

Tweed LEP 2014 - Amendment No 8 to rezone part of Lot 2 DP 1084992, 1200 Clothiers Creek Rd, Tanglewood from RE2 to R5 to correct a mapping error

Proposal Title : Tweed LEP 2014 - Amendment No 8 to rezone part of Lot 2 DP 1084992, 1200 Clothiers Creek Rd, Tanglewood from RE2 to R5 to correct a mapping error

Proposal Summary : The Planning Proposal seeks to make zoning and various development standard changes for part of Lot 2 DP 1084992, 1200 Clothiers Rd, Tanglewood under Tweed LEP 2014 to correct a mapping error. The changes proposed are:
 * rezone from RE2 Private Recreation to R5 Large Lot Residential;
 * apply a minimum lot size of 1ha;
 * amend the building height from 10m to 9m; and
 * apply a floor space ratio of 0.55:1

PP Number : PP_2014_TWEED_004_00 **Dop File No :** 14/13970

Proposal Details

Date Planning Proposal Received :	18-Aug-2014	LGA covered :	Tweed
Region :	Northern	RPA :	Tweed Shire Council
State Electorate :	TWEED	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	1200 Clothiers Creek Road		
Suburb :	City :	Tanglewood	Postcode : 2488
Land Parcel :	Part of Lot 2 DP 1084992		

DoP Planning Officer Contact Details

Contact Name : Gina Davis
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RPA Contact Details

Contact Name : Matthew Zenkteler
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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

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Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	Far North Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	18.00	Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	18
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The subject land was zoned 1(c) Rural Living under Tweed LEP 2000 and was exhibited as R5 Large Lot Residential under draft Tweed LEP 2012. In the final preparation of the plan, a mapping error saw the subject land mistakingly rezoned to RE2 Private Recreation.**

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcomes of the Planning Proposal are adequately expressed for the proposed amendment to Tweed LEP 2014.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

**1.3 Mining, Petroleum Production and Extractive Industries
2.1 Environment Protection Zones
2.3 Heritage Conservation
3.1 Residential Zones
3.3 Home Occupations
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
5.4 Commercial and Retail Development along the Pacific Highway, North Coast**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The Planning Proposal has provided adequate mapping to identify the location and proposed zoning of the subject land. Additional mapping prepared in accordance with the Department's standard technical requirements for LEP maps in relation to zoning, lot size, building height and floor space ratio will need to be prepared to support the proposal prior to the legal drafting of the amendment.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment :

Council has recommended that the Planning Proposal not require exhibition as the subject land was zoned 1(c) Rural Living under Tweed LEP 2000 and exhibited as the equivalent Zone R5 Large Lot Residential as part of the community consultation phase of draft Tweed LEP 2014. The purpose of this Planning Proposal is to rectify the mapping error and reinstate the exhibited zoning and proposed development standards for the land.

It is considered that Council's recommendation that no public consultation be required is reasonable as:

**- community consultation on the currently proposed zoning and development standards was undertaken with the Tweed draft comprehensive LEP. Council has confirmed no submissions were made to the Tweed draft comprehensive LEP objecting to the draft R5 zoning or associated development standards proposed under the current amendment;
- it is a translation of the previous 1(c) Zone into the Standard Instrument LEP format;
and
- the landowner is aware of this matter and has requested that a proposal be undertaken to rectify the mapping error. In this regard, it is recommended that Council consult with the landowner again prior to seeking the drafting of the instrument to ensure that the Planning Proposal corrects the mapping error appropriately.**

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Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Tweed LEP 2014 was made in April 2014.**

Assessment Criteria

Need for planning proposal : **The subject land was zoned 1(c) Rural Living under Tweed LEP 2000 and was exhibited as R5 Large Lot Residential under draft Tweed LEP 2014. A mapping error in the final preparation of the plan by Council, saw the subject land mistakenly rezoned to RE2 Private Recreation. Now that this mapping error has been identified, Council is seeking to amend the LEP to apply the appropriate zoning and development standards as exhibited.**

Consistency with strategic planning framework : **The Planning Proposal is not the result of any specific study or report.**
The proposal is considered to be consistent with the Far North Coast Regional Strategy (FNCRS). Under Tweed LEP 2014, land formerly zoned 1(c) Rural Living under Tweed LEP 2000 was converted to the equivalent zone within the Standard Instrument LEP. In this case, the 1(c) Rural Living Zone was amended to Zone R5 Large Lot Residential as it is intended to accommodate rural residential living areas (including land at times located outside the Town and Village Growth Boundaries in the Regional Strategy). The current proposal only seeks to rectify the mapping error that occurred in Tweed LEP 2014 which incorrectly converted the Zone 1(c) land to Zone RE2 Private Recreation.

The Planning Proposal is considered to be consistent with all applicable SEPPs and section 117 Directions except the following;

4.4 Planning for Bushfire Protection

This Direction is relevant as the Planning Proposal will affect land that is identified as bushfire prone land. The Direction requires the RPA to consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

Environmental social economic impacts : **The subject land has not been identified as being flood prone or containing any known areas of contamination or acid sulphate soils. Part of the land subject to the proposal is identified as Bushfire Prone and as such the advice of the NSW Rural Fire Service will be required during the community consultation stage of the Planning Proposal.**

It is not anticipated that the Planning Proposal will not have any significant adverse environmental, social or economic impacts.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **Nil**

Timeframe to make LEP : **6 months** Delegation : **DDG**

Public Authority Consultation - 56(2) (d) : **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal_August 2014.pdf	Proposal	Yes
Council meeting 7 Aug 2014.pdf	Proposal	Yes
Council cover letter_18082014.pdf	Proposal Covering Letter	Yes
2014-08-19 Planning Team Report - signed.pdf	Determination Document	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.3 Mining, Petroleum Production and Extractive Industries**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 5.4 Commercial and Retail Development along the Pacific Highway, North Coast**

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Additional Information : It is recommended that:

1. The Planning Proposal be supported;
3. The Planning Proposal be completed within 6 months;
4. That the RPA consult with the Commissioner of the NSW Rural Fire Service in accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection;
5. That the Director General (or his delegate) note the current inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection and that it is anticipated this inconsistency will need to be resolved prior to the proposal being finalised;
6. Land zoning, lot size, height of building and floor space ratio maps in accordance with the Department's technical mapping requirements are to be prepared prior to seeking the drafting of the amendment; and
7. Council is to consult with the landowner prior to seeking the drafting of the amendment to ensure that the Planning Proposal corrects the mapping error appropriately.

Supporting Reasons : The Planning Proposal aims to correct a mapping error that occurred during the making of Tweed LEP 2014. The subject land was originally zoned Rural 1(c) under Tweed LEP 2000 and this Planning Proposal will apply the intended equivalent zoning of R5 Large Lot Residential to the land.

Signature:

Printed Name:

Craig Dugg

Date:

21/8/14