

Draft LEP Amendment No. **20**

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

Version 1 – Gateway Determination
October 2015
(revised: January 2015)

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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 in the time since its gazettal on 4 April 2014. Specifically, these amendments aim to:

- Correct a number of mapping anomalies identified since the Tweed LEP 2014 came into force,
- Update Schedule 5 *Environmental Heritage* to rectify incorrect description 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 amendments have been grouped together in one Planning Proposal in order to rationalise the number of amendments to Council's principle planning instrument. This Planning Proposal considers both owner initiated changes and Council initiated changes. In summary, there are 19 amendments 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 summarises community and agency consultation and will be updated throughout the further stages of the project. Part 5 comprises mapping, including proposed amendment to 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 LEP, and a *Minor policy amendment* group, which includes amendments to the clauses of the LEP.

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

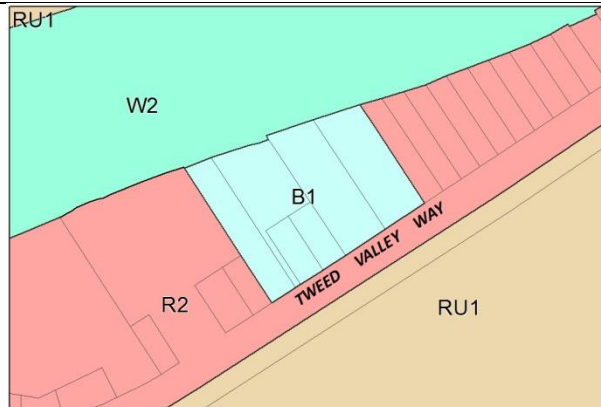
As part of the housekeeping component, this Planning Proposal seeks amendments to 16 sites (items):

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 zone 3(c) to B1 Neighbourhood Centre does not correlate with the uses on site and there is no strategic justification to modify the hierarchy of the centre. Existing development and use of the land (motel, service station, liquor store), correlate more with B2 Local Centre zone.

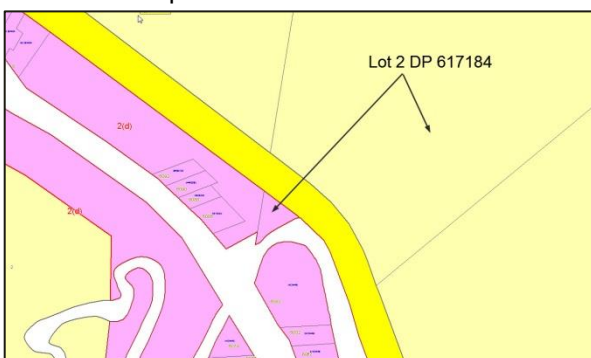
Proposed amendment:

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

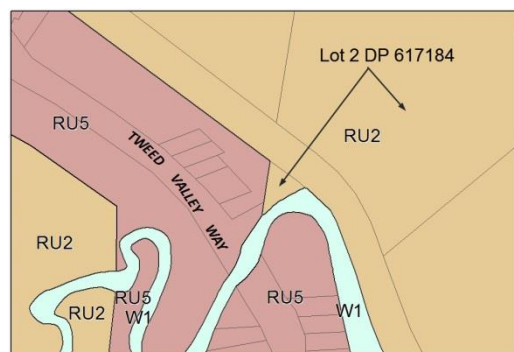
Item 2

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:

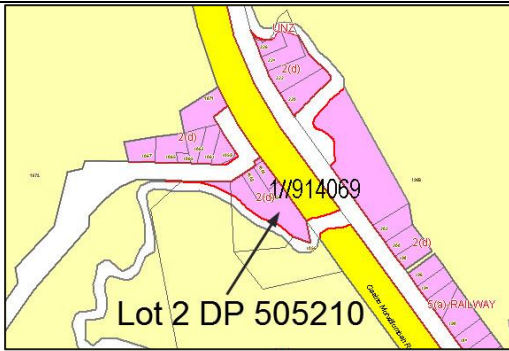
Mapping anomaly. Part of Lot 2 DP 617184 was incorrectly translated from 2(d) Village to RU2 Rural Landscape zone.

Proposed amendment:

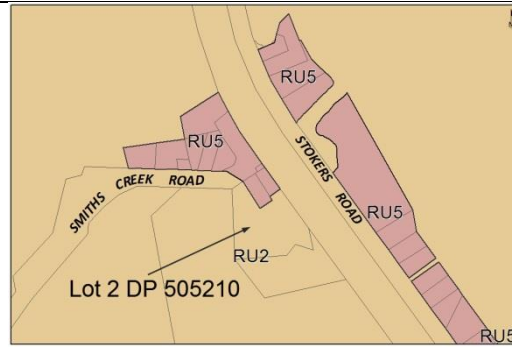
- Rezone Part 2//617184 to RU5 Village.
- Amend development standard maps: Floor Space Ratio (FSR) of 2:1 ,Lot Size (LSZ) of 450 m² and Height of Building (HOB) of 13.6m, standard controls for the RU5 zone.

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:

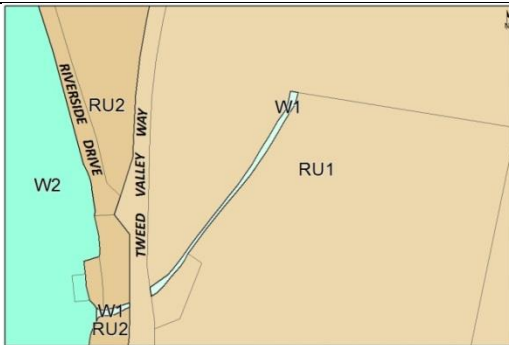
Mapping anomaly. Part of Lot 2 DP 505210 was incorrectly rezoned from 2(d) Village under the LEP 2000 to RU2 Rural Landscape zone.

Proposed amendment:

Rezone to RU5 Village, amend development standard maps: Floor Space Ratio (FSR) of 2;1, Lot Size (LSZ) of 450 m2 and Height of Building (HOB) of 13.6m, 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)



Tweed LEP 2014: Land zoning map



Aerial imagery of the subject area

Description of issue:

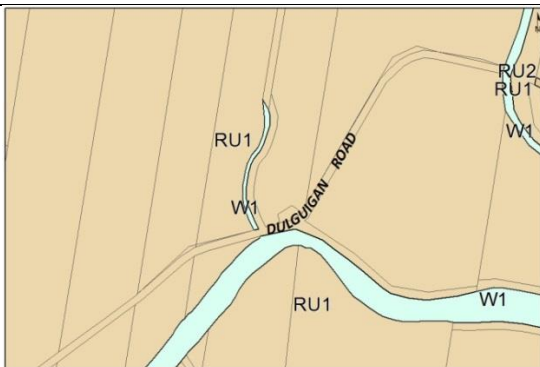
Zone W1 Natural Waterways applied over land use as agricultural drain in the past.

Proposed amendment:

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

Item 5

Zoning of a former agricultural drain (waterway reserve) adjoining Lot 4 DP 876455, 558 Gulgugan Road



Tweed 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

Proposed amendment:

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

Item 6

Zoning of existing agricultural drain

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:

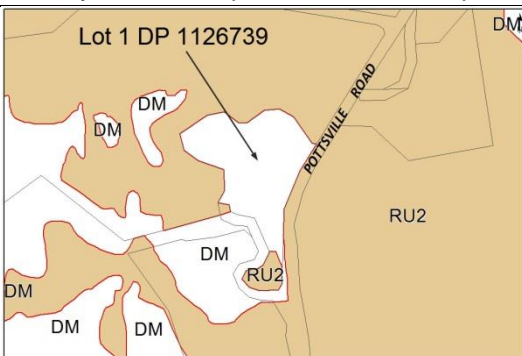
W1 Natural Waterways zone was applied to an agricultural drain. This is inconsistent with the methodology of applying this zone, which was to zone natural waterways only.

Proposed amendment:

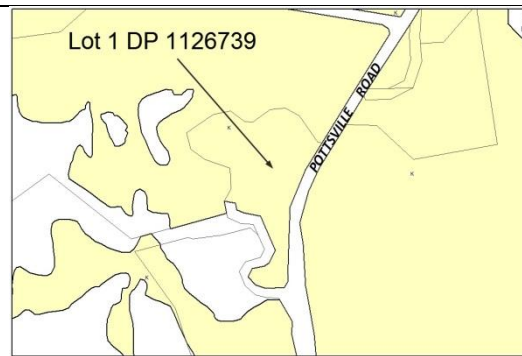
Amend development standards: HOB (10m), LSZ (40 ha) consistent with the RU1 zone surrounding.

Item 7

Overlay and development standard maps for Lot 1 DP 1126739 at 793 Pottsville Road



Tweed LEP 2014: Land zoning map



Tweed LEP 2014: Height of building map

Description of issue:

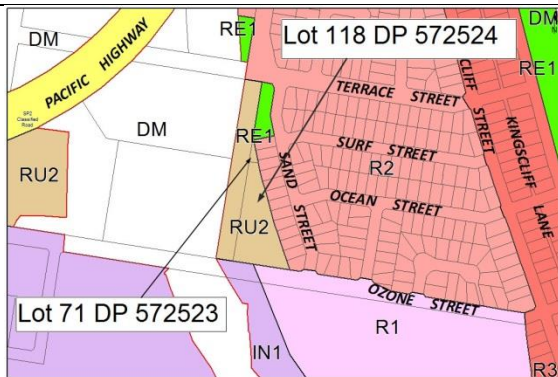
That part of Lot 1 DP 1126739 has been deferred from the LEP but overlay maps and development standard maps have not been updated consistent with the deferral. Land mapped on the Land Zoning Map as a deferred matter should be omitted from the rest of the map series in the LEP.

Proposed amendment:

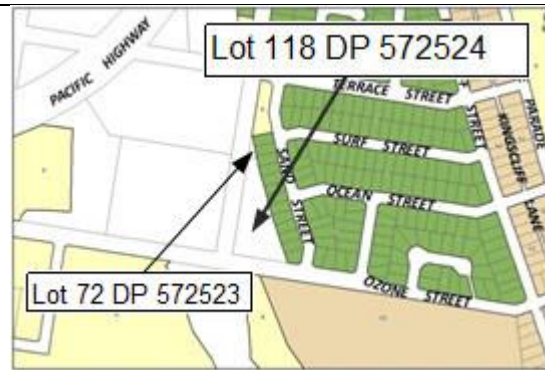
Amend the development standard and overlay maps to omit the subject site in accordance with *Standard Technical Requirements for LEP maps*.

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



Tweed LEP 2014: Height of building 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



Tweed LEP 2014: Land zoning map

Description of issue:

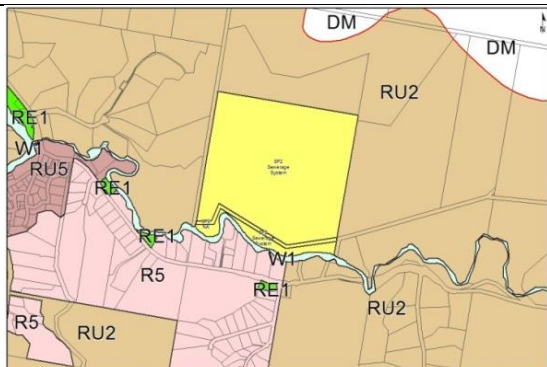
Although zoned SP2 and developed with a sewage treatment plant and community meeting/education centre, the western portion of the land has historically permitted and been used for cattle grazing under the LEP 2000, consistent with surrounding land uses. Since the implementation of the LEP 2014 cattle 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 with 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

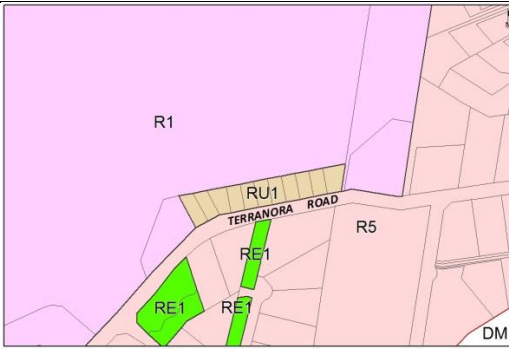
Under the land use table of the LEP 2000, the use of this land was not limited to infrastructure only, but also included 'any use compatible with adjacent uses and with uses allowed in adjacent zones' and Council was considering development of an outdoor recreation facility (mountain bike club) on the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

Item 11

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



Tweed LEP 2014: Land zoning map

Description of issue:

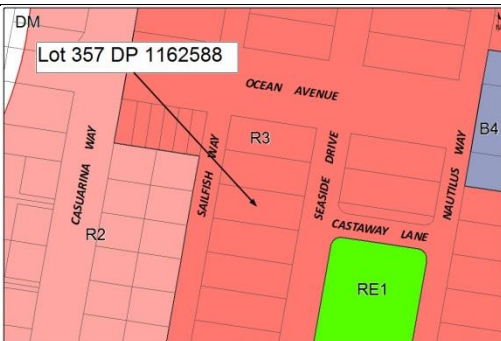
A separate Planning Proposal seeks to rezone lots 420-434 Terranora Road to a residential zone. Adjoining land at 418 and 436-440 Terranora Rd is already developed with single dwellings therefore rezoning to R2 will ensure a consistent outcome for the locality. This is consistent with the recommendation 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 m²), HOB (10 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: Land zoning map

Tweed LEP 2014: Height of Building map

Description of issue:

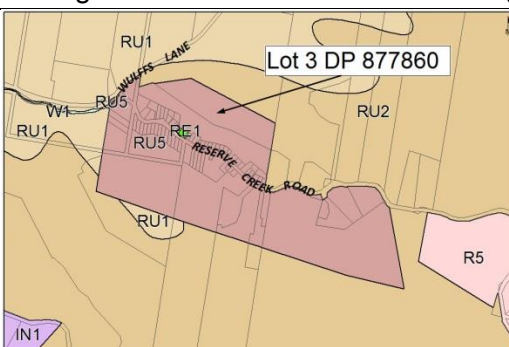
Mapping anomaly: The maximum height of building has not been applied.

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 Lot 3 DP 877860 in Kielvale (adjacent to 59 Reserve Creek Rd)



Owners of Lot 3 DP 877860 requested that the RU5 Village zoning applicable to part of their land be amended 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 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.

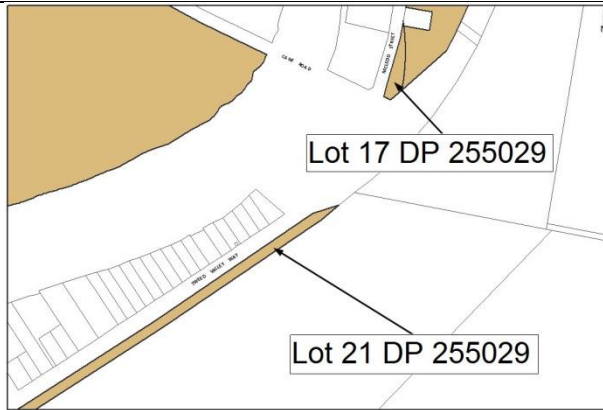
Proposed amendment:

- 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.

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:

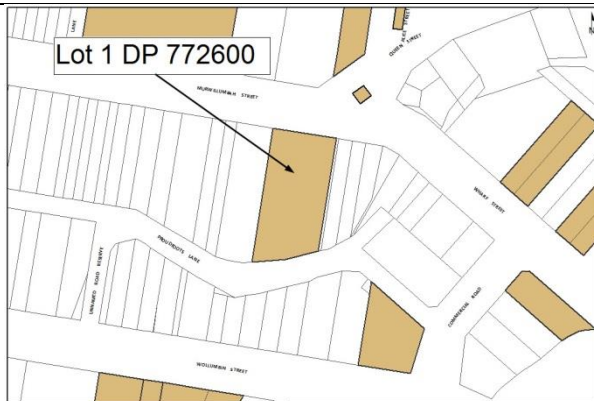
This heritage item comprises of Lot 21 DP 255029 and Lot 17 DP 255029. Both lots have been correctly mapped in the LEP 2014, but only Lot 17 DP 255029 has been listed in Schedule 5 (as Item 15).

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:

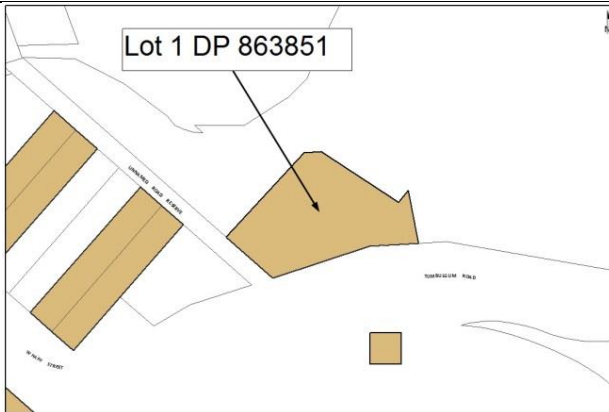
This heritage Item (NAB Bank site) is described under Schedule 5, Item 67 as 38 Murwillumbah St, being Lot 1 DP 772600. The correct description, consistent with the mapping and house address should be 36-42 Murwillumbah St.

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 Tumbulgum 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 that 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. 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

<p>land, if the consent authority is satisfied that:</p> <ul style="list-style-type: none"> (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. <p>(4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following:</p> <ul style="list-style-type: none"> (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. <p>(5) This clause does not apply:</p> <ul style="list-style-type: none"> (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

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 Australian Standard 2021-2015 (*Acoustics – Aircraft noise intrusion – Building siting and construction*) and replace reference in to the superseded AS 2021-2000, referred to in the LEP 2014.

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 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 adequate 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 undertaking of amendments to the Tweed LEP 2014 is 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, following 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).

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 a 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 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.

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
1. Employment and Resources			
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 site included in Item 1 is consistent with the objectives of this direction.
1.2 Rural Zones	<u>Objectives:</u> The objective of this direction is to protect the agricultural production value of rural land. <u>Application:</u> Clause 4(a) of this direction is applicable to this planning proposal.	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 clause proposed under item 17 (Boundary Adjustments).	Justifiably inconsistent. Items 2 and 3 seek to rezone land from RU2 Rural Landscape to RU5 Village to rectify a zoning anomaly occurred during the preparation of the LEP 2014. Under the LEP 2000 items 2 and 3 had a village zoning. Item 17, boundary adjustment clause, will modify current subdivision controls but this will not increase the permissible density of land in rural zones.

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 and Item 17 aims to introduce additional clause affecting rural land (boundary adjustments between lots in certain rural and residential zones). Items 2, 3, 7 and 8 correct drafting anomalies. Items 4, 5 and 6 seek to return agricultural drains zoned W1 to RU1 reflecting the agricultural use of the land and consistent with the surrounding RU1 zone.</p>	<p>Consistent. Both the mapping and policy amendments meet the requirements of this Direction by protecting the agricultural value of the land</p>
2. Environment and Heritage			
2.1 Environment Protection Zones	<p><u>Objective:</u> <u>The objective of this direction is to protect and conserve environmentally sensitive areas.</u></p> <p><u>Application:</u> <u>This direction applies to all relevant planning authorities.</u></p>	<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 one environmental zone that remains in the LEP (E1 zone) prohibits dwellings.</p>	<p>N/A</p>
2.2 Coastal Protection	<p><u>Objective:</u></p>	<p>This Direction applies as some</p>	<p>Generally consistent. Amendments</p>

Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>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>sites subject to the minor mapping changes which are located within the coastal zone, being items 4, 5, 6, 8, 11 and 12.</p>	<p>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>
<p>2.3 Heritage Conservation</p>	<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
3. Housing, Infrastructure and Urban Development			
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>	This Planning Proposal affects certain land in residential zones therefore this Direction applies.	The amendments to the Kielvale zoning are considered to be of minor significance under (6) (d).
4. Hazard and Risk			
4.1 Acid Sulfate Soils	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.	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.	Consistent

Table 4- Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
<p>4.3 Flood Prone Land</p>	<p>Development of flood prone land should be consistent with the NSW Government's Flood Prone Land Policy. 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. 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.</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>
<p>4.4 Planning for Bushfire Protection</p>	<p><u>Objectives:</u> (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 (b) to encourage sound management of bush fire prone areas. Where this direction applies</p> <p><u>Application:</u> 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&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
5. Regional Planning			
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>	<p>Consistent.</p>
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 sue 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>	<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 first Tweed Local Environmental Plan in 1988.</p>

Table 4- Consistency with s117(2) Directions

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

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.

The removal of Flood Planning Map from the LEP may increase clarity of development within the flood prone land by removing unnecessary duplication of flood mapping.

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 have been undertaken consistently with conditions of the Gateway Determination.

Part 4 Mapping

Detailed figures of locality maps of all items subject to the housekeeping amendment part have been included within Part 2 of this Planning Proposal. Detailed amending maps, prepared consistently with the Standard Instrument LEP format will be inserted here prior to the public exhibition stage.

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	November 2015/ January 2016	
Gateway Determination	February 2016	
Undertake requirements of the Gateway Determination and prepare V2 Planning Proposal	February 2016	
Public exhibition	March/April 2016	
Agency consultation	March/April 2016	
Review submissions, respond and prepare V3 Planning Proposal for Council's consideration	April 2016	
Council report to finalise and refer the plan to the DPE to be made	May 2016	
Referral of the Plan to the DPE for making	May 2016	
Plan to be made within 9 months of Gateway	Yes	

APPENDICES



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