

PLANNING PROPOSAL FOR LOT 1 DP 1126205

16A Anconia Avenue, Tweed Heads West

V1 GATEWAY DETERMINATION

March 2015

TSC File PP15/0002

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Introduction

Purpose

The purpose of this planning proposal is to rectify a site-specific zoning error ("the error") that occurred during the conversion of the Tweed LEP 2000 Land Zoning Map into the zoning schedule under the then draft Tweed LEP 2012, and later published as Tweed LEP 2014. This is to be facilitated by an amendment to the Land Zoning Map of the Tweed Local Environmental Plan (LEP) 2014.

The area affected by the error is described as Lot 1 DP 1126205, and is located at 16A Anconia Avenue, Tweed Heads West (as outlined on Figures 1 and 2).

Under the previous LEP 2000, this site was zoned part 2(a) Low Density Residential and part 1(a) Rural, however, during the post-exhibition review of the draft LEP 2012 the site was incorrectly translated to E1 National Parks and Nature Reserves and thus, when made, did not reflect the direct translation of zoning from the LEP 2000. The resultant effect of the error was a significant change in the land use permissibility and prohibitions, as prescribed by the respective zoning schedules.

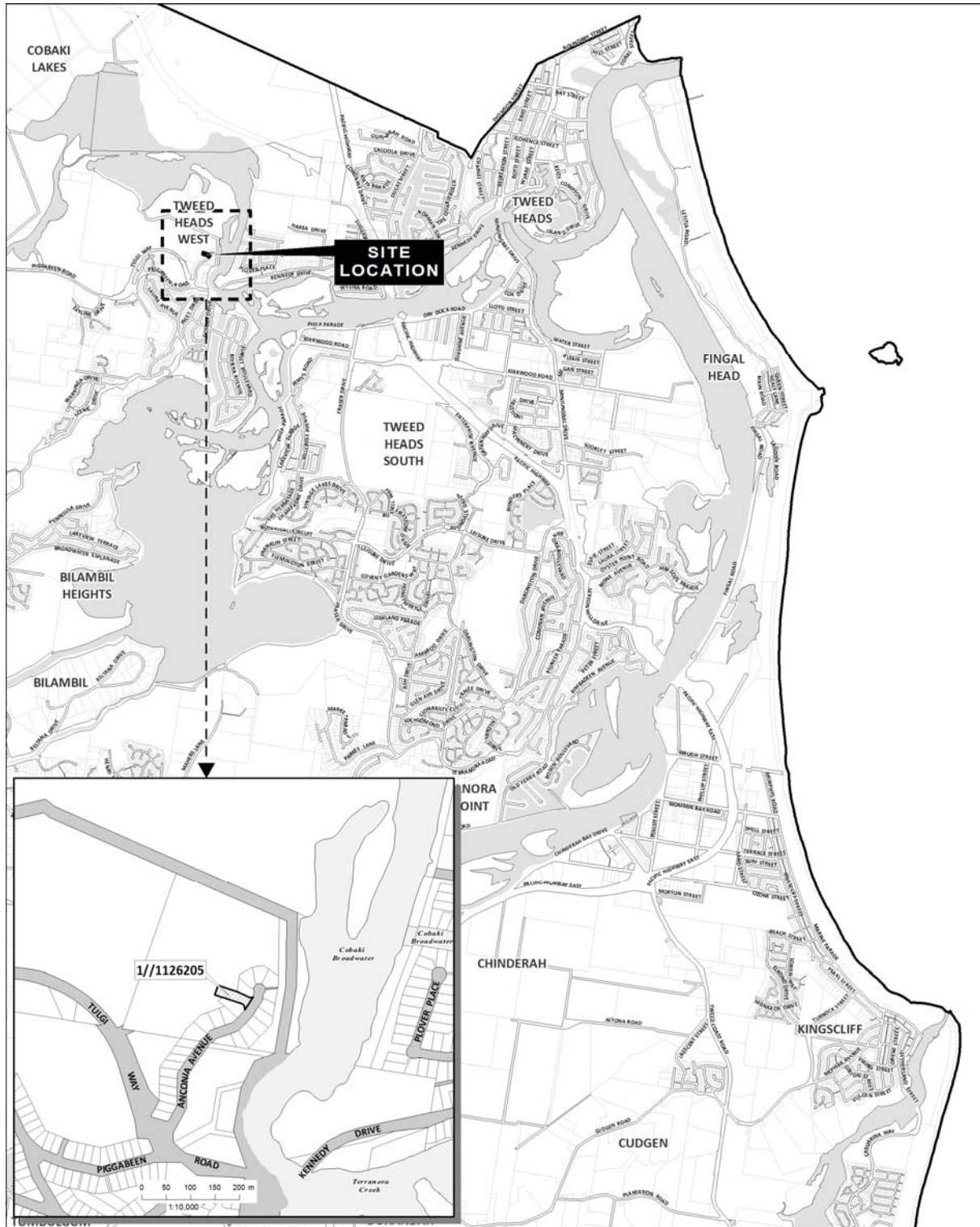
The property has been listed for sale and the owners advised Council that the incorrect zoning may have financial implications as it may delay the sale and/or be used by potential buyers to reduce the value. Given this is an error in the drafting of the LEP it is imperative this be amended as soon as possible. While Council was initially considering inclusion of this site into the "housekeeping" LEP amendment, which is currently at the early stage of scoping, urgent request of the landowners persuades that a spot rezoning of this site is a better way to proceed.

Property details

The proposal affects land described as Lot 1 DP 1126205, and is located at 16A Anconia Avenue, Tweed Heads West (refer to Figures 1 and 2 for details).

Site context and setting

The subject site is a part of low density, residential development located at Anconia Avenue, Tweed Heads West. Development along the Anconia Avenue is of a linear character, bounded by Cobaki Broadwater to the east and Cobaki Nature Reserve to the west. The subject site is located immediately to the east of Lot 2 DP 1126205, which was acquired as part of a habitat compensation package for Tugun bypass and recently gazetted as part of the Cobaki Nature Reserve. Changed status of Lot 2 DP 1126205 was recognised during the preparation of the Standard Instrument based LEP, and resulted in rezoning Lot 2 DP 1126205 from 1(a) Rural to E1 National Parks and Nature Reserve.



Locality Plan

Planning Proposal PP15/0002 -- 16A Anconia Avenue, Tweed Heads West
Subject Site - Lot 1 DP1126205

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Figure 1 Location of Lot 1 DP 1126205



Aerial Photo - taken May 2012

Planning Proposal PP15/0002 -- 16A Anconia Avenue, Tweed Heads West
Subject Site - Lot 1 DP1126205

SOURCE:
Aerial imagery was captured on
6th to 9th May 2012 ©AAM Pty Ltd

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Date Printed: 25 March, 2015

Figure 2 Subject site overlaid with aerial photography (2012)

Part 1 Objectives and intended outcomes

Objective and intended outcomes

This planning proposal seeks to rectify the mapping error which occurred during the conversion of the Tweed LEP 2000 Land Zoning Map into the Tweed LEP 2014 Land Zoning Map.

Part 2 Explanation of provisions

The intended outcome is to be achieved by the following amendments to the Tweed LEP 2014:

- Tweed LEP 2014 Land Zoning Map to be amended to zone the subject site as R2 Low Density Residential,
- Tweed LEP 2014 Height of Building Map for the subject site to be amended to apply height control of J - 9 metres, which is standard for the R2 Low Density Residential zone,
- Tweed LEP 2014 Floor Space Ratio Map for the subject site to be amended to apply ratio of J - 0.8, which is standard for the R2 Low Density Residential zone,
- Tweed LEP 2014 Lot Size Map for the subject site to be amended to apply Lot Size Standard of G - 450 m², which is standard for the R2 Low Density Residential zone.

Part 3 Justification

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 a result of any strategic study or report. The Proposal has been initiated by Council in order to rectify an error on the Tweed LEP 2014 Land Zoning Map. The error is described within the Introduction on Page 1.

Tweed Shire Council Planning Committee resolved on 9 April 2015 as follows:

1. *Council endorses a Planning Proposal to rezone Lot 1 DP 1126205 be prepared and submitted to the NSW Department of Planning and Environment for a Gateway Determination, in accordance with s56 of the Environmental Planning and Assessment Act;*
2. *The Minister for Planning and Infrastructure or his Delegate be advised that Tweed Shire Council is not seeking plan making delegations for this planning proposal;*
3. *The Minister for Planning and Infrastructure or his Delegate be advised that public exhibition is not required in this instance; and*
4. *Where no public exhibition is conditioned by the Minister or their delegate, Council endorses the correction of the zoning error of Lot 1 DP 1126205, to the extent only shown in this report, without the need for any further report to Council.*

The E1 National Park and Nature Reserve zone is only to be applied to national parks and nature reserves. The subject site has been included within the adjoining E1 zone by error. The subject site is privately owned and does not contain land of national park or nature reserve status.

The site was previously zoned part residential and part rural, however, given the wider adjoining rurally zoned land has now been zone E1 it is incongruous to continue with a small suburban part of a single lot to be zoned as rural land. Therefore, this proposal seeks to zone the full lot as residential. This is discussed in Section 4 following.

A brief assessment of the proposal with the strategic planning framework is provided under Section B following.

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

The property has been listed for sale and the owners advised Council that the incorrect zoning may have financial implications as it may delay the sale and/or be used by potential buyers to reduce the value. Given this is an error in the drafting of the LEP it is imperative this be amended as soon as possible.

Council sought the expedition of the amendment through the use of Section 73A of the *Environmental Planning and Assessment Act, 1979*, however, was advised by the Regional office that a Planning Proposal would be required. In this context, the planning proposal process is considered to be the most appropriate means of applying an appropriate zone over the subject site.

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)?

This LEP amendment is being initiated by Council with a view to correct a zoning error on Lot 1 DP 1126205. Analysis of its consistency with wider strategic planning framework is provided under part 5 of Table 3 of this document (Consistency with Section 117 Directions).

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

Council has recently adopted a 10 year *Community Strategic Plan 2013/2023*. The plan is based on four key themes being Civic Leadership, Supporting Community Life, Strengthening the Economy, and Caring for the Environment. The planning proposal is consistent with the following relevant Objectives of the Strategic Plan:

Objective	Comment
Objective 1.2.1 Council will be underpinned by good governance and transparency in its decision making processes.	This LEP amendment seeks correction of

Objective 1.3.2 Council will seek the best value in delivering services.	the zoning error in order to achieve consistency with Council's adopted approach towards the preparation of the LEP, conforming to the Standard Instrument (Local Environmental Plan) Order 2006.
Objective 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.	

On the basis of compliance with the abovementioned Objectives, this planning proposal is considered consistent with Council's Community Strategic Plan.

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

Consistency of this planning proposal with the SEPPs is discussed in the following Table 2:

Table 2: Consistency with SEPPs

State Environmental Planning Policy	Consistency
SEPP No 1 – Development Standards	N/A
SEPP No 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	N/A
SEPP No 6 – Number of Storeys in a Building	N/A
SEPP No 10 – Retention of Low Cost Rental Accommodation	N/A
SEPP No 14 – Coastal Wetlands	Consistent. While part of the subject site is mapped as SEPP 14 buffer area, the rezoning is not expected to lead to increased density on the subject site, as the site is already developed with a dwelling house.
SEPP No 15 – Rural Landsharing Communities	N/A
SEPP No 19 – Bushland in Urban Areas	N/A
SEPP No 21 – Caravan Parks	N/A
SEPP No 22 – Shops and Commercial Premises	N/A
SEPP No 26 – Littoral Rainforests	N/A
SEPP No 29 – Western Sydney Recreation Area	N/A
SEPP No 30 – Intensive Agriculture	N/A
SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land)	N/A

State Environmental Planning Policy	Consistency
SEPP No 33 – Hazardous and Offensive Development	N/A
SEPP No 36 – Manufactured Home Estates	N/A
SEPP No 39 – Spit Island Bird Habitat	N/A
SEPP No 41 – Casino Entertainment Complex	N/A
SEPP No 44 – Koala Habitat Protection	Consistent. The site is not identified by Council as potential koala habitat.
SEPP No 47 – Moore Park Showground	N/A
SEPP No 50 – Canal Estate Development	N/A
SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	N/A
SEPP No 53 – Metropolitan Residential Development	N/A
SEPP No 55 – Remediation of Land	N/A
SEPP No 59 – Central Western Sydney Regional Open Space and Residential	N/A
SEPP No 62 – Sustainable Aquaculture	N/A
SEPP No 64 – Advertising and Signage	N/A
SEPP No 65 – Design Quality of Residential Flat Development	N/A
SEPP No 70 – Affordable Housing (Revised Schemes)	N/A
SEPP No 71 – Coastal Protection	Consistent. While most of the site is mapped as a Sensitive Coastal Location, the rezoning is not expected to lead to increased density as the site is already developed with a dwelling house.
SEPP (Affordable Rental Housing) 2009	Consistent. This SEPP was introduced in July 2009 to increase the supply and diversity of affordable rental and social housing in NSW. This planning proposal does not restrict the application of this SEPP on the subject site. The R2 zone will allow for residential development on the subject site and will enable the application of the SEPP.

State Environmental Planning Policy	Consistency
SEPP (Building Sustainability Index: BASIX) 2004	Consistent, the planning proposal does not restrict the application of this SEPP over the subject site. Rezoning to the R2 will enable the application of this SEPP at the DA stage.
SEPP (Exempt and Complying Development Codes) 2008	Consistent
SEPP (Housing for Seniors or People with a Disability) 2004	N/A
SEPP (Infrastructure) 2007	Consistent.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	N/A
SEPP (Major Development) 2005	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A
SEPP (Rural Lands) 2008	N/A
SEPP (Sydney Region Growth Centres) 2006	N/A
SEPP (Temporary Structures) 2007	N/A
SEPP (Western Sydney Employment Area) 2009	N/A
SEPP (Western Sydney Parklands) 2009	N/A

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

Consistency with the s117 Directions is assessed in the following Table 3.

Table 3 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	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	This proposal does not affect business or industrial zones.	N/A
1.2 Rural Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). Under this direction a planning proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).	This proposal does not affect rural zones. A small portion of the site was zoned rural under the Tweed LEP 2000, although the site is located within a residential development in context of environmental conservation areas, disconnected from areas of agricultural activities.	N/A
1.3 Mining, Petroleum Production and Extractive Industries	Applies when a relevant planning authority prepares a planning proposal that would have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or	Does not change the permissibility of mining, petroleum or extractive industries. All these uses are prohibited in both the current E1 zone and the R2 Low Density Residential zone.	Yes

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	(b)restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.		
1.4 Oyster Aquaculture	Applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in: (a)adverse impacts on a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate”; or (b)incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a “current oyster aquaculture lease in the national parks estate” and other land uses.	This planning proposal does not impact on a Priority Oyster Aquaculture Area.	N/A
1.5 Rural Lands	Applies when: (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or (b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone. A planning proposal to which clauses (a) and (b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i> .	This rezoning affects environmental zones, however the site was zoned rural prior to the error. The environmental zoning on the site is considered to be an error, and this planning proposal seeks to rectify the error by replacing the environmental zone with an appropriate residential zone (R2). Under the LEP 2000, the majority of Lot 1 DP 1126205 was zoned 2(a) Low Density Residential, with a small portion zoned 1(a) Rural. This planning proposal seeks to rezone the site R2 Low Density Residential, without the rural zoning. This is justified by changed zoning of the adjoining land, being Lot 2 DP 1126205, acquired as part of a habitat compensation package for Tugun bypass and gazetted as Cobaki Nature Reserve. Changed status	Justifiably inconsistent - inconsistency is considered to be of a minor significance.

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	A planning proposal to which clause (b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i> .	of Lot 2 DP 1126205 resulted in rezoning it from 1(a) Rural to E1 National Parks and Nature Reserve. In this context, rural zoning is considered inappropriate, and rezoning of the entire Lot 1 DP 1126205 to R2 Low Density Residential is the best way to achieve consistent zoning within this locality.	
2 Environment and Heritage			
2.1 Environment Protection Zones	(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. (5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "<i>Rural Lands</i>".	The environmental zoning on the site is considered to be an error and this planning proposal seeks to rectify the error by replacing the environmental zone with an appropriate residential zone (R2). The site is developed with a dwelling house and is located in residential area of Tweed Heads West.	Justifiably inconsistent - inconsistency is considered to be of a minor significance.
2.2 Coastal Protection	Direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.	This proposal is located within the coastal zone. However it will not affect public access to the Tweed River foreshore or generate the need to provide new access; the use is suited to its locality given adjoining residential development; the proposal will not affect the scenic amenity of the Tweed River foreshore or cause overshadowing or major view impacts; the proposal will not affect threatened species or wildlife	Consistent

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
		corridors; the site will not be affected by coastal processes (it is to be filled above the design flood level as necessary); the proposal will not cause conflict with water or land based activities and is compatible with its neighbouring land uses (crematorium and agriculture); the proposal 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 through the DA process; and is not expected to impact on cultural heritage of significance as the purpose of the planning proposal is to correct a zoning error on already developed area.	
2.3 Heritage Conservation	A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place	An Aboriginal Cultural Heritage Due Diligence has not been prepared for the planning proposal. The planning proposal has been initiated by Council in order to correct a mapping error. This inconsistency is of a minor significance.	Justifiably minor inconsistency

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	or landscape as being of heritage significance to Aboriginal culture and people.		
2.4 Recreation Vehicle Areas	<u>Objective:</u> To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles. This direction applies to all relevant planning authorities.	The proposal does not enable land to be developed for the purpose of a recreation vehicle area.	N/A
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	<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.	This planning proposal aims to correct a zoning error and reinstate the residential zone (R2 Low Density Residential). Under the residential zone, the subject site will satisfy provisions of this direction.	Yes
3.2 Caravan Parks and Manufactured Home Estates	<u>Objective:</u> To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles. This direction applies to all relevant planning authorities.	This proposal does not seek development for the purposes of a caravan park or manufactured homes estate nor does it impact upon any land that does permit development for the purposes of a caravan park or manufactured homes estate.	N/A
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for	Home occupation land use is permissible without consent in the R2 Low Density Residential zone,	Yes

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	development consent.	which is the desired outcome of this planning proposal.	
3.4 Integrating Land Use and Transport	Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. (1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).	This planning proposal aims to correct a zoning error and reinstate the residential zone (R2 Low Density Residential). The planning proposal is not in itself a major traffic generator and will not result in increased resident population.	Yes
3.5 Development Near Licensed Aerodrome	Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.	The subject site is located within ANEF contours of 20-25 and currently has a dwelling.	Yes
3.6 Shooting Ranges	Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.	This proposal does not affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.	N/A
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	The site has been identified on the Tweed LEP 2014 Acid Sulfate Soils map as containing class 5 acid sulfate soils.	Yes

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	on the Acid Sulfate Soils Planning Maps.	This planning proposal aims to correct a zoning error and reinstate the residential zone (R2 Low Density Residential) which was changed to a private recreation zone while drafting the LEP 2014.	
4.2 Mine Subsidence and Unstable Land	Applies when a relevant planning authority prepares a planning proposal that permits development on land that: (a) is within a mine subsidence district, or (b) has been identified as unstable in a study, strategy or other assessment undertaken: (i) by or on behalf of the relevant planning authority, or (ii) by or on behalf of a public authority and provided to the relevant planning authority.	This proposal does not impact on any mine subsidence area.	N/A
4.3 Flood Prone Land	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.	The land subject to this planning proposal is not flood affected.	N/A
4.4 Planning for Bushfire Protection	<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 <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	The land subject to this proposal is identified as being Bushfire Prone (vegetation buffer). This planning proposal has been initiated by Council in order to correct a zoning error and reinstate the residential zone over already developed site. Compliance with relevant bushfire protection controls has not been assessed.	Justifiably minor inconsistency

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	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.		
5. Regional Planning			
5.1 Implementation of Regional Strategies	Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	The Far North Coast Regional Strategy identifies part of the subject site (zoned 2(a) under the Tweed LEP 2000) as lying within the Town and Village Growth Boundaries, with the remainder of the site (zoned 1(a) Rural under the Tweed LEP 2000) outside of the Town and Village Growth Boundaries. Council considers this inconsistency to be of a minor significance because the purpose of this planning proposal is to correct a zoning error which occurred during the preparation of the Tweed LEP 2014. The outcome sought by this planning proposal, being zoning the entire lot R2 Low Density Residential, is not expected to result in increased development on the site.	Justifiably minor inconsistency
5.2 Sydney Drinking Water Catchments	Applies when a relevant planning authority prepares a planning proposal that applies to the hydrological catchment.	The proposal is not within this catchment.	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<u>Objective:</u> To ensure that the best agricultural land will be available for current and future generations, to provide more certainty on the status of the best agricultural land, and to reduce land use conflicts. This direction applies to the Tweed Shire Council	The site is not mapped as State or regionally significant farmland.	N/A

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	area.		
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	<u>Objective:</u> To manage commercial and retail development along the Pacific Highway. <u>Application:</u> areas on the North Coast that the Pacific Highway traverses, including Tweed Shire Council.	The site is not located in the vicinity of the Pacific Highway.	N/A
5.8 Second Sydney Airport	Applies to land shown within the boundaries of the proposed airport site.	The proposal is not within these boundaries.	N/A
6. Local Plan Making			
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.	N/A
6.2 Reserving Land for Public Purposes	(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).	No public land is created as a result of this planning proposal.	N/A
6.3 Site Specific Provisions	<u>Objective:</u> To discourage unnecessarily restrictive site specific planning controls. This direction applies to all relevant planning authorities.	This planning proposal does not seek to allow a particular development to be carried out. Instead, it has been initiated by Council in order to correct a zoning error and reinstate the appropriate residential zone.	N/A

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?

No. The purpose of the proposal is to reinstate the previous zone, that is to rectify a zoning error on the Land Zoning Map for the subject site. The site is currently zoned E1 National Parks and Nature Reserves and the desired outcome of this proposal is to rezone the site R2 Low Density Residential.

The site is not identified for protection of threatened species, populations or ecological communities. It is expected that the rezoning will not result in an increase of development on the subject site, as the land is already developed with a dwelling house.

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

Flooding

The land subject to this planning proposal is not flood affected.

Contaminated Land

The land does not have a recent history of being used for agriculture or any other uses that would require preliminary or detailed site investigation report.

Bushfire

The land subject to this proposal is identified as being Bushfire Prone (vegetation buffer).

This planning proposal has been initiated by Council in order to correct a zoning error and reinstate the residential zone. Compliance with relevant bushfire protection controls has not been assessed.

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

This planning proposal has been initiated to prevent or mitigate any financial implications that may result from the zoning error present on the site. Wider social and economic effects resulting from this proposal have not been assessed and are considered as of a minor significance.

Section D State and Commonwealth interests

1 Is there adequate public infrastructure for the planning proposal?

Assessment of the availability of public infrastructure on site subject to this planning proposal has not been considered. The purpose of this planning proposal is to correct a zoning error which occurred during the preparation of the Tweed LEP 2014.

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

This particular planning proposal is yet to receive Gateway Approval. At this stage there do not appear to be any issues of interest to State or Commonwealth authorities. No nationally threatened species are known to occur on the site.

Part 4 Mapping - Amendments to the Tweed LEP 2014

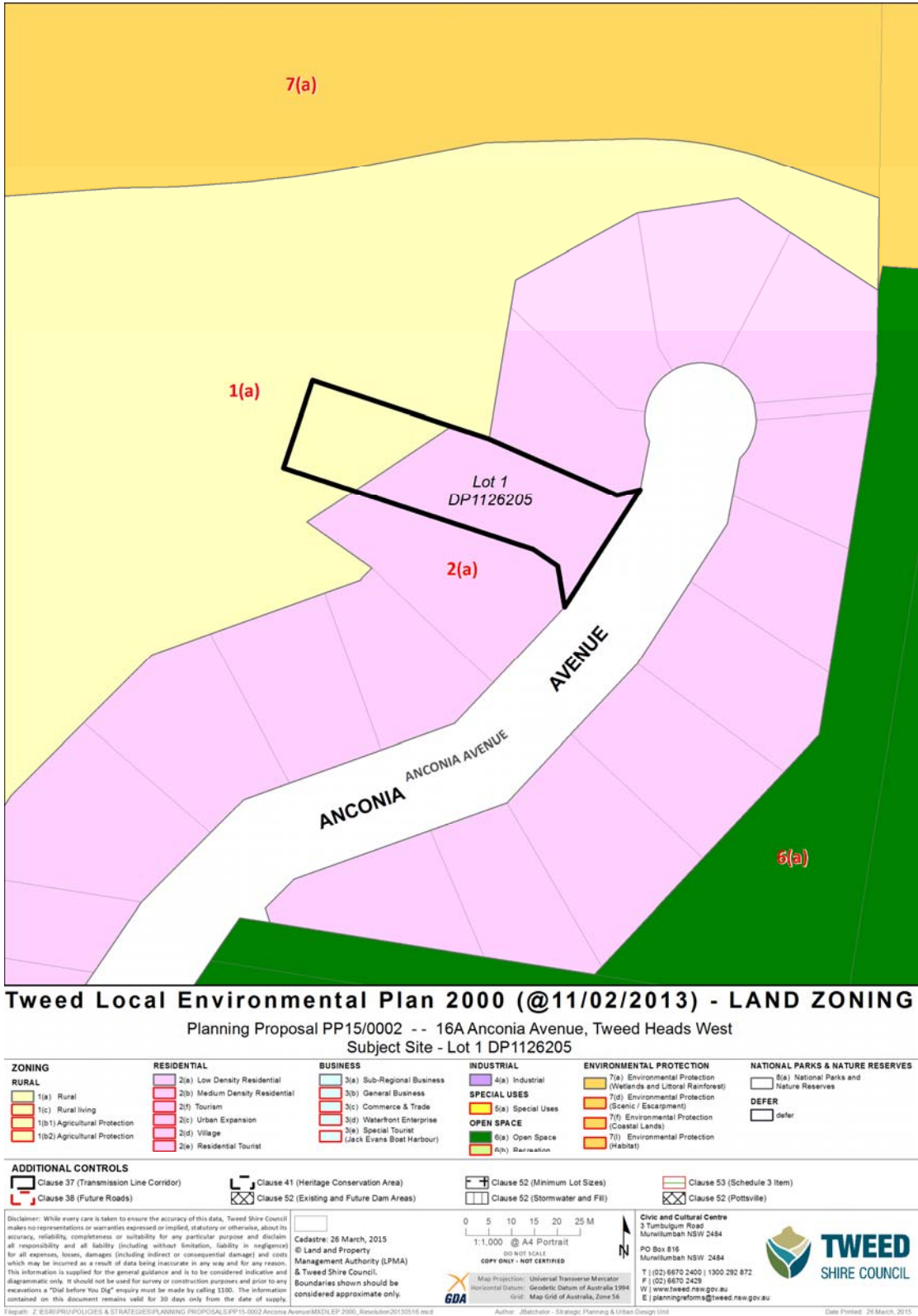
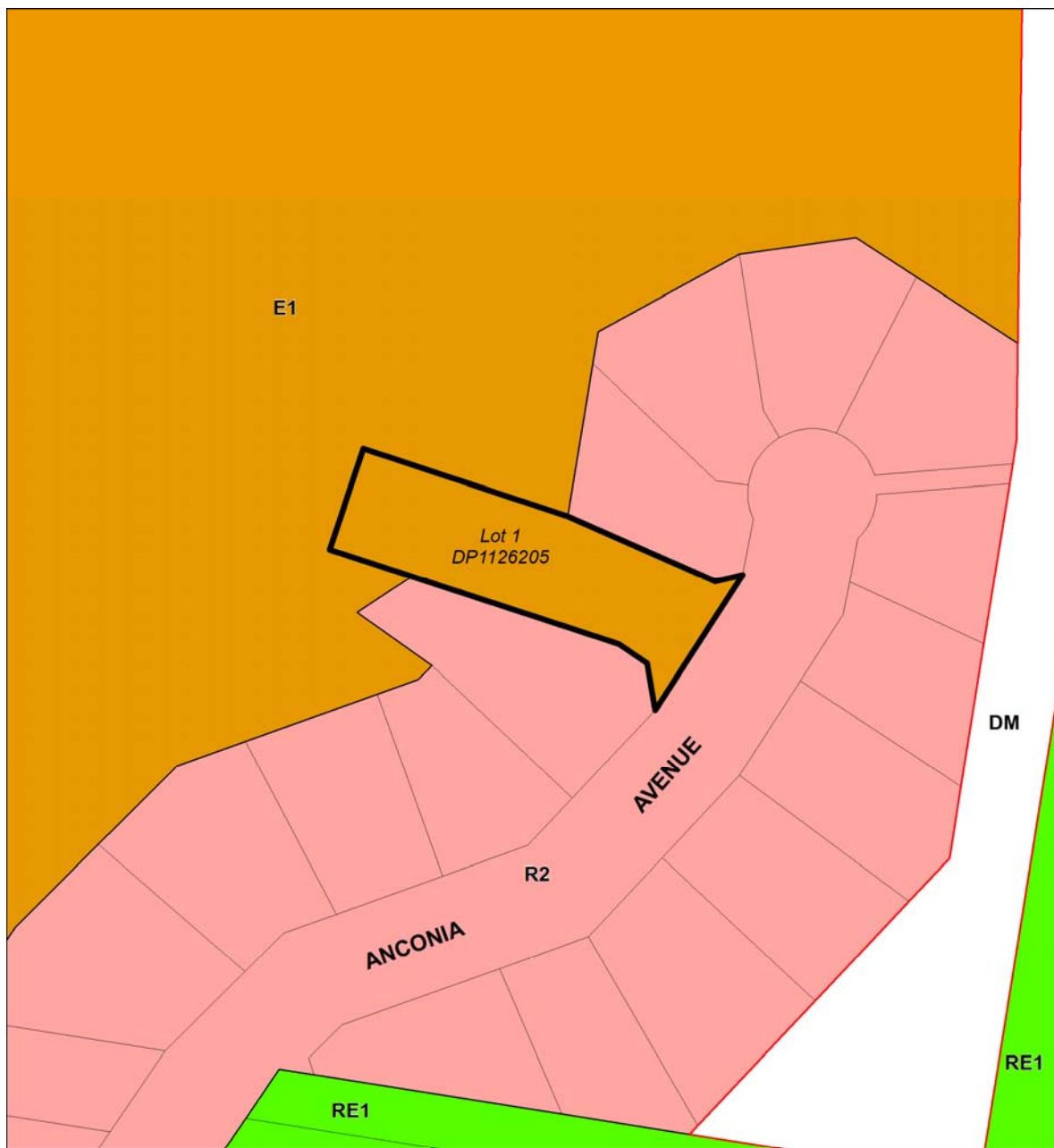


Figure 3: Zoning of the site under the previous plan, Tweed LEP 2000.



Tweed Local Environmental Plan 2014 - CURRENT LAND ZONING

Planning Proposal PP15/0002 -- 16A Anconia Avenue, Tweed Heads West
Subject Site - Lot 1 DP1126205

LAND ZONING

B1 Neighbourhood Centre	E1 National Parks & Nature Reserves	R5 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	RU1 Primary Production	W1 Natural Waterways	
B5 Business Development	R2 Low Density Residential	RU2 Rural Landscape	W2 Recreational Waterways	
B7 Business Park	R3 Medium Density Residential	RU5 Village	W3 Working Waterways	

Legend

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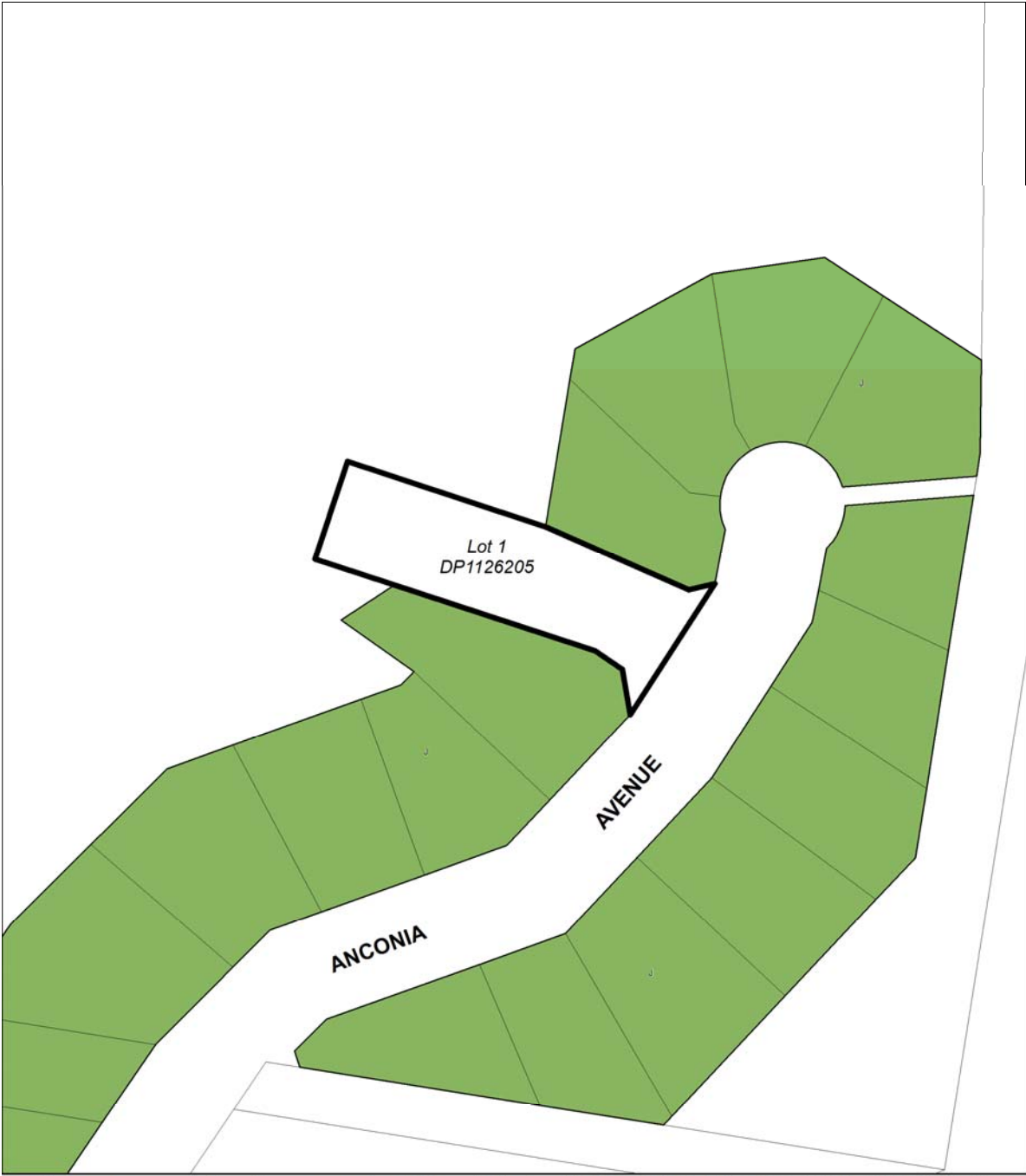


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Author: J. Batchelor - Strategic Planning & Urban Design Unit

Date Printed: 25 March, 2015

Figure 4: Current zoning of the site under the Tweed LEP 2014.



Tweed Local Environmental Plan 2014 - CURRENT FLOOR SPACE RATIO

Planning Proposal PP15/0002 -- 16A Anconia Avenue, Tweed Heads West
Subject Site - Lot 1 DP1126205

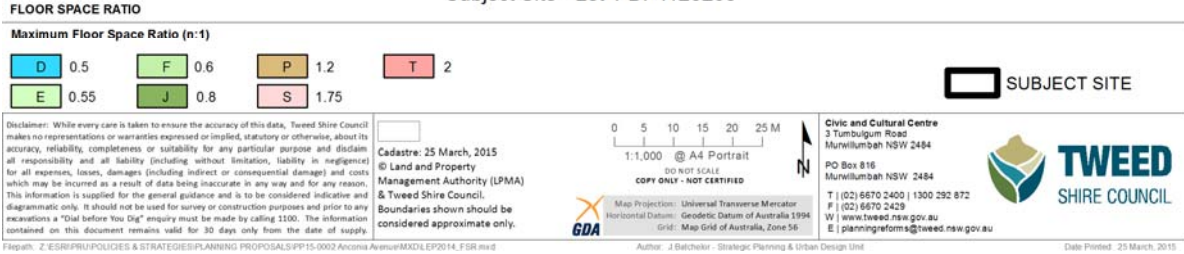
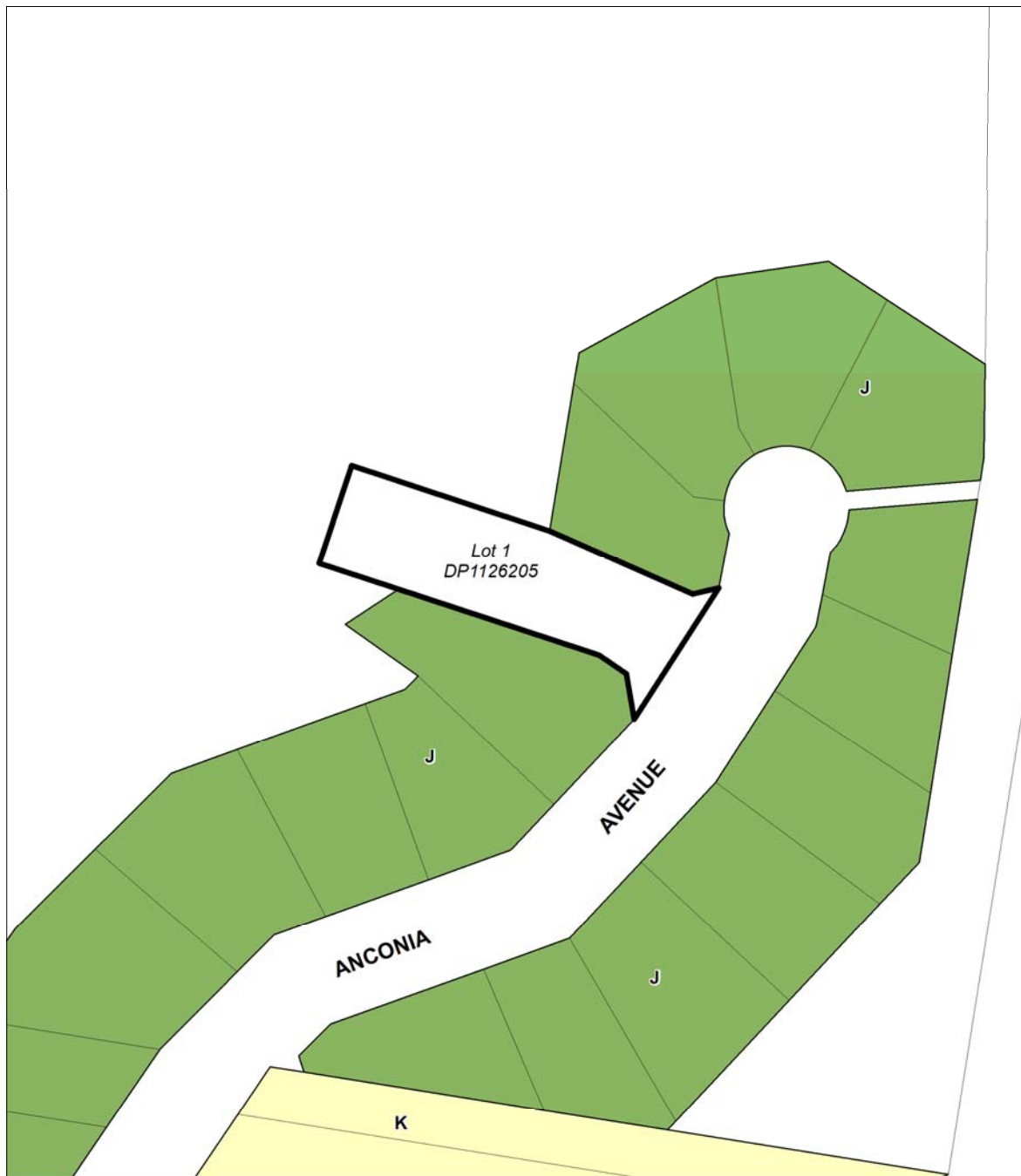


Figure 5: Current Tweed LEP 2014 - Floor space ratio.



Tweed Local Environmental Plan 2014 - CURRENT HEIGHT OF BUILDINGS

Planning Proposal PP15/0002 -- 16A Anconia Avenue, Tweed Heads West
Subject Site - Lot 1 DP1126205

HEIGHT OF BUILDINGS

Maximum Building Height (m)

I	8	K	10	M	12.2	N2	13.6
J	9	L	11	N1	13	N3	14

Heights shown on map in RL(m)

21

 SUBJECT SITE

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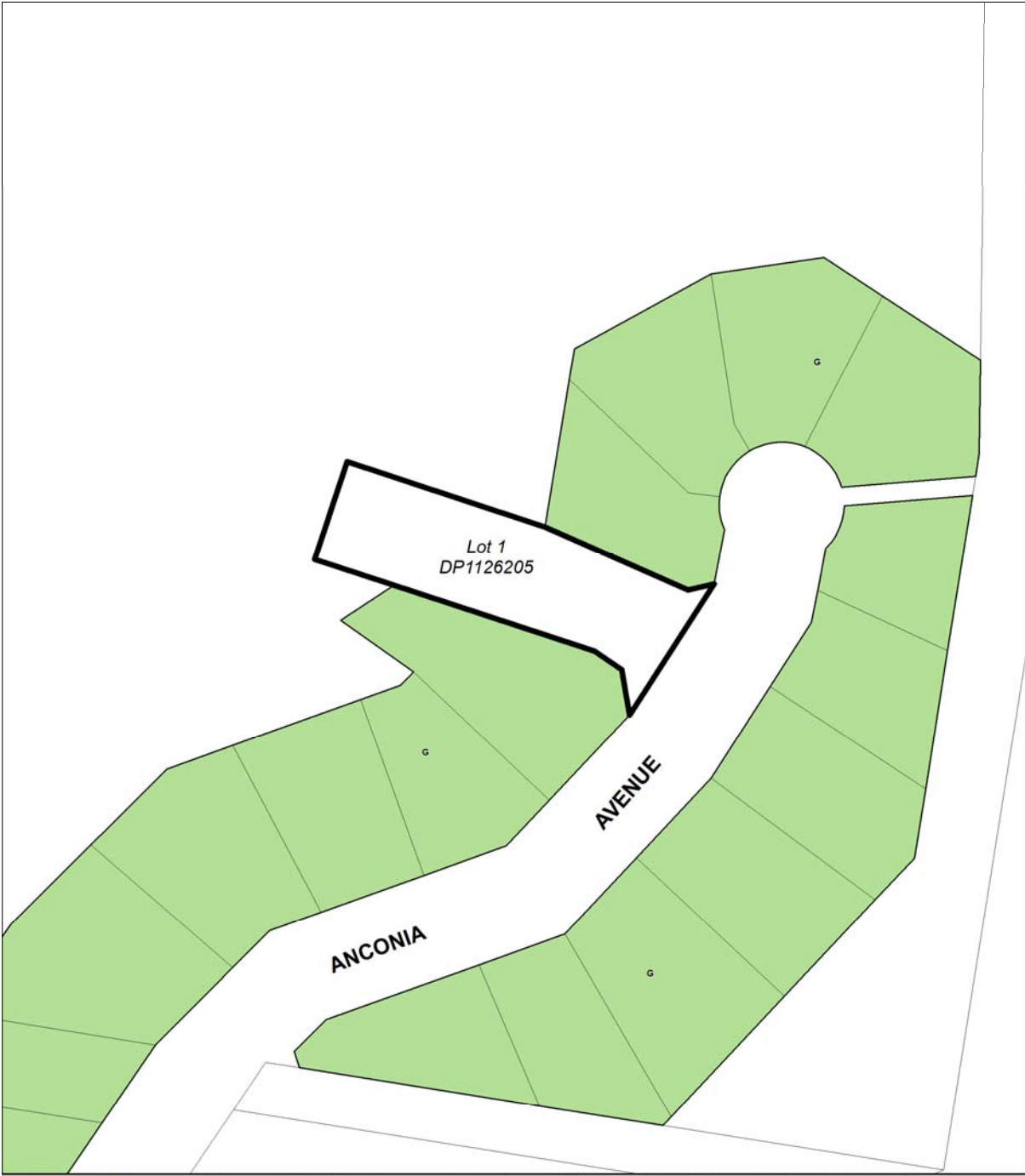


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Author: J. Batchelor - Strategic Planning & Urban Design Unit

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Figure 6: Current Tweed LEP 2014 - height of building map.

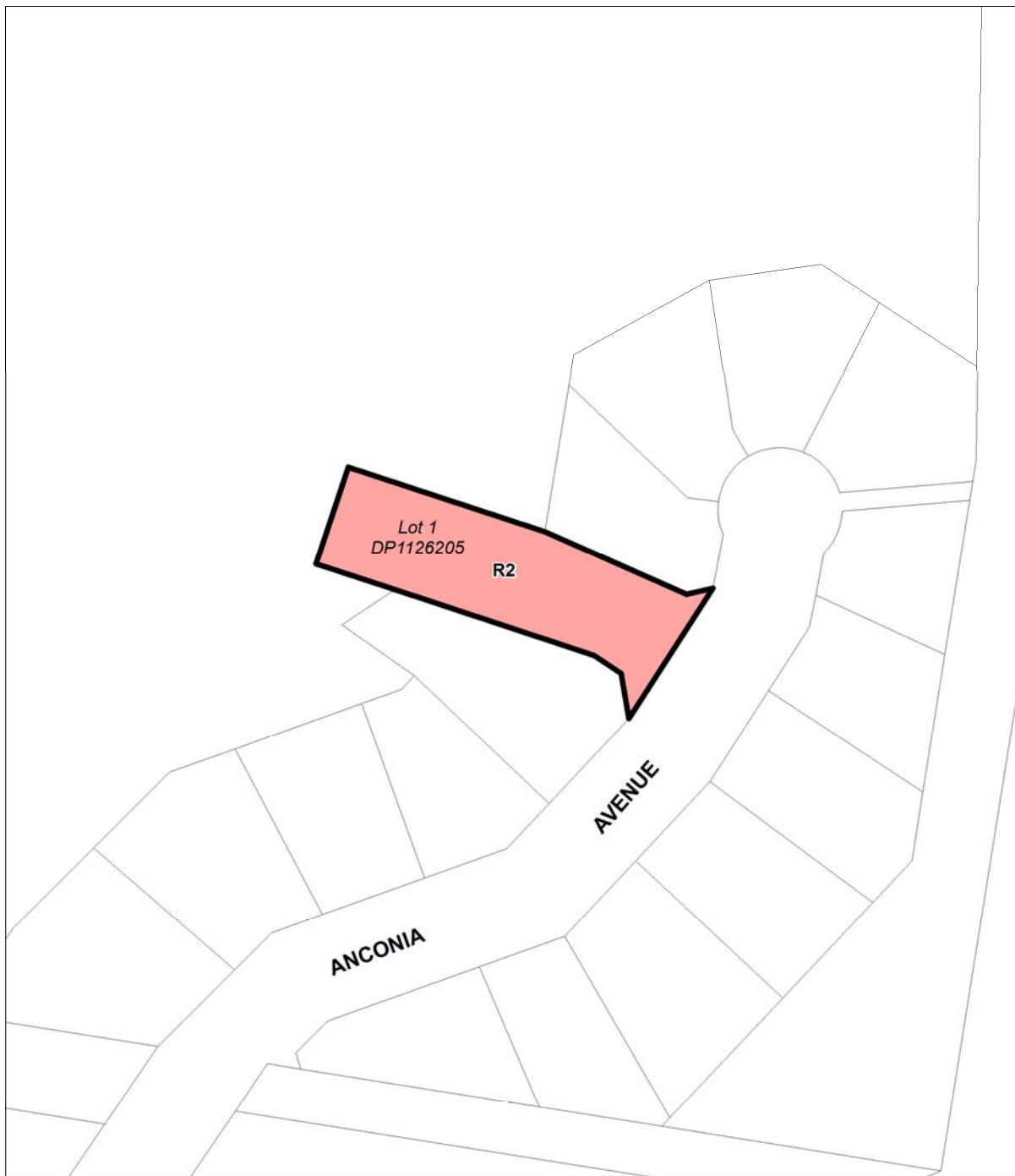


Tweed Local Environmental Plan 2014 - CURRENT LOT SIZE

Planning Proposal PP15/0002 -- 16A Anconia Avenue, Tweed Heads West
Subject Site - Lot 1 DP1126205



Figure 6: Current Tweed LEP 2014 - lot size map.



Tweed Local Environmental Plan 2014 - PROPOSED LAND ZONING

Planning Proposal PP15/0002 -- 16A Anconia Avenue, Tweed Heads West
Subject Site - Lot 1 DP1126205

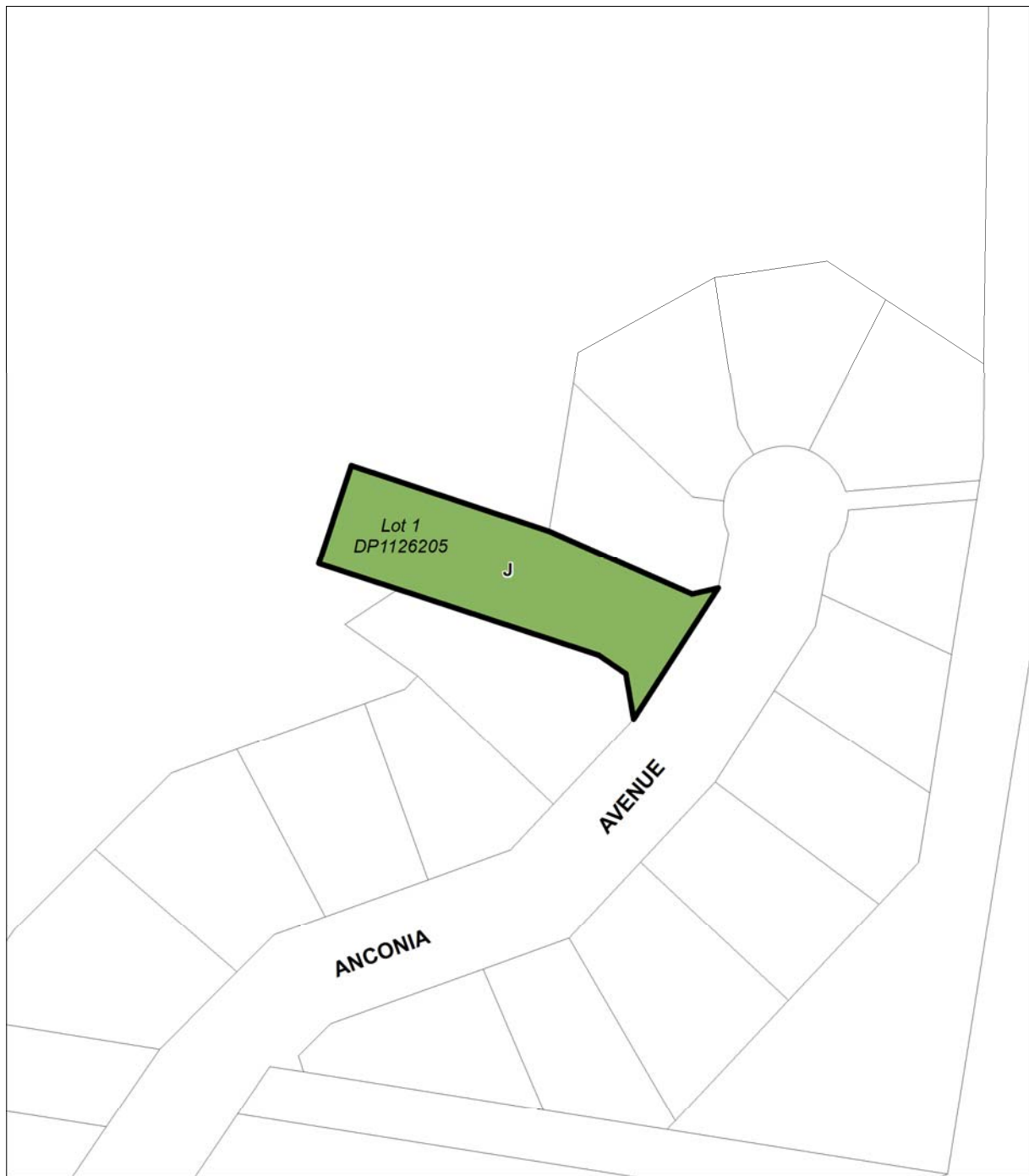
PROPOSED LAND ZONING

R2 Low Density Residential

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Figure 7: Tweed LEP 2014 - proposed amendment to the Land Zoning Map.



Tweed Local Environmental Plan 2014 - PROPOSED FLOOR SPACE RATIO

Planning Proposal PP15/0002 -- 16A Anconia Avenue, Tweed Heads West
Subject Site - Lot 1 DP1126205

PROPOSED FLOOR SPACE RATIO

Maximum Floor Space Ratio (n:1)

J 0.8

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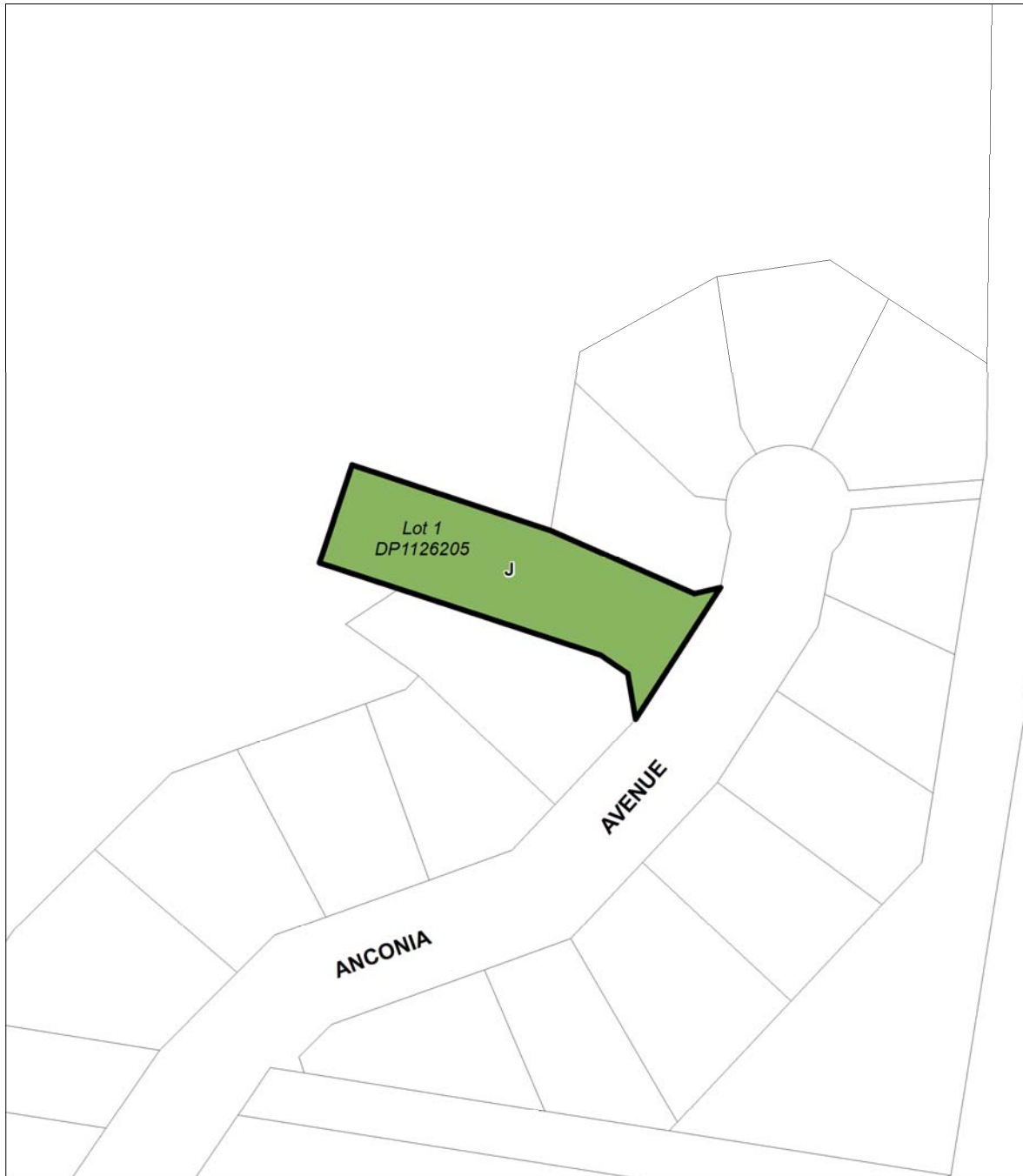


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Author: J Batchelor - Strategic Planning & Urban Design Unit

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Figure 8: Tweed LEP 2014 - proposed amendment to the Floor Space Ratio Map.



Tweed Local Environmental Plan 2014 - PROPOSED HEIGHT OF BUILDINGS

Planning Proposal PP15/0002 -- 16A Anconia Avenue, Tweed Heads West
Subject Site - Lot 1 DP1126205

HEIGHT OF BUILDINGS

Maximum Building Height (m)

J 9

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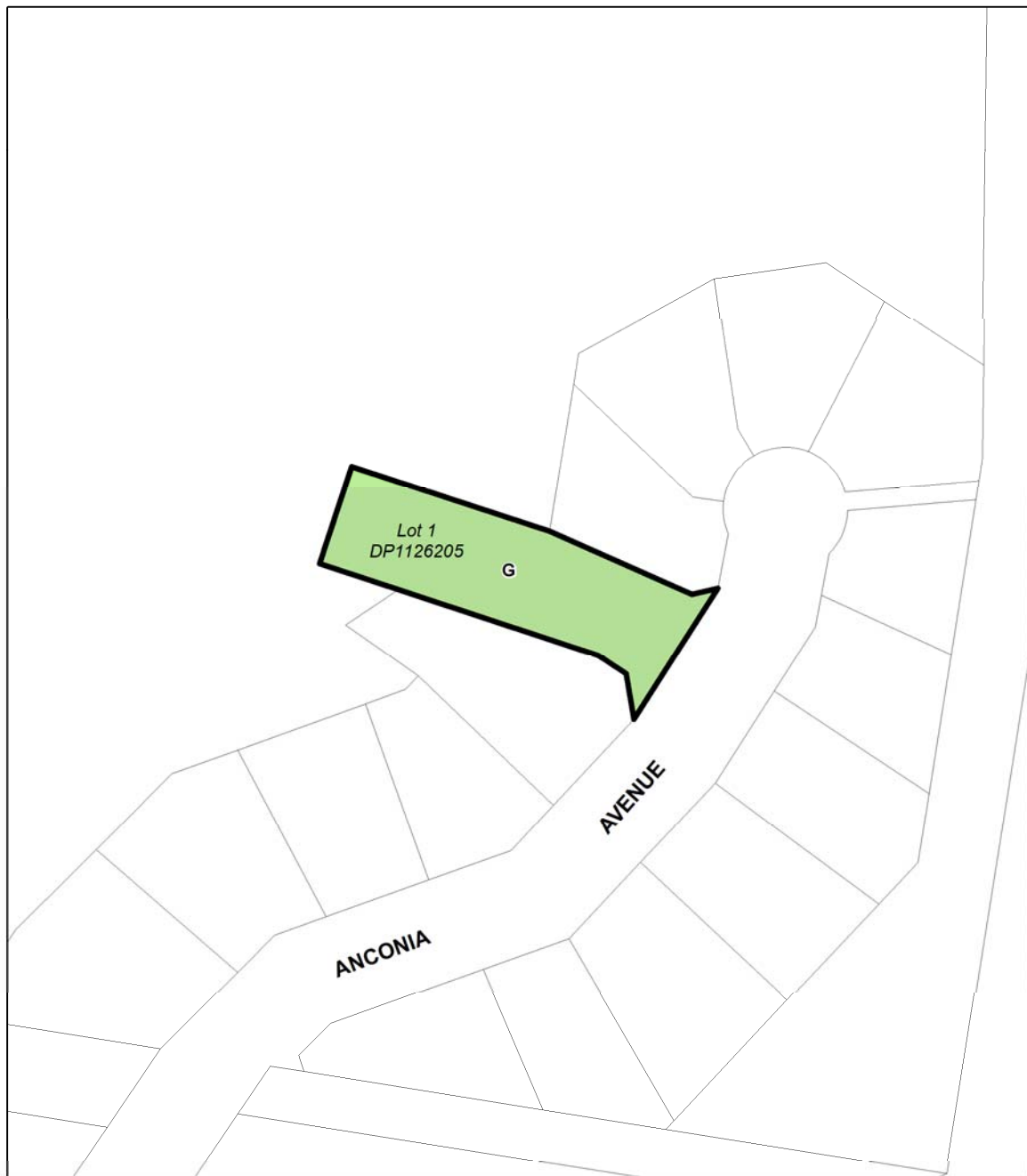


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Author: J Batchelor - Strategic Planning & Urban Design Unit

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Figure 9: Tweed LEP 2014 - proposed amendment to the Height of Building Map.



Tweed Local Environmental Plan 2014 - PROPOSED LOT SIZE

Planning Proposal PP15/0002 -- 16A Anconia Avenue, Tweed Heads West
Subject Site - Lot 1 DP1126205

PROPOSED LOT SIZE

Minimum Lot Size (sq m)

G 450

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Figure 10: Tweed LEP 2014 - proposed amendment to the Lot Size Map.

Author: J. Becherer - Strategic Planning & Urban Design Unit

Date Printed: 25 March, 2015

Figure 10: Tweed LEP 2014 - proposed amendment to the Lot Size Map.

Part 5 Community consultation

The appropriate form, and timeframes of the community consultation are expected to be determined by NSW Planning & Environment during the Gateway Determination stage. Notwithstanding, this is a minor proposal to correct a drafting error and is only of relevance to the owners of the site. Therefore, Council recommends that public exhibition is not required for this planning proposal.

Part 6 Project timeline

The table below outlines the indicative timeframe for this planning proposal:

Task	Timeline
Anticipated commencement date (date of Gateway determination)	April 2015
Anticipated timeframe for the completion of required additional studies	N/A
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	May 2015 if required
Commencement and completion dates for public exhibition period	N/A
Timeframe for consideration of submissions	N/A
Timeframe for the consideration of a proposal post exhibition by Council	June if required
Anticipated date RPA will forward to the department for making	July 2015

Summary and conclusions

This planning proposal seeks approval for the preparation of an amendment to the Land Zoning Map of the Tweed Local Environmental Plan (LEP) 2014. The LEP amendment will rectify a site-specific zoning error which occurred while converting the Tweed LEP 2000 zoning into the Land Zoning Map provided under the Tweed LEP 2014. This amendment will also trigger amending the following development standard maps: Height of Building Map, Floor Space Ratio Map and Lot Size Map, to apply development standards appropriate to the R2 Low Density Residential zoning.

The property has been listed for sale and the owners advised Council that the incorrect zoning may have financial implications as it may delay the sale and/or be used by potential buyers to reduce the value. Given this is an error in the drafting of the LEP it is imperative this be amended as soon as possible.



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