

Finalisation of Tweed Local Environmental Plan 2014 (Amendment No 33)

Purpose: To recommend the Director, as delegate of the Minister, make Tweed Local Environmental Plan 2014 (Amendment No 33).

Analysis: The draft LEP seeks to correct numerous mapping errors on the Land Zoning, Lot Size, Height of Buildings and Floor Space Ratio mapping layers of Map Tile 23. This plan has been prepared under *section 3.22 of the Environmental Planning and Assessment Act 1979* and is considered the most appropriate method to rectify the errors.

Recommendation

That the Director, as delegate of the Minister:

1. **note** Council's request to amend the Tweed LEP 2014 in accordance with s3.22 of the Act (**Attachment A**);
2. **note** Parliamentary Counsel's Opinion that the draft LEP can legally be made and no changes have been made to the draft LEP since obtaining this Opinion (**Attachment PC**);
3. **note** the LEP maps (**Attachment Maps**), which have been approved by the Department's ePlanning Team and provided to Parliamentary Counsel;
4. **make** the draft LEP under section 3.36 of the *Environmental Planning and Assessment Act 1979* by dispensing with the conditions precedent to the making of a Plan under s3.22(1)(c) of the Act and by signing the instrument (**Attachment LEP**) and supporting map cover sheet (**Attachment MCS**); and
5. **sign** the letter to Tweed Shire Council (**Attachment Council**) advising of this decision.

Director approval



Craig Diss
Acting Director, Northern Region
Local and Regional Planning

Date: 15/1/21

Approved/Not approved

Key reasons

The planning proposal

An amendment to the Tweed Local Environment Plan (LEP) 2014 is required to correct a number of mapping errors:

- Floor space ratio map – FSR_023
- Land zoning map – LZN_023
- Height of building map – HOB_023
- Lot size map – LSZ_023

The errors were created by the State Environmental Planning Policy Amendment (Tweed Valley Hospital) 2019, which incorrectly removed or altered parts of the map including cartographic, map symbology, map legend and map grid.

The current map sheets will be replaced with the amended map sheets (**Attachment Maps**).

This amendment was requested by Tweed Shire Council (**Attachment A**) due to the obvious errors that had occurred in the mapping.

Finalising the proposal

The draft LEP may be finalised without compliance with the provisions of Part 3 of the Act, relating to the conditions precedent to making of the instrument, as the proposal is in accordance with section 3.22(1)(c) of the Act.

There are no outstanding objections from the relevant public authorities.

To the Department's knowledge, there has been no meetings with lobbyists.

The PC Opinion was issued on 14 January 2021 (**Attachment PC**).

Attachments

Attachments

Attachment	Title
A	Request from Council to amend the LEP
B	Section 3.32 EP&A Act submission
PC	Parliamentary Counsel's Opinion
Maps	Draft LEP maps
LEP	Draft LEP
MCS	Map cover sheet
Council	Letter to Council advising of the decision

Departmental approval and contact

Approver	Position	Date approved
Craig Diss	Acting Director, Northern Region	15/1/21
Contact name	Position	Phone number
Rebecca Carpenter	Planning Officer	6643 6421

Section 3.22 EP&A Act submission

Subject:

Tweed Local Environment Plan 2014 Amendment no. 33 - Report requesting the making of amending local environmental plan under sections 3.22 and 3.36(2).

Background:

The Department is requested to undertake a Section 3.22 amendment under the Act to rectify mapping errors found on the Tweed LEP 2014 map 023.

Tweed LEP 2014 (Amendment No. 1) was made on 5 March 2015. Tweed LEP 2014 (State Environmental Planning Policy Amendment (Tweed Valley Hospital) 2019) was made on 22 February 2019.

Why there is a need for the amendment:

An amendment to the Tweed Local Environment Plan (LEP) 2014 is required to correct a number of mapping errors:

- Floor space ratio map – FSR_023
- Land zoning map – LZN_023
- Height of building map – HOB_023
- Lot size map – LSZ_023

The errors were created by the State Environmental Planning Policy Amendment (Tweed Valley Hospital) 2019, which incorrectly removed or altered parts of the map including cartographic, map symbology, map legend and map grid.

What the amendment does:

The objective of the amendment is to replace the current map sheets with the corrected map sheets.

Why the amending plan is suitable to be made in accordance with section 3.22:

This proposal is for an amendment that will:

(c) 'deal with matters that the Minister considers do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land'.

The maps need to be corrected to ensure they are accurate and correct.

Department position:

The draft LEP amendment has been considered by the Department and it is satisfied that the amendment can be considered as a minor amendment under section 3.22.

Parliamentary Counsel opinion:

The Parliamentary Counsel has provided an opinion indicating that the plan may legally be made.

Recommendation:

It is recommended that the Minister:

- (a) under sections 3.22 and 3.36(2) of the *Environmental Planning and Assessment Act 1979* make Tweed Local Environment Plan 2014 (tagged 'A')
- (b) authorise the Department to advise council of the Minister's decision.

Date: 15/1/21

Signed:  Name: Craig Diss

Position: Acting Director, Northern Region
for Secretary