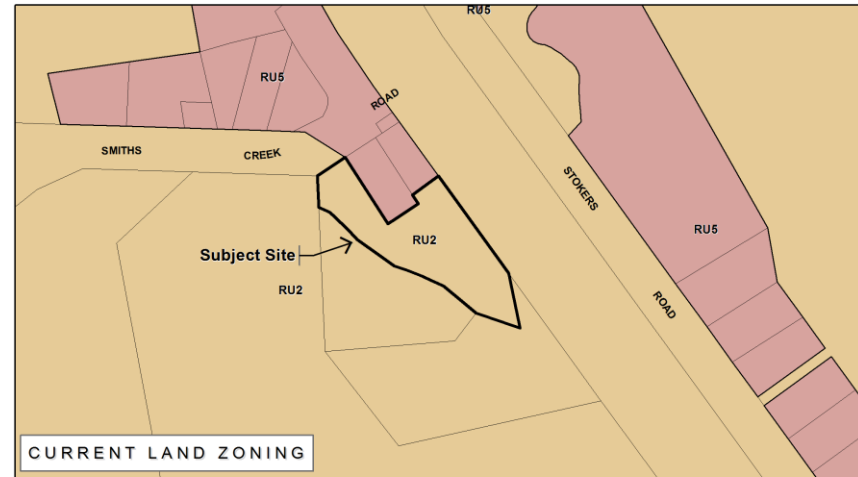
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**Tweed Local Environmental Plan 2014**  
**DRAFT Amendment No.20**  
Rezoning  
Affected Property: Lot 2 DP 505210  
Smiths Creek Road, Stokers Siding

**Item 3**

Council File [PP15/0008]  
Revised [19/02/2016]

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Vertical Datum: Mean Sea Level  
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Author: J. Bannister - Strategic Planning & Urban Design Unit  
Date Printed: 19 February 2016



**Tweed Local Environmental Plan 2014**  
Land Zoning

B1	Neighbourhood Centre	EN1	National Parks & Nature Reserves	RS	Large Lot Residential	SP1	Special Activities	DM	Deferred Matter
B2	Local Centre	IN1	General Industrial	RE1	Public Recreation	SP2	Infrastructure	MD	SEPP (Major Development) 2005
B3	Commercial Core	IN4	Working Waterfront	RE2	Private Recreation	SP3	Tourist	TCC	Tweed City Centre LEP 2012
B4	Mixed Use	R1	General Residential	R2	Primary Production	WT1	Natural Waterways		
B5	Business Development	R2	Low Density Residential	R3	Rural Landscape	WT2	Recreational Waterways		
B7	Business Park	R3	Medium Density Residential	R4	Village	WT3	Working Waterways		

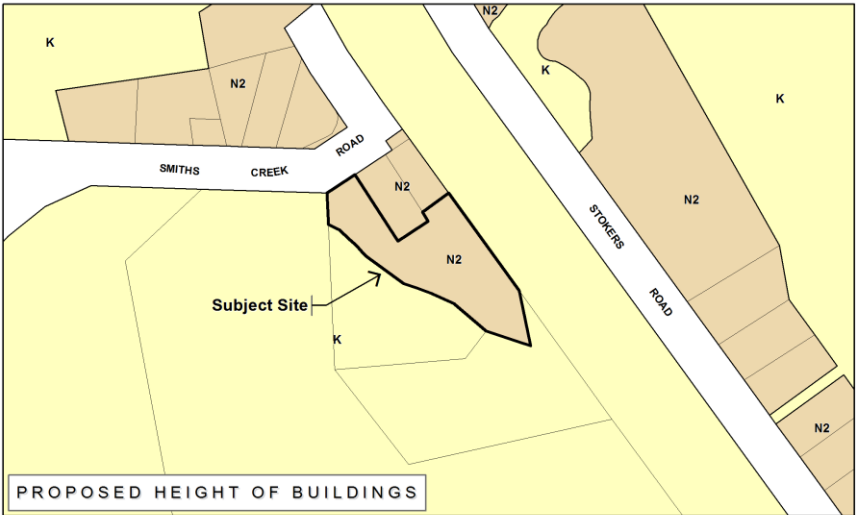
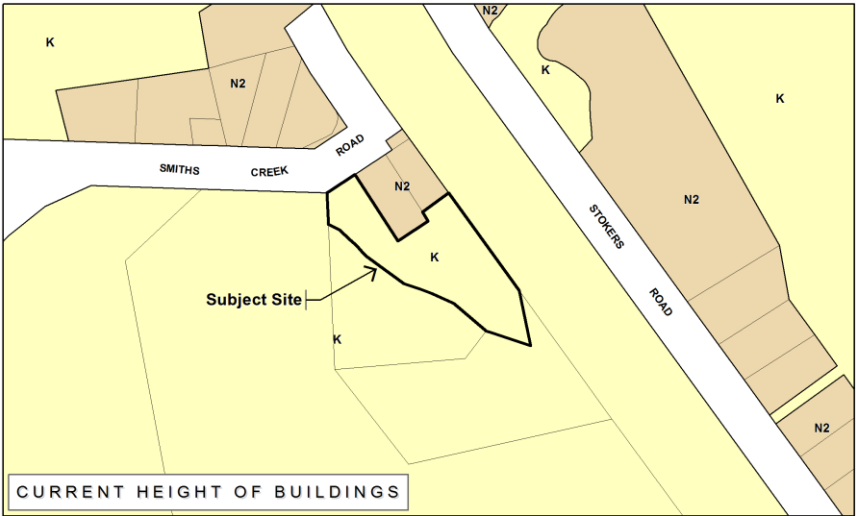
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**Tweed Local Environmental Plan 2014**  
**DRAFT Amendment No.20**  
Rezoning  
Affected Property: Lot 2 DP 505210  
Smiths Creek Road, Stokers Siding

**Item 3**

Council File [PP15/0008]  
Revised [19/02/2016]

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**Tweed Local Environmental Plan 2014**  
Height of Buildings  
Maximum Building Height (m)

8	10	12.2	13.6	14
K	N2	M	N2	NT

Maximum Building Height (RL)  
Heights shown on map in RL(m)

21
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**Tweed Local Environmental Plan 2014**  
**DRAFT Amendment No.20**

Rezoning  
Affected Property: Lot 2 DP 505210  
Smiths Creek Road, Stokers Siding

**Item 3**

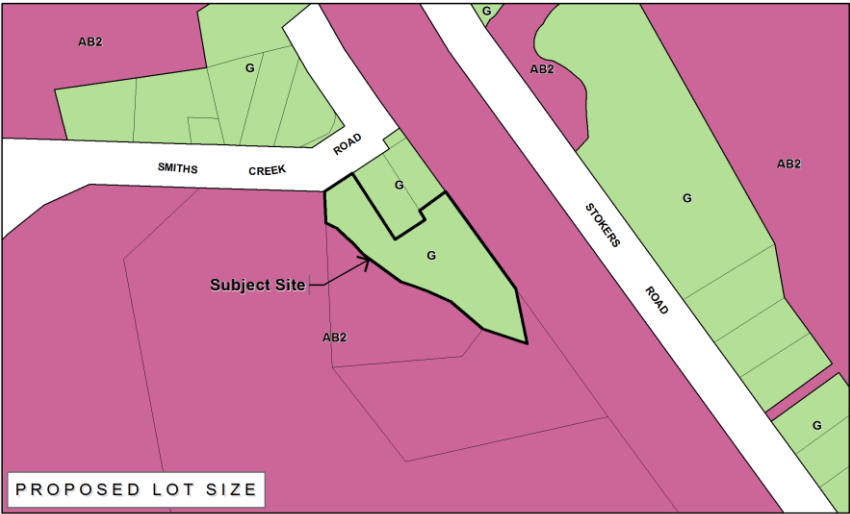
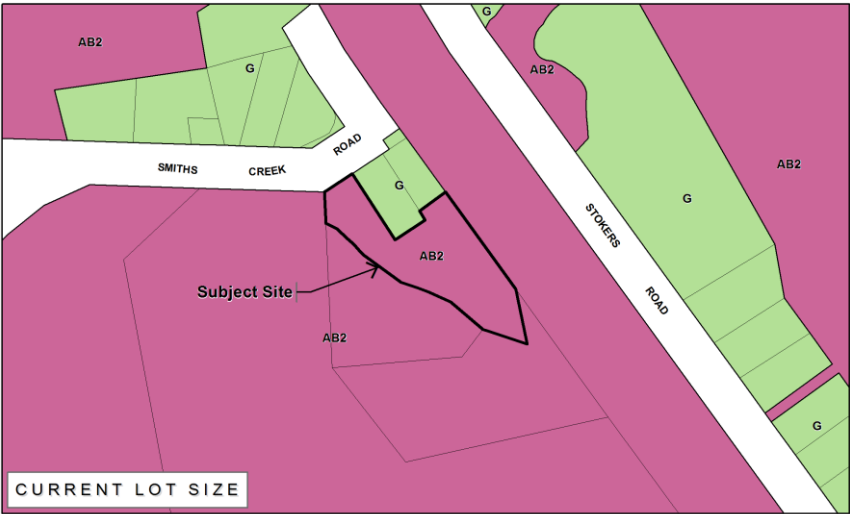
Council File [PP15/0008]  
Revised [19/02/2016]

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Vertical Datum: Mean Sea Level of Australia 1984  
Scale: Map Grid of Australia, Zone 56

City and Cultural Centre  
3 Tumbidgee Road  
Murrumbidgee NSW 2484  
PO Box 816  
Murrumbidgee NSW 2484  
T (02) 6670 2400 | F (02) 6670 2402  
E info@tweed.nsw.gov.au | W www.tweed.nsw.gov.au

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Page: 2 | ESR/PP/PO/2015-0008\_Housekeeping\_LEP/AMENDMENT\_20\_03.mxd Date Printed: 19 February, 2016



**Tweed Local Environmental Plan 2014**  
Lot Size  
Minimum Lot Size (sq m)

450	2000	1 ha	4 ha	10 ha	40 ha
G	V	Y	Z	AB1	AB2

Cadastral: 19 February, 2016  
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Boundaries shown should be considered approximate only.

**Tweed Local Environmental Plan 2014**  
**DRAFT Amendment No.20**

Rezoning  
Affected Property: Lot 2 DP 505210  
Smiths Creek Road, Stokers Siding

**Item 3**

Council File [PP15/0008]  
Revised [19/02/2016]

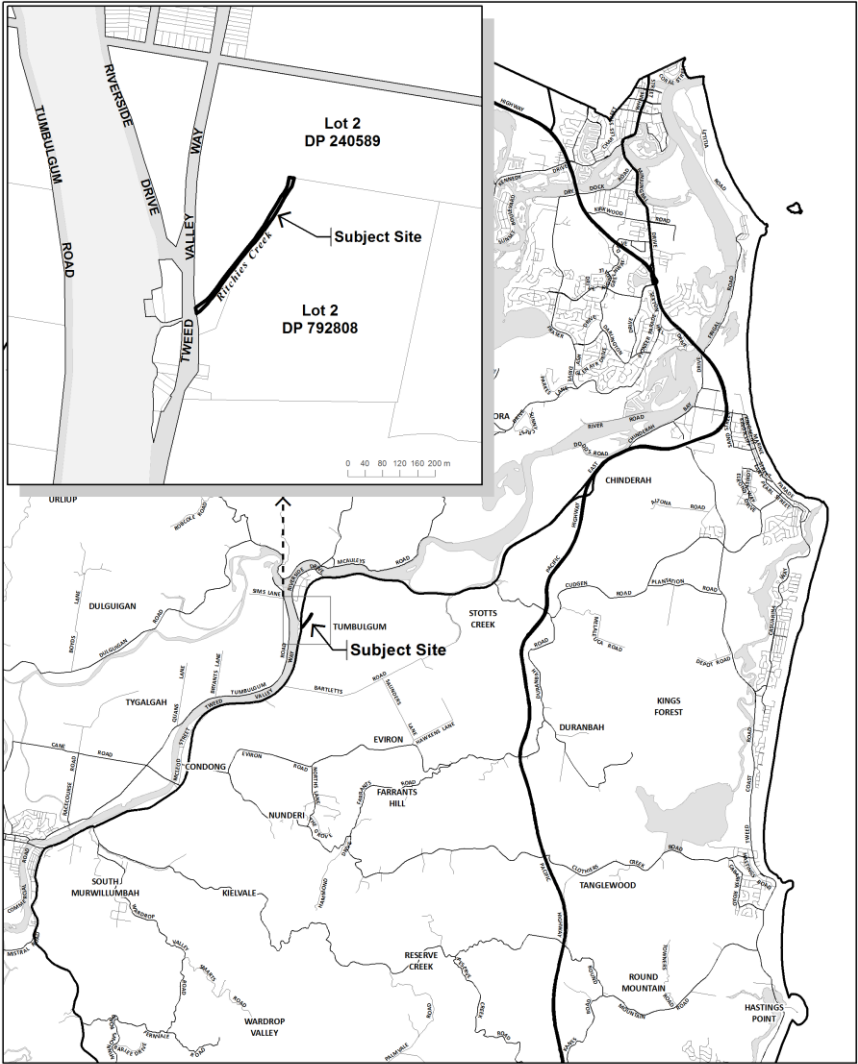
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Scale: Map Grid of Australia, Zone 56

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Page: 2 | ESR/PP/PO/2015-0008\_Housekeeping\_LEP/AMENDMENT\_20\_03.mxd Date Printed: 19 February, 2016





**Subject Site**

Cadastral: 19 February, 2016  
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**Locality Plan DRAFT Amendment No.20**  
**Former agricultural drain (waterway reserve)**  
**Subject Site: Ritchies Creek**  
**adjoining Lot 2 DP 792808, Tumbulgum**

**Item 4**

Council File | PP15/0008  
Revised | 19/02/2016

**Item 4**

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DO NOT SCALE  
COPY ONLY - NOT CERTIFIED

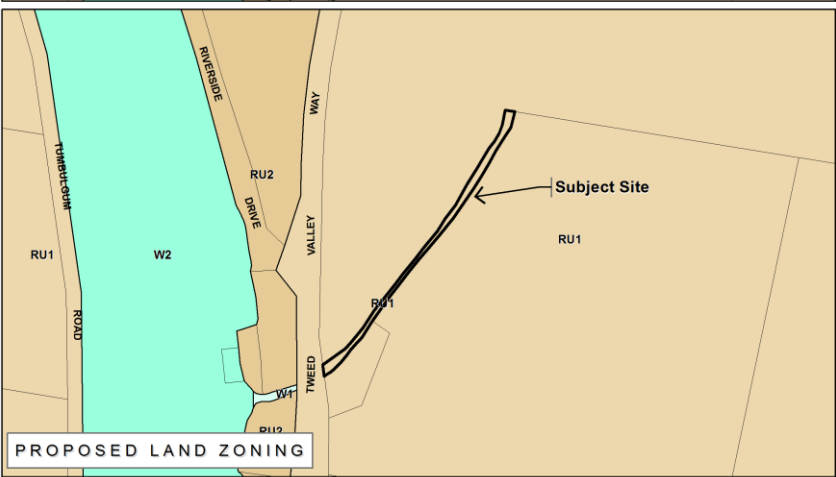
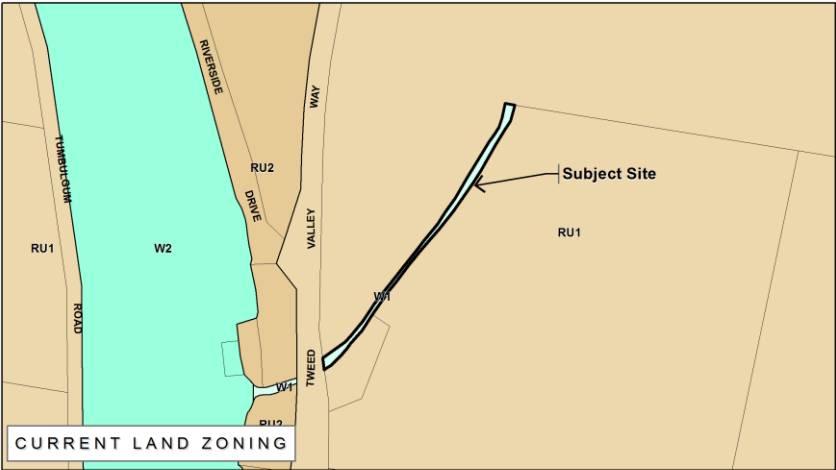
**GDA**  
Map Projection: Universal Transverse Mercator  
Horizontal Datum: Geostatic Datum of Australia 1984  
Vertical Datum: Mean Sea Level  
© 1994 GDA  
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F1 (02) 9670 2429  
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T1: [enquiries@tweed.nsw.gov.au](mailto:enquiries@tweed.nsw.gov.au)

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Murrumbidgee NSW 2484  
PO Box 818  
Murrumbidgee NSW 2484  
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11/02/2016  
13/02/2016  
19/02/2016

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Page#: 2 | ESRP/PPOLICIES & STRATEGIES/PLANNING PROPOSALS/PP15-0008 Housekeeping LEP/AMENDMENT 20 Locality Plan draft  
Author: J. Batchelor - Strategic Planning & Urban Design Unit  
Date Printed: 19 February 2016



**Tweed Local Environmental Plan 2014**  
**Land Zoning**

<b>B1</b> Neighbourhood Centre	<b>B3</b> National Parks & Nature Reserves	<b>R5</b> Large Lot Residential	<b>SP1</b> Special Activities	<b>DM</b> Deferred Matter
<b>B2</b> Local Centre	<b>B4</b> General Industrial	<b>R6</b> Public Recreation	<b>SP2</b> Infrastructure	<b>MD</b> SEPP (Major Development) 2005
<b>B3</b> Commercial Core	<b>B5</b> Working Waterfront	<b>RE2</b> Private Recreation	<b>SP3</b> Tourist	<b>TCG</b> Tweed City Centre LEP 2012
<b>B4</b> Mixed Use	<b>R1</b> General Residential	<b>RU1</b> Primary Production	<b>W1</b> Natural Waterways	
<b>B5</b> Business Development	<b>R2</b> Low Density Residential	<b>RU2</b> Rural Landscape	<b>W2</b> Recreational Waterways	
<b>B7</b> Business Park	<b>R3</b> Medium Density Residential	<b>RU3</b> Village	<b>W3</b> Working Waterways	

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**Tweed Local Environmental Plan 2014**  
**DRAFT Amendment No.20**  
**Former agricultural drain (waterway reserve)**  
**Subject Site: Ritchies Creek**  
**adjoining Lot 2 DP 792808, Tumbulgum**

**Item 4**

Council File | PP15/0008  
Revised | 19/02/2016

**Item 4**

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COPY ONLY - NOT CERTIFIED

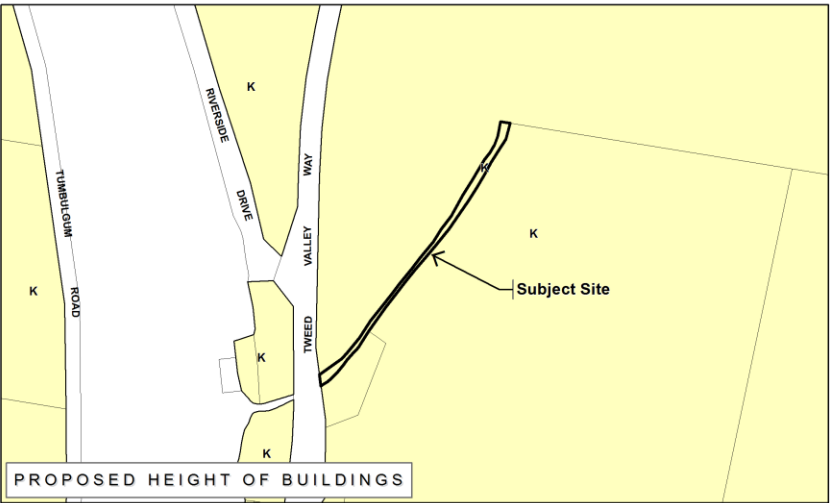
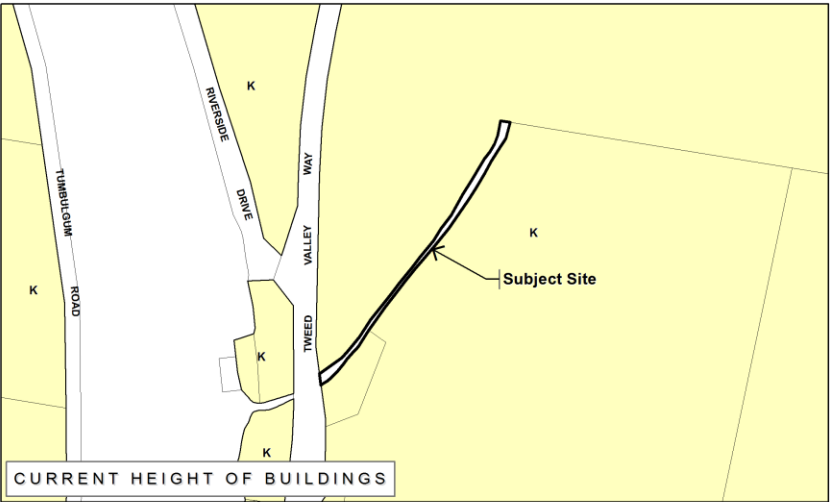
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Map Projection: Universal Transverse Mercator  
Horizontal Datum: Geostatic Datum of Australia 1984  
Vertical Datum: Mean Sea Level  
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Author: J. Batchelor - Strategic Planning & Urban Design Unit  
Date Printed: 19 February 2016



**Tweed Local Environmental Plan 2014**  
Height of Buildings  
Maximum Building Height (RL)  
Heights shown on map in RL(m)

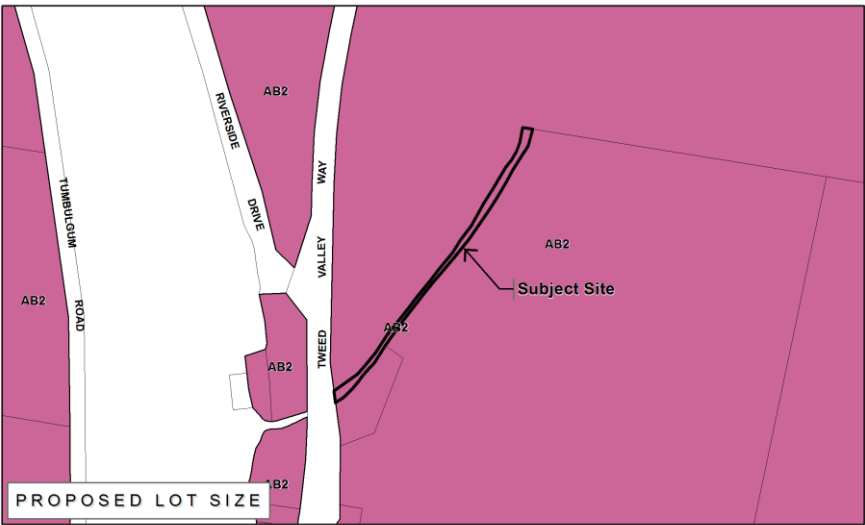
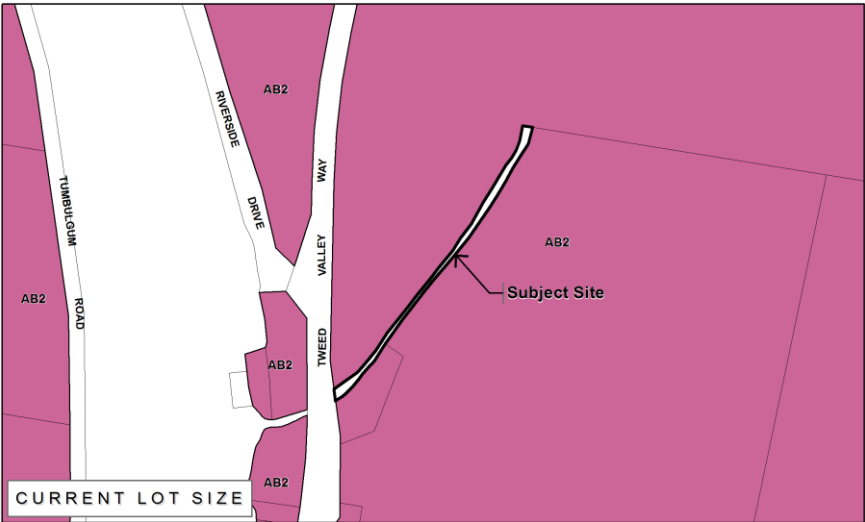
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9	11	13	14

**Tweed Local Environmental Plan 2014**  
**DRAFT Amendment No.20**  
Former agricultural drain (waterway reserve)  
Subject Site: Ritchies Creek  
adjoining Lot 2 DP 792808, Tumbulgum

**Item 4**

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Council File | PP15/0008  
Revised | 19/02/2016



**Tweed Local Environmental Plan 2014**  
Lot Size  
Minimum Lot Size (sq m)

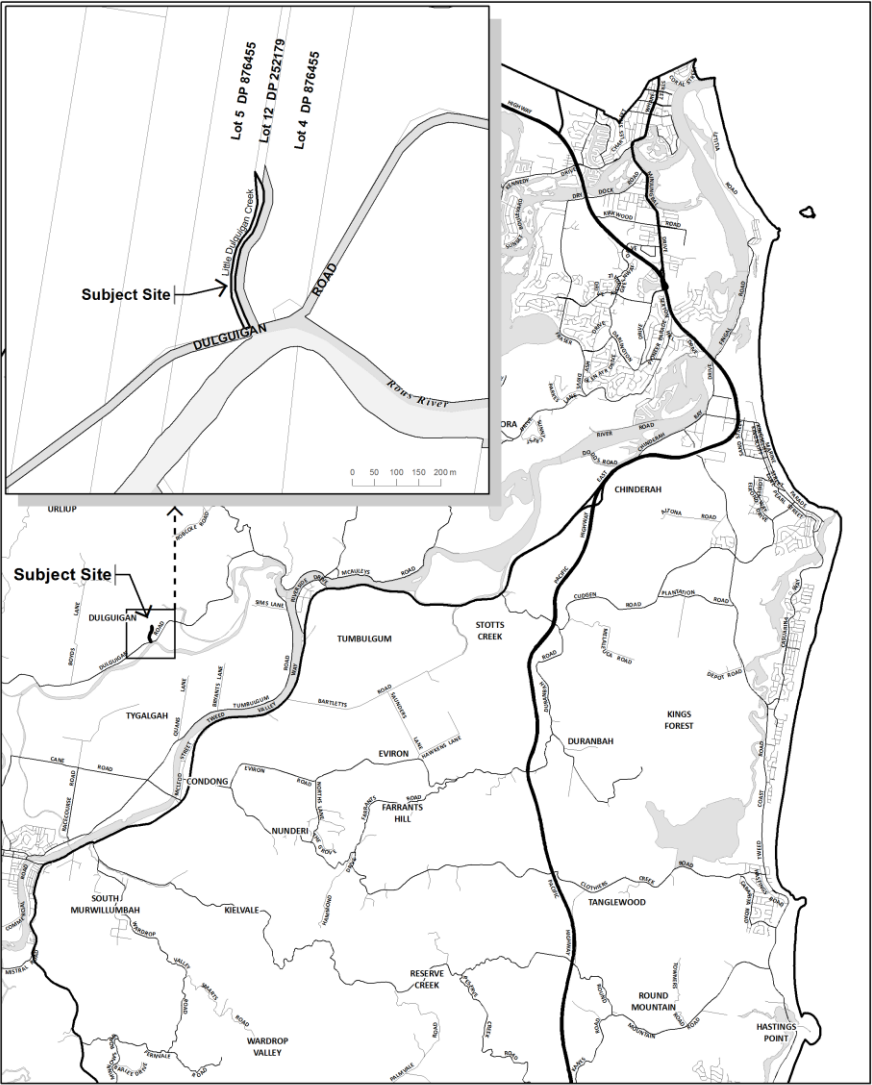
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**Tweed Local Environmental Plan 2014**  
**DRAFT Amendment No.20**  
Former agricultural drain (waterway reserve)  
Subject Site: Ritchies Creek  
adjoining Lot 2 DP 792808, Tumbulgum

**Item 4**

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Council File | PP15/0008  
Revised | 19/02/2016



**Locality Plan DRAFT Amendment No.20**  
Former agricultural drain (waterway reserve)  
Subject Site: Little Dulguigan Creek  
adjoining Lot 4 DP 876455, Tumbulgum

**Item 5**

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Revised | 19/02/2016

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Map Projection: Universal Transverse Mercator  
Horizontal Datum: Geocentric Datum of Australia 1994  
GDA: Map Grid of Australia, Zone 56

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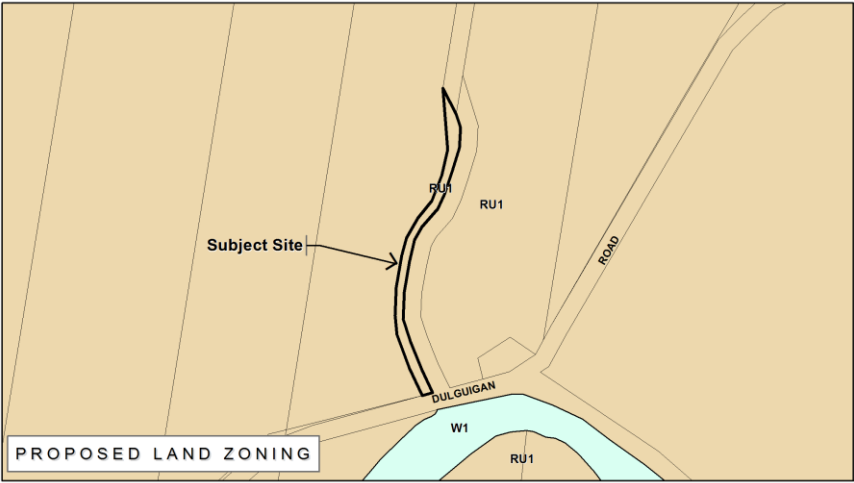
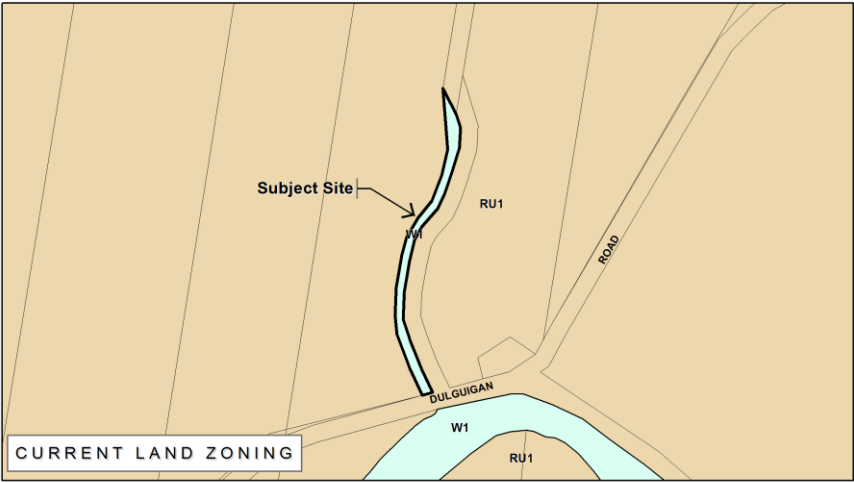
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Map Projection: Universal Transverse Mercator  
Horizontal Datum: Geocentric Datum of Australia 1994  
GDA: Map Grid of Australia, Zone 56

Scale: 1:5,000 @ A4 Portrait  
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Map Projection: Universal Transverse Mercator  
Horizontal Datum: Geocentric Datum of Australia 1994  
GDA: Map Grid of Australia, Zone 56



**Tweed Local Environmental Plan 2014**  
DRAFT Amendment No.20  
Former agricultural drain (waterway reserve)  
Subject Site: Little Dulguigan Creek  
adjoining Lot 4 DP 876455, Tumbulgum

**Item 5**

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Council File [PP15/0008]  
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Map Projection: Universal Transverse Mercator  
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GDA: Map Grid of Australia, Zone 56

Scale: 1:5,000 @ A4 Portrait  
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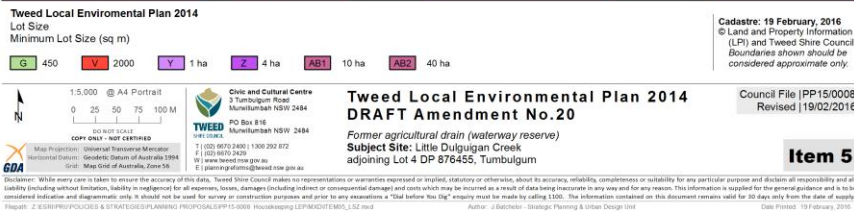
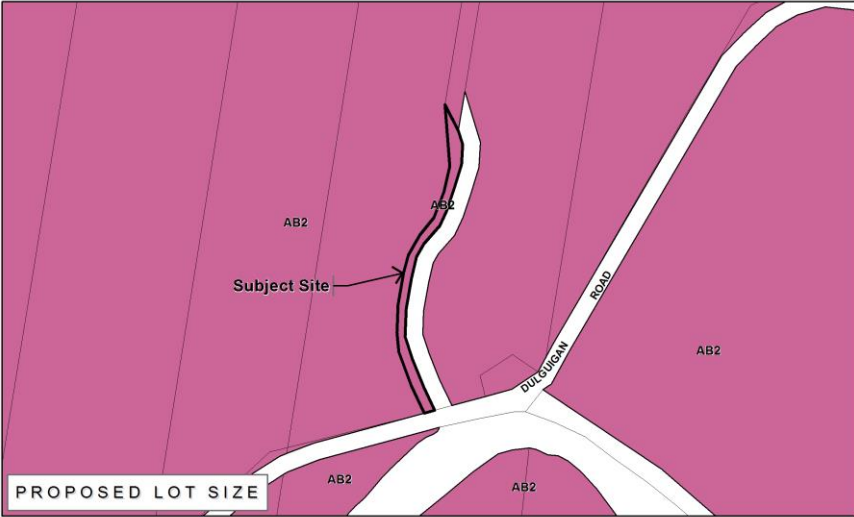
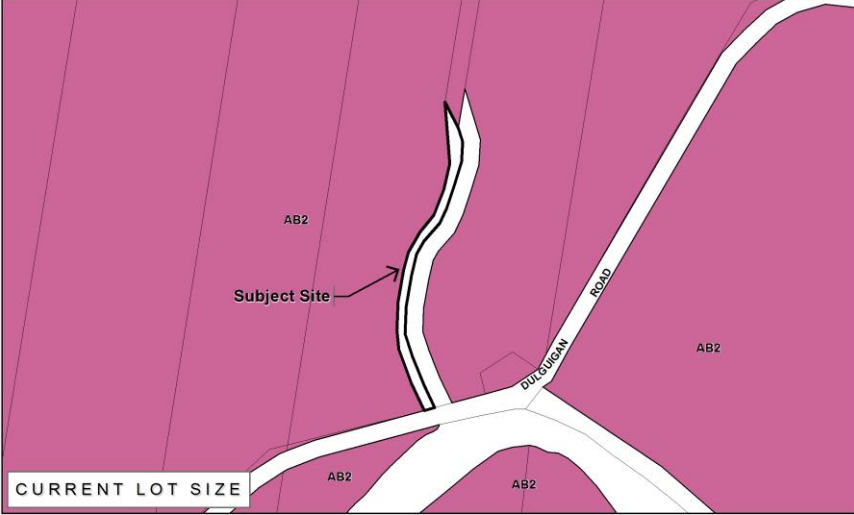
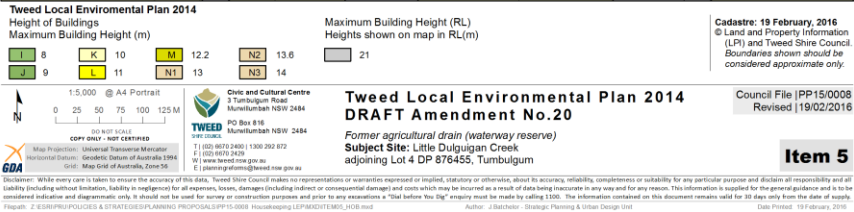
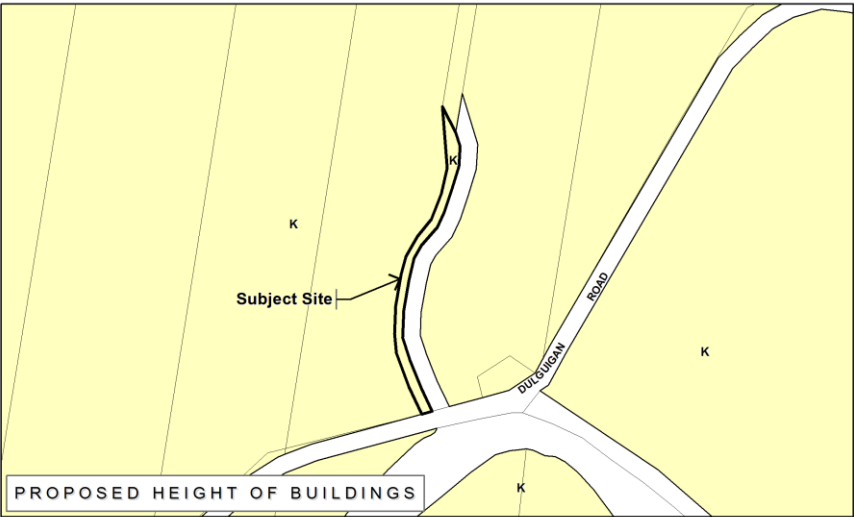
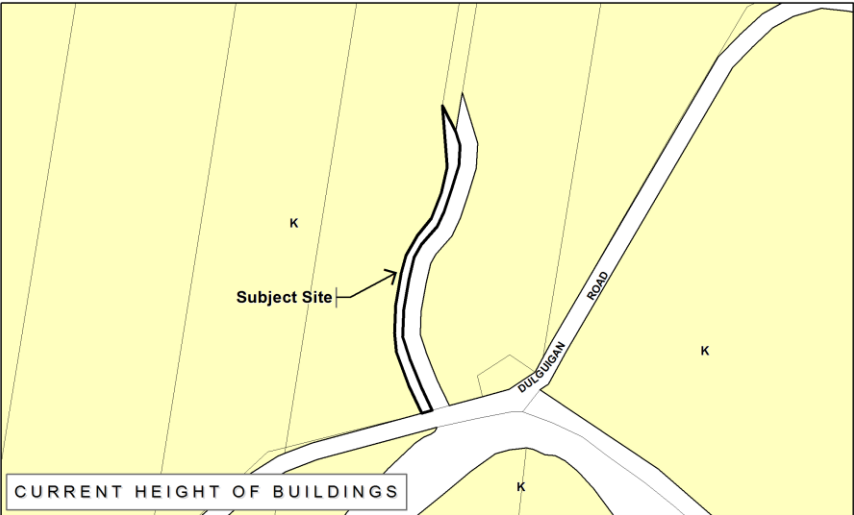
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GDA: Map Grid of Australia, Zone 56

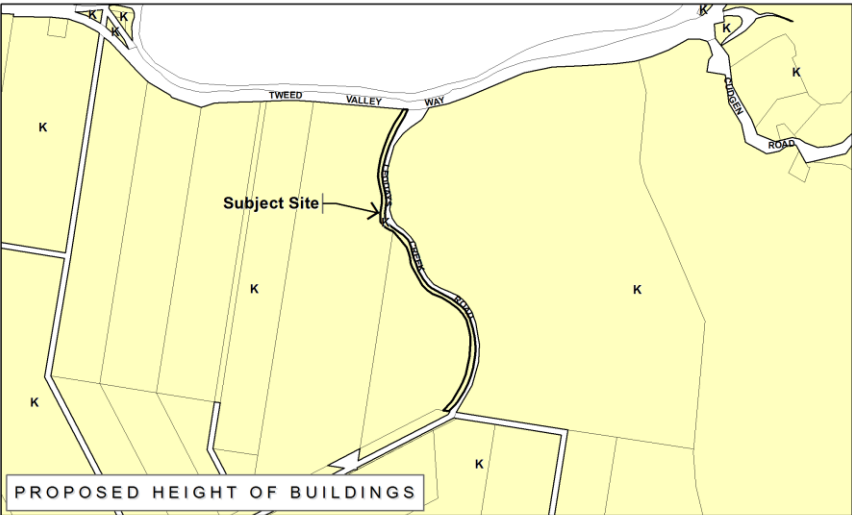
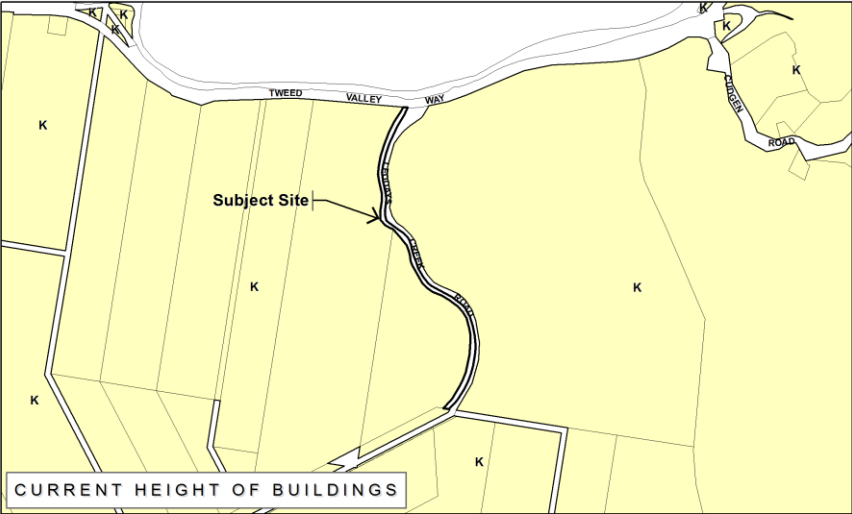
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Map Projection: Universal Transverse Mercator  
Horizontal Datum: Geocentric Datum of Australia 1994  
GDA: Map Grid of Australia, Zone 56









**Tweed Local Environmental Plan 2014**  
Height of Buildings  
Maximum Building Height (m)

8	10	12.2	13.6	21
9	11	13	14	

Maximum Building Height (RL)  
Heights shown on map in RL(m)

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**Tweed Local Environmental Plan 2014 DRAFT Amendment No.20**  
Existing agricultural drain (waterway reserve)  
Subject Site: Loddon Creek  
adjoining Lot 110 DP 1049253, Tumbulgum

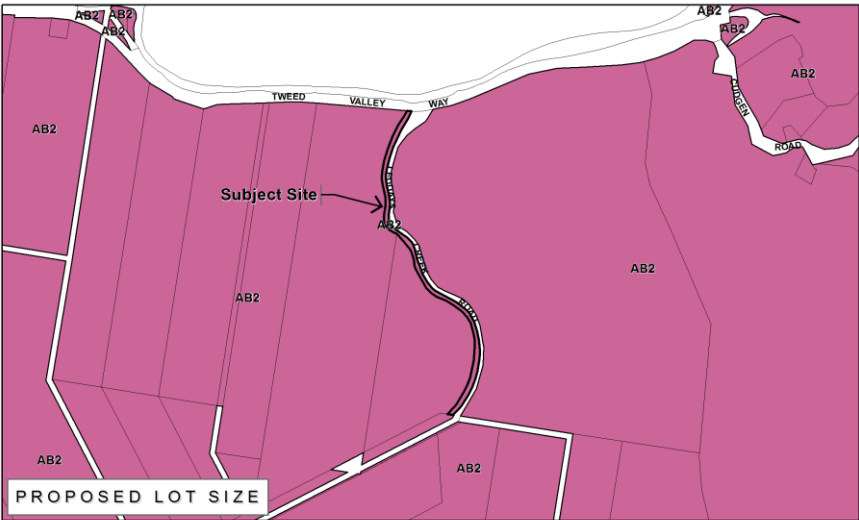
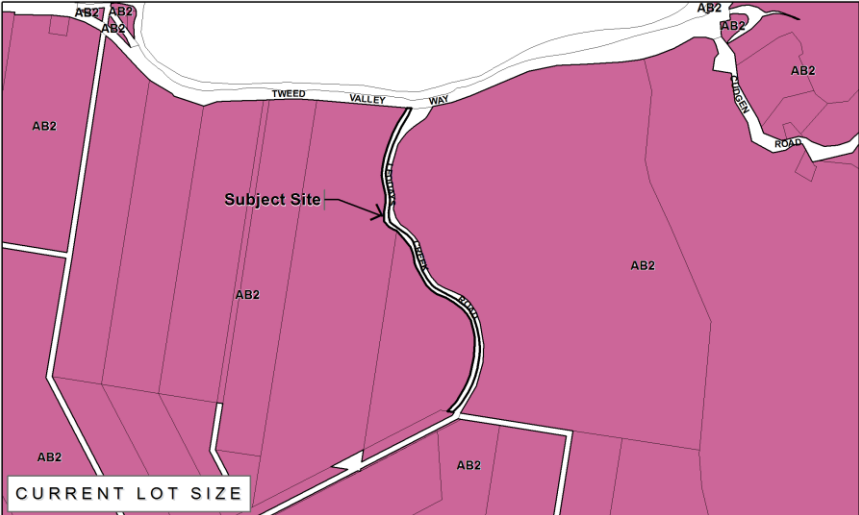
**Item 6**

**Council File [PP15/0008]**  
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Figure: 2 - CURRENT BUILDINGS & LOT HEIGHTS (ADJACENT) (PP15/0008) Housekeeping LEP15/0008 Item 6

Author: J. Bicknell - Strategic Planning & Urban Design Unit Date Printed: 19 February 2016



**Tweed Local Environmental Plan 2014**  
Lot Size  
Minimum Lot Size (sq m)

450	2000	1 ha	4 ha	10 ha	40 ha
-----	------	------	------	-------	-------

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**Tweed Local Environmental Plan 2014 DRAFT Amendment No.20**  
Existing agricultural drain (waterway reserve)  
Subject Site: Loddon Creek  
adjoining Lot 110 DP 1049253, Tumbulgum

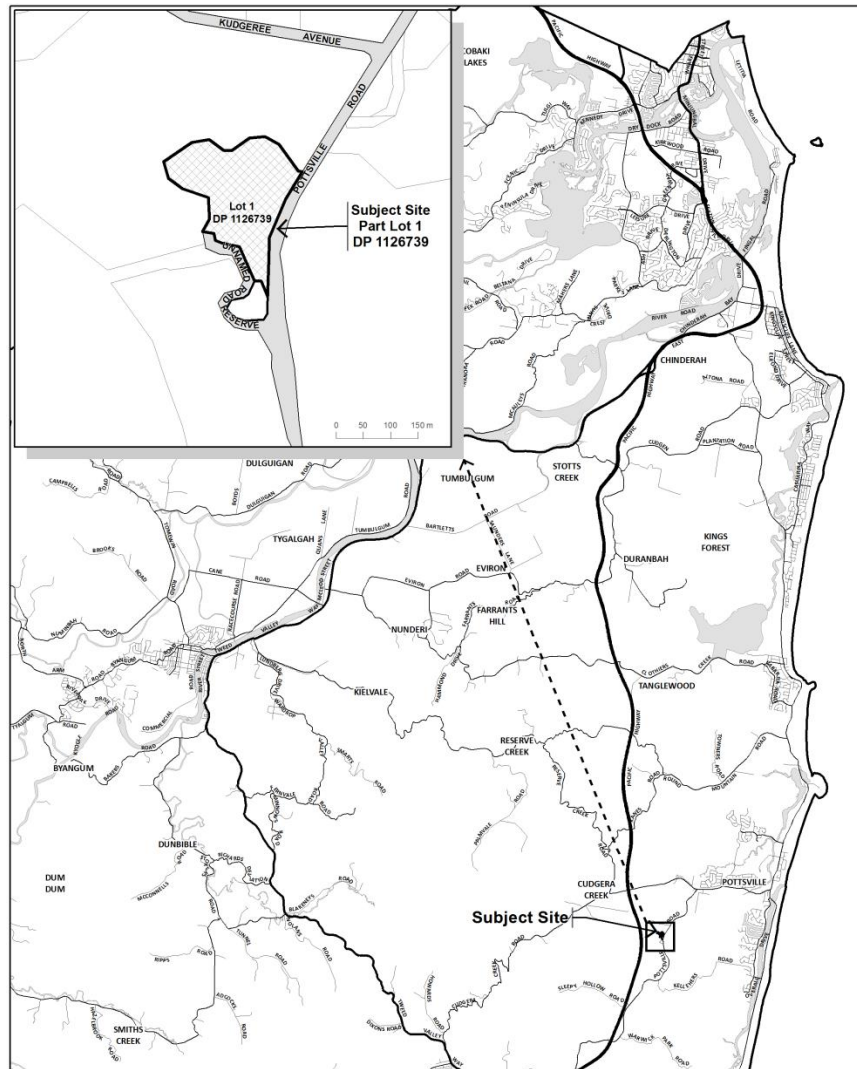
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Figure: 2 - CURRENT BUILDINGS & LOT HEIGHTS (ADJACENT) (PP15/0008) Housekeeping LEP15/0008 Item 6

Author: J. Bicknell - Strategic Planning & Urban Design Unit Date Printed: 19 February 2016



□ Affected Properties □ Subject Site

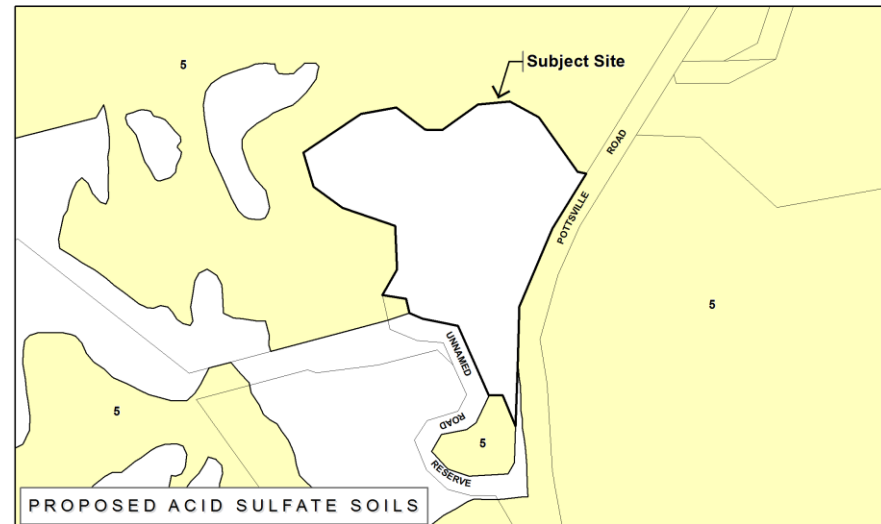
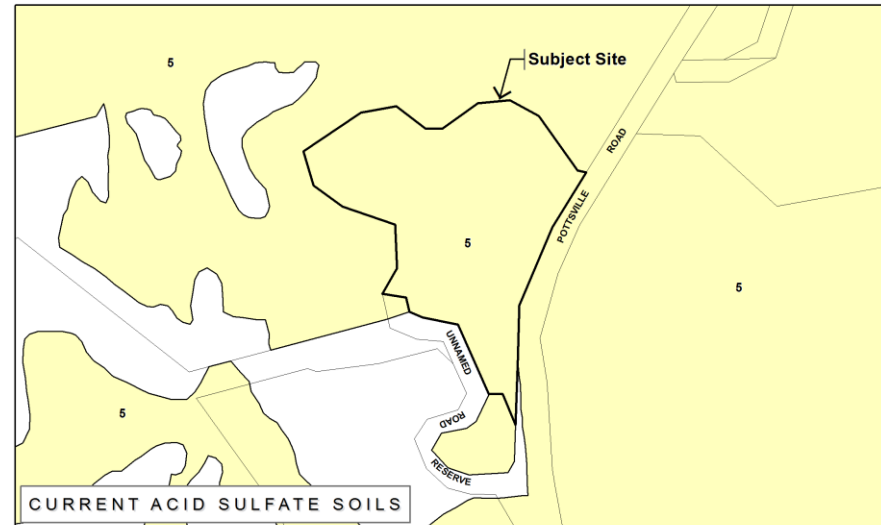


**Locality Plan DRAFT Amendment No.20**  
 Deferred Matter mapping anomaly  
 Subject Site: Part Lot 1 DP 1126739  
 Pottsville Road, Cudgera Creek

Cadastre: 19 February, 2016  
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 Council File JP15/0008  
 Revised 19/02/2016

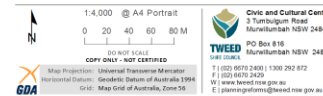
**Item 7**

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 Prepared: 2/02/2016  
 Author: J. Battersby - Strategic Planning & Urban Design Unit  
 Date Printed: 19/02/2016



Tweed Local Environmental Plan 2014  
 Acid Sulfate Soils

1 Class 1 2 Class 2 3 Class 3 4 Class 4 5 Class 5

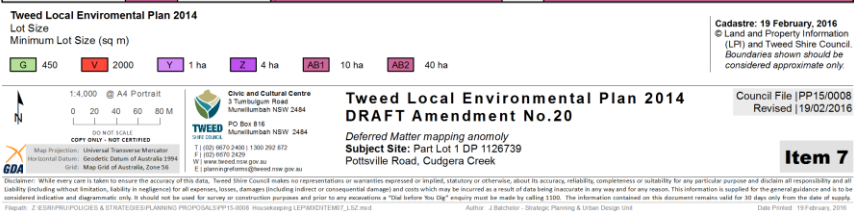
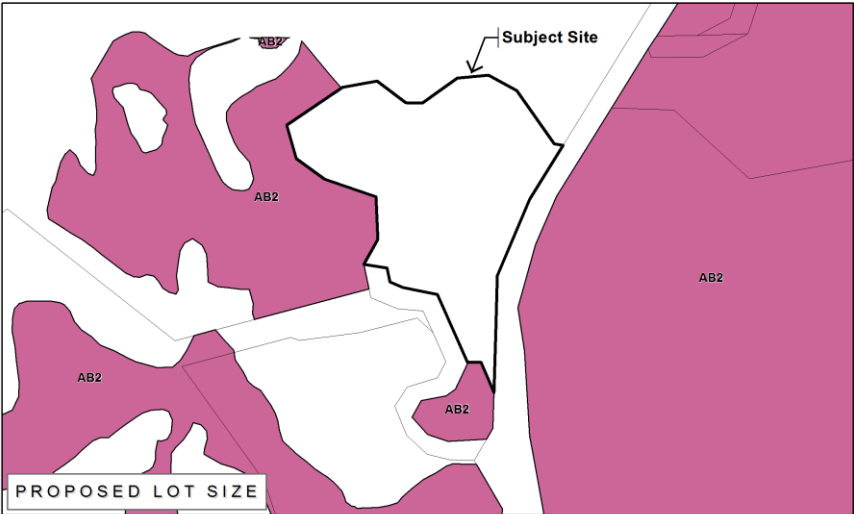
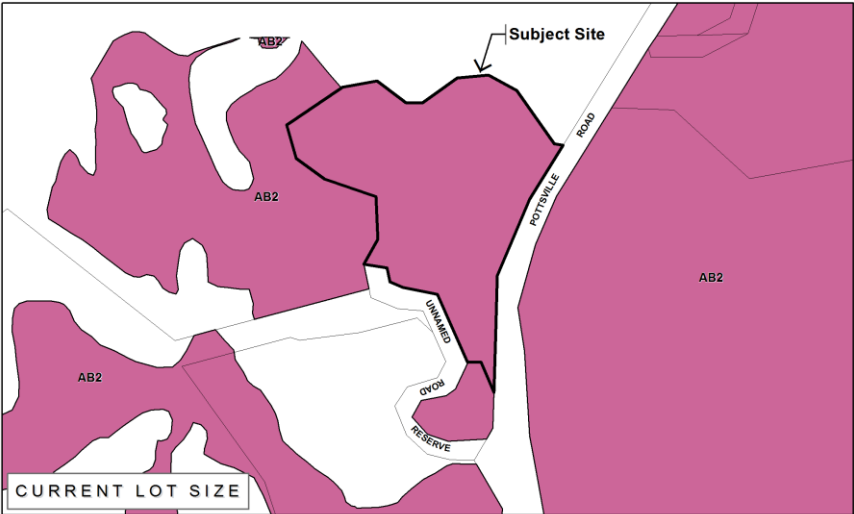
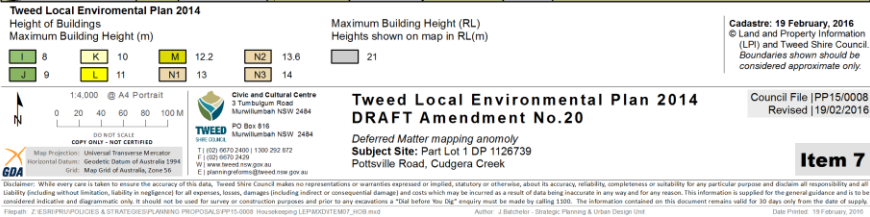
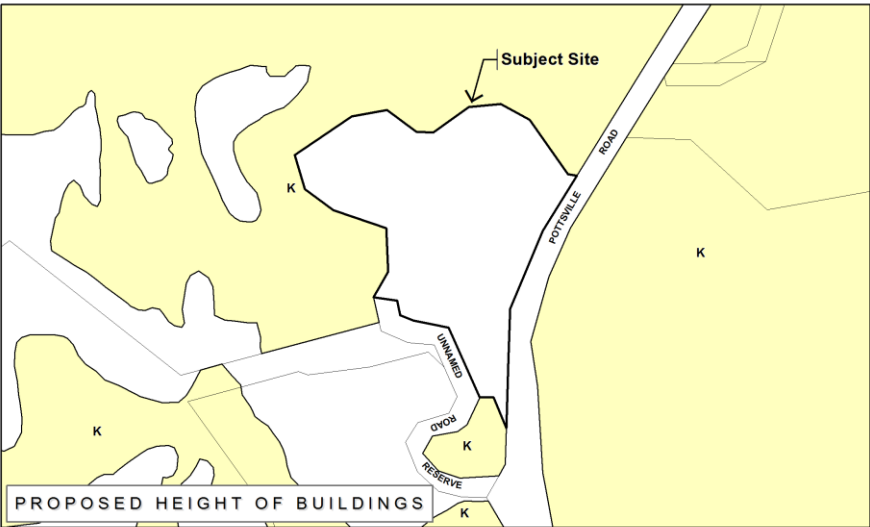
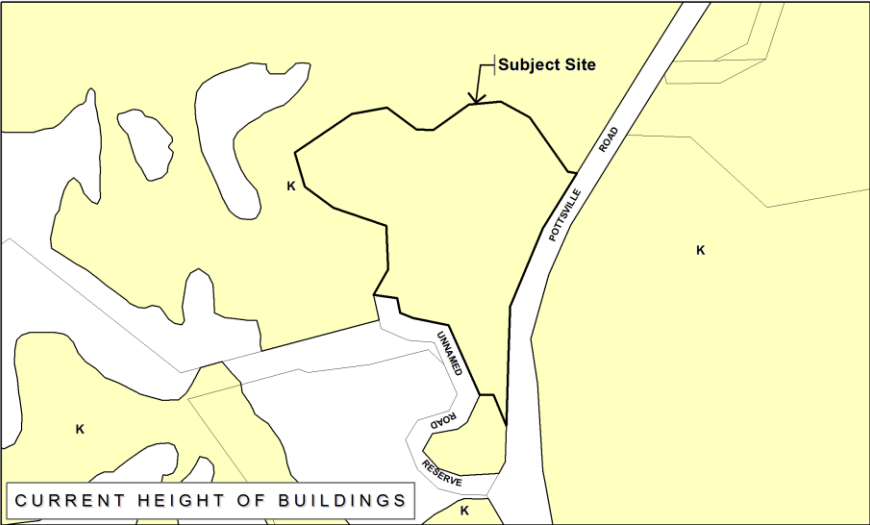


**Tweed Local Environmental Plan 2014 DRAFT Amendment No.20**  
 Deferred Matter mapping anomaly  
 Subject Site: Part Lot 1 DP 1126739  
 Pottsville Road, Cudgera Creek

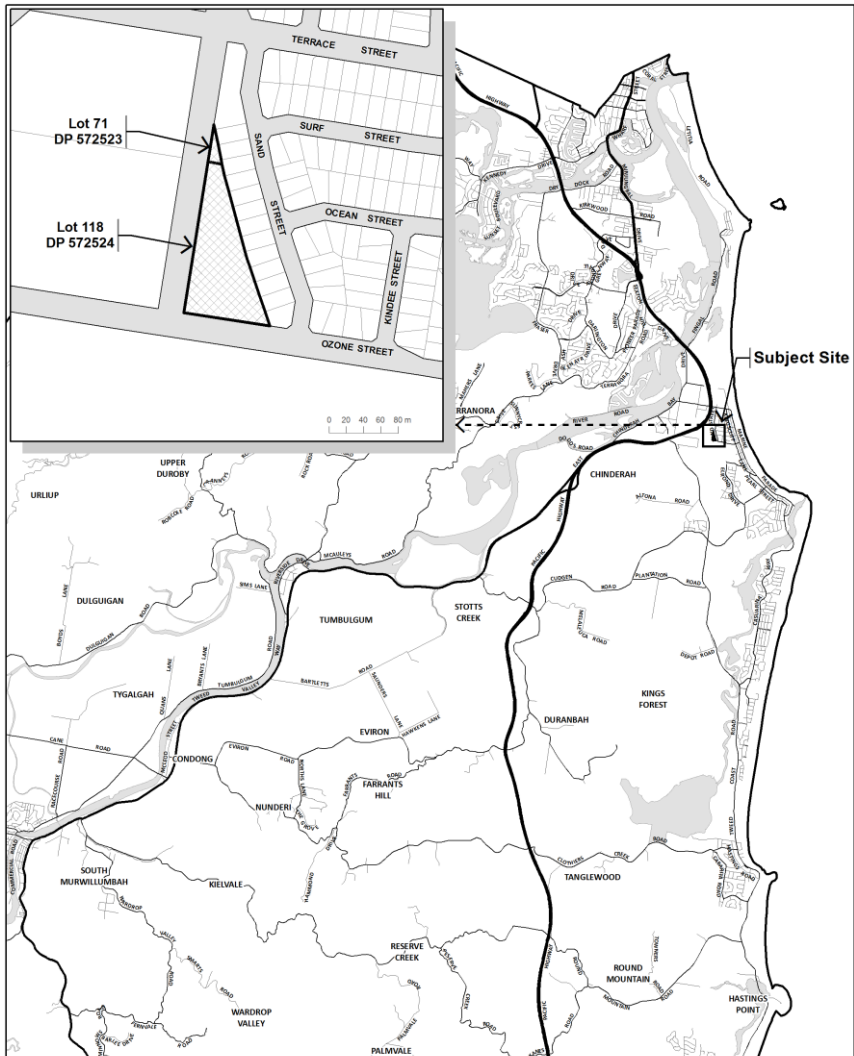
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 Prepared: 2/02/2016  
 Author: J. Battersby - Strategic Planning & Urban Design Unit  
 Date Printed: 19/02/2016









 Affected Properties       Subject Site

**Cadastre: 19 February, 2016**  
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 1:100,000 A4 Portrait  
 0 0.4 0.8 1.2 1.6 2 Km  
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 Map Projection: Universal Transverse Mercator  
 Horizontal Datum: Geocentric Datum of Australia 1994  
 Grid: Map Grid of Australia, Zone 56


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**Locality Plan**  
**DRAFT Amendment No.20**  
*Development Standards mapping anomaly*  
**Subject Site:** Lot 118 DP 572524 and Lot 71 DP 572523  
No.25 Ozone Street, Kingscliff

Council File | PP15/0008  
Revised | 19/02/2016

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Tweed Local Enviromental Plan 2014

Maximum Building Height (m)

I 8      K 10

Maximum Building Height (RL)  
Heights shown on map in RL(m)

21

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1:4,000 @ A4 Portrait

0 20 40 60 80 M

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**GDA**

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**Tweed Local Environmental Plan 2014**  
**DRAFT Amendment No.20**  
*Development Standards mapping anomaly*  
**Subject Site:** Lot 118 DP 572524 and Lot 71 DP 572523  
No.25 Ozone Street, Kingscliff

Council File | PP15/0008  
Revised | 19/02/2016

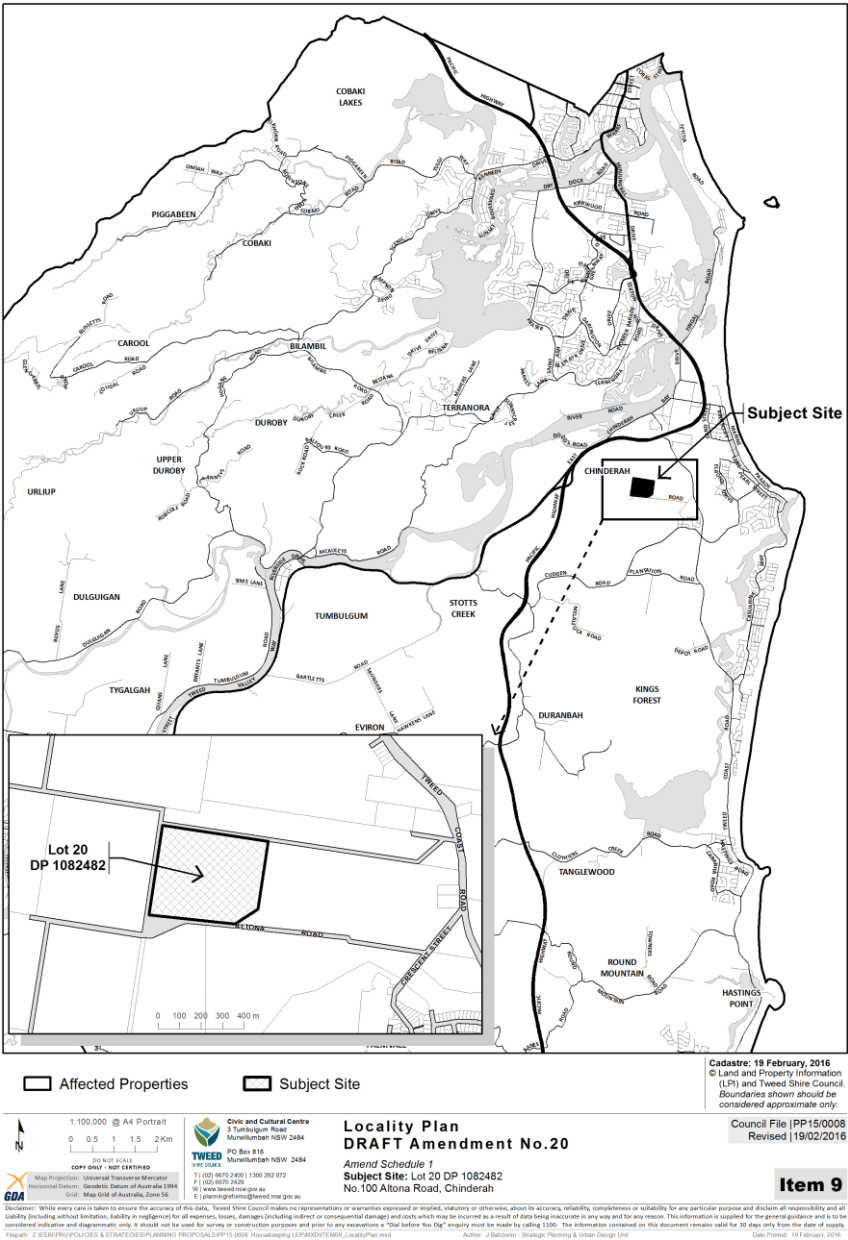
### Item 8

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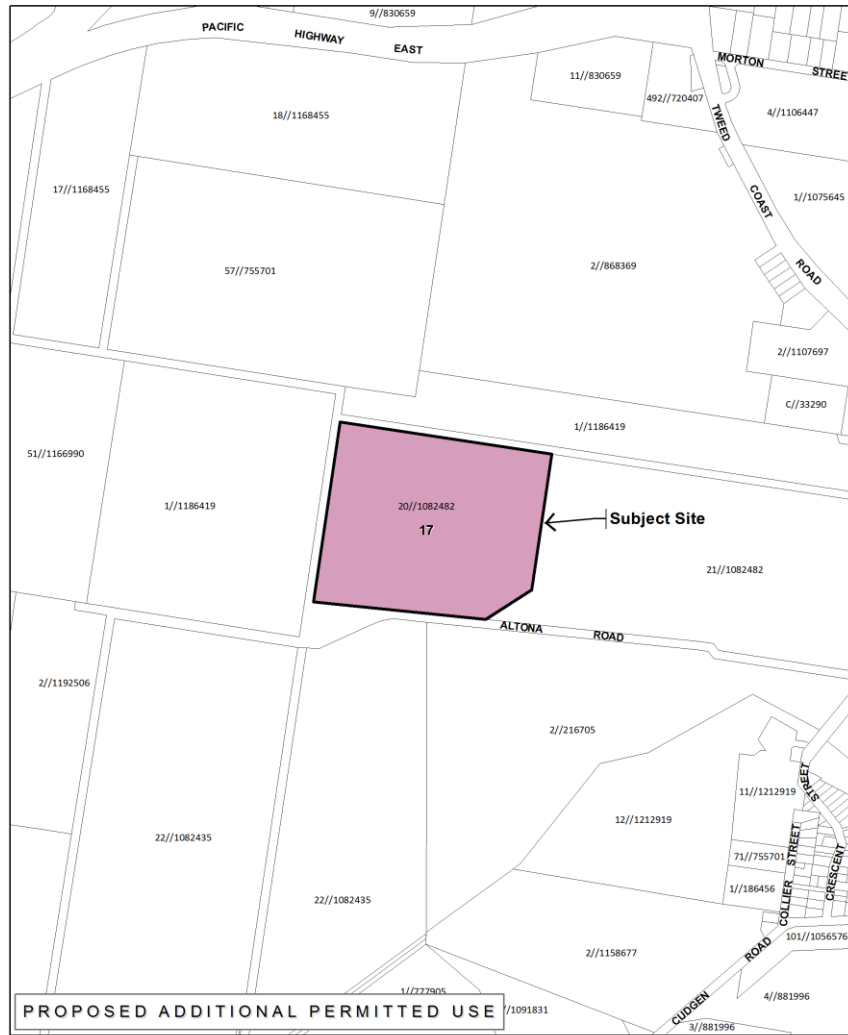
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Author : z&bzhoe Strategic Planning & Urban Design Unit

Date Printed : 19 February 2015







Tweed Local Environmental Plan 2014  
Additional Permitted Use

Refer To Schedule 1

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Horizontal Datum: Geoidetic Datum of Australia 1984  
Grid: Map Grid of Australia, Zone 56  
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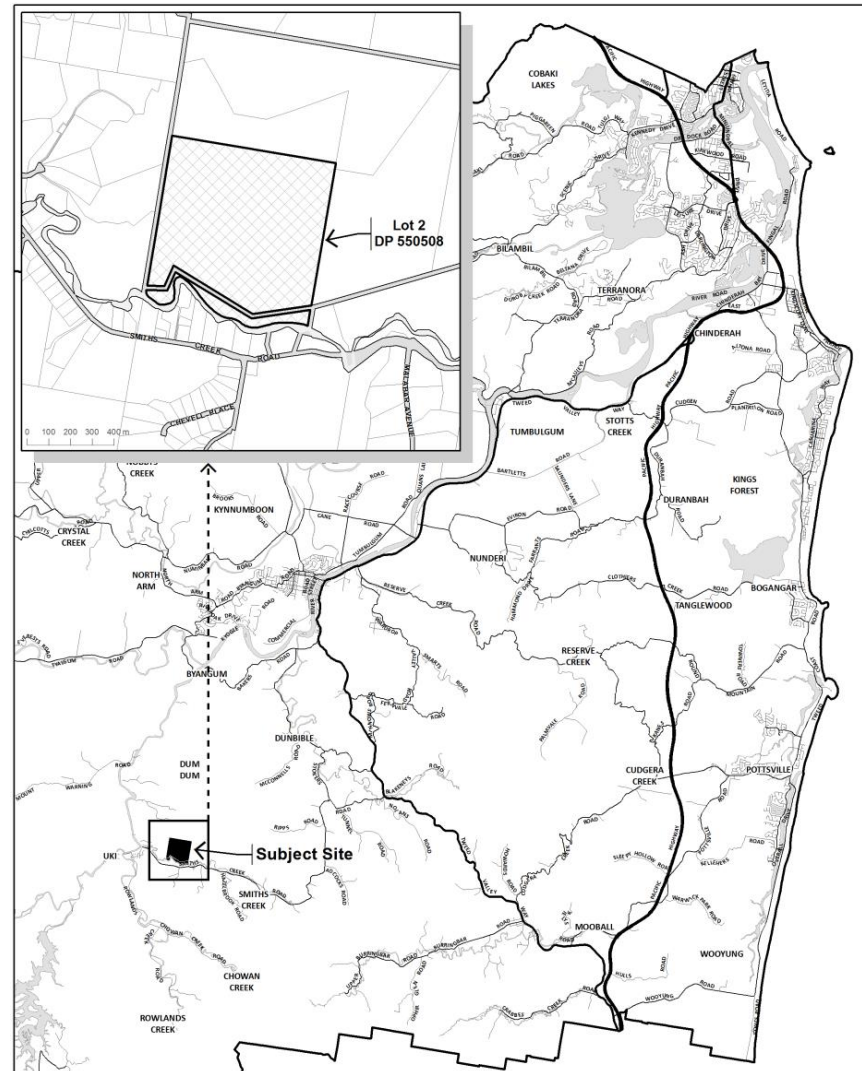
## Tweed Local Environmental Plan 2014 Amendment No.20

Amend Schedule 1  
Subject Site: Lot 20 DP 1082482  
No.100 Altona Road, Chinderah

Council File [PP15/0008  
Revised | 19/02/2016

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Affected Properties

Subject Site

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## Locality Plan DRAFT Amendment No.20

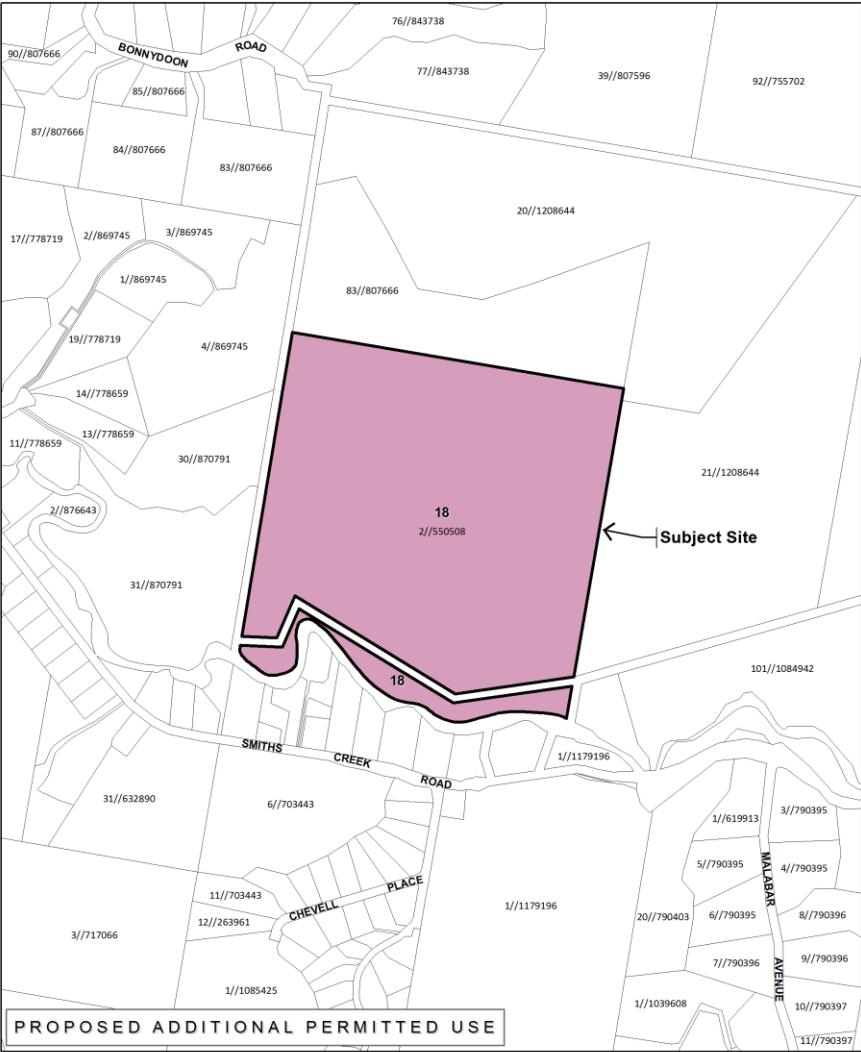
Amend Schedule 1  
Subject Site: Lot 2 DP 550508  
No.165 Smiths Creek Road, Smiths Creek

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**Tweed Local Environmental Plan 2014**  
Additional Permitted Use

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GDA: Map Grid of Australia, Zone 55

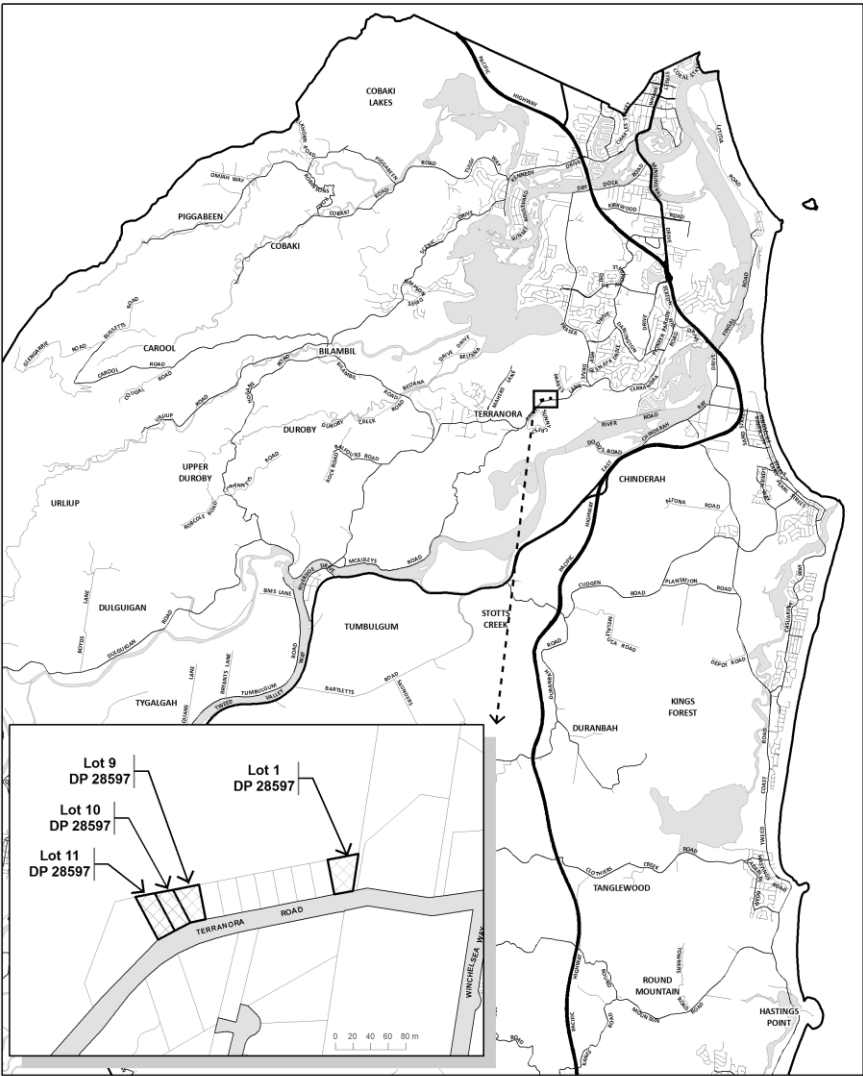
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**Tweed Local Environmental Plan 2014**  
**Amendment No.20**

**Amend Schedule 1**  
**Subject Site: Lot 2 DP 550508**  
**No.165 Smiths Creek Road, Smiths Creek**

**Council File [PP15/0008]**  
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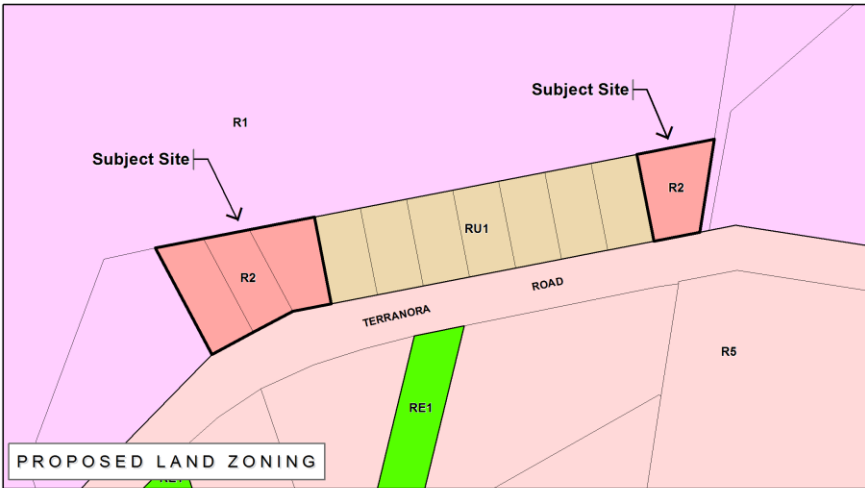
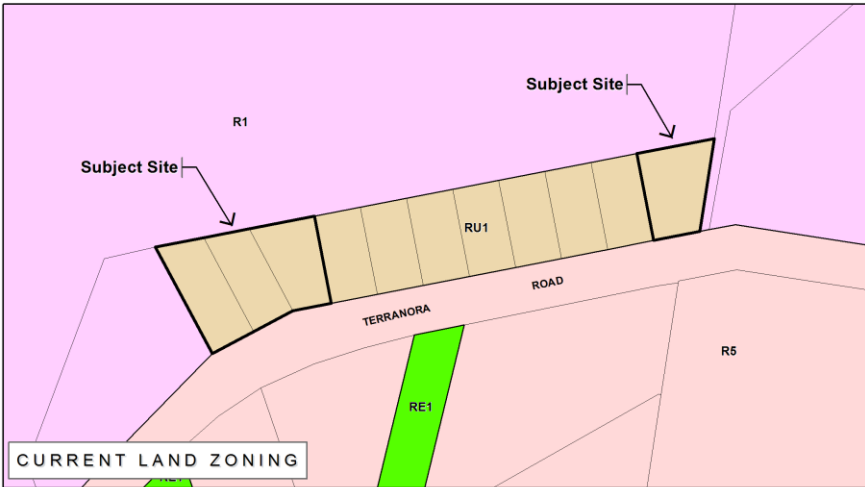
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**Locality Plan**  
**DRAFT Amendment No.20**

**Re zoning**  
**Subject Site: Lots 1 and 9-11 DP 28597**  
**No.418 and 436-440 Terranora Road, Terranora**

**Council File [PP15/0008]**  
**Revised | 19/02/2016**

**Item 11**



**Tweed Local Environmental Plan 2014**  
Land Zoning

<b>B1</b> Neighbourhood Centre	<b>E1</b> National Parks & Nature Reserves	<b>R5</b> Large Lot Residential	<b>SP1</b> Special Activities	<b>DM</b> Deferred Matter
<b>B2</b> Local Centre	<b>IN1</b> General Industrial	<b>RE1</b> Public Recreation	<b>SP2</b> Infrastructure	<b>MD</b> SEPP (Major Development) 2005
<b>B3</b> Commercial Core	<b>IN4</b> Working Waterfront	<b>RE2</b> Private Recreation	<b>SP3</b> Tourist	<b>TCC</b> Tweed City Centre LEP 2012
<b>B4</b> Mixed Use	<b>R1</b> General Residential	<b>W1</b> Natural Waterways	<b>W2</b> Recreational Waterways	
<b>B5</b> Business Development	<b>R2</b> Low Density Residential	<b>RU1</b> Primary Production	<b>W3</b> Working Waterways	
<b>B7</b> Business Park	<b>R3</b> Medium Density Residential	<b>RU2</b> Rural Landscape		
		<b>RU3</b> Village		

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**DRAFT Amendment No.20**

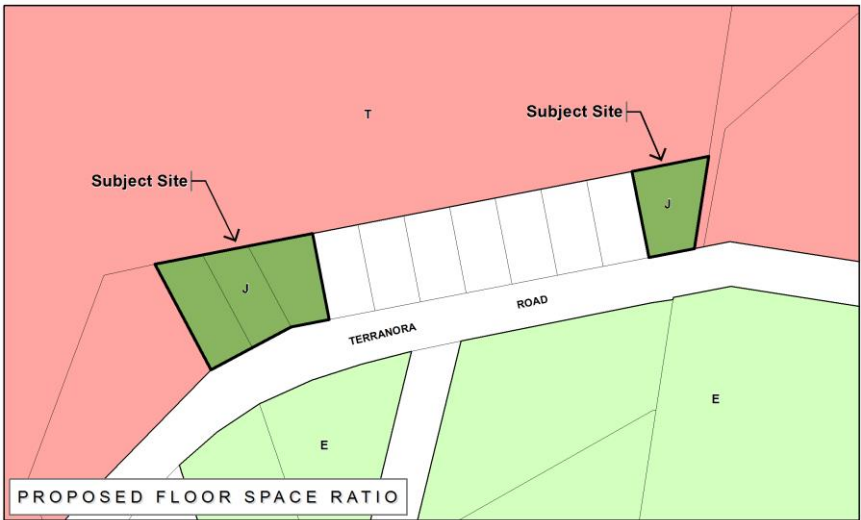
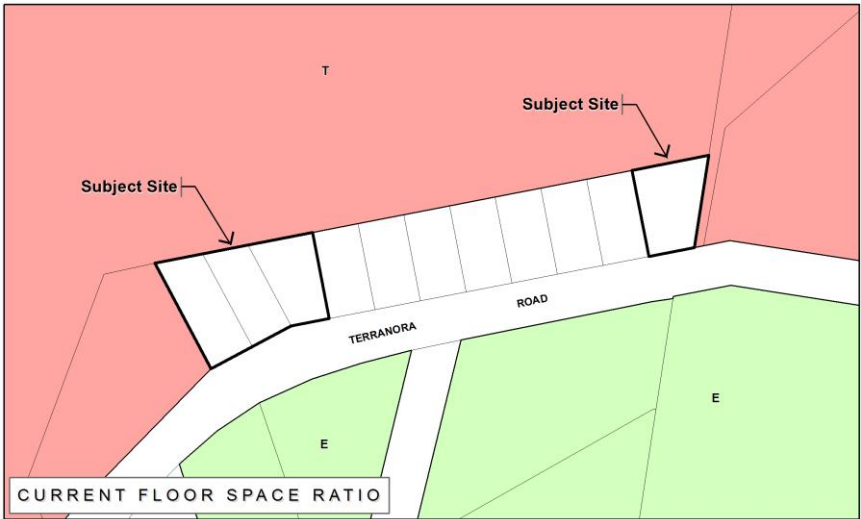
**Rezoning**  
**Subject Site:** Lots 1 and 9-11 DP 28597  
**No.418 and 436-440 Terranora Road, Terranora**

**Item 11**

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**Date Printed:** 19 February, 2016



**Tweed Local Environmental Plan 2014**  
Floor Space Ratio  
Maximum Floor Space Ratio (n:1)

<b>D</b> 0.5	<b>E</b> 0.55	<b>F</b> 0.6	<b>J</b> 0.8	<b>P</b> 1.2	<b>S</b> 1.75	<b>T</b> 2
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**DRAFT Amendment No.20**

**Rezoning**  
**Subject Site:** Lot 3 DP 877860  
**Wulfs Lane, Kielsale**

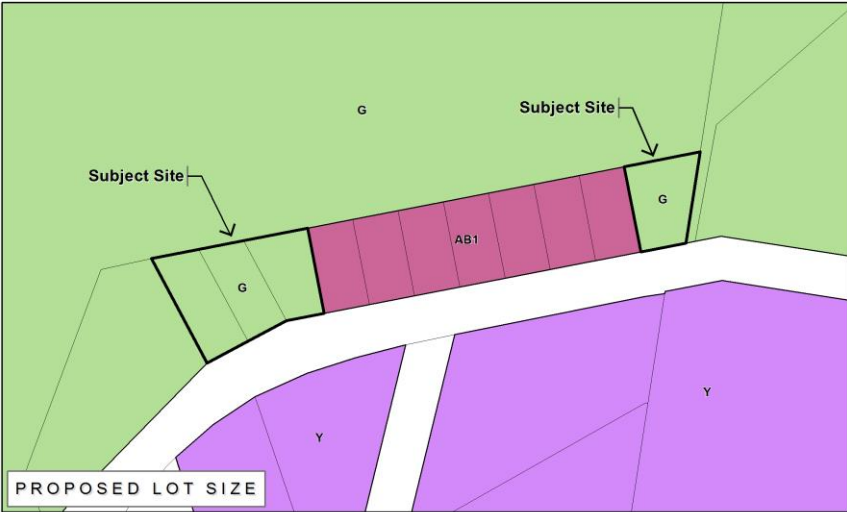
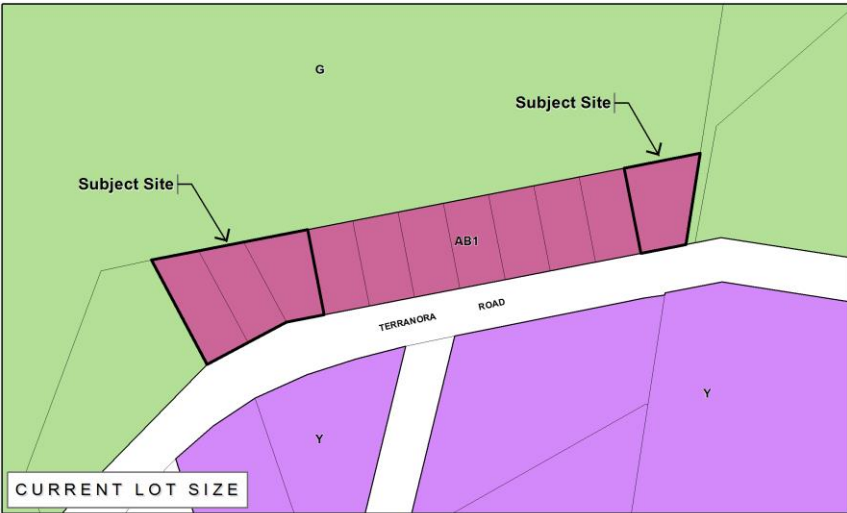
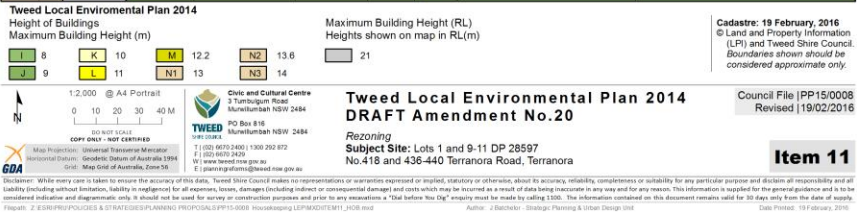
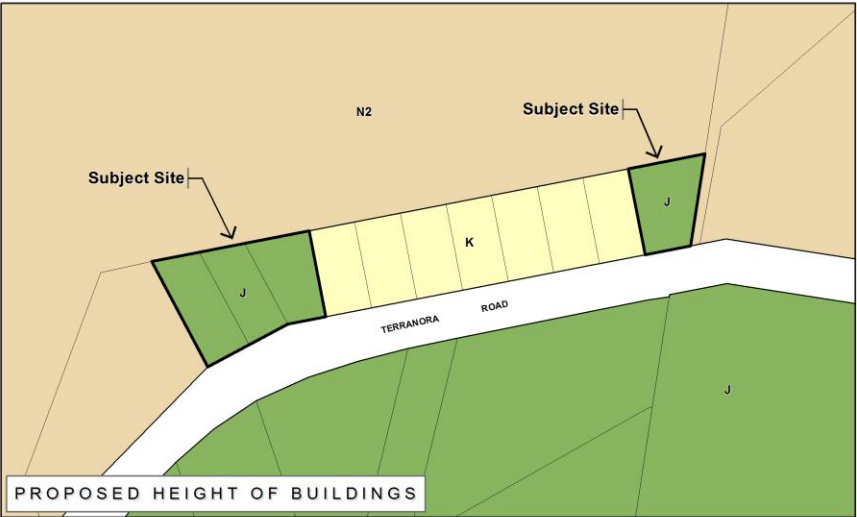
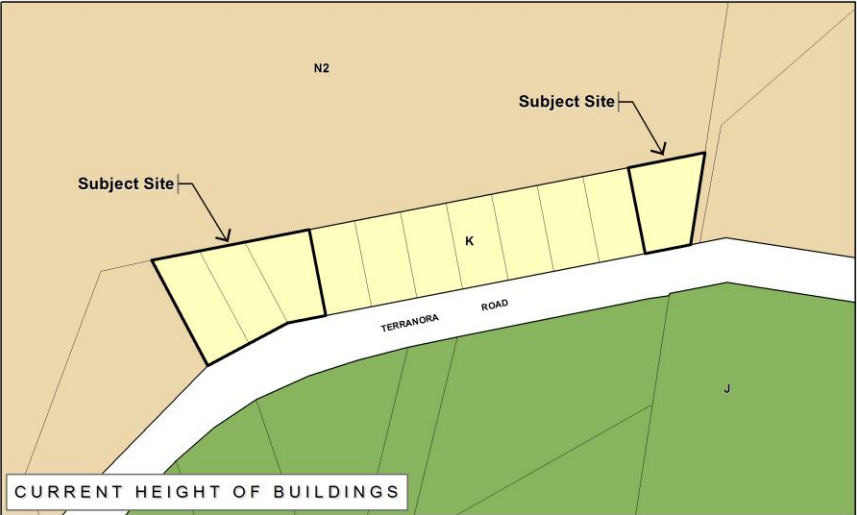
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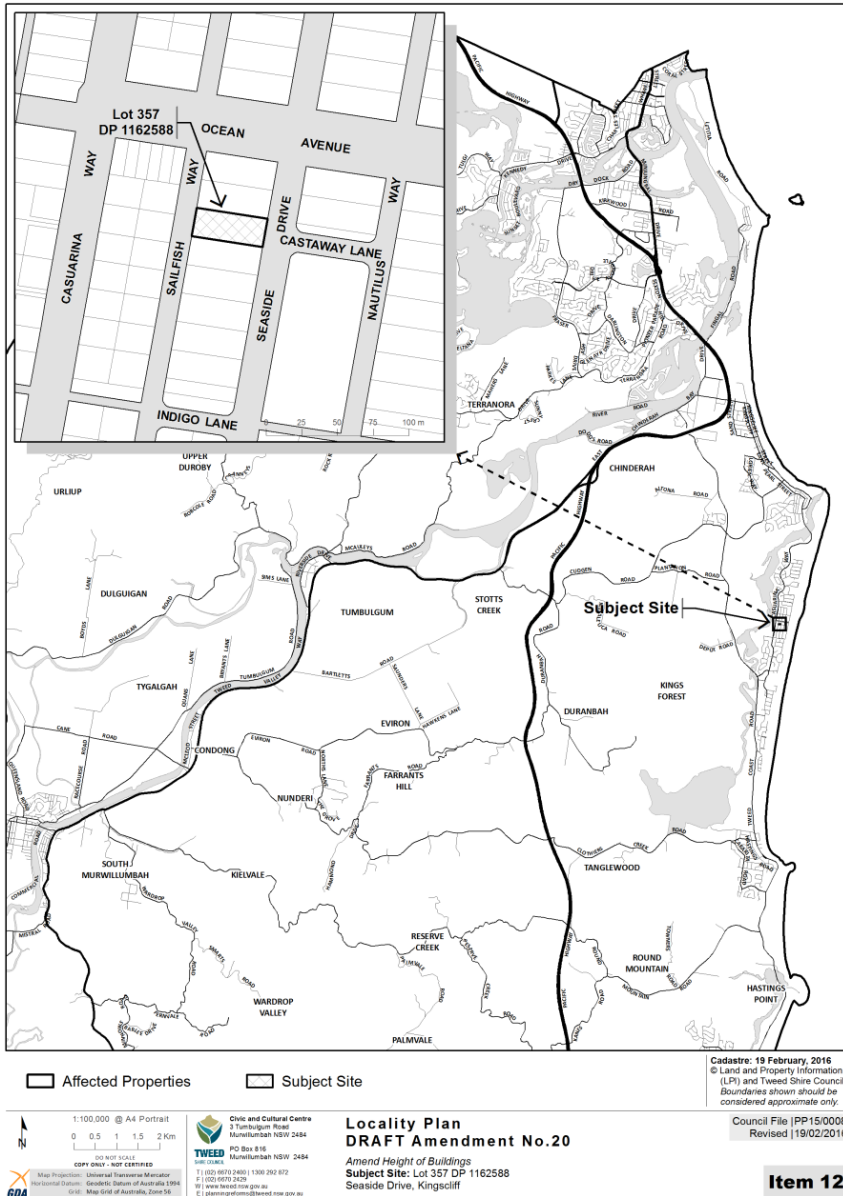
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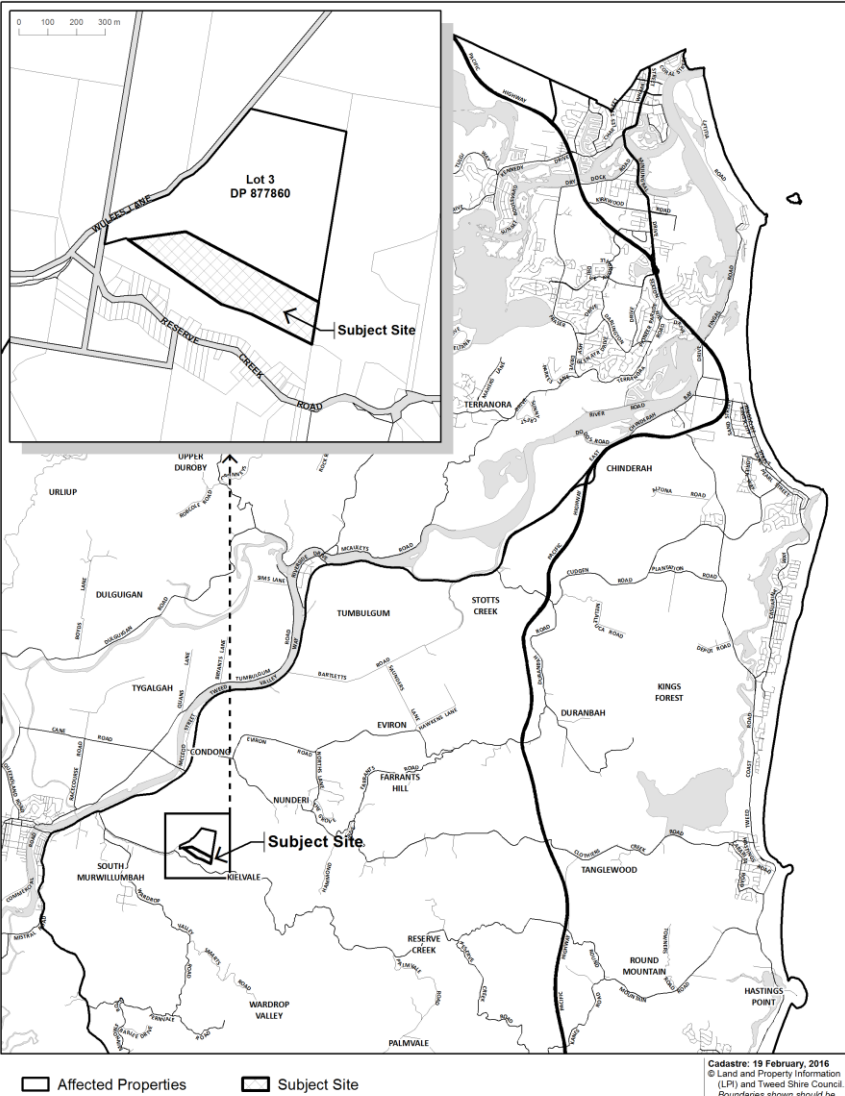
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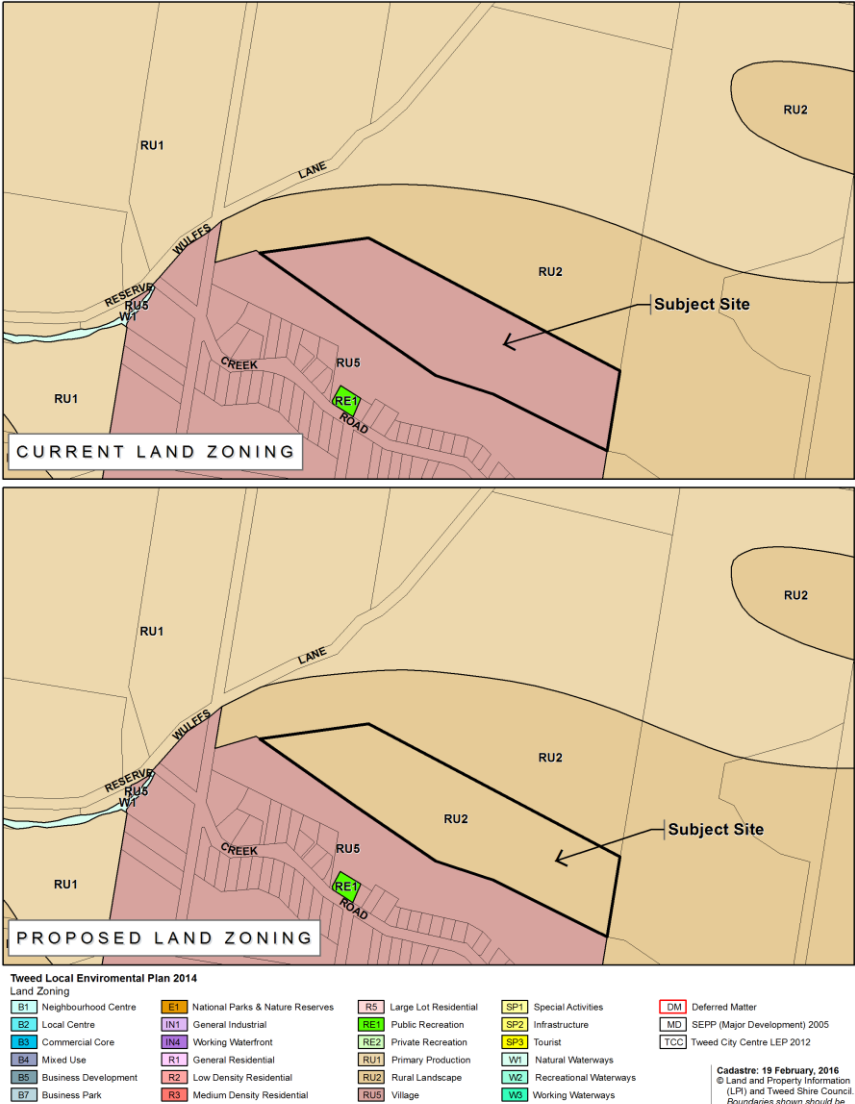
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**Locality Plan  
DRAFT Amendment No.20**  
Rezoning  
Subject Site: Lot 3 DP 877860  
Wulffs Lane, Kialvale

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**Item 13**

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**Tweed Local Environmental Plan 2014  
DRAFT Amendment No.20**  
Rezoning  
Subject Site: Lot 3 DP 877860  
Wulffs Lane, Kialvale

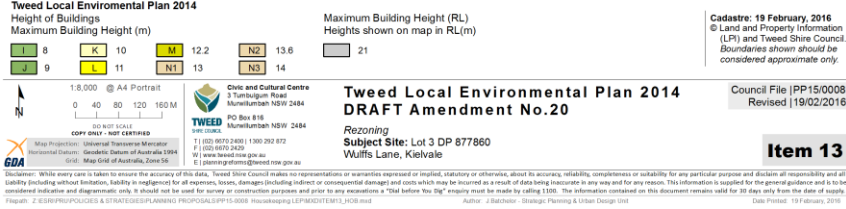
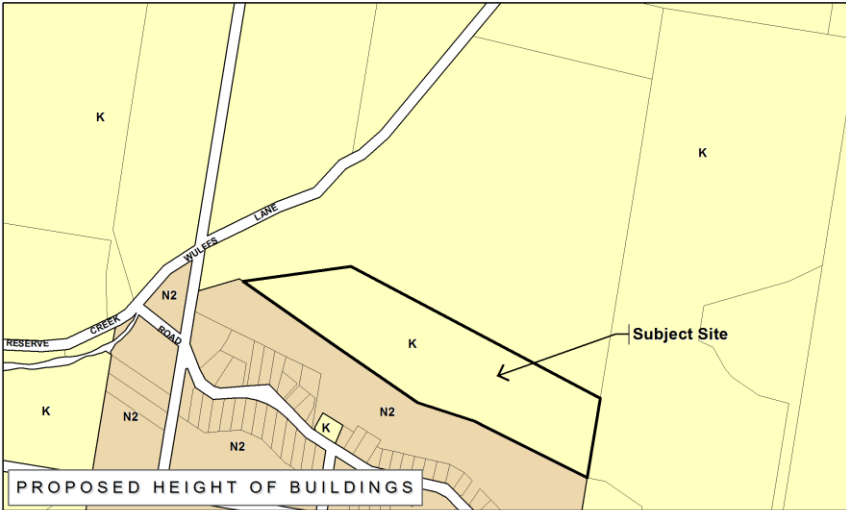
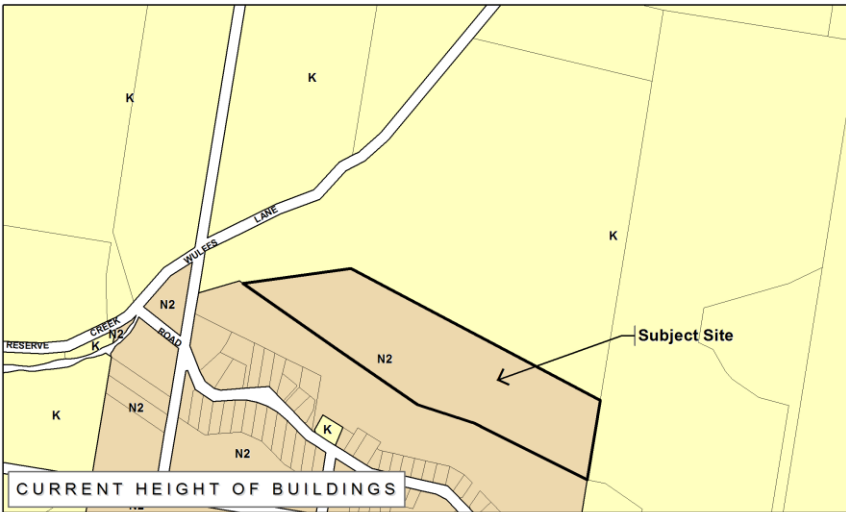
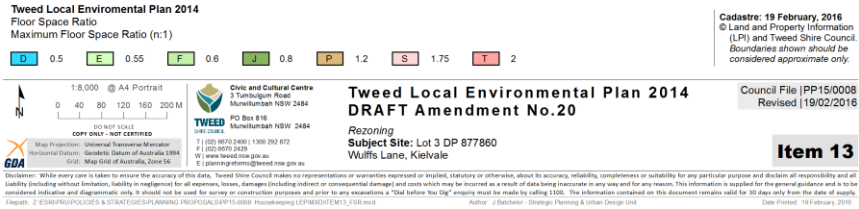
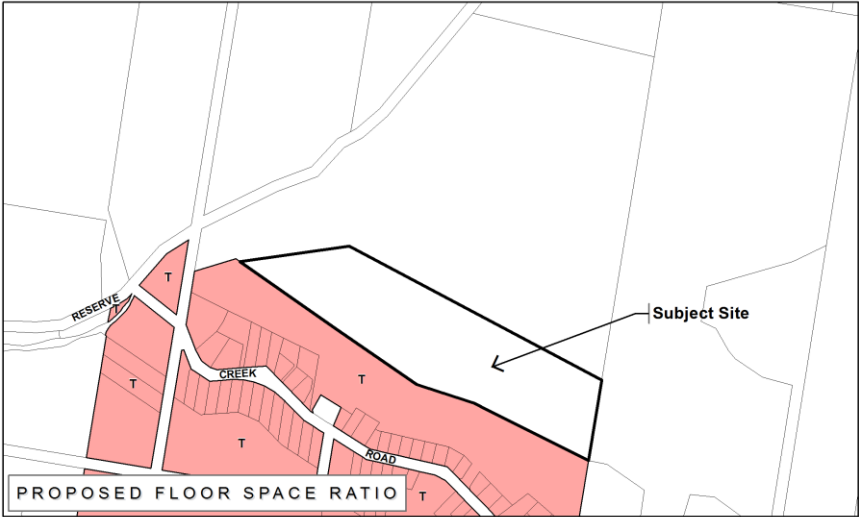
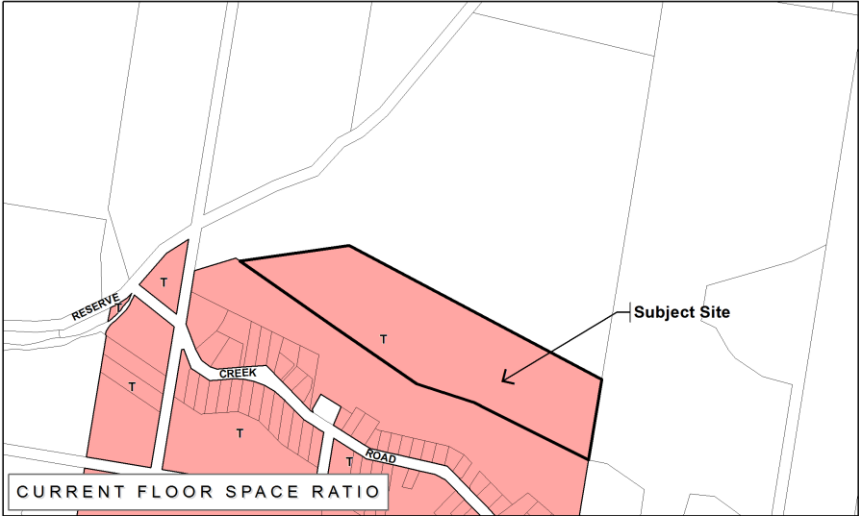
Council File | PP15/0008  
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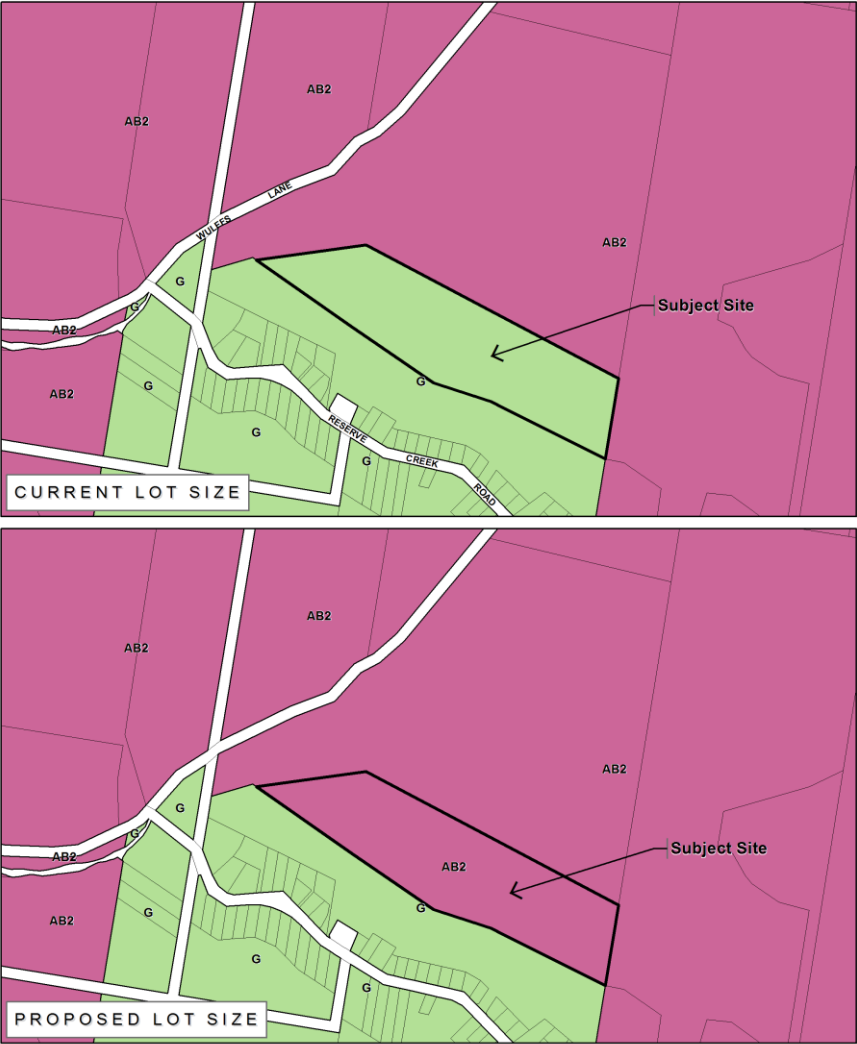
**Item 13**

Land Zoning	Special Activities	Deferred Matter
B1 Neighbourhood Centre	SP1 Special Activities	DM Deferred Matter
B2 Local Centre	SP2 Infrastructure	MD SEPP (Major Development) 2005
B3 Commercial Core	SP3 Tourist	TCC Tweed City Centre LEP 2012
B4 Mixed Use	W1 Natural Waterways	
B5 Business Development	W2 Recreational Waterways	
B7 Business Park	W3 Working Waterways	
ET National Parks & Nature Reserves		
IN1 General Industrial		
IN4 Working Waterfront		
R1 General Residential		
R2 Low Density Residential		
R3 Medium Density Residential		
R5 Large Lot Residential		
RE1 Public Recreation		
RE2 Private Recreation		
RU1 Primary Production		
RU2 Rural Landscape		
RU5 Village		

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**Tweed Local Environmental Plan 2014**  
Lot Size  
Minimum Lot Size (sq m)

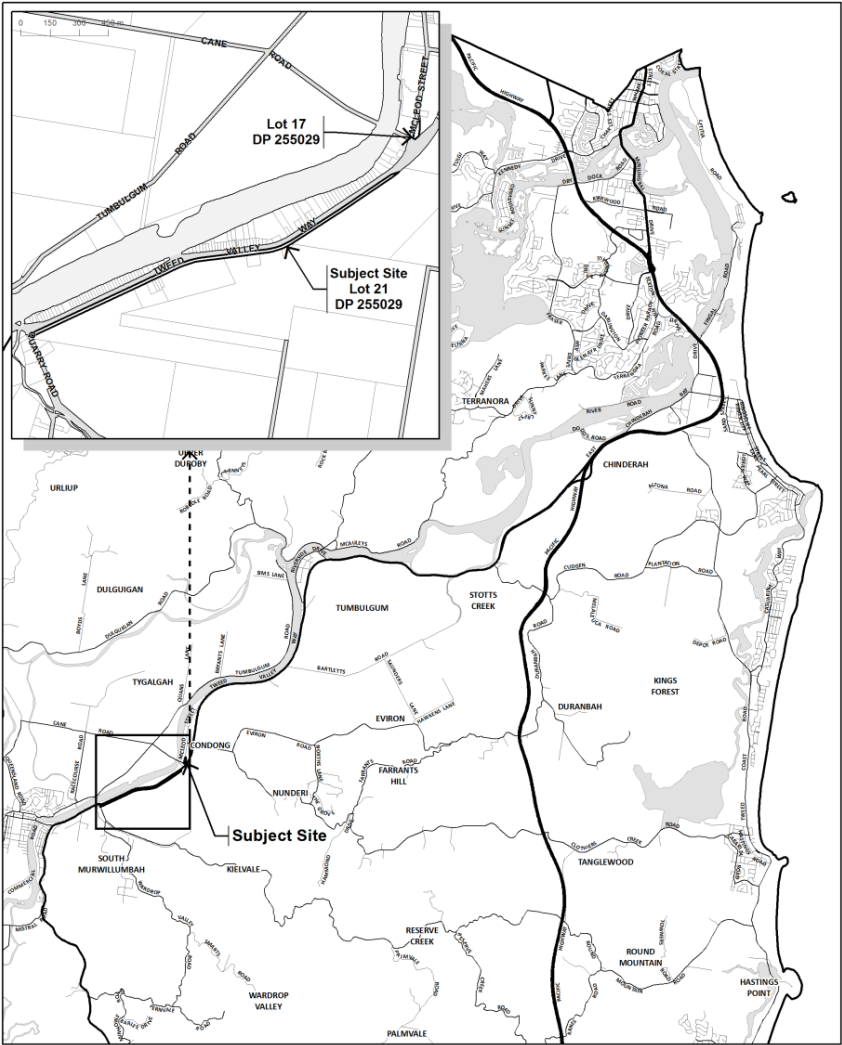
G	450
V	2000
Y	1 ha
Z	4 ha
AB1	10 ha
AB2	40 ha

**Tweed Local Environmental Plan 2014**  
**DRAFT Amendment No.20**

**Rezoning**  
**Subject Site: Lot 3 DP 877860**  
**Wulfs Lane, Kielsale**

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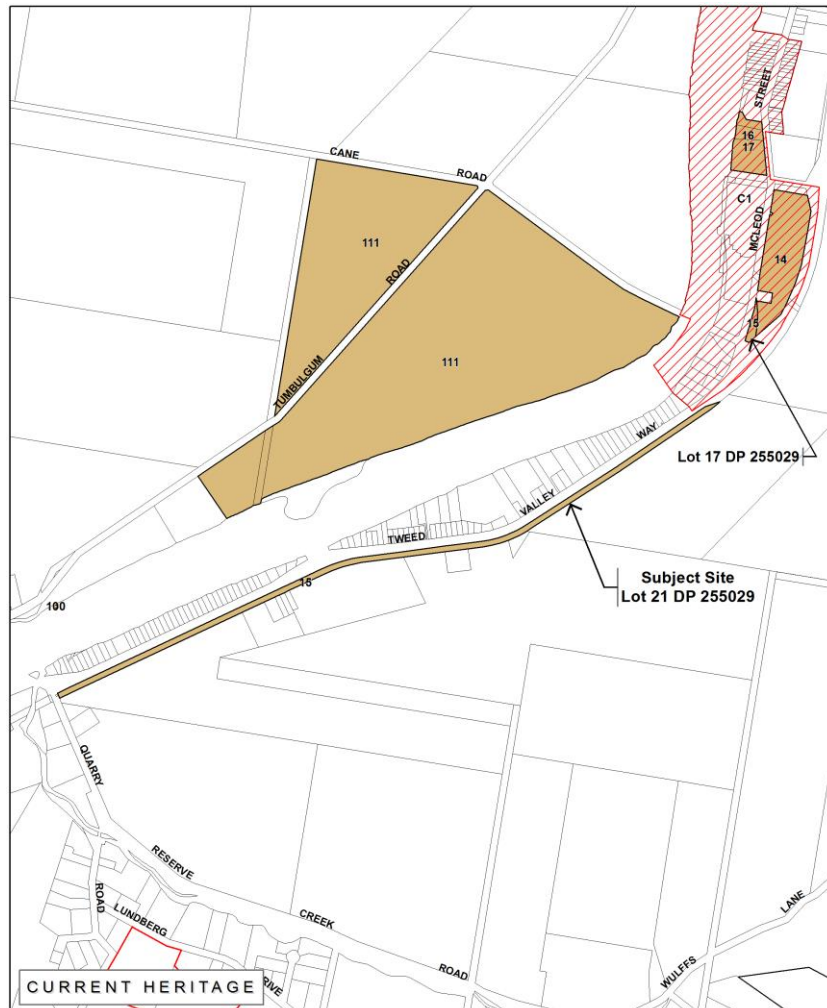


**Localities Plan**  
**DRAFT Amendment No.20**

**Rezoning**  
**Subject Site: Lot 3 DP 877860**  
**Wulfs Lane, Kielsale**

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Tweed Local Environmental Plan 2014  
Heritage

Conservation Area - General Item - General Item - Archaeological

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Horizontal Datum: Geocentric Datum of Australia 1984  
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Map of Australia, Zone 58  
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**Tweed Local Environmental Plan 2014**  
**DRAFT Amendment No.20**

Schedule 5 Amendment  
Subject Site: Lot 21 DP 255029  
Tweed Valley Way, South Murwillumbah

Council File: PP15/0008  
Revised: 19/02/2016

**Item 14**

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Prepared: 2.03.2016/PP15/0008 & STRATEGIC PLANNING PROPOSAL/PP15/0008 - housekeeping LEP/AMENDMENT 14\_HER.mxd Author: J. Dalziel - Strategic Planning & Urban Design Unit Date Printed: 19/02/2016

## Part 5 Community consultation

The public will have the opportunity to view and comment on the Planning Proposal once the Gateway determination is issued specifying the public exhibition requirements in accordance with section 57 of the EP&A Act. This section of the planning proposal will be updated once the consultation has been undertaken.

## Part 6 Timeframe and information checklist

Task	Timeframe	Completed
Referral of the Planning Proposal for Gateway determination	March 2016	
Gateway Determination	April 2016	
Undertake requirements of the Gateway Determination and prepare V2 Planning Proposal	May 2016	
Public exhibition	June / July 2016	
Agency consultation	June /July 2016	
Review submissions, respond and prepare V3 Planning Proposal for Council's consideration	July / Aug 2016	
Council report to finalise and refer the plan to the DPE to be made	Aug / Sept 2016	
Referral of the Plan to the DPE for making	Sept/Oct 2016	
Plan to be made within 9 months of Gateway	January 2017	





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