

# **Planning Proposal for Tweed Conservation Zone Review - Stage 1 Tweed Coast**

**Draft for Gateway Determination**

Council Ref. PP24/0007

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## Introduction

Planning for future land use and development is one of the most important functions of local government. The Tweed Conservation Zone Review is updating the way land use zones in the Tweed Local Environmental Plans are used to protect the natural environment. The review is being delivered in two stages:

- **Stage 1 Tweed Coast** includes public and private land east of the Pacific Motorway, and areas west of the motorway in the suburbs of Banora Point, Chinderah, Cobaki, Tweed Heads West, Piggabeen and some parts of Bilambil Heights and Terranora as shown in Figure 1;
- **Stage 2 Tweed Hinterland** covers the remainder of the Tweed Shire.

This Planning Proposal concerns the spatial application of conservation zones within the **Stage 1 Tweed Coast** area through amendments to the Tweed Local Environmental Plan 2014 and Tweed City Centre Local Environmental Plan 2012. The application of conservation zones to Stage 2 will be subject to a separate Planning Proposal.

## Background

The Tweed Shire is recognised as one of the most biologically diverse regions of Australia. Forty-nine vegetation types, ranging from subtropical rainforests to coastal wetlands, support a wide variety of flora and fauna, many of which do not occur anywhere else. First Nations people are the traditional custodians of the land and sea, and the region's cultural heritage is deeply intertwined with the natural environment.

The identification and protection of land with high environmental value is crucial for ensuring a sustainable pattern of development and to preserve the Region's ecological, social and cultural values.

Local Environmental Plans (LEPs) are the primary local planning tool that guide development and land use decisions. There are three LEPs active in the Tweed Shire:

- **Tweed LEP 2014** – written using the Standard Instrument. Is the principal LEP for the Tweed and applies to all land except 'deferred areas' or where the Tweed City Centre LEP 2012 applies.
- **Tweed City Centre LEP 2012** – written using the Standard Instrument format. Applies to the Tweed Heads city centre area only.
- **Tweed LEP 2000** – written prior to the Standard Instrument format and contains former zone name system. Applies to Environmental Protection (7) zones and other land identified as 'deferred' from the LEP 2014.

The types of zones that Council can use for environmental protection within an LEP are determined by the NSW Government through the *Standard Instrument – Principal Local Environmental Plan 2006*. In September 2012 the Minister for Planning and Infrastructure announced the commencement of a comprehensive review of the application of the (then) environmental zones on the Far North Coast to be undertaken by the NSW Government. The resulting *Northern Councils E Zone Review Final Recommendations Report* identifies a set of standard criteria that land must meet to be eligible for a conservation zone. This gives greater clarity and certainty to landowners, Council, and the community on how and where conservation zones are applied.

In December 2021, the NSW Government gazetted a formal renaming of environmental zones (E zones) to conservation zones (C zones). The renaming was in response to a review of zoning for business and economic purposes, which introduces a suite of new Employment Zones, to be referred to as E zones. This document therefore refers to conservation zones or C zones as they are currently known.

Council completed a strategic evaluation of the objectives, land use permissibility and geographical suitability of conservation zones within the Stage 1 Tweed Coast area. A draft methodology statement for the application of C zones and draft land zone mapping was exhibited as part of a non-statutory community consultation process in 2022. All landowners in the Stage 1 area whose properties were affected by a draft zone change were contacted and invited to view the draft maps and speak one-on-one with Council officers. This informal consultation was not required by legislation however benefited the project by identifying community concerns and resulted in 52 corrections to the draft zone maps.

In March 2023, Council resolved to separate the administrative introduction of the conservation zones within the land use table of the Tweed LEP 2014 from the spatial application of conservation zones. A Planning Proposal seeking introduction of the **C2 Environmental Conservation Zone** and **C3 Environmental Management Zone** land use tables to the Tweed Local Environmental Plan 2014 was approved by the Minister for Planning and Public Space on 28 August 2023. Council resolved on 18 July 2024 to submit this Planning Proposal to the NSW Government for Gateway Determination to apply conservation zones to eligible land within Stage 1. The resolution also notes that land not eligible for a conservation zone is included for re-zoning in accordance with the Standard Instrument format.

## Northern Councils E Zone Review

The *Standard Instrument – Principal Local Environmental Plan* was introduced by the NSW Government in 2006 to seek a common format and content for zoning and development standards and controls for all new LEPs in NSW. Included in the Standard Instrument are four standardised environmental zones:

- C1 National Parks and Nature Reserves
- C2 Environmental Conservation
- C3 Environmental Management
- C4 Environmental Living.

During the process of translating the LEPs into the Standard Instrument format some rural landowners across the North Coast Region raised concerns over the impacts of environmental zoning and that the zoning was not being consistently applied across the region. The NSW Government directed all Councils in the Far North Coast (Byron, Ballina, Lismore, Kyogle, and Tweed) not to include any zoning for environmental protection (other than C1 National Parks and Nature Reserves) in their LEPs. As a result, Tweed Shire Council was not able to include the proposed C2 Environmental Conservation zone or the C3 Environmental Management zone in the Tweed LEP 2014 which was prepared consistent with the SILEP at the time. Consequently, land identified for environmental purposes during drafting of Tweed's standardised LEP became a 'deferred matter' and the Tweed LEP 2000 continues to apply to these areas.

The NSW Government commissioned an independent review on the application of C zones and environmental overlays in the LEPs on the Far North Coast in response to community concerns. The *Northern Councils E Zone Review Final Recommendations Report* (Final Recommendations Report) was released in October 2015 and establishes a consistent and transparent approach to how zoning for environmental protection is used. The recommendations became effective in March 2016 when the Minister for Planning issued a direction under section 117 (2) of the *Environmental Planning and Assessment Act 1979* requiring the Far North Coast Councils to apply environmental zones and environmental overlays in a manner that is consistent with the Final Recommendations Report.

This Planning Proposal seeks to implement the requirements of the Ministerial Direction to update the current environmental zones of the Tweed into the required C zone format, consistent with directions of the Final Recommendations Report.

## Land to which the Planning Proposal Applies

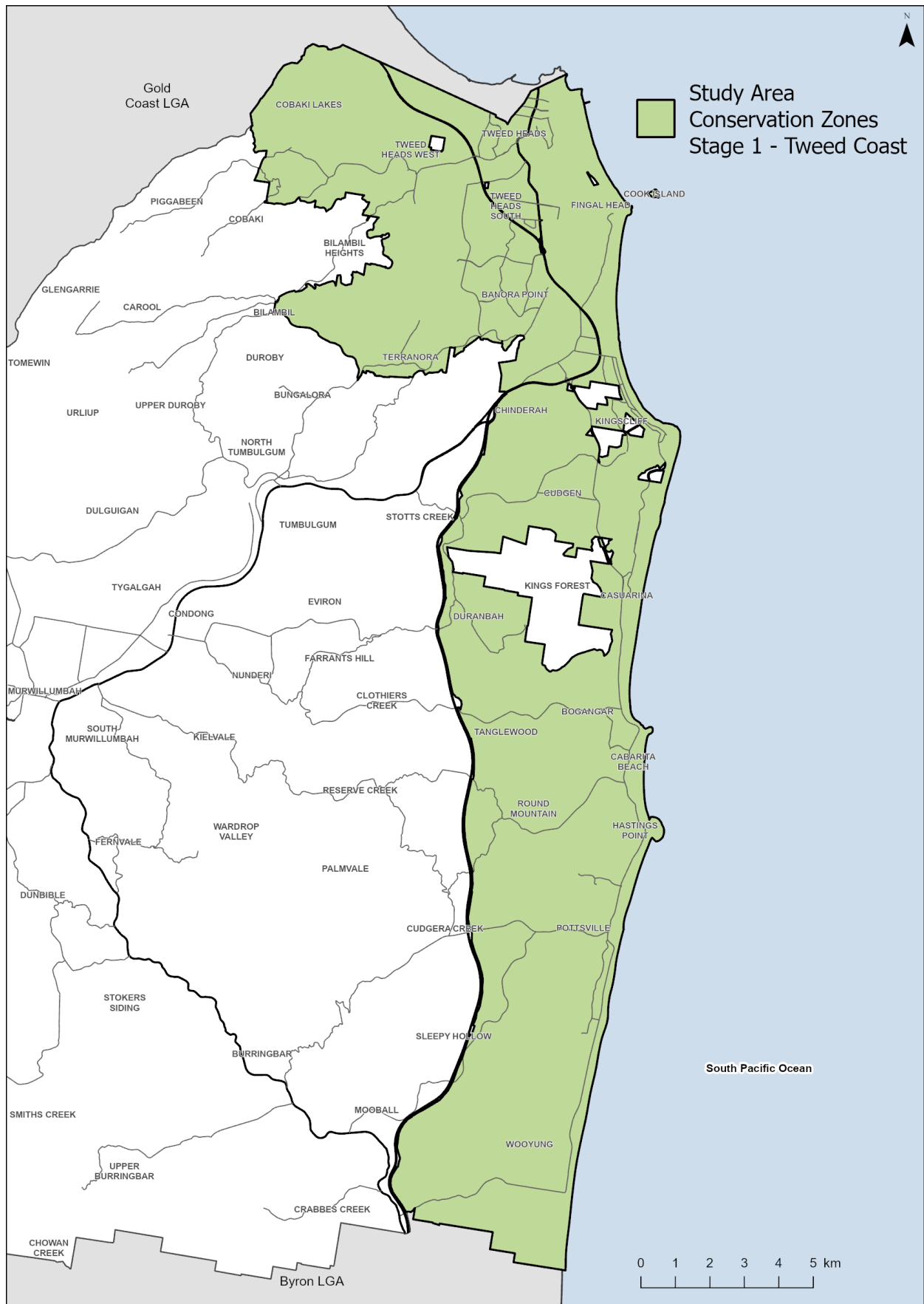
This Planning Proposal applies to public and private land within the Stage 1 Tweed Coast area as shown in *Figure 1*. Some land within the Stage 1 project area is proposed to remain as a Deferred Matter. This land, totalling 3.33 hectares, requires further review to identify an appropriate land zone and will be considered as part of Stage 2 Tweed Hinterland.

Some land has been excluded from Stage 1. Excluded land includes the Kings Forest locality as it is regulated by the *State Environmental Planning Policy (Major Projects) 2005*. Other land has been excluded based on significant commencement and progress of active development. Excluded land (not including the Kings Forest locality) will be considered as part of Stage 2 Tweed Hinterland.

Table 1 below provides a summary of the number of lots affected by a proposed zoning change as part of this Planning Proposal. This includes 447 freehold properties covering approximately 6,645 hectares of land within Stage 1. Detailed information on the proposed amendments for each effected land parcel is provided in **Appendix 5**.

**Table 1.** Summary of land effected by Planning Proposal

Land Tenure	Total No. of Land Parcels		Total Area (Ha)
	Tweed LEP 2014	Tweed City Centre LEP 2012	
Freehold	425	22	<b>6,644.79</b>
Community Land (Council Owned)	18	0	<b>303.26</b>
Crown - Council Managed	165	6	<b>705.02</b>
Crown - Council Managed and Devolved	48	0	<b>211.49</b>
Crown - Devolved to Council	80	0	<b>776.69</b>
Crown - State and Council Managed	11	1	<b>29.11</b>
Crown - State Managed	1	1	<b>3.65</b>
Government Owned Land	1	0	<b>1.80</b>
Operational Land (Council Owned)	123	0	<b>461.56</b>
Other (Unknown)	12	0	<b>425.63</b>
Other (Waterway)	1	0	<b>6.30</b>
Protected Areas (NPWS)	1	0	<b>0.13</b>



**Figure 1. Stage 1 Tweed Coast Study Area**



## Application of Conservation Zones

The criteria, process and rationale Council have used to identify land suitable for a conservation zone within the Stage 1 Tweed Coast area is presented in **Appendix 1** (*Tweed Conservation Zone Review Methodology Statement - Stage 1 Tweed Coast*). The methodology statement demonstrates how the application of conservation zones is consistent with the Final Recommendations Report through a seven-step process. A summary of the C zone application process is presented in *Figure 2*.

The application of conservation zones is informed by the following key principles of the Final Recommendations Report.

1. **Primary use of land:** Zoning of land to be consistent with its primary use. Primary use is defined as *'the main use for which the land has been used for last two (2) years'*.
2. **Ecological criteria:** A conservation zone can only be applied to land which has attributes that have been verified to meet the ecological criteria.
3. **Transfer of environmental protection (7) zones:** Land that is currently zoned 7(a) Wetlands and Littoral Rainforests or 7(l) Habitat under the Tweed LEP 2000 may be zoned C2 or C3 once the ecological criteria of the land has been verified.
4. **Public and private land inconsistent with the criteria:** Public land may be zoned C2 or C3 despite the criteria if the primary use is environmental.
5. **Voluntarily revegetated land:** Land that has been voluntarily revegetated will not have a conservation zone applied without landowners consent.
6. **Zoning of State and regionally significant farmland:** Primary use of the land is to be taken into consideration when zoning State or regionally significant farmland.
7. **Application of multiple-zones to a single property:** The use of multiple zones should be minimised as far as possible.
8. **Additional mapped planning controls:** Mapped planning controls may be used where land has been verified to meet the ecological criteria for a conservation zone but where the primary use is not environmental.
9. **Scenic protection and aesthetic values:** Scenic values cannot be used as an attribute for the application of conservation zones.

### C1 National Parks and Nature Reserves Zone

C1 National Parks and Nature Reserves applies to land that is reserved or acquired under the *National Parks and Wildlife Act 1974*. This Planning Proposal includes changes to the current C1 zone to reflect additional land added to the National Parks estate and the transfer of land zoned 8(a) National Parks and Nature Reserves under the Tweed LEP 2000 to the Standard Instrument format.

### ***C2 Environmental Conservation Zone***

The C2 Environmental Conservation zone is designed for use in areas of high conservation value that should be protected primarily for conservation purposes. The methodology for the application of the C2 zone is outlined in **Appendix 1**.

In Stage 1, there is 3682 hectares of land proposed for a C2 Environmental Conservation zone. All properties proposed for a C2 zone are shown in **Appendix 5** Summary of Planning Proposal Effects.

### ***C3 Environmental Management Zone***

The C3 Environmental Management zone is designed to provide for the protection and management of environmental values while recognising the need for compatible land uses, particularly in areas where established and lawful rural land uses are ongoing. The methodology for the application of the C3 zone is outlined in **Appendix 1**.

In Stage 1, there is 615 hectares of land proposed for a C3 Environmental Management zone. All properties proposed for a C3 zone are shown in **Appendix 5** Summary of Planning Proposal Effects.

### ***C4 Environmental Living Zone***

The C4 Environmental Living zone is not proposed in the Tweed Shire. Its objectives are to provide for low impact residential development in areas with special ecological, scientific or aesthetic values. Other residential zones including the RU5 and R5 provide for this type of low impact residential development and the current approach, widely supported by community sentiment, is to concentrate new residential development in already built-up areas in the Tweed and in those areas identified through growth management strategies. As such Council do not propose to introduce the C4 Zone to the Tweed LEPs.

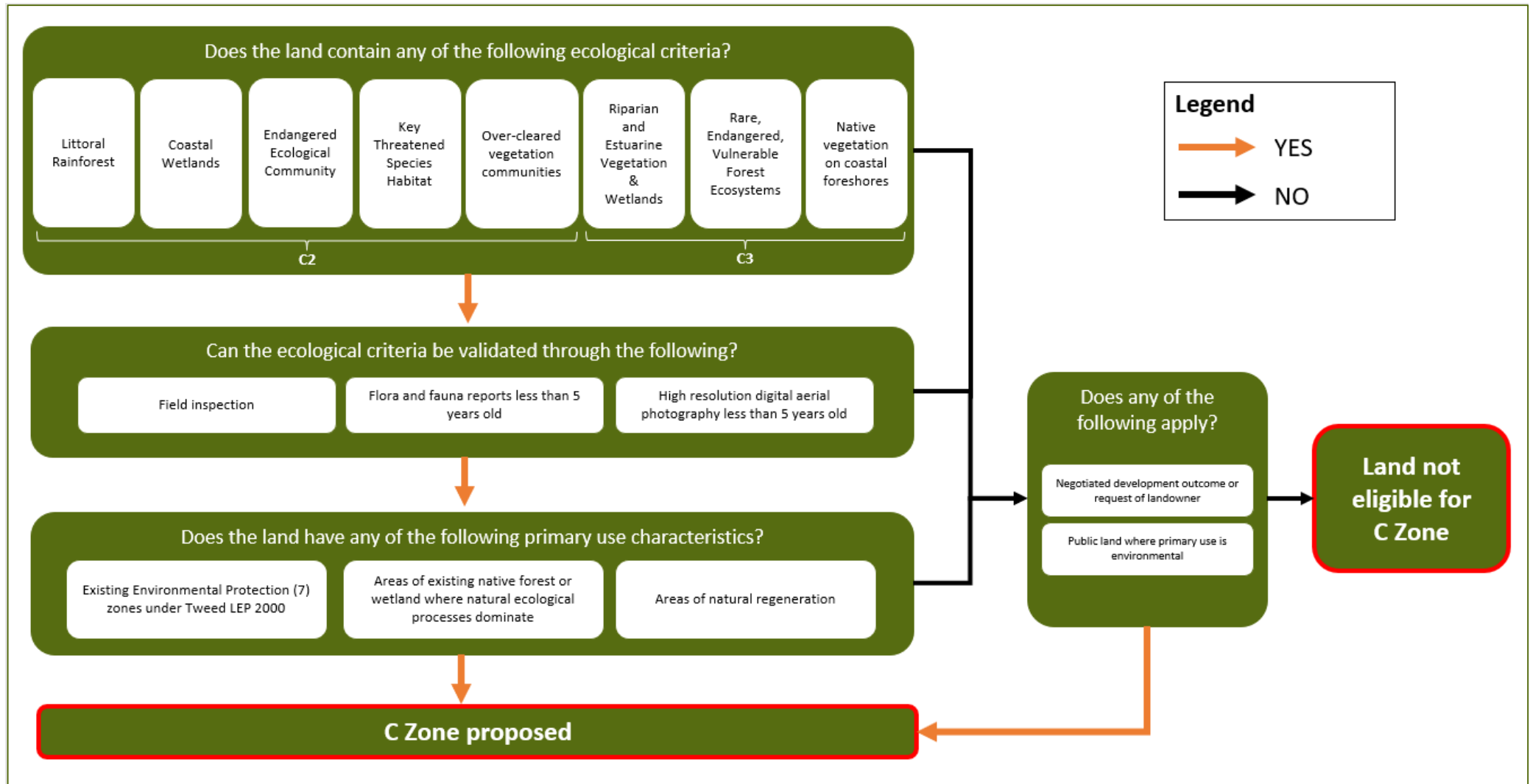


Figure 2. Process for applying a C Zone

## Application of Other Zones

The primary purpose of the Planning Proposal is to update the current Environmental Protection (7) zones of the Tweed LEPs into the required C zone format, consistent with the directions of the Final Recommendations Report. Land currently zoned under the Tweed LEP 2000 that is however not eligible to be transferred to a conservation zone must also be allocated a suitable alternative zone in accordance with the Standard Instrument format. This includes land currently zoned for environmental protection (7) that does not meet the ecological criteria for a conservation zone. The Planning Proposal therefore also includes the application of other land use zones (rural, residential, and other) under the Tweed LEP 2014.

Council have developed a strategic framework that is used to identify the most appropriate land use zone for land not eligible for a conservation zone. In most instances, a like-for-like translation is applied whereby the current zone under the Tweed LEP 2000 is converted into the equivalent zone under the Tweed LEP 2014. In other situations where there is no zone equivalent or the zoning is no longer appropriate for the land, an alternative zone has been proposed based on the strategic framework.

Land that is currently zoned under a Standard Instrument (Tweed LEP 2014 or Tweed City Centre LEP 2012) and is not eligible for a conservation zone will maintain the existing zoning of that land. The strategic framework for the application of non-conservation zones is outlined in **Appendix 2** and the full list of proposed changes is outlined in **Appendix 5**.

### Rural Zones

The Tweed LEP 2014 contains two rural zones which are designated for agricultural and primary industry land uses. The RU1 Primary Production zone provides for land suitable for agricultural production including grazing and horticulture. Much of the RU1 zone is mapped as Important Farmland and also referred to as State Significant Farmland. The RU2 Rural Landscape zone provides for the management of rural land that may also be suitable for primary production and has other landscape values or agricultural limitations. The RU2 zone maintains the rural character of the land and provides for a range of compatible land uses including agriculture and agritourism.

The application of rural zones to land not eligible for a conservation zone is based on the strategic framework criteria outlined in **Appendix 2**. In most instances where rural land is not eligible for a conservation zone, the land is transferred to an equivalent rural zone under the Standard Instrument. In other instances where a new rural zone is applied, consideration is given to aerial imagery, land identified as Important Farmland and the continuation of rural zoning consistent with the context of the site.

### Residential Zones

Residential zones provide for the housing needs of the community. Residential land under the Tweed LEP 2014 includes the R1 General Residential, R2 Low Density Residential, R3 Medium Residential, R5 Large Lot Residential, and RU5 Village zones. Land zoned for residential purposes under the Tweed LEP 2000 which is not eligible for a conservation zone is in the first instance transferred to an equivalent residential zone under the Standard Instrument. In other instances where a new residential zone is applied, consideration is given

to aerial imagery, the prevailing zone of the locality, and the strategic framework criteria outlined in **Appendix 2**.

### ***Special Purpose Zones***

Special Purpose Zones provide for specific land uses or community infrastructure on that land that is unlikely to be used for alternative purposes in the future. The application of special purpose zones for the land not eligible for a conservation zone typically followed the existing SP Zone designated for each allotment.

### ***Recreation Zones***

There are two recreation zones applicable in the Tweed LEP 2014: RE1 Public Recreation and RE2 Private Recreation. The RE1 Public Recreation zone has been applied consistently to areas which are for access by the public for recreational activities including local and regional open space areas and publicly owned lands. RE2 Private Recreation has been applied to privately owned land or land with restricted public access with the predominant land use being for recreation or sporting activities.

## Application of Planning Controls

To facilitate the application of conservation zones to Stage 1 Tweed Coast, the Planning Proposal includes several supporting amendments to the Tweed LEP 2014 and Tweed City Centre LEP 2012.

In addition to the amendments to the land zoning map, the following mapping amendments are proposed:

- Land Application Map – to reflect the land to which the LEP applies.
- Height of Buildings Map – to establish the maximum height for which a building can be designed. The proposed height of buildings for a conservation zone is 9m. Land effected by rezoning that is not eligible for a conservation zone is allocated a new height of buildings based on existing Council strategies and policies.
- Lot Size Map – to establish appropriate minimum lot sizes and minimise unplanned rural residential development. The proposed lot size map for a conservation zone is 40ha.
- Floor Space Ratio Map – to establish the maximum floor space ratio for a building on any land. There is no floor space ratio applicable to the conservation zones.

The Planning Proposal also includes the following planning provisions within the Tweed LEP 2014 and Tweed City Centre LEP 2012:

- Additional permitted use clause for low-impact recreational activities on certain land zoned C2 Environmental Conservation.
- Additional local provision for the protection of steep land susceptible to erosion risk. The Final Recommendations Report supports LEP mapping and accompanying clauses to manage matters of public health, safety, risk and hazard. Accordingly, it is intended that mapped planning controls will be applied to matters such as steep land.

## **PART 1                      Objectives and intended outcomes**

### **Objective:**

The long-term protection of areas of high ecological value within the Tweed Shire through land-use planning controls.

### **Intended Outcomes:**

- The application of Conservation Zones 'C2 Environmental Conservation' or 'C3 Environmental Management' to land within the Stage 1 Tweed Coast area consistent with the *Northern Councils E Zone Review Final Recommendations Report*.
- The application of residential, rural or another suitable zoning to land that is not eligible for a conservation zone.
- Amendments to the following consequential mapping to the subject land: Height of buildings map, Minimum Lot Size, Floor Space Ratio.
- Additional local provisions to protect steep land.
- Development within a conservation zone reflects the objectives and permissibility of the Local Environmental Plan.

## **PART 2                      Explanation of provisions**

The objective of this Planning Proposal will be achieved through amendments to the Tweed LEP 2014 and the Tweed City Centre LEP 2012. A key outcome is the amendment of the *Land Zoning Map* under Cl. 2.2 of these instruments to apply the C2 and C3 conservation zones to land within the Stage 1 area consistent with the *Final Recommendations Report*.

To give effect to the intended land zone changes of the Planning Proposal, several supportive or administrative amendments to the Tweed LEP 2014 and Tweed City Centre LEP 2012 are also proposed. The complete list provisions of this Planning Proposal are outlined in Table 2.

***A note on the Tweed City Centre LEP 2012:*** *The C2 Environmental Conservation zone is already in place in the Tweed City Centre LEP 2012 as the instrument was already adopted prior to the NSW Government’s deferral of environmental zones from draft LEPs. The Tweed Conservation Zone Review has identified some changes to the spatial application of the C2 zone within land regulated by the Tweed City Centre LEP 2012 to ensure consistency with the Final Recommendations Report. The Planning Proposal seeks to amend the statutory controls and the Tweed City Centre LEP 2012 map series relating to the C2 Environmental Conservation Zone. To date no land in the Tweed Heads area has been identified as suitable for the C3 Environmental Management zone. Despite this, the Planning Proposal seeks to introduce the C3 Zone to the land-use table of the Tweed City Centre LEP 2012 for consistency with the Tweed LEP 2014 and to ensure the zone is available for any future proposals that require the protection of land under the environmental management zone.*



**Table 2.** Provisions of the Planning Proposal

Provision No.	Statutory Instrument	Reference	Provision Proposed	Justification
<b>Tweed LEP 2014</b>				
1	Tweed LEP 2014	Cl. 2.2	Amend the <b>Land Zoning Map</b> to the Stage 1 Tweed Coast area as per PART 4 Maps: <i>Land Zoning Map</i> .	Zoning in accordance with the <i>Tweed Conservation Zone Review Methodology Statement for Stage 1 Tweed Coast (Appendix 1)</i> and Strategic Zoning Framework ( <b>Appendix 2</b> ).
2	Tweed LEP 2014	Cl. 4.1(2)	Amend the <b>Lot Size Map</b> to the Stage 1 Tweed Coast area as per PART 4 Maps: <i>Lot Size Map</i>	A minimum lot size of 40ha is proposed for Zone C2 and C3 unless where an existing development outcome is agreed. This minimum lot size is reflective of the aims and objectives of conservation zones and is generally consistent with existing rural zones. Deferred Matters under the Tweed LEP 2014 are not currently reflected in the Lot Size Map and as such a new minimum lot size is allocated based on the relevant zoning.
3	Tweed LEP 2014	Cl. 4.3(2)	Amend the <b>Height of Buildings Map</b> to the Stage 1 Tweed Coast area as per PART 4 Maps: <i>Height of Buildings Map</i>	Cl. 4.3 of the Tweed LEP 2014 establishes the maximum height for which a building can be designed. The proposed height of buildings for Zone C2 and C3 is 9m. Land effected by rezoning that is not eligible for a conservation zone is allocated a new height of buildings based on existing Council strategies and policies.

Provision No.	Statutory Instrument	Reference	Provision Proposed	Justification
4	Tweed LEP 2014	Cl. 4.4(2)	Amend the <b>Floor Space Ratio Map</b> to the Stage 1 Tweed Coast area as per PART 4 Maps: <i>Floor Space Ratio Map</i>	<p>Cl. 4.4 of the Tweed LEP 2014 defines the allowable development density of a site for a particular class of development. There is no floor space ratio applicable to the conservation zones.</p> <p>Deferred Matters under the Tweed LEP 2014 are not currently reflected in the Floor Space Ratio Map and as such a new floor space ratio is allocated where relevant.</p>
5	Tweed LEP 2014	Cl. 2.2	Amend the legend of the Land Zoning Map to change the name of the 'E1 National Parks and Nature Reserves' zone to 'C1 National Parks and Nature Reserves'	Administrative change to align with the <i>Standard Instrument – Principal Local Environmental Plan 2006</i>
6	Tweed LEP 2014	Schedule 1 Additional permitted uses	<p>Introduce new Additional permitted use to Schedule 1.</p> <p><b>Use of certain land in Zone C2</b></p> <p><b>XX</b> Use of certain land in Zone C2</p> <p>(1) This clause applies to land identified as “<b>XX</b>” on the Additional Permitted Uses Map.</p> <p>(2) Development for the purposes of recreational facility (outdoor) is permitted with development consent where development does not involve—</p> <p>(a) a building,</p> <p>(b) a manufactured home, moveable dwelling or associated structure within the meaning of the <i>Local Government Act 1993</i>.</p>	Remote public beaches are proposed to be zoned C2 Environmental Conservation. Development meeting the definition of recreational facility (outdoor) is prohibited in the C2 zone in accordance with the land use table. This also prohibits development applications for low-impact recreational activities including surf schools, yoga classes, and personal training where consent is required. The additional permitted use clause makes recreational facility (outdoor) permitted with consent provided the development meets certain criteria to ensure the development does not impact on the objectives of the C2 zone.

Provision No.	Statutory Instrument	Reference	Provision Proposed	Justification
			<p>(3) Development consent must not be granted unless the consent authority is satisfied that—</p> <p>(a) the use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and</p> <p>(b) the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and</p> <p>(c) the use will not change the condition of the land in which it was before the commencement of the use.</p>	
7	Tweed LEP 2014	Cl. 1.3	Amend the <b>Land Application Map</b> as per Part 4 <i>Land Zoning Map</i> .	The application of standard zones to land identified as a deferred matter will result in the transition of this land to the Tweed LEP 2014. The land application map is required to be updated to reflect the land regulated by the instrument.
8	Tweed LEP 2014	Cl. 6.1	Amend the <b>Acid Sulfate Soils Map</b> as per Part 4 <i>Land Zoning Map</i> .	The application of standard zones to land identified as a deferred matter will result in the transition of this land to the Tweed LEP 2014. Consequentially the acid sulfate soils map is required to be updated to reflect land under the Tweed LEP 2014.
9	Tweed LEP	Part 7 Additional local provisions	<p>Introduce new additional local provision to Part 7.</p> <p><b>Steep land</b></p> <p>1) The objectives of this clause are as follows—</p>	Council proposes the use of an environmental overlay map for land generally greater than 18° in slope. The use of 18° in slope (approximately 1 in 3 gradient) is consistent with Category 2 Sensitive

Provision No.	Statutory Instrument	Reference	Provision Proposed	Justification
			<ul style="list-style-type: none"> <li>(a) to protect soils on steep land susceptible to mass movement and soil erosion.</li> <li>(b) to minimise sedimentation and contamination of waterways and water storage facilities.</li> </ul> <p>2) This clause applies to the land identified as “Steep Land” on the <i>Steep Land Map</i>.</p> <p>3) Consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development–</p> <ul style="list-style-type: none"> <li>(a) is not likely to cause a detrimental increase in the risk of soil erosion, including erosion caused by vegetation clearing, earthworks or road construction.</li> <li>(b) is not likely to result in contamination of receiving waters.</li> <li>(c) incorporates appropriate measures to avoid or mitigate any adverse impacts.</li> </ul>	<p>Land mapping used for managing rural land under the NSW <i>Local Land Services Act 2013</i> (LLS Act). Development on steep land needs to be carefully considered to ensure the risks associated with erosion, mass movement and sedimentation do not result in land degradation and contamination of waterways.</p>
10	Tweed LEP	Part 7 Additional local provisions	Introduce a new <b>Steep Land Map</b> to give effect to provision 9 above as per PART 4 Maps: Steep Land Map	

Provision No.	Statutory Instrument	Reference	Provision Proposed	Justification
<b>Tweed City Centre LEP 2012</b>				
11	Tweed City Centre LEP 2012	Cl. 2.2	Amend the <b>Land Zoning Map</b> to the Stage 1 Tweed Coast area as per PART 4 Maps - <i>Land Zoning Map</i> .	Zoning in accordance with the <i>Tweed Conservation Zone Review Methodology Statement for Stage 1 Tweed Coast (Appendix 1)</i> and Strategic Zoning Framework ( <b>Appendix 2</b> ).
12	Tweed City Centre LEP 2012	Cl. 4.1(2)	Amend the <b>Lot Size Map</b> as per PART 4 Maps - <i>Lot Size Map</i>	A minimum lot size of 40ha is proposed for Zone C2 and C3. This minimum lot size is reflective of the aims and objectives of conservation zones.
13	Tweed City Centre LEP 2012	Cl. 4.3(2)	Amend the <b>Height of Buildings Map</b> as per PART 4 Maps - <i>Height of Buildings Map</i>	Cl. 4.3 of the Tweed City Centre LEP 2012 establishes the maximum height for which a building can be designed. The proposed height of buildings for Zone C2 is 9m.
14	Tweed City Centre LEP 2012	Cl. 4.4(2)	Amend the <b>Floor Space Ratio Map</b> as per PART 4 Maps - <i>Floor Space Ratio Map</i>	Cl. 4.4 of the Tweed City Centre LEP 2012 defines the allowable development density of a site for a particular class of development. There is no floor space ratio applicable to the conservation zones. A change to the C2 zoning within the Tweed City Centre LEP 2012 is proposed as such land no longer eligible for a conservation zone requires a new floor space ratio.
15	Tweed City Centre LEP 2012	Cl. 2.3, Part 2, Land Use Table	Amend the C2 Environmental Conservation land use table. <b>Zone C2 Environmental Conservation</b>	Change to align land use table for the C2 zone of the Tweed LEP 2014 with the Tweed City Centre LEP 2012.

Provision No.	Statutory Instrument	Reference	Provision Proposed	Justification
			<p><b>1 Objectives of zone</b></p> <ul style="list-style-type: none"> <li>• To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.</li> <li>• To prevent development that could destroy, damage or otherwise have an adverse effect on those values.</li> </ul> <p><b>2 Permitted without consent</b></p> <p>Environmental protection works; Home occupations</p> <p><b>3 Permitted with consent</b></p> <p>Bed and breakfast accommodation; Environmental facilities; Extensive agriculture; Home-based child care; Home businesses; Oyster aquaculture; Recreation areas; Roads</p> <p><b>4 Prohibited</b></p> <p>Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3</p>	

Provision No.	Statutory Instrument	Reference	Provision Proposed	Justification
16	Tweed City Centre LEP 2012	Cl. 2.3, Part 2, Land Use Table	<p>Introduce Zone C3 Environmental Management to the land use table.</p> <p><b>Zone C3 Environmental Management</b></p> <p><b>1 Objectives of zone</b></p> <ul style="list-style-type: none"> <li>To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.</li> <li>To provide for a limited range of development that does not have an adverse effect on those values.</li> <li>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> </ul> <p><b>2 Permitted without consent</b></p> <p>Environmental protection works; Extensive agriculture; Home occupations</p> <p><b>3 Permitted with consent</b></p> <p>Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Cellar door premises; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Home-based child care; Home businesses; Home industries; Horticulture; Jetties; Kiosks; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Research stations; Roads; Roadside stalls; Rural workers' dwellings;</p>	<p>The C3 zone is not a current zone under the Tweed City Centre LEP 2012. While this Planning Proposal does not propose the application of the C3 zone on land subject to the Tweed City Centre LEP 2012, this provision ensures for consistency with the Tweed LEP 2014 and to allows for the use of this zone as part of future proposals.</p>

Provision No.	Statutory Instrument	Reference	Provision Proposed	Justification
			<p>Tank-based aquaculture; Water recreation structures; Water supply systems</p> <p><b>4 Prohibited</b></p> <p>Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3</p>	
17	Tweed City Centre LEP 2012	Cl. 2.3, Part 2, Land Use Table	<p>Introduce Zone SP2 Infrastructure to land use table.</p> <p><b>Zone SP2 Infrastructure</b></p> <p><b>1 Objectives of zone</b></p> <ul style="list-style-type: none"> <li>• To provide for infrastructure and related uses.</li> <li>• To prevent development that is not compatible with or that may detract from the provision of infrastructure.</li> </ul> <p><b>2 Permitted without consent</b></p> <p>Environmental facilities; Environmental protection works; Roads</p> <p><b>3 Permitted with consent</b></p> <p>Aquaculture; The purpose shown on the <i>Land Zoning Map</i>, including any development that is ordinarily incidental or ancillary to development for that purpose</p> <p><b>4 Prohibited</b></p>	A new parcel of SP2 has been zoned for an existing Council managed sewerage system. The land use table for the zone is required to be introduced into to the Tweed City Centre LEP 2012. The land use table proposed is consistent with the Tweed LEP 2014.



Provision No.	Statutory Instrument	Reference	Provision Proposed	Justification
			Any development not specified in item 2 or 3	
18	Tweed City Centre LEP 2012	Cl. 2.3, Part 2, Land Use Table	<p>Introduce Zone R5 Large Lot Residential to the land use table.</p> <p><b>Zone R5 Large Lot Residential</b></p> <p><b>1 Objectives of zone</b></p> <ul style="list-style-type: none"> <li>• To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.</li> <li>• To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.</li> <li>• To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.</li> <li>• To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> <li>• To maintain the rural and scenic character of the zone.</li> </ul> <p><b>2 Permitted without consent</b></p> <p>Environmental facilities; Environmental protection works; Extensive agriculture; Home occupations</p> <p><b>3 Permitted with consent</b></p>	<p>A new parcel of R5 has been zoned for part of a residential lot that is currently zoned C2 but no longer meets the ecological criteria for a conservation zone. The R5 zone is proposed in accordance with the Strategic Framework (<b>Appendix 2</b>) and with consideration for the zone objectives and site values and constraints. The land use table for the R5 zone is required to be introduced into the Tweed City Centre LEP 2012. The land use table proposed is consistent with the Tweed LEP 2014.</p>

Provision No.	Statutory Instrument	Reference	Provision Proposed	Justification
			<p>Bed and breakfast accommodation; Dual occupancies (attached); Dwelling houses; Group homes; Home industries; Horticulture; Oyster aquaculture; Pond-based aquaculture; Roads; Roadside stalls; Tank-based aquaculture; Any other development not specified in item 2 or 4</p> <p><b>4 Prohibited</b></p> <p>Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Places of public worship; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations;</p>	

Provision No.	Statutory Instrument	Reference	Provision Proposed	Justification
			Veterinary hospitals; Warehouse or distribution centres; Water recreation structures; Wharf or boating facilities; Wholesale supplies	
19	Tweed City Centre LEP 2012	Section 2.2	Amend the legend of the <b>Land Zoning Map</b> to change the name of the ' <b>E2</b> Environmental Conservation zone to ' <b>C2</b> Environmental Conservation	Administrative change to align with the <i>Standard Instrument – Principal Local Environmental Plan 2006</i>

## PART 3 Justification of strategic and site specific merit

### Section A - Need for the Planning Proposal

<p><b>1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?</b></p>	<p><b>Yes.</b></p> <p>The Planning Proposal is made as a result of the <i>Northern Councils E Zone Review Final Recommendations Report</i> published by the NSW (former) Department of Planning and Environment.</p>
<p><b>2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</b></p>	<p><b>Yes.</b></p> <p>The objective and intended outcome can only be achieved by way of an amendment to the Tweed LEP 2014 and Tweed City Centre LEP 2012. There are no other methods by which conservation zones can be applied.</p>
<p><b>3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?</b></p>	<p><b>Yes.</b></p> <p>The proposal gives effect to the North Coast Regional Plan 2041 (NCRP) through consistency with Objective 3 which is to protect regional biodiversity and areas of high environmental value.</p> <p>Specific actions in the NCRP for the Tweed LGA include to retain and protect local biodiversity through effective management of environmental assets and ecological communities. These actions are strongly supported through the Planning Proposal through the long-term protection and management areas of high environmental value through land use planning controls.</p>
<p><b>4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary of GCC, or another endorsed local strategy or strategic plan?</b></p>	<p><b>Yes.</b></p> <p>The Planning Proposal supports the following priorities outlined in the Tweed Local Strategic Planning Statement (LSPS) 2020:</p> <ul style="list-style-type: none"> <li>• Planning Priority 1: 'Protect the Tweed's significant natural environment, resources and landscape qualities, while cultivating growth and development, which promotes the health and vitality of the community'.</li> <li>• Planning Priority 2: 'Promote, protect, conserve and enhance the Tweed's high scenic quality, biological and ecological values for future generations and ecosystem health'.</li> </ul> <p>Specifically, the Planning Proposal addresses Action 2.4 of the LSPS: <i>Promote the protection of biological and</i></p>

	<p><i>ecological values, through the application of appropriate environmental and waterway zones in accordance with the Northern Council E Zone Review – Final Recommendations Report, and development of biodiversity overlays and associated development controls.</i></p> <p>The Planning Proposal is also consistent with the Tweed Community Strategic Plan (TCSP) 2022-2023. Specifically, it addresses Goal 1.1 and 1.2 of the TCSP:</p> <ul style="list-style-type: none"> <li>• 1.1 Take action as caretakers for our internationally significant environment to pass onto our next generation.</li> <li>• 1.2 Work together to reduce our impact on the impact on the natural environment and adapt to climate change for a sustainable future.</li> </ul> <p>The Planning Proposal facilitates Council reaching those goals through the application of land use zones to protect natural environmental areas through the contemporary local planning framework.</p>
<p><b>5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?</b></p>	<p><b>Yes.</b></p> <p>The Tweed Regional City Action Plan (TRCAP) 2036 establishes the vision, goals, objectives, and actions that will guide growth and change in the Tweed Regional City towards 2036. The Plan recognises that the Tweed has <i>the potential to become NSW's great green city of the north.</i></p> <p>The Planning Proposal directly supports the TRCAP Objective 3 includes Action 3.4: <i>Support the restoration of degraded and creation of new habitats to increase regional habitat connectivity and to assist with threatened species recovery.</i></p> <p>The proposal also supports Objective 16 <i>Grow tourism, events and visitor experiences in a culturally and environmentally sensitive way.</i> The TRCAP recognises Tweed's tourism offering as based heavily on its stunning natural environment, with Action 16.1 being to <i>plan for events and nature-based tourism, including infrastructure and supporting uses and mitigate land use conflict.</i></p>

## Section B - Relationship to strategic planning framework

<p><b>6. Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPPs)?</b></p>	<p>The introduction of zones that are appropriate for the protection of koala habitat through the local land use planning framework is consistent Chapter 4 (Koala Habitat Protection 2021) of <i>State Environmental Planning Policy (Biodiversity Conservation) 2021</i> which encourages the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present-day range and reverse the current trend of koala population decline.</p> <p>The Planning Proposal is also consistent with Chapter 2 (Coastal Management) of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> which seeks to manage development in the coastal zone and protect the environmental assets of the coast. The Planning Proposal includes the application of the C2 zone over land mapped as Coastal Wetland or Littoral Rainforest which are two important coastal environmental assets identified under that policy.</p>
<p><b>7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?</b></p>	<p>Consistency of this Planning Proposal with the relevant and applicable s9.1 Ministerial Directions is discussed in <b>Appendix 4</b>.</p>

## Section C - Environmental, Social and Economic Impact

<p><b>8. 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?</b></p>	<p><b>No.</b></p> <p>The Planning Proposal seeks to apply land use zones designed specifically for the protection of threatened species habitat, endangered ecological communities, and other areas of high environmental value. The application of conservation zones will further protect critical habitat, threatened species and ecological communities</p>
<p><b>9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?</b></p>	<p><b>No.</b></p> <p>The Planning Proposal seeks to apply land use zones designed specifically for the purposes of conservation and environmental management.</p>
<p><b>10. Has the planning proposal adequately addressed any social and economic effects?</b></p>	<p><b>Yes.</b></p> <p>Zoning for environmental protection has many social benefits and the protection of high value environmental areas is significant not only for biodiversity but for the health and wellbeing of the community.</p> <p>Prior to the development of this Planning Proposal, Council conducted informal and non-statutory community consultation on the application of conservation zones to Stage 1. The purpose of this consultation exercise was to validate the mapping and provide the opportunity for community and landowner feedback. 155 of the 486 (31.9%) of landowners effected by a zoning change engaged with Council during the consultation period from March 2022 – August 2022 and 52 amendments to the draft mapping were made as a result of this engagement.</p> <p>In addition, Council established a community reference group to guide the development and delivery of the Planning Proposal. The community reference group included nine individuals from farming, environment, real-estate industries and representatives from several resident organisations within Stage 1. The group discussed and provided feedback on social and economic effects of conservation zones which has been considered in the Planning Proposal.</p> <p>The Planning Proposal considers the social and economic impacts of conservation zones. In rural areas, Council recognises the need for flexibility to the application of conservation zones which is reflected in the adopted methodology. This approach seeks to minimise economic</p>

	<p>and social impacts and ensure compatible land uses and management between the rural and conservation zones.</p> <p>The Planning Proposal will streamline and simplify the land zoning under the Tweed LEPs. The integration of deferred matter land into the Tweed LEP 2014 will simplify the planning controls for landowners when seeking development consent.</p>
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## Section D – Infrastructure (Local, State and Commonwealth)

<b>11. Is there adequate public infrastructure for the planning proposal?</b>	<p><b>Not applicable.</b></p> <p>The Planning Proposal does not include development that will, or is likely to require the provision of, or increase the demand for, public facilities and services.</p>
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## Section E – State and Commonwealth Interests

<b>12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?</b>	<p>The Planning Proposal is made as a result of the <i>Northern Councils E Zone Review Final Recommendations Report</i> published by the NSW (former) Department of Planning and Environment.</p> <p>Consultation with relevant government agencies will be undertaken as required by the Gateway Determination during the public exhibition period.</p>
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## PART 4 Maps

This Planning Proposal amends the following maps within the Tweed LEP 2014:

- *Land Application Map*
- *Land Zoning Map*
- *Lot Size Map*
- *Floor Space Ratio Map*
- *Height of Buildings Map*
- *Acid Sulfate Soils Map*
- *Additional Permitted Uses Map*

This Planning Proposal amends the following maps within the Tweed City Centre LEP 2012:

- *Land Application Map*
- *Land Zoning Map*
- *Lot Size Map*
- *Floor Space Ratio Map*
- *Height of Buildings Map*

This Planning Proposal introduces the *Steep Land Map* Tweed LEP 2014.

## PART 5 Community consultation

Council has been conducting early-stage community engagement since March 2022. An informal and non-statutory public consultation period was conducted between March and August 2022 whereby all landowners effected by a proposed zoning change were notified and asked to have their say. 155 landowners (representing 31.9% of all effected landowners) engaged with Council regarding a proposed zoning change and 52 amendments to the draft mapping were made as a result of the informal consultation.

416 individual consultation instances occurred, broken down as:

- 211 emails sent or received
- 149 phone calls made or received
- 20 face-to-face meetings
- 26 site visits

Further details of the early-stage consultation are outlined in **Appendix 3**.

Council also sought to better understand the opportunities and constraints associated with the project and formed a Community Reference Group in late 2023. The volunteer group consisted of individuals from the farming, environment and real-estate industries and representatives

from local residents' associations. Feedback provided by the Community Reference Group over a period of 6-months has been considered in the development of this Planning Proposal.

The engagement program to date has been aimed at building landowner and community understanding of Council's approach to the design and application of the new conservation zones. Landowner consultation has also assisted to verifying existing vegetation and primary use of land proposed for a zone change on Council's draft mapping for Stage 1.

This Planning Proposal will undergo a formal community consultation process as required by the Gateway determination and section 3.34 of the *Environmental Planning and Assessment Act 1979*. Consultation will be conducted in accordance the conditions of the Gateway Determination and as per Council's Community Engagement and Participation Plan 2019–2024. This includes any required consultation with government agencies or other authorities and notification of affected landowners.

This part of the Planning Proposal will be updated upon completion of community consultation to provide a summary of community feedback, key matters raised and Council's response.

## PART 6 Project Timeline

The following project timeline is intended to be a guide only and may be subject to changes in response to the public consultation process and/or community submissions.

Task	Estimated Completion
Referral of the Planning Proposal for a Gateway determination	June 2025
Gateway Determination	September 2025
Undertake requirements of the Gateway Determination and prepare V2 Planning Proposal	October 2025
Public exhibition	November – December 2025
Agency consultation	November 2025
Review submissions, respond and prepare V3 Planning Proposal for Council's consideration	February 2026
Council report to finalise and refer the plan to the DPE to be made	May 2026
Referral of the Plan to the DPE for making	June 2026
Plan to be made within 12 months of Gateway	September 2026

## **APPENDICES**

## **Appendix 1. Tweed Conservation Zone Review: Methodology Statement for Stage 1 Tweed Coast (May 2024)**

# **Tweed Conservation Zone Review**

## **Methodology Statement for Stage 1 – Tweed Coast**

**Version 1.1**  
**March 2025**

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Revision	Date	Amendments
0.1	March 2022	Draft for Community Consultation
1.0	May 2024	Final for Council Resolution
1.1	March 2025	Minor edits for Planning Proposal
1.2	August 2025	Amendment to Table 5

### **Acknowledgements**

Damian Licari of Greencap for the initial development of the methodology.

Dr Mark Kingston, former Senior Policy Officer of Tweed Shire Council for detailed review, refinement and application of the methodology.

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## Part 1. Introduction

The Tweed Conservation Zone Review aims to protect areas of high ecological value in the Tweed Shire. This methodology statement supports a Planning Proposal by Tweed Shire Council to apply conservation zones to land within the Stage 1 Tweed Coast area through an amendment to the Tweed Local Environmental Plan (LEP) 2014 and Tweed City Centre LEP 2012.

### Objectives

- Outline the criteria, process and rationale Council has used to identify land subject to a conservation zone within the Stage 1 Tweed Coast area.
- Demonstrate how the methodology of the Tweed Conservation Zone Review is consistent with the Final Recommendations Report.
- Encourage and assist landowners and the community to understand and participate in the Tweed Conservation Zone Review.

### Audience

This document has been written for the following target audience:

- Private and public landowners whose land is affected by a zoning change.
- Interest groups including the development industry, rural industry, real estate and property industry, those with environmental interests, indigenous and resident/ratepayer groups.
- State government departments.
- The Tweed community; and
- Tweed Shire Council Councillors and staff.

### Study Area

The Tweed Conservation Zone Review project is separated into two stages, based on location, as follows. A map of the Stage 1 Tweed Coast area is shown in *Figure 1*.

- **Stage 1 – Tweed Coast**

- Private and public land east of the Pacific Motorway, as well as the urban areas of Tweed Heads West, Banora Point, Bilambil Heights, Cobaki and parts of Terranora. See Figure 1 below.

*Note:* The Kings Forest locality is not included because it is regulated by the NSW Major Projects SEPP 2005. Some land within the Stage 1 area has been deferred from the Stage 1 area, refer to Section 1.4 below.

- **Stage 2 – Tweed Hinterland**

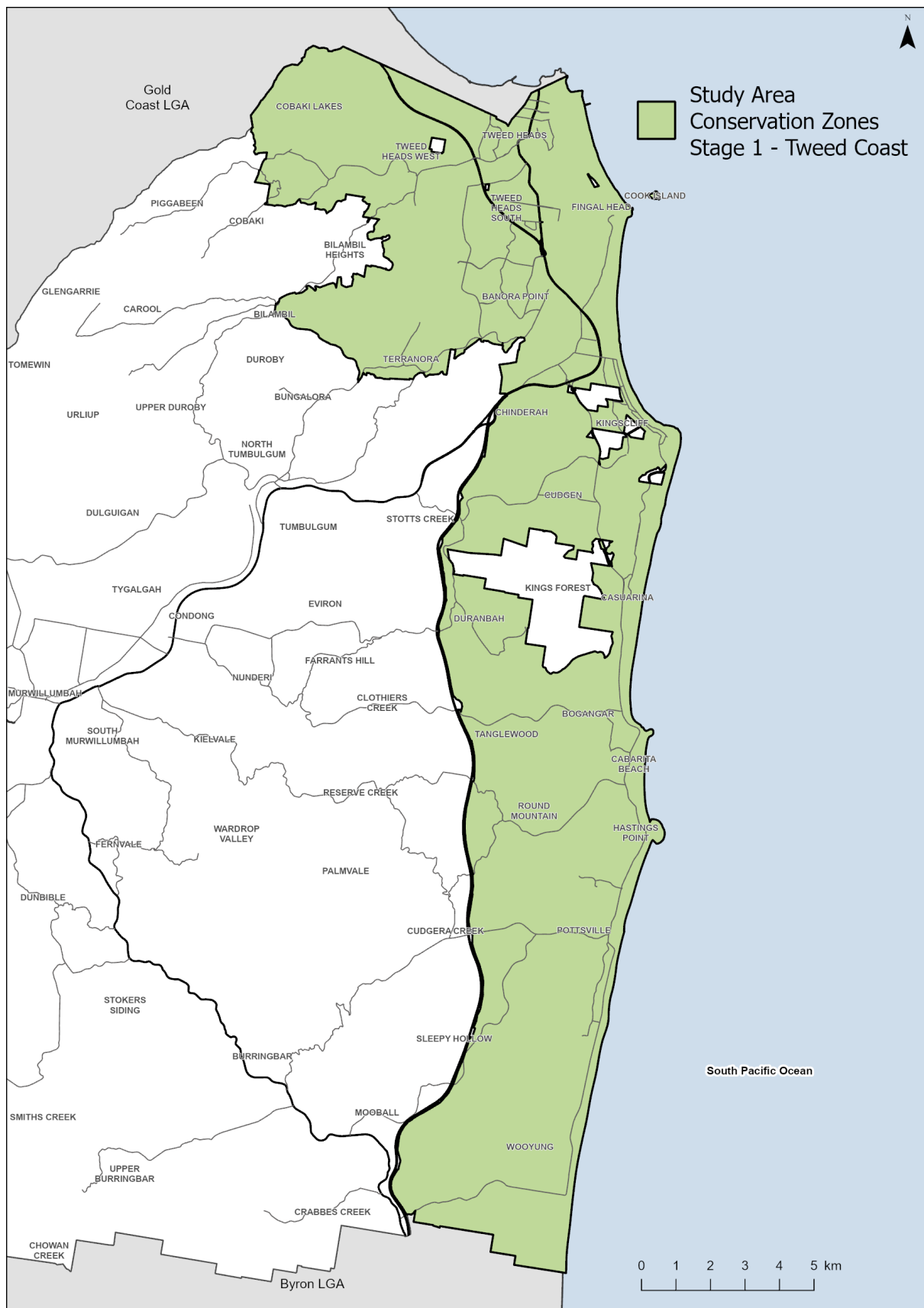
- Remainder of the Tweed Shire
-



Council is currently implementing Stage 1 of the Tweed Conservation Zone Review – that is, the application of conservation zones to land within the Tweed Coast area. This Methodology Statement therefore applies only to the Stage 1 area. The remainder of the Tweed Shire will be reviewed in Stage 2.

## **Out of Scope**

Some land within the Stage 1 study area has been excluded from the Stage 1 Planning Proposal as these sites require further assessment and consideration. Excluded areas will be reviewed as part of Stage 2 Tweed Hinterland.



**Figure 1. Stage 1 Tweed Coast Study Area**

## Part 2. Conservation Zones

Tweed Shire Council has long recognised the need to improve the environmental planning controls to ensure areas of high ecological value are afforded long-term protection. The existing zones that provide environmental protection under Tweed LEP 2000 substantially represent legacy zoning from the former Tweed LEP 1987. A review of conservation zoning is not only required to meet the NSW State Government requirements but is also necessary to reflect modern planning controls that align with the Standard Instrument - Principal Local Environmental Plan 2006.

Council is required by a Ministerial Direction given under s 117(2) of the *Environmental Planning and Assessment Act 1979* to apply conservation zones consistent with the Northern Councils E Zone Review Final Recommendations Report (the Final Recommendations Report). The following provides a summary of the key recommendations:

- Ecological criteria for the C2 Environmental Conservation Zone include one or more of the following:
  - SEPP 14 Coastal Wetlands (now under Resilience and Hazards SEPP)
  - SEPP 26 Littoral Rainforests (now under Resilience and Hazards SEPP)
  - Endangered Ecological Communities
  - Key threatened species habitat
  - Over-cleared vegetation communities and landscapes.
  - Culturally significant lands
- Ecological criteria for the C3 Environmental Management Zone include one or more of the following:
  - Riparian and estuarine vegetation and wetlands
  - Rare, endangered and vulnerable forest ecosystems
  - Native vegetation on coastal foreshores
- Conservation zones can only be applied where primary use is environmental conservation (C2) or environmental management (C3). Primary use is defined as the main use of the over the last two years. It is noted that the primary use test does not apply to existing Tweed LEP 2000 Environmental (7) zones which, under the Final Recommendations Report are assumed to already have an environmental primary use.
- A conservation zone cannot be applied to land unless the attributes that meet the relevant criteria have been verified on that land. Verification can include field surveys, supporting reports and high-resolution aerial imagery less than 5 years old.
- Extensive Agriculture must be permitted without consent in the C3 zone and with consent in the C2 zone.
- The C3 Environmental Management zone may be used for land that meets the C2 ecological criteria if the primary use is environmental management.
- Public land may be zoned C2 or C3 despite the criteria if the primary use is environmental.

- Private land may be zoned C2 or C3 despite the criteria if it is consistent with a negotiated development outcome (e.g., development consent, master plan or designated offset) or at the request of the landowner.
- Land which has been actively revegetated by the current landowner cannot have a C zone applied to it without the landowner's agreement unless the revegetation was undertaken with grant funding which required ongoing protection of the vegetation.
- Mapped overlays may also be used for areas which meet the C2 or C3 zone criteria but do not meet the primary use test.
- C zones cannot be applied to protect scenic or aesthetic values where the land doesn't otherwise meet the ecological criteria.

In response to the NSW Government's Final Recommendations Report, Council resolved to comprehensively review the environmental provisions of its LEPs consistent with outcomes of the Final Recommendations Report. Council proposes to apply the C2 and C3 zones to land within the Stage 1 Tweed Coast area in accordance with following local planning principles:

- Zoning will consider existing land uses of a property and adjacent land uses, particularly in rural areas.
- Zoning will consider landscape connectivity, particularly in proximity to National Parks and Nature Reserves, waterways, and wildlife corridors.
- Master plans endorsed through a Council resolution or Ministerial approval will be reflected in the zoning.
- The use of multiple zones on a single lot will be minimised where possible.
- Public bushland and remote beaches will be zoned C2 Environmental Conservation
- Steep land will be protected through an environmental overlay map

The C4 Environmental Living zone will not be included in the Tweed LEPs. Other residential zones under the existing Tweed LEPs provide suitable management for low-impact residential development in areas with special ecological, scientific or aesthetic values.

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## Part 3. Methodology

This methodology statement has been developed for the application of conservation zones to eligible land within the Stage 1 area. The methodology supports the NSW State Government requirements, reflects the value the Tweed community places on our natural assets, and recognises the ongoing need for sustainable development including agriculture and primary production.

The primary source of information used to identify and verify the ecological criteria for a conservation zone is Council's vegetation mapping. Vegetation mapping was first completed for the Shire as part of the Tweed Vegetation Management Plan 1999 and involved fine spatial resolution mapping, assessment of ecological values and planning recommendations. All remnant vegetation was classed into categories based on overall condition and structure with 54 specific vegetation associations (termed Vegetation Types) recognised within ten Major Vegetation Communities. Vegetation mapping was updated for the Tweed Vegetation Management Strategy (TVMS) 2004 where the mapping was reviewed, and the vegetation community codes and descriptions were included. The TVMS was prepared in close consultation with the community-based Tweed Vegetation Management Plan Steering Committee which provided a coordinated approach to the management of ecological processes in the Tweed. The TVMS was further refined in 2011 based on 2009 high resolution aerial imagery captured at a scale of 1:50,000 or better.

The TVMS data has been applied to detailed aerial imagery captured in 2020 with a 7.5cm ground sampling distance (GSD) resolution. Where additional verification is required, Council have consulted Nearmap which includes updated aerial imagery approximately a dozen times each year from 2020 to present. Details on the transfer of the TVMS mapping to the conservation zones is included in Appendix A of this document. Another key source of information for the Stage 1 Tweed Coast area is the Tweed Coast Comprehensive Koala Plan of Management 2020 (TCKPoM) supported by the Tweed Coast Koala Habitat Study (Phillips et al. 2011). The TCKPoM is the source of information used to identify and verify the ecological criteria for key threatened species habitat.

There are seven steps in the Tweed Conservation Zone Review as summarised in Table 1 below and discussed in detail in the following section. Figure 2 highlights the process Council has followed to identify land eligible for a conservation zone.

**Table 1. Tweed Conservation Zone Review – Stage 1 Method**

<p><b>Step 1 – Apply Ecological Criteria</b></p> <ul style="list-style-type: none"><li>• Identify and map candidate C zones based on the ecological criteria established by the Final Recommendations Report.</li><li>• Desktop assessment using spatial mapping from Commonwealth, NSW Government and local Council datasets.</li></ul>
<p><b>Step 2 – Verify Ecological Criteria</b></p> <ul style="list-style-type: none"><li>• Verify candidate C zones using field inspections, existing flora and fauna studies, and review of current high resolution imagery.</li></ul>
<p><b>Step 3 – Determine Primary Use</b></p> <ul style="list-style-type: none"><li>• Identify the main use of the land over the last two years.</li><li>• Develop Primary Use Map to categorise land as: 'Agriculture', 'Environmental' and 'Other'.</li></ul>
<p><b>Step 4 – Supplementary Criteria</b></p> <ul style="list-style-type: none"><li>• Refine C zones based on supplementary criteria including zoning of public land, the transfer of the Tweed LEP 2000 environmental (7) zones, negotiated development outcomes, and management of revegetation on private land.</li><li>• Develop draft planning controls including objectives and land use permissibility for conservation zones.</li></ul>
<p><b>Step 5 – Community Consultation</b></p> <ul style="list-style-type: none"><li>• Early and informal consultation with potentially affected landowners and the broader community prior to finalising the C zone mapping.</li><li>• Conduct field verification and amend draft mapping where necessary.</li></ul>
<p><b>Step 6 – Introduce C Zones to the LEP</b></p> <ul style="list-style-type: none"><li>• Submit Planning Proposal to the NSW Government seeking an amendment to the <i>Tweed LEP 2014</i> to introduce the land use tables for the C2 Environmental Conservation and C3 Environmental Management Zones.</li><li>• Includes formal public exhibition period.</li><li>• Note - does not include the spatial application of conservation zones to land.</li></ul>
<p><b>Step 7 – Apply C zones to Land</b></p> <ul style="list-style-type: none"><li>• Draft C zone mapping for the Stage 1 Tweed Coast area based on final methodology and community feedback.</li><li>• Submit Planning Proposal to the NSW government, seeking an amendment to the Tweed LEP 2014 and Tweed City Centre LEP 2012 to apply conservation zones to land.</li><li>• Statutory public exhibition period.</li><li>• Adoption of LEP amendment by NSW Government once approved.</li></ul>

## Step 1. Apply Ecological Criteria

The Final Recommendations Report requires attributes of the land to contain one or more defined ecological criteria (Recommendation 3).

There are five ecological criterion and one cultural heritage criterion identified by the Final Recommendations Report for the C2 Environmental Conservation zone:

- SEPP 26 Littoral Rainforest<sup>1</sup>
- SEPP 14 Coastal Wetlands<sup>2</sup>
- Endangered Ecological Communities
- Key threatened species habitat
- Over-cleared vegetation communities
- Culturally significant lands

There are three ecological criterion identified by the Final Recommendations Report for the C3 Environmental Management zone:

- Riparian and estuarine vegetation and wetlands
- Rare, endangered, and vulnerable forest ecosystems
- Native vegetation on coastal foreshores

Council have applied the above ecological criteria to land within the Stage 1 Tweed Coast area using geospatial mapping to identify candidate sites for conservation zones based on existing vegetation mapping and associated vegetation attributes. Table 2 and Table 3 below provide further detail on how the ecological criteria has been applied.

The culturally significant land criterion is not proposed for the Stage 1 Tweed Coast area. The identification, assessment and management of Aboriginal cultural heritage is covered under the Tweed Aboriginal Cultural Heritage Management Plan 2018 and associated mapping. This plan is applied to activities requiring development consent under the *Environmental Planning and Assessment Act 1979*. In addition, in the Stage 1 Tweed Coast area there may be areas identified specifically as Aboriginal cultural heritage places and these may also be managed under the Plans of Management of the *Local Government Act 1993* and the *National Parks and Wildlife Act 1974*.

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<sup>1</sup> SEPP 26 Littoral Rainforests was repealed and replaced by the State Environmental Planning Policy (Resilience and Hazards) 2021

<sup>2</sup> SEPP 14 Coastal Wetlands was repealed and replaced by the State Environmental Planning Policy (Resilience and Hazards) 2021

**Table 2. Application of the C2 Zone Criteria**

Final Recommendations Report C2 Environmental Conservation Zone		How criterion has been applied to Stage 1 Tweed Coast
Criteria	Description	
<b>SEPP 26 Littoral Rainforests</b>	Land mapped as littoral rainforest in accordance with the state-wide policy for littoral rainforest protection (State Environmental Planning Policy 26 – Littoral Rainforests).	Based on the <i>Coastal Wetlands and Littoral Rainforests Area</i> mapping produced by the NSW Government Department of Planning and Environment.
<b>SEPP 14 Coastal Wetlands</b>	Land mapped as coastal wetlands in accordance with the state-wide policy for coastal wetland protection (State Environmental Planning Policy 14 – Coastal Wetlands).	
<b>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i><sup>3</sup> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i></b>	<p>Land containing vegetation communities listed as Endangered Ecological Communities under the <i>Threatened Species Conservation Act 1995</i> and the <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</p> <p>The Far North Coast Regional Conservation Plan published by the NSW Department of Environment, Climate Change and Water in 2010, lists the following 12 vegetation communities as examples of EECs that exist on the Far North Coast:</p> <ul style="list-style-type: none"> <li>• <i>Byron Bay Dwarf Graminoid Heath Community</i></li> <li>• <i>Coastal Cypress Pine Forest,</i></li> <li>• <i>Coastal Saltmarsh, Freshwater Wetlands in Coastal Floodplains</i></li> <li>• <i>Littoral Rainforest</i></li> <li>• <i>Lowland Rainforest</i></li> <li>• <i>Lowland Rainforest on Floodplains</i></li> <li>• <i>Subtropical Coastal Floodplain Forest</i></li> </ul>	<p>The following EECs exist in the Tweed Shire: Coastal Cypress Pine Forest, Coastal Saltmarsh, Freshwater Wetlands in Coastal Floodplains, Littoral Rainforest, Lowland Rainforest, Lowland Rainforest on Floodplains, Subtropical Coastal Floodplain Forest, Swamp Oak Floodplain Forest, Swamp Sclerophyll Forest on Coastal Floodplains.</p> <p>The EEC criterion were determined based on the Tweed Vegetation Management Strategy (TVMS) mapping where the mapped vegetation community corresponds with an EEC – refer to Appendix A. This is determined based on compatibility of the TVMS Vegetation Community with the known floristic characteristics, distribution, habitat and ecology of the EEC.</p> <p>In the case of the “coastal floodplain” EECs (including Swamp Oak Floodplain Forest) the relevant floristic communities have only been included where located on alluvial or estuarine deposits as mapped for the NSW Comprehensive Coastal Assessment 2007 (Project - CCA 1 Coastal Geology).</p>

<sup>3</sup> The *Threatened Species Act 1995* was replaced by the NSW *Biodiversity Conservation Act 2016*.



	<ul style="list-style-type: none"> <li>• <i>Swamp Oak Floodplain Forest</i></li> <li>• <i>Swamp Sclerophyll Forest on Coastal Floodplains</i></li> <li>• <i>Themeda grassland on Seacliffs and Coastal Headlands,</i></li> <li>• <i>White Gum Yellow Gum Blakely's Red Gum Woodland</i></li> <li>• <i>White Gum Moist Forest.</i></li> </ul>	
<b>Key Threatened Species Habitat</b>	<p>This criterion includes:</p> <ul style="list-style-type: none"> <li>• old-growth forests where the overstorey or canopy trees are in the late mature stage of growth</li> <li>• areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates, and</li> <li>• habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present.</li> </ul>	<p>For the Stage 1 Tweed Coast area, Council do not propose to use the criterion for old growth forests or high conservation value forest fauna assemblages, as these features are poorly mapped by existing datasets. Despite this, areas meeting this criterion are covered under other well-mapped criteria.</p> <p>This criterion therefore relies on mapping of habitat for threatened species where the threatened species is present. Mapping habitat for threatened species at a property scale is not realistic nor ecologically meaningful, therefore this criterion has been interpreted at the scale of the habitat within the broad location in which the species is known (or strongly suspected) to be found. For bushland areas, habitat for the koala (<i>Phascolarctos cinereus</i>) as mapped for the Tweed Coast Comprehensive Koala Plan of Management (TCKPoM) has been utilised. The koala is listed as endangered under the EPBC Act and NSW <i>Biodiversity Conservation Act 2016</i>. Koala habitat mapping developed for the TCKPoM is supported by the Tweed Coast Koala Habitat Study (Philips <i>et al</i> 2011), which includes historical records, field assessment, and population modelling.</p> <p>For marine areas, records of beach-nesting birds, turtles and migratory species from <i>NSW BioNet</i> and <i>Atlas of Living in Australia</i> have been utilised to classify beaches as meeting the criterion for key threatened species habitat. This includes habitat for the following recorded species within the Stage 1 area:</p> <ul style="list-style-type: none"> <li>• Beach Stone-curlew (<i>Esacus magnirostris</i>) listed as <i>listed as critically</i></li> </ul>

		<p>endangered under the NSW BC Act 2016</p> <ul style="list-style-type: none"> <li>• Pied Oystercatcher (<i>Haematopus longirostris</i>), listed as endangered under the NSW Biodiversity Conservation Act 2016</li> <li>• Sooty Oyster Catcher (<i>Haematopus fuliginosus</i>), listed as vulnerable under the NSW Biodiversity Conservation Act 2016</li> <li>• Little Tern (<i>Sternula albifrons</i>)</li> <li>• Eastern Osprey (<i>Pandion cristatus</i>), listed as vulnerable under the NSW Biodiversity Conservation Act 2016</li> <li>• Loggerhead turtle <i>Caretta caretta</i>, listed as endangered under the EPBC Act and NSW Biodiversity Conservation Act 2016</li> <li>• Green Turtle (<i>Chelonia mydas</i>), listed as vulnerable under the EPBC Act and</li> </ul> <p>With consideration for the known distribution, breeding, and feeding behaviours of the above species, all beaches of the Tweed Coast are considered suitable threatened species habitat. Council recognises the commercial and recreational values of public beaches and therefore only remote beaches are zoned C2. Remote beaches are defined as areas subject to natural beach processes and those not supported by formalised public parks, recreational facilities, formal carparking, surf clubs, rubbish collection or other urban amenities. Non-remote beaches are zoned RE1 Public Recreation.</p> <p>Council recognises other threatened flora and fauna habitat (including those found in rainforest, wetland, and heathland communities) occur in the Tweed Coast Stage 1 area however are satisfied that these are included in the spatial extent of the above threatened species or are covered by other ecological criteria including EECs.</p>
<b>Over-cleared vegetation communities</b>	<p>Land comprising:</p> <ol style="list-style-type: none"> <li>1. over-cleared vegetation communities, where more than 70% of the original (pre-1750) extent of the</li> </ol>	<p>Over-cleared vegetation communities were determined based on equivalent TVMS mapped vegetation communities (refer to Appendix A). The following over-cleared vegetation communities exist in the Stage 1 Tweed Coast area: Rainforests, Wet</p>

	<p>native vegetation type has been cleared and</p> <p>2. native vegetation in over-cleared Mitchell Landscapes.</p> <p>The Far North Coast Regional Conservation Plan lists the following as examples of:</p> <ul style="list-style-type: none"> <li>• <i>Over-cleared vegetation communities on the Far North Coast:</i> Rainforests, Wet sclerophyll forests (shrubby and grassy subformations), Dry sclerophyll forests (shrubby and shrub/grass subformations), Grassy woodlands, Grasslands (<i>Themeda australis</i> sod tussock), Heathlands, Forested wetlands, Freshwater wetlands, Saline wetlands; and</li> <li>• <i>Over-cleared Mitchell landscapes:</i> Byron–Tweed Alluvial Plains, Byron–Tweed Coastal Barriers, Clarence–Richmond Alluvial Plains and Upper Clarence Channels and Floodplains.</li> </ul>	<p>sclerophyll forests (shrubby and grassy subformations), Dry sclerophyll forests (shrubby and shrub/grass subformations), Grassy woodlands, Grasslands (<i>Themeda australis</i> sod tussock), Heathlands, Forested wetlands, Freshwater wetlands, Saline wetlands.</p> <p>Native vegetation in over-cleared Mitchell landscapes were determined based on equivalent TVMS mapped vegetation communities (refer to Appendix A) where they occurred on the following the following Mitchell Landscapes within the Tweed Coast Area; Byron–Tweed Alluvial Plains and Byron–Tweed Coastal Barriers.</p>
<b>Culturally significant lands</b>	<p>Areas of culturally significant lands such as Aboriginal object sites, Aboriginal places of heritage significance, and other significant objects identified by the local Aboriginal community</p>	<p>This criterion is not proposed for the Stage 1 Tweed Coast area. The identification, assessment and management of Aboriginal cultural heritage is covered under the Tweed Aboriginal Cultural Heritage Management Plan 2018 and associated mapping. This plan is applied at the time a development proposal is submitted.</p> <p>In the Stage 1 Tweed Coast area there may be areas identified specifically as Aboriginal cultural heritage places and these may also be managed under the Plans of Management of the <i>Local Government Act 1993</i> and the <i>National Parks and Wildlife Act 1974</i>.</p>

**Table 3. Application of the C3 Zone Criteria**

Final Recommendations Report C3 Environmental Management Zone		How criterion has been applied to Stage 1 Tweed Coast
Criteria	Description	
<b>Riparian and estuarine vegetation and wetlands</b>	<p>Land comprising riparian and estuarine vegetation on waterfront land, defined under the NSW <i>Water Management Act 2000</i>, or wetland areas other than those mapped as SEPP 14 Coastal Wetlands.</p> <p>Waterfront land is defined under the NSW <i>Water Management Act 2000</i> as the bed of any river, lake or estuary and any land within 40 metres of the riverbank, lake, shore or estuary mean highwater mark.</p>	Riparian, estuarine and wetland vegetation were determined based on equivalent TVMS mapped vegetation communities (refer to Appendix A) where occurring on waterfront land. Waterfront land was taken from the NSW government tidal inundation mapping 2015 with a 40m buffer.
<b>Rare, Endangered and Vulnerable Forest Ecosystems</b>	Land comprising areas of rare, endangered, and vulnerable forest ecosystems as defined by the Joint ANZEC/MCFFA National Forest Policy Statement Implementation sub-committee (JANIS; Commonwealth of Australia 1997).	Rare, endangered, and vulnerable forest ecosystems were determined based on equivalent TVMS mapped vegetation communities (refer to Appendix A).
<b>Native vegetation on coastal foreshores</b>	Native vegetation on land with frontage, or adjoining or adjacent to, a beach, estuary, coastal lake, headland, cliff or rock platform.	Native vegetation was determined based on equivalent TVMS mapped vegetation communities (refer to Appendix A). Coastal foreshores included the coastline (beaches and headlands) and estuary foreshores. Individual vegetation polygons were included where they intersected or adjoined the mapped coastal foreshore.

It should be noted that for the Stage 1 area, land that contains the ecological attributes of the C3 criteria as outlined in Table 3 also contains one of more of the C2 ecological criteria outlined in Table 2. For example, the C3 native vegetation on coastal foreshores criterion is also covered by the C2 over-cleared landscapes criterion. Refer to Appendix A for further information.

## Step 2. Verify Ecological Criteria

The Final Recommendations Report requires attributes of the land that meet the ecological criteria to be verified (Recommendation 5). As noted in earlier sections of this document, mapping of ecological criteria is derived from the TVMS, with the exception of SEPP Littoral Rainforests and SEPP Coastal Wetlands which are mapped by the NSW Government and marine threatened species habitat which relies on species records data. The attribute mapping for the TVMS was based on existing mapping, aerial photograph interpretation and field surveys as per Appendix 2 of the TVMS Mapping Methods from the Tweed Vegetation Management Plan 1999.

The following information has been used to verify the ecological criteria applied in Step 1:

- Aerial imagery - the polygon boundaries of land identified as a potential C zone was refined by the project team using high resolution digital aerial imagery from 2020. Where necessary more recent Nearmap imagery has been consulted. Nearmap provides updated aerial imagery approximately a dozen times per year. The most recent imagery available for the Stage 1 area is March 2025.
- Tweed Coast Koala Habitat Study 2011 which informed the development of the TCCKPoM and involved extensive field surveys to determine locations of preferred koala habitat and population modelling.
- Flora and fauna studies conducted by suitably qualified persons submitted as part of development application or rezoning proposals were consulted where available.
- Internal Council information including conservation plans, expert staff witness, private land conservation agreements and sustainable agriculture program.
- Landowner consultation completed in 2022 where 155 of the 486 individual landowners engaged with Council about proposed zone changes on their land.
- Where considered necessary, vegetation attributes were re-checked by Council staff through field observation.

## Step 3. Determine Primary Use

The Final Recommendations Report requires zoning of land to be consistent with its primary use (Recommendation 1) which is defined as ‘the main use for which the land has been used for last two (2) years’. From a land use planning perspective, a ‘use’ includes the occupation or physical possession of the land in addition to activities undertaken on the land, whether or not there is a beneficial or commercial return (see *Newcastle City Council v Royal Newcastle Hospital* [1959] UKPCHCA 1; *Leppington Pastoral Co Pty Ltd v Chief Commissioner of State Revenue* [2017] NSWSC 9). Additionally, the nature of the use may also be passive or active (see *Minister Administering the Crown Lands Act v NSW Aboriginal Law Council* [No 2] 42 NSWLR 641 per Handley JA).

To apply the primary use principle, Council has developed a Primary Use Map that identifies three primary use categories that reflect the main or most influential characteristics of the land assessed over a minimum of two-year period. The attributes of each category are detailed in Table 4 below. The Primary Use Map is used to correlate where land has

attributes that meet the ecological criteria for a conservation zone and where the primary use is considered to be environmental.

**Table 4. Primary Use Attributes**

Primary Use Category	Attributes
<b>Environmental</b>	<ul style="list-style-type: none"> <li>Existing Environmental Protection (7) zones under the Tweed LEP 2000<sup>a</sup></li> <li>Areas of existing native forest or wetland where natural ecological processes dominate<sup>b</sup></li> <li>Areas actively subject to revegetation works, habitat remediation or assisted natural regeneration<sup>c</sup></li> </ul>
<b>Agriculture</b>	<ul style="list-style-type: none"> <li>Areas dominated by cropping, horticulture, pasture management, grazing or other forms of agriculture</li> <li>Other cleared areas used on a rotational or occasional basis for cropping or grazing which are integral to broader farm management.</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>Areas of existing urban, commercial, industrial, infrastructure or special purpose development</li> <li>Developed open space</li> <li>Road and waterway reserves not covered above</li> <li>Public land actively used for above ground sewer and water infrastructure</li> <li>Cleared land identified for future urban development<sup>d</sup></li> </ul>
<p><sup>a</sup> In accordance with the Final Recommendations Report land zoned environmental protection (7) zone under the Tweed LEP 2000 is assumed to have a primary use of environmental conservation or management.</p> <p><sup>b</sup> A primary use of environmental may include some agricultural uses such as grazing where these activities are of a secondary or ancillary nature. In general, heavily forested areas are considered unlikely to support commercial agriculture as a primary use.</p> <p><sup>c</sup> For the purpose of identifying primary use only</p> <p><sup>d</sup> Unless zoned for urban development these areas are typically categorised as 'Agriculture'.</p>	

## Step 4. Supplementary Considerations

The Final Recommendations Report includes several other supplementary considerations (Recommendations 6 - 18) for the application of conservation zones. Table 5 lists these considerations and describes Council's methodology for their application.

**Table 5. Supplementary Considerations**

Item	Consideration/s	Council's Methodology
1	Existing 7(a) Environmental Protection (Wetlands and Littoral Rainforest) and 7(l) Environmental Protection (Habitat) under Tweed LEP 2000 may be transferred where they meet C zone ecological criteria. <i>(Recommendation 6)</i>	<ul style="list-style-type: none"> <li>Council's review of its C zones is not confined only to the environmental protection (7) zones under Tweed LEP 2000.</li> <li>Environmental protection (7) zones under the Tweed LEP 2000 on private land are required to meet one or more ecological criteria. Private land not meeting the ecological criteria will be transferred to an appropriate zone that best reflects the use and context of the land.</li> <li>The primary use of Environmental protection (7) zones under the Tweed LEP 2000 is considered environmental.</li> </ul>
2	Private land that meets C2 criteria may be zoned C3 if the primary use is environmental management rather than environmental conservation. <i>(Recommendations 2 and 4)</i>	<ul style="list-style-type: none"> <li>In Stage 1, land in the rural context is considered to have a primary use of environmental management with the exception of the following land which is considered to have a primary use of environmental conservation: <ul style="list-style-type: none"> <li>land with an existing 7(a) Environmental Protection (Wetlands and Littoral Rainforests) zone under the Tweed LEP 2000</li> <li>land with an existing 7(l) Environmental Protection (Habitat) zone under the Tweed LEP 2000</li> <li>land mapped as Littoral Rainforest<sup>^</sup> under the SEPP Resilience and Hazards 2021.</li> <li>land mapped as Coastal Wetlands* under the SEPP Resilience and Hazards 2021</li> <li>land that contains habitat critical to a wildlife corridor, forms part of a riparian corridor, or provides connectivity to a National Park or Nature Reserve.</li> </ul> </li> <li>The C2 zone will also be applied to land subject to negotiated development outcomes</li> </ul>

		<p>(e.g., areas set aside for environmental purposes arising from a master plan or development consent; see Item 3) and voluntary landholder requests (see Item 3).</p> <p><i>^includes land containing identified plant communities consistent with littoral rainforest. Specifically plant communities dominated by any of the following combination of tree species: riberry, broad-leaved lilly pilly, tuckeroo, brush box, yellow tulip, beurella, red olive plum, plum pine, lilly pilly, fig sp., cabbage palm.</i></p> <p><i>*includes land containing identified plant communities consistent with coastal wetlands: mangroves, salt marshes, melaleuca forests, casuarina forests, sedgeland, brackish and freshwater swamps, and wet meadows.</i></p>
3	<p>Private land may be included in C zone despite the criteria, where agreed by the landholder or where arising from a development outcome (rezoning, master plan, development consent, designated offset etc).</p> <p><i>(Recommendation 7)</i></p>	<ul style="list-style-type: none"> <li>• Council will consider any landowner request to retain or propose a C zone that does not meet the C zone criteria on a case-by-case basis that considers the ecological merit of the proposed zoning and other potential uses.</li> <li>• The C2 zone is proposed for land that has been or is to be set aside for environmental conservation arising from a development outcome (whether the land is dedicated to Council or not).</li> <li>• Zoning will reflect a Master Plan endorsed through a Council resolution or Ministerial approval.</li> </ul>
4	<p>Public land may be given a C zone despite being inconsistent with the criteria where the primary use of the land is environmental management or environmental conservation.</p> <p><i>(Recommendation 7)</i></p>	<ul style="list-style-type: none"> <li>• A C2 zone is proposed for all public land where the primary use is environmental.</li> <li>• A C2 zone is proposed for all remote beaches.</li> <li>• In accordance with Table 3 above, areas of public land used for open space, community infrastructure and the like are considered to have a primary use of "other" and consequently are not proposed for a C zone. Any changes to the zoning of these areas will reflect the public use and infrastructure purposes.</li> <li>• In the case of local road reserves, State government planning guidelines require that these be zoned the same as the adjacent lands. Consequently, many road reserves may retain or be allocated a conservation zone. It is important to note however, that</li> </ul>



		<p>this does not prevent road infrastructure development. Such works are regulated under <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> which permits key infrastructure delivery and overrides the LEP.</p>
5	<p>Council will consider the primary use before applying a C zone to land that contains State or Regionally significant farmland.</p> <p>(<i>Recommendation 9</i>)</p>	<ul style="list-style-type: none"> <li>On the Tweed Coast, areas of State significant farmland occur at Terranora (121ha, all under existing urban or environmental zonings), Cudgen (580ha) and Durambah (166ha). A total of 6.5ha within the Cudgen and Durambah areas are proposed for C zones which accounts for less than 1% of the total area of mapped State Significant Farmland. These areas are not farmed and are existing native forests and wetlands (mostly within or adjoining mapped Coastal Wetlands) located along the edges of the mapped farmland. Consequently, they have a primary use of environmental and are proposed for a conservation zone where consistent with the ecological criteria.</li> <li>Areas of Regionally Significant Farmland on the Tweed Coast are mostly associated with floodplains and coastal estuaries. Almost all areas of remaining bushland/wetlands on the floodplain meet the C2 ecological criteria (such as, EECs and Coastal Wetlands) and are generally too wet to be farmed. Consequently, they have a primary use of environmental and are proposed for a conservation zone.</li> </ul>
6	<p>Land that is currently zoned for environmental protection may be zoned C2 or C3 where the C zone criteria are satisfied.</p> <p>(<i>Recommendations 1-5</i>)</p>	<ul style="list-style-type: none"> <li>Existing environmental zones under Tweed LEP 2000 are proposed for a C2 or C3 zone only where they meet the criteria set out in the Final Recommendations Report.</li> <li>Some areas that are currently zoned environmental protection (7) under Tweed LEP 2000 do not meet the eligibility requirements for a conservation zone, as such the land is proposed to be given an alternative zone in accordance with Council's strategic zoning framework.</li> </ul>
7	<p>Application of C zone criteria to existing waterway zones.</p> <p>(see <i>Recommendation 1</i> which applies to all zones)</p>	<ul style="list-style-type: none"> <li>Where land within or adjacent to a waterway is vegetated and meets the eligibility criteria for a conservation zone the appropriate C zone is applied.</li> <li>For areas of open water an appropriate waterway zone (W1, W2, W3) is retained or</li> </ul>

		<p>applied with consideration for existing uses and values of the waterway.</p> <ul style="list-style-type: none"> <li>Where land is not eligible for a C zone, it is proposed to be zoned consistently with the surrounding dominant land zone.</li> </ul>
8	<p>C zones should not be applied to land which has been voluntarily revegetated by the current owner except with landholder agreement.</p> <p><i>(Recommendation 8)</i></p>	<ul style="list-style-type: none"> <li>Conservation zones are not proposed for land that has been voluntarily revegetated without landowner agreement (Note - the Final Recommendations Report does not consider natural regrowth as voluntary revegetation)</li> <li>Council will consider any voluntary landholder requests to apply a C zone over such areas.</li> </ul>
9	<p>C zones may be applied to revegetation undertaken with the support of grant funding if such funding required ongoing conservation or management.</p> <p><i>(Recommendation 8)</i></p>	<ul style="list-style-type: none"> <li>For Stage 1 Council will not apply a conservation zone in these circumstances as the landowner would not have been aware of any potential change in zoning when they applied for or accepted the grant.</li> <li>Council will consider any voluntary landholder requests to apply a C zone over such areas.</li> </ul>
10	<p>Application of multiple zones to a single property (i.e., split zoned lots) should be minimised.</p> <p><i>(Recommendation 10)</i></p>	<ul style="list-style-type: none"> <li>Council has applied conservation zones only to eligible land meeting the criteria. Multiple zones have been minimised by avoiding, where possible, zoning of small patches or narrow strips of vegetation.</li> <li>C zone boundaries have been rationalised to align to property boundaries where possible.</li> </ul>
11	<p>C zones cannot be applied simply because the land is of aesthetic or scenic value.</p> <p><i>(Recommendations 12 and 13)</i></p>	<ul style="list-style-type: none"> <li>Council does not propose any conservation zones based on scenic or amenity values</li> <li>The Draft Scenic Landscape Strategy will address aesthetic and scenic value considerations once adopted.</li> </ul>
12	<p>C zones cannot include buffers</p> <p><i>(Recommendations 4)</i></p>	<ul style="list-style-type: none"> <li>Council has not included buffers to the proposed conservation zones.</li> </ul>
13	<p><i>Extensive agriculture</i> must be permitted 'with consent' in the C2 zone and 'without consent' in the C3 zone.</p> <p><i>(Recommendation 14)</i></p>	<ul style="list-style-type: none"> <li>The land use table for the C2 and C3 zones in the Tweed LEPs is consistent with this requirement.</li> </ul>
14	<p>A vegetation overlay may be used for areas that meet C2 or C3 criteria where primary use is not environmental. A vegetation map will not duplicate C2 or C3 zones</p> <p><i>(Recommendation 12).</i></p>	<ul style="list-style-type: none"> <li>Council is not proposing to use vegetation overlays.</li> </ul>

15	Use of mapped planning controls (i.e., environmental overlay maps) should be confined to matters of public health, safety, risk, and hazard. <i>(Recommendation 12 and 15)</i>	<ul style="list-style-type: none"> <li>An LEP clause and overlay map is proposed for steep land (greater than 18 degree slope)</li> </ul>
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## Step 5. Community Consultation

Community consultation is a key component of the Tweed Conservation Zone Review project. The two phases of community consultation for Stage 1 are: non-statutory community consultation; and formal public exhibition.

### Community Consultation

Council completed the early and informal consultation on the Tweed Conservation Zone Review project in 2022 prior to the development of the Planning Proposal. The draft zone mapping, supporting methodology and a range of information and factsheets were published on Council's website. This information was shared with the community through social media, newspaper, and via Council's 'Have Your Say' email notification service. In addition, all landowners in the Stage 1 whose properties were affected by a draft zone change were contacted directly and invited to speak one-on-one with Council officers about the proposed changes.

This consultation was not required under legislation and was volunteered by Council for the purpose of confirming the accuracy of the mapping and to gain a better understand any concerns landholders, interest groups and the wider community. 155 of the 486 individual landowners within the Stage 1 area engaged with Council regarding the proposed zone change through email, phone, and face-to-face meetings, representing a 32% (approx.) engagement rate. Feedback received as part of the consultation resulted in 52 corrections to the draft zone mapping, including 21 corrections based on site visits that assessed vegetation attributes and primary use.

Council also sought to better understand the opportunities and constraints associated with the project and formed a Community Reference Group in late 2023. The volunteer group consisted of individuals from the farming, environment and real-estate industries and representatives from local residents' associations. Feedback provided by the Community Reference Group over 6-months has been considered in the development of the Stage 1 project.

The engagement program to date has been aimed at building landowner and community understanding of Council's approach to the design and application of the new conservation zones. Landowner consultation has also assisted to verifying existing vegetation and primary use of land proposed for a zone change on Council's draft mapping for Stage 1.

### Public Exhibition

The Tweed Conservation Zone Review Stage 1 will undergo a formal community consultation process upon Gateway Approval as required by section 3.34 of the *Environmental Planning and Assessment Act 1979*. Consultation will be conducted in

accordance the conditions of the Gateway Determination and as per Council's Community Engagement and Participation Plan 2019–2024. The public exhibition is expected to involve the following:

- Letters to effected landowners advising of proposed changes to land zoning and other planning controls;
- Print and social media campaigns;
- Website updates;
- Targeted stakeholder meetings;
- Community information sessions;
- Casual community engagement opportunities such as market stalls or information booths.

As part of the public exhibition process the community will be given the opportunity to provide feedback to Council on the proposal changes through a range of means – mail, phone, email, and in-person. Council anticipates site visits will be required to verify the primary use or ecological characteristics of certain land and to ensure all proposed changes comply with the Final Recommendations Report.

## Step 6. Introduce C Zones to the LEP

Council endorsed a staged approach to the introduction of conservation zones to the Tweed. A Planning Proposal (PP23/0001) to introduce the C2 Environmental Conservation and C3 Environmental Management zones and associated land use tables to the Tweed LEP 2014 was submitted to the NSW Government in 2023. Amendment No 39 to the Tweed LEP 2014 was approved by the NSW Department of Planning and Environment on 28/08/2023 which now includes the C2 and C3 zone and the associated land use tables.

<b>Zone C2      Environmental Conservation</b>	
<b>1</b>	<b>Objectives of zone</b> <ul style="list-style-type: none"><li>• To protect, manage, and restore areas of high ecological, scientific, cultural or aesthetic values.</li><li>• To prevent development that could destroy, damage or otherwise have an adverse effect on those value.</li></ul>
<b>2</b>	<b>Permitted without consent</b> Environmental protection works, Home occupations
<b>3</b>	<b>Permitted with consent</b> Bed and breakfast accommodation, Environmental facilities, Extensive Agriculture, Home-based childcare, Home business, Oyster aquaculture, Recreation areas, Roads
<b>4</b>	<b>Prohibited</b> Business premises, Hotel or motel accommodation, Industries, Local distribution premises, Multi dwelling housing, Pond-based aquaculture, Recreation facilities (major), Residential flat buildings, Restricted premises, Retail premises, Seniors housing, Service stations, Tank-based aquaculture, Warehouse or distribution centres. Any other development not specified in item 2 or 3.

<b>Zone C3</b>	<b>Environmental Conservation</b>
<b>1</b>	<b>Objectives of zone</b> <ul style="list-style-type: none"> <li>• To protect, manage, and restore areas of high ecological, scientific, cultural or aesthetic values.</li> <li>• To provide for a limited range of development that does not have an adverse effect on those values.</li> <li>• To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> </ul>
<b>2</b>	<b>Permitted without consent</b> Environmental protection works, Extensive agriculture, Home occupations
<b>3</b>	<b>Permitted with consent</b> Bed and breakfast accommodation, Boat launching ramps, Boat sheds, Camping grounds, Cellar door premises, Dual occupancies (attached), Dwelling houses, Eco-tourist facilities, Environmental facilities, Farm buildings, Farm stay accommodation, Flood mitigation works, Forestry, Home-based child care, Home business, Home industries, Horticulture, Jetties, Kiosks, Oyster aquaculture, Pond-based aquaculture, Recreation areas, Research stations, Roads, Roadside stalls, Rural workers dwellings, Tank-based aquaculture, Water recreation structures, Water supply systems
<b>4</b>	<b>Prohibited</b> Industries, Local distribution premises, Multi dwelling housing, Residential flat buildings, Retail premises, Seniors housing, Service stations, Warehouse or distribution centres. Any other development not specified in item 2 or 3.

## Step 7. Apply C Zones to Land

The application of conservation zones to land within the Stage 1 Tweed Coast area requires formal amendment of the Tweed LEP 2014 and the Tweed City Centre LEP 2012 and associated mapping.

The application of conservation zones involves:

- Review and finalisation of the Methodology Statement (this document)
- Refinement of land zone mapping, building height map, floor-space ratio map and minimum lot size map
- Consultation with an internal Working Group
- Consultation with an external Community Reference Group
- Refinement of Council's position on complex matters including land subject to existing development approval or other community interests
- Council resolution to defer certain land from the Stage 1 Planning Proposal

A Planning Proposal is required to spatially apply conservation zones to land as established under Division 3.4 of the *Environmental Planning and Assessment Act 1979*. The statutory exhibition of the Planning Proposal required as part of this legislative process will provide further formal opportunities for community consultation and submissions.

Following the public exhibition period, the final land zone mapping will be updated based on consideration for landowner and community feedback. The final Planning Proposal will be resubmitted to the NSW Government and if approved, will result in the publishing of an amendment to the Tweed LEP 2014 and Tweed City Centre LEP 2012.

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## Appendix A – Mapped Vegetation Communities and related C2 and C3 Criteria

### Notes:

1. Vegetation community codes and descriptions as per Tweed Vegetation Management Plan 2004 (see <https://www.tweed.nsw.gov.au/PlanningPolicies> ). Vegetation mapping has been progressively updated using high resolution aerial photography from 2009, 2015 and 2018. Vegetation mapping can be viewed using the 'Environmental Mapping' option at [www.tweed.nsw.gov.au/Mapping](http://www.tweed.nsw.gov.au/Mapping) .
2. SEPP 26 and SEPP 14 mapping now included under SEPP (Coastal Management). For mapping and other details see <https://www.planning.nsw.gov.au/policy-and-legislation/coastal-and-marine-management/coastal-management><https://www.planning.nsw.gov.au/Policy-and-Legislation/Coastal-management>
3. Additional EEC criteria may be necessary to accurately determine on the ground.
4. Preferred Koala Habitat only. Other Key Threatened Species Habitat not included at this stage. For definition of Preferred Koala Habitat see: <https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations/final-determinations/2016/koala-phascolarctos-cinereus-population-tweed-brunswick-rivers-endangered-population-listing>
5. Over-cleared vegetation types taken from NSW BioNet - see [NSW BioNet | NSW Environment and Heritage](#)
6. For details of Over-cleared Mitchell Landscapes see: [NSW BioNet | NSW Environment and Heritage](#)
7. Where occurring on waterfront land which includes all land within or within 40m of the bank of any river, lake or estuary
8. As per Appendix 1 of Northern Councils Ezone Review

Vegetation Community <sup>1</sup>		C2 zone criteria						C3 zone criteria		
Vegetation Code	Vegetation Type	SEPP 26 <sup>2</sup> Littoral Rainforests	SEPP 14 <sup>2</sup> Coastal Wetlands	Endangered Ecological Community (EEC) <sup>3</sup>	Key Threatened Species Habitat <sup>4</sup> - Preferred Koala Habitat	Over-cleared Vegetation Communities		Riparian and Estuarine vegetation and Wetlands <sup>7</sup>	Rare, Endangered and Vulnerable Forest Ecosystems <sup>8</sup>	Native Vegetation on Coastal Foreshores
						Vegetation Type more than 70% cleared <sup>5</sup>	Native Vegetation on Over-cleared Mitchell Landscapes <sup>6</sup>			
101	Littoral Rainforest	Yes - but see SEPP mapping		Littoral Rainforest		Yes	Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land		Yes, if present on or adjoining a coastal foreshore
102	Sub-tropical / Warm Temperate Rainforest on Bedrock Substrates			Lowland Rainforest		Yes	Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land		Yes, if present on or adjoining a coastal foreshore
103	Dry Rainforest			Lowland Rainforest			Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains		E	Yes, if present on or adjoining a coastal foreshore



Vegetation Community <sup>1</sup>		C2 zone criteria						C3 zone criteria		
Vegetation Code	Vegetation Type	SEPP 26 <sup>2</sup> Littoral Rainforests	SEPP 14 <sup>2</sup> Coastal Wetlands	Endangered Ecological Community (EEC) <sup>3</sup>	Key Threatened Species Habitat <sup>4</sup> - Preferred Koala Habitat	Over-cleared Vegetation Communities		Riparian and Estuarine vegetation and Wetlands <sup>7</sup>	Rare, Endangered and Vulnerable Forest Ecosystems <sup>8</sup>	Native Vegetation on Coastal Foreshores
						Vegetation Type more than 70% cleared <sup>5</sup>	Native Vegetation on Over-cleared Mitchell Landscapes <sup>6</sup>			
104	Lowland Rainforest on Floodplain			Lowland Rainforest on Floodplains		Yes	Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land		Yes, if present on or adjoining a coastal foreshore
105	Myrtaceous Riparian Low Closed Forest to Woodland						Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains			
106	River She-oak Open Forest					Yes	Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains		V	

Vegetation Community <sup>1</sup>		C2 zone criteria						C3 zone criteria		
Vegetation Code	Vegetation Type	SEPP 26 <sup>2</sup> Littoral Rainforests	SEPP 14 <sup>2</sup> Coastal Wetlands	Endangered Ecological Community (EEC) <sup>3</sup>	Key Threatened Species Habitat <sup>4</sup> - Preferred Koala Habitat	Over-cleared Vegetation Communities		Riparian and Estuarine vegetation and Wetlands <sup>7</sup>	Rare, Endangered and Vulnerable Forest Ecosystems <sup>8</sup>	Native Vegetation on Coastal Foreshores
						Vegetation Type more than 70% cleared <sup>5</sup>	Native Vegetation on Over-cleared Mitchell Landscapes <sup>6</sup>			
107	Cool Temperate Rainforest						Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains			
201	Blackbutt Open Forest Complex				Preferred Koala Habitat		Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land		Yes, if present on or adjoining a coastal foreshore
202	Grey Ironbark / White Mahogany / Grey Gum Open Forest Complex				Preferred Koala Habitat		Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land		

Vegetation Community <sup>1</sup>		C2 zone criteria						C3 zone criteria		
Vegetation Code	Vegetation Type	SEPP 26 <sup>2</sup> Littoral Rainforests	SEPP 14 <sup>2</sup> Coastal Wetlands	Endangered Ecological Community (EEC) <sup>3</sup>	Key Threatened Species Habitat <sup>4</sup> - Preferred Koala Habitat	Over-cleared Vegetation Communities		Riparian and Estuarine vegetation and Wetlands <sup>7</sup>	Rare, Endangered and Vulnerable Forest Ecosystems <sup>8</sup>	Native Vegetation on Coastal Foreshores
						Vegetation Type more than 70% cleared <sup>5</sup>	Native Vegetation on Over-cleared Mitchell Landscapes <sup>6</sup>			
203	Rough-barked Apple Open Forest						Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains		V	
204	Scribbly Gum / Pink Bloodwood Open Forest						Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains			
205	Sydney Blue Gum Open Forest				Preferred Koala Habitat		Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains			

Vegetation Community <sup>1</sup>		C2 zone criteria						C3 zone criteria		
Vegetation Code	Vegetation Type	SEPP 26 <sup>2</sup> Littoral Rainforests	SEPP 14 <sup>2</sup> Coastal Wetlands	Endangered Ecological Community (EEC) <sup>3</sup>	Key Threatened Species Habitat <sup>4</sup> - Preferred Koala Habitat	Over-cleared Vegetation Communities		Riparian and Estuarine vegetation and Wetlands <sup>7</sup>	Rare, Endangered and Vulnerable Forest Ecosystems <sup>8</sup>	Native Vegetation on Coastal Foreshores
						Vegetation Type more than 70% cleared <sup>5</sup>	Native Vegetation on Over-cleared Mitchell Landscapes <sup>6</sup>			
206	Flooded Gum Open Forest				Preferred Koala Habitat		Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains			Yes, if present on or adjoining a coastal foreshore
207	Brush Box Open Forest				Preferred Koala Habitat		Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land	V	Yes, if present on or adjoining a coastal foreshore
208	Tallowwood Open Forest				Preferred Koala Habitat		Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land		Yes, if present on or adjoining a coastal foreshore

Vegetation Community <sup>1</sup>		C2 zone criteria						C3 zone criteria		
Vegetation Code	Vegetation Type	SEPP 26 <sup>2</sup> Littoral Rainforests	SEPP 14 <sup>2</sup> Coastal Wetlands	Endangered Ecological Community (EEC) <sup>3</sup>	Key Threatened Species Habitat <sup>4</sup> - Preferred Koala Habitat	Over-cleared Vegetation Communities		Riparian and Estuarine vegetation and Wetlands <sup>7</sup>	Rare, Endangered and Vulnerable Forest Ecosystems <sup>8</sup>	Native Vegetation on Coastal Foreshores
						Vegetation Type more than 70% cleared <sup>5</sup>	Native Vegetation on Over-cleared Mitchell Landscapes <sup>6</sup>			
211	Turpentine +/- Pink Bloodwood Open Forest						Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains			Yes, if present on or adjoining a coastal foreshore
212	Swamp Box Open Forest			Subtropical Coastal Floodplain Forest		Yes	Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Wetland	R	Yes, if present on or adjoining a coastal foreshore
213	New England Blackbutt Open Forest						Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains			

Vegetation Community <sup>1</sup>		C2 zone criteria						C3 zone criteria		
Vegetation Code	Vegetation Type	SEPP 26 <sup>2</sup> Littoral Rainforests	SEPP 14 <sup>2</sup> Coastal Wetlands	Endangered Ecological Community (EEC) <sup>3</sup>	Key Threatened Species Habitat <sup>4</sup> - Preferred Koala Habitat	Over-cleared Vegetation Communities		Riparian and Estuarine vegetation and Wetlands <sup>7</sup>	Rare, Endangered and Vulnerable Forest Ecosystems <sup>8</sup>	Native Vegetation on Coastal Foreshores
						Vegetation Type more than 70% cleared <sup>5</sup>	Native Vegetation on Over-cleared Mitchell Landscapes <sup>6</sup>			
301	Coastal Pink Bloodwood Open Forest to Woodland			Subtropical Coastal Floodplain Forest	Preferred Koala Habitat		Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land		Yes, if present on or adjoining a coastal foreshore
302	Coastal Pink Bloodwood / Brush Box Open Forest to Woodland			Subtropical Coastal Floodplain Forest			Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land		Yes, if present on or adjoining a coastal foreshore
303	Coastal Brush Box Open Forest to Woodland			Subtropical Coastal Floodplain Forest	Preferred Koala Habitat		Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land		Yes, if present on or adjoining a coastal foreshore

Vegetation Community <sup>1</sup>		C2 zone criteria						C3 zone criteria		
Vegetation Code	Vegetation Type	SEPP 26 <sup>2</sup> Littoral Rainforests	SEPP 14 <sup>2</sup> Coastal Wetlands	Endangered Ecological Community (EEC) <sup>3</sup>	Key Threatened Species Habitat <sup>4</sup> - Preferred Koala Habitat	Over-cleared Vegetation Communities		Riparian and Estuarine vegetation and Wetlands <sup>7</sup>	Rare, Endangered and Vulnerable Forest Ecosystems <sup>8</sup>	Native Vegetation on Coastal Foreshores
						Vegetation Type more than 70% cleared <sup>5</sup>	Native Vegetation on Over-cleared Mitchell Landscapes <sup>6</sup>			
304	Coastal Forest Red Gum Open Forest to Woodland			Subtropical Coastal Floodplain Forest	Preferred Koala Habitat	Yes	Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land		Yes, if present on or adjoining a coastal foreshore
305	Coastal Swamp Mahogany Open Forest to Woodland			Swamp Sclerophyll Forest on Coastal Floodplains	Preferred Koala Habitat	Yes	Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Wetland		Yes, if present on or adjoining a coastal foreshore
306	Coastal Scribbly Gum Open Forest to Woodland			Subtropical Coastal Floodplain Forest	Preferred Koala Habitat		Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land	V	Yes, if present on or adjoining a coastal foreshore

Vegetation Community <sup>1</sup>		C2 zone criteria						C3 zone criteria		
Vegetation Code	Vegetation Type	SEPP 26 <sup>2</sup> Littoral Rainforests	SEPP 14 <sup>2</sup> Coastal Wetlands	Endangered Ecological Community (EEC) <sup>3</sup>	Key Threatened Species Habitat <sup>4</sup> - Preferred Koala Habitat	Over-cleared Vegetation Communities		Riparian and Estuarine vegetation and Wetlands <sup>7</sup>	Rare, Endangered and Vulnerable Forest Ecosystems <sup>8</sup>	Native Vegetation on Coastal Foreshores
						Vegetation Type more than 70% cleared <sup>5</sup>	Native Vegetation on Over-cleared Mitchell Landscapes <sup>6</sup>			
307	Coastal Blackbutt Open Forest to Woodland			Subtropical Coastal Floodplain Forest	Preferred Koala Habitat		Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land		Yes, if present on or adjoining a coastal foreshore
308	Coastal Tallowwood Open Forest to Woodland			Subtropical Coastal Floodplain Forest	Preferred Koala Habitat		Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land		Yes, if present on or adjoining a coastal foreshore
309	Coastal Swamp Box Open Forest to Woodland			Subtropical Coastal Floodplain Forest	Preferred Koala Habitat	Yes	Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Wetland	R	Yes, if present on or adjoining a coastal foreshore



Vegetation Community <sup>1</sup>		C2 zone criteria						C3 zone criteria		
Vegetation Code	Vegetation Type	SEPP 26 <sup>2</sup> Littoral Rainforests	SEPP 14 <sup>2</sup> Coastal Wetlands	Endangered Ecological Community (EEC) <sup>3</sup>	Key Threatened Species Habitat <sup>4</sup> - Preferred Koala Habitat	Over-cleared Vegetation Communities		Riparian and Estuarine vegetation and Wetlands <sup>7</sup>	Rare, Endangered and Vulnerable Forest Ecosystems <sup>8</sup>	Native Vegetation on Coastal Foreshores
						Vegetation Type more than 70% cleared <sup>5</sup>	Native Vegetation on Over-cleared Mitchell Landscapes <sup>6</sup>			
310	Banksia Dry Sclerophyll Open Forest to Shrubland				Preferred Koala Habitat		Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land		Yes, if present on or adjoining a coastal foreshore
311	Coastal Acacia Communities				Preferred Koala Habitat		Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land		Yes, if present on or adjoining a coastal foreshore
312	Black She-oak Low Open Forest to Woodland						Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land		Yes, if present on or adjoining a coastal foreshore

Vegetation Community <sup>1</sup>		C2 zone criteria						C3 zone criteria		
Vegetation Code	Vegetation Type	SEPP 26 <sup>2</sup> Littoral Rainforests	SEPP 14 <sup>2</sup> Coastal Wetlands	Endangered Ecological Community (EEC) <sup>3</sup>	Key Threatened Species Habitat <sup>4</sup> - Preferred Koala Habitat	Over-cleared Vegetation Communities		Riparian and Estuarine vegetation and Wetlands <sup>7</sup>	Rare, Endangered and Vulnerable Forest Ecosystems <sup>8</sup>	Native Vegetation on Coastal Foreshores
						Vegetation Type more than 70% cleared <sup>5</sup>	Native Vegetation on Over-cleared Mitchell Landscapes <sup>6</sup>			
313	Cypress Pine Open Forest to Woodland			Coastal Cypress Pine Forests			Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land	R	Yes, if present on or adjoining a coastal foreshore
401	Broad-leaved Paperbark Closed Forest to Woodland		Yes - but see SEPP mapping	Swamp Sclerophyll Forest on Coastal Floodplains	Preferred Koala Habitat	Yes	Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Wetland	V	Yes, if present on or adjoining a coastal foreshore
402	Broad-leaved Paperbark / Swamp She-oak Closed Forest to Woodland		Yes - but see SEPP mapping	Swamp Sclerophyll Forest on Coastal Floodplains - Swamp Oak Floodplain Forest	Preferred Koala Habitat	Yes	Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Wetland	V	Yes, if present on or adjoining a coastal foreshore

Vegetation Community <sup>1</sup>		C2 zone criteria						C3 zone criteria		
Vegetation Code	Vegetation Type	SEPP 26 <sup>2</sup> Littoral Rainforests	SEPP 14 <sup>2</sup> Coastal Wetlands	Endangered Ecological Community (EEC) <sup>3</sup>	Key Threatened Species Habitat <sup>4</sup> - Preferred Koala Habitat	Over-cleared Vegetation Communities		Riparian and Estuarine vegetation and Wetlands <sup>7</sup>	Rare, Endangered and Vulnerable Forest Ecosystems <sup>8</sup>	Native Vegetation on Coastal Foreshores
						Vegetation Type more than 70% cleared <sup>5</sup>	Native Vegetation on Over-cleared Mitchell Landscapes <sup>6</sup>			
403	Broad-leaved Paperbark + Eucalyptus spp.+/- Swamp Box Closed Forest to Woodland		Yes - but see SEPP mapping	Swamp Sclerophyll Forest on Coastal Floodplains	Preferred Koala Habitat	Yes	Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Wetland	V	Yes, if present on or adjoining a coastal foreshore
501	Dry Heathland to Shrubland						Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land		Yes, if present on or adjoining a coastal foreshore
502	Wet Heathland to Shrubland					Yes	Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Wetland		Yes, if present on or adjoining a coastal foreshore

Vegetation Community <sup>1</sup>		C2 zone criteria						C3 zone criteria		
Vegetation Code	Vegetation Type	SEPP 26 <sup>2</sup> Littoral Rainforests	SEPP 14 <sup>2</sup> Coastal Wetlands	Endangered Ecological Community (EEC) <sup>3</sup>	Key Threatened Species Habitat <sup>4</sup> - Preferred Koala Habitat	Over-cleared Vegetation Communities		Riparian and Estuarine vegetation and Wetlands <sup>7</sup>	Rare, Endangered and Vulnerable Forest Ecosystems <sup>8</sup>	Native Vegetation on Coastal Foreshores
						Vegetation Type more than 70% cleared <sup>5</sup>	Native Vegetation on Over-cleared Mitchell Landscapes <sup>6</sup>			
503	Montane Heathland/Scrub						Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains			Yes, if present on or adjoining a coastal foreshore
601	Swamp She-oak Closed Forest to Woodland		Yes - but see SEPP mapping	Swamp Oak Floodplain Forest	Preferred Koala Habitat	Yes	Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Estuarine	R	Yes, if present on or adjoining a coastal foreshore
602	Mangrove Low Closed Forest to Woodland		Yes - but see SEPP mapping			Yes	Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Estuarine	R	Yes, if present on or adjoining a coastal foreshore

Vegetation Community <sup>1</sup>		C2 zone criteria						C3 zone criteria		
Vegetation Code	Vegetation Type	SEPP 26 <sup>2</sup> Littoral Rainforests	SEPP 14 <sup>2</sup> Coastal Wetlands	Endangered Ecological Community (EEC) <sup>3</sup>	Key Threatened Species Habitat <sup>4</sup> - Preferred Koala Habitat	Over-cleared Vegetation Communities		Riparian and Estuarine vegetation and Wetlands <sup>7</sup>	Rare, Endangered and Vulnerable Forest Ecosystems <sup>8</sup>	Native Vegetation on Coastal Foreshores
						Vegetation Type more than 70% cleared <sup>5</sup>	Native Vegetation on Over-cleared Mitchell Landscapes <sup>6</sup>			
603	Saltmarsh Communities		Yes - but see SEPP mapping	Coastal Saltmarsh		Yes	Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Estuarine	R	Yes, if present on or adjoining a coastal foreshore
701	Sedgeland / Rushland (Murray & James 1998 Study Area Only)		Yes - but see SEPP mapping	Freshwater Wetlands on Coastal Floodplains		Yes	Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Wetland	E	Yes, if present on or adjoining a coastal foreshore
702	Fernland / Forbland (Murray & James 1998 Study Area Only)		Yes - but see SEPP mapping	Freshwater Wetlands on Coastal Floodplains		Yes	Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Wetland		Yes, if present on or adjoining a coastal foreshore

Vegetation Community <sup>1</sup>		C2 zone criteria						C3 zone criteria		
Vegetation Code	Vegetation Type	SEPP 26 <sup>2</sup> Littoral Rainforests	SEPP 14 <sup>2</sup> Coastal Wetlands	Endangered Ecological Community (EEC) <sup>3</sup>	Key Threatened Species Habitat <sup>4</sup> - Preferred Koala Habitat	Over-cleared Vegetation Communities		Riparian and Estuarine vegetation and Wetlands <sup>7</sup>	Rare, Endangered and Vulnerable Forest Ecosystems <sup>8</sup>	Native Vegetation on Coastal Foreshores
						Vegetation Type more than 70% cleared <sup>5</sup>	Native Vegetation on Over-cleared Mitchell Landscapes <sup>6</sup>			
703	Freshwater Wetlands		Yes - but see SEPP mapping	Freshwater Wetlands on Coastal Floodplains			Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Wetland		Yes, if present on or adjoining a coastal foreshore
801	Foredune Complex						Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land	R	Yes, if present on or adjoining a coastal foreshore
901	Rock Faces						Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains			



Vegetation Community <sup>1</sup>		C2 zone criteria						C3 zone criteria		
Vegetation Code	Vegetation Type	SEPP 26 <sup>2</sup> Littoral Rainforests	SEPP 14 <sup>2</sup> Coastal Wetlands	Endangered Ecological Community (EEC) <sup>3</sup>	Key Threatened Species Habitat <sup>4</sup> - Preferred Koala Habitat	Over-cleared Vegetation Communities		Riparian and Estuarine vegetation and Wetlands <sup>7</sup>	Rare, Endangered and Vulnerable Forest Ecosystems <sup>8</sup>	Native Vegetation on Coastal Foreshores
						Vegetation Type more than 70% cleared <sup>5</sup>	Native Vegetation on Over-cleared Mitchell Landscapes <sup>6</sup>			
1001	Mowed Heathland (Murray & James 1998 Study Area Only)						Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land		Yes, if present on or adjoining a coastal foreshore
1002	Early Regrowth Rainforest					Yes	Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land		Yes, if present on or adjoining a coastal foreshore
1003	Acacia / Other Sclerophyll Regrowth Open Forest to Woodland						Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land		Yes, if present on or adjoining a coastal foreshore



Vegetation Community <sup>1</sup>		C2 zone criteria						C3 zone criteria		
Vegetation Code	Vegetation Type	SEPP 26 <sup>2</sup> Littoral Rainforests	SEPP 14 <sup>2</sup> Coastal Wetlands	Endangered Ecological Community (EEC) <sup>3</sup>	Key Threatened Species Habitat <sup>4</sup> - Preferred Koala Habitat	Over-cleared Vegetation Communities		Riparian and Estuarine vegetation and Wetlands <sup>7</sup>	Rare, Endangered and Vulnerable Forest Ecosystems <sup>8</sup>	Native Vegetation on Coastal Foreshores
						Vegetation Type more than 70% cleared <sup>5</sup>	Native Vegetation on Over-cleared Mitchell Landscapes <sup>6</sup>			
1004	Camphor Laurel Dominant Closed to Open Forest							Riparian, if present on waterfront land		
1005	Native Plantation									
1006	Exotic Plantation									
1007	Urban Bushland						Yes - where present on Tweed-Byron Alluvial plains or Tweed-Byron Coastal Plains	Riparian, if present on waterfront land		Yes, if present on or adjoining a coastal foreshore
1008	Post-mining Regeneration						Yes - where present on Tweed-Byron Alluvial plains or Tweed-	Riparian, if present on		Yes, if present on or adjoining a coastal foreshore



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## Appendix 2. Strategic Framework

STRATEGIC CRITERIA FOR LAND ZONING		
CRITERIA 1 - BEST FIT CONVERSION		
1	Conversion of LEP 2000 clauses, schedules and maps into SI Template	
2	Site Character that warrants application of a particular zone:	
2.1	<ul style="list-style-type: none"><li>Like for like' conversion to LEP 2014 zone.</li></ul>	
2.2	<ul style="list-style-type: none"><li>Aerial Imagery</li></ul>	
2.3	<ul style="list-style-type: none"><li>Records on agreement with the landowner</li></ul>	
3	Consider zoning of adjacent land for consistency	
4	Urban and non-urban areas	
5	Best fit outcome of zone objectives with the site context.	
CRITERIA 2 - STRATEGIC POLICY ALIGNMENT		
GENERAL		References
6	Zoning should consider the impacts of potential intensification to adjoining reserved land and marine environments, water catchment areas and groundwater sources.	NCRP
7	Zoning should not facilitate an uplift in known hazard areas. Consider zoning to facilitate 'buffer' or green infrastructure and open space.	NCRP
8	Ensure zoning is commensurate with the risks of natural hazards including bushfire and flooding.	NCRP
9	Aligns with urban growth area boundaries	NCRP
LOCAL CONTEXT		
UNIVERSAL STRATEGIC POLICY ALIGNMENT		
10	Ensure zoning considers the impacts of climate change and natural disasters	CSP
11	Consider zoning that would create adjacencies to allow opportunities for recreation	CSP
12	Ensure transparency and accountability	CSP
13	Zoning should consider the impacts of potential intensification to adjoining reserved land and marine environments, water catchment areas and groundwater sources.	CSP

14	Zoning should avoid creating land use conflict with productive agricultural land.	CSP
	<b>RURAL LAND</b>	
15	Zoning should consider land identified as State or Regionally Significant Farmland under the Northern Rivers Farmland Protection Project.	RLS
16	Zoning should consider land capable of agricultural use is zoned accordingly, considering the context of the site.	RLS
17	Ensure zoning responds to environmental values and natural hazards	RLS
18	Zoning should avoid conflict with extractive industries.	RLS
19	Zoning to adjacent agricultural lands will not result in land-use conflict	RLS
20	Ensure zoning protects cane growing land	RLS
21	Ensure zoning is continuous for rural zones and MLS of 40ha is retained where applicable, for land identified as flood prone, steep land, containing bushland or potential future village/ urban land.	RLS
22	Consider the ability of zoning to support sustainable agricultural production.	NCRP
	<b>URBAN ZONED LAND</b>	
23	Zoning of towns and villages should be consistent in promoting the distinct character of these areas	LSPS
24	Residential zoning is only appropriate where supported by adequate services.	LSPS
25	Ensure buffer areas from critical infrastructure to prevent conflicting development	LSPS
26	Connection to and adjacency with urban centres	TRCAP

# Appendix 3. Community Consultation Summary Report

## Introduction

Beginning in late February 2022, Tweed Shire Council has been undertaking a comprehensive engagement campaign with landowners whose land is affected by a proposed zone change under the Tweed Conservation Zone Review (Stage 1). The landowner consultation was a voluntary act by Council, was not a legislative requirement, and was informal in nature.

The early stage, targeted approach was deliberate and aimed to:

- build landowner understanding of Council's approach to applying the new Conservation zones by exhibiting the draft methodology and mapping;
- identify and better understand the main concerns landholders may have with the process; and
- identify and make amendments to the draft mapping where required.

This document provides a summary of Council's engagement efforts; summarises and responds to the formal submissions received; and recommends amendments or corrections to the draft mapping arising from the consultation campaign.

## Engagement Summary

613 parcels of land were affected by a proposed zone change under the draft mapping. In the 54 instances where a single landowner owns more than one parcel of affected land, they received a single letter with the details of proposed zone changes for all properties under their ownership. 486 letters were sent out.

From late February to the end of August 2022, 155 landowners engaged with Council about proposed zone changes on their land. This is a 31% engagement rate and significantly higher than the engagement rate generally experienced on strategic planning and future land use consultation campaigns.

416 individual consultation instances occurred, broken down as follows:

- 211 emails were sent or received
- 149 phone calls received or made
- 20 face-to-face meetings
- 26 site visits (21 resulted in amendments to mapping).

Most landowners initially engaged with Council via either email or phone call, and for the most part they just wanted to understand more and have the details explained to them by a person so they could ask questions and clarify any concerns they had. In many instances a single phone call was sufficient, and the landowners did not engage further or provide a formal 'agree' or 'do not agree' submission. In some cases, a face-to-face meeting or site visit was requested straight away, and in a small number of cases multiple phone call or emails back and forth between landowners and officers ensued, leading to site visits and further emails.

At the time of writing, officers continue to receive and respond to phone calls and enquiries. The figures presented in this review are based on data available as of 31 August 2022.

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## Submission Review

117 formal submissions were recorded. While a significant amount of information was passed between Council officers and landowners over the course of the engagement during meetings, site visits, emails and phone calls, this report summarises and responds to those instances where landowners provided specific objections or matters of support, in writing, or where they agreed to their verbal comments being recorded.

This section summarises and responds to the submissions in three key groupings:

- 64 submissions received in response to the general principles and application of the conservation zones.
- 10 submissions specifically relating to the proposed C2 Environmental Conservation zone on Razorback Hill in Tweed Heads.
- 34 formal submissions relating to the proposed lifting of the 7(f) Environmental Protection (Coastal Hazards) zone.

## General feedback – conservation zones

55 general submissions providing a definitive ‘agree’ or ‘do not agree’ were received at the time of writing. 29 were in formal written form, with 12 agreeing and 15 not agreeing to the proposed zoning. A further 35 landowners provided a definitive response in verbal form either over the phone, or in one-on-one meetings or site visits. The breakdown of submissions and responses is shown in Table 1 below.

**TABLE 1.** Breakdown of general submissions to the draft conservation zones, including 55 definitive and 9 assumed agree responses.

	Agreed	Not agreed	Assumed Agree	Total
Formal written submissions	12	15	2	29
Verbal responses	26	2	7	35
Total	38	17	9	64

There were an additional 9 landowners who initially provided a ‘do not agree’ submission, either in written form or verbally. These submissions were followed by site visits and subsequent amendments to the mapping on their land. The amended mapping was provided to these landowners via email, however they never provided a response or confirmation of acceptance. Given their level of engagement to that point, it is assumed they agree to amended mapping in the absence of further formal objection. For clarity, these have not been included in the formal ‘agree’ totals.

## Submissions in support

The main themes spanning the 38 submissions of support were:

- It’s a privilege to be looking after koala habitat on private land.
  - Land is already under Biodiversity Conservation Trust agreement so it makes sense for the land use zoning to reflect that.
-

- Preservation of what's left of the natural environment is extremely important.
- Zone review makes land more useable – C3 zone is more practical than 7 zones.
- Support for permitted uses allowing cattle grazing through C zones.
- All land not suitable for agriculture should all be planted out and zoned. It also helps with pest management.
- Land can't be used or developed anyway so the zone makes sense.
- Passionate about wildlife and protection of habitat.
- Support for introducing tree removal exemptions for conservation zones into DCP A16.
- Happy for the zoning and interested in ongoing assistance to manage the bushland for weeds etc.

## Submissions in opposition

17 submissions of 'do not agree' were lodged in opposition to the proposed C zones. Many submissions raised issues about Council's methodology and approach to applying C zones, along with the perceived broader impact of C zones, while some were in response to the site-specific history or land characteristics. Table 2 below provides a thematic summary of the broader issues raised across multiple submissions, with site specific formal written submissions that were unresolved through this initial consultation presented towards the end.

Formal 'do not agree' submissions that were subsequently resolved through amendments to the mapping or other outcomes have not been individually documented here. Mapping amendments are summarised later in this report.

**TABLE 2.** Summary of general submissions in opposition to the draft conservation zones.

Submission Theme	Planning Response and Recommendation
<b>Theme 1</b> - Conservation zones will restrict development potential and devalue land - land owners should be compensated.	<p>Conservation zones are being applied in the Tweed in accordance with the <i>Northern Councils E Zone Review Final Recommendations Report</i> and are only proposed over land that already holds important conservation or ecological value in the form of specified vegetation communities. In almost all cases, the vegetation under the C zone is already protected by other state or federal legislation that must be considered during any application for development and is already a barrier or significant constraint to development of that land. The perception that a C zone will reduce development capability of land (and therefore its value) is common, however the reality is, such land is already unlikely to receive development approval for any land uses that are prohibited in the applicable C zone because those land uses would require removal of protected vegetation. In most cases the C zone is not an additional barrier to development; it is more appropriately described as a reflection of the land's existing development capability.</p> <p>In NSW there is no legal provision for "downzoning" compensation, and similarly there is no provision for the government to tax "windfall" profits that may be derived from "upzoning". This is firstly because LEPs and associated zoning of land are prepared in the public interest and are focussed on the best use of the land in the context of broad community characteristics such as: population</p>



	<p>trends; socioeconomic, environmental, public health and infrastructure considerations; natural hazards; community attitudes; planning laws and policies. Secondly, while existing development approvals granted under an LEP are legally protected from a zoning change, this does not extend to compensating landholders for unrealised development opportunities.</p> <p>There are no recommended changes to the draft mapping based on the perception that a conservation zone will impact the development potential or value of property.</p>
<p><b>Theme 2</b> - Disagree with 'primary use' - land proposed for C zone is not under any form of conservation or being managed for environmental protection.</p>	<p>'Primary use' is defined by the <i>Northern Councils E Zone Review Final Recommendations Report</i> as "the main use for which the land has been used for the last two (2) years".</p> <p>Council has developed a 'primary use' map and a standard approach to applying the three types of 'primary use' for the purposes of conservation zoning. This includes an 'environmental primary use' wherever bushland or forest structure persists and natural ecological processes are the dominant feature. Active conservation or management does not need to be taking place. This is explained in the draft Methodology Report which has received in-principle support from the NSW Department of Planning and Environment (DPE), and Council has received legal advice that 'primary use' does not have to be an active use - passive activities such as vegetation regrowth or other natural ecological processes taking place are just as legitimate 'primary uses' as deliberate actions.</p> <p>Further, many submissions raising this issue related to land that is already under an environmental protection (7) zone and as a consequence the issue of 'primary use' does not arise. Page 7 of the <i>Northern Councils E Zone Review Final Recommendations Report</i> states that: <i>It is not considered necessary for councils to apply the primary use of land principle to land which already has an environmental protection (7) zone as the land is currently identified as environmental conservation or management.</i></p> <p>There are no recommended mapping amendments based exclusively on the fact that land is not being actively conserved or managed for environmental protection.</p>
<p><b>Theme 3</b> - Cattle runs over the land so the 'primary use' should be Agriculture.</p>	<p>The grazing of cattle does not in itself imply a "primary use" as defined in the <i>Northern Councils E Zone Review Final Recommendations Report</i>. In cases where the bushland structure and mature native canopy cover persists, we are of the view that natural ecological processes dominate and as a result the 'primary use' is 'environmental' with grazing being a secondary or ancillary use. This is explained in the draft Methodology Report which has received in-principle support from the NSW Department of Planning and Environment. Council has received legal advice that 'primary use' does not have to be an active use - passive activities such as vegetation regrowth or other natural ecological processes taking place are just as legitimate as deliberate actions.</p>

	There are no recommended mapping amendments based exclusively on the fact that grazing takes place in some bushland areas.
<b>Theme 4</b> - It's only regrowth vegetation so it shouldn't be zoned.	<p>Since colonisation by Europeans, significant tracts of native vegetation have been cleared for farming and urban development. In the Tweed, almost the entire river floodplain has been cleared for agriculture and only small pockets of coastal vegetation remain. In many areas however, active farming (or other uses) has ceased or waned such that bushland has begun to recover on its own. Despite initial susceptibility to weeds, the conservation value of regrowth areas can be just as significant as remnant bushland. This is particularly so in urban and agricultural contexts where stands of vegetation are highly fragmented and disturbed yet provide primary habitat and refuge for wildlife, both common species and threatened species. Whether vegetation is regrowth or remnant is not a consideration in the context of applying C zones. The primary consideration is whether the vegetation that is present right now is characteristic of a particular vegetation community and meets the C zone criteria.</p> <p>There are no recommended changes to the draft mapping on the basis that vegetation is regrowth.</p>
<b>Theme 5</b> - Conservation zoning will interfere with Primary Production and reduce agricultural capacity of land.	The <i>Northern Councils E Zone Review Final Recommendations Report</i> has restricted where Council can propose C zones to areas of high value vegetation. In the Tweed, there are no C zones proposed over land where the current 'primary use' is Agriculture or where primary production is occurring. C zones are only proposed over areas of bushland or other high value vegetation or habitat, meaning there should not be conflict or interference with primary production land or the agricultural capacity of land. Many farmers we spoke to during this consultation spoke of their regenerative farming practices and the many ways that vegetated areas are benefitting their production.
<b>Theme 6</b> - Conservation zones will remove right to take timber for construction on rural land.	<p>A limited range of clearing exemptions under the <i>Local Land Services Act 2013</i> (LLS Act) are currently afforded to rural landholders to allow them to take timber for firewood, construction materials and other on-farm purposes. Land that changes from a rural zone to a C zone will no longer be regulated under the LLS Act but instead be subject to Council's local vegetation clearing controls under the Tweed Development Control Plan Section A16. This local policy is being amended to include a range of similar exemptions to allow low impact tree clearing in conservation zones for the purposes of construction timber and firewood, and maintenance of rural infrastructure such as fence lines. This is a deliberate action to ensure rural landowners can continue day to day management of their land and use of timber for on-site rural needs.</p> <p>There are no recommended changes to the C zones mapping or methodology based on this issue.</p>
<b>Theme 7</b> - Conservation zoning will create complex approval processes for primary producers to diversify or expand.	Extensive agriculture (grazing, beekeeping etc) is permitted without consent in the C3 zone, which means no approval is required to carry out these activities. It is permitted with consent in the C2 zone, meaning a DA needs to be lodged

	<p>and the application assessed based on its potential impacts. The C2 zone is proposed over high value environmental areas that are mostly steep, heavily vegetated, swampy and often already protected by other planning policy. Any DA lodged over such land would have to address these constraints regardless of the zone.</p> <p>The proposed C zones themselves do not place more onerous approval requirements on primary producers than they are already subject to, via the state vegetation protection law and other planning laws.</p> <p>The C zones are applied over areas of high environmental value that are not appropriate for most other types of more intensive agriculture because they require cleared land and are unable to take place where there is existing bushland or vegetation. C zones are only proposed where there is existing vegetation that would require approval to clear, regardless of the zone.</p> <p>There are no recommended changes to the draft mapping or Methodology based on this use.</p>
<p><b>Theme 8</b> – Perception that vegetation proposed for a C zone doesn't meet the criteria, or is not 'worth it'.</p>	<p>Wherever landowners submitted that the mapped vegetation doesn't meet the criteria, a site visit with Council ecologists was offered to identify the vegetation and ground truth the mapping. In all cases, landowners were involved with the site visit, were provided with the ecological interpretation of their vegetation on site, and the reasons for certain areas being included or excluded in the context of the C zone criteria.</p> <p>On at least 20 properties, amendments were made to the mapping to better reflect vegetation location and composition. On 7 properties, proposed C zones were removed altogether after site visits verified exotic or invasive species dominating the areas.</p> <p>Mapping was not amended in instances where landowners simply disagreed without providing an ecological basis for why their land did not meet the C zone criteria, or where landowners did not want or refused a site visit, meaning officers were unable to verify their claims. There are no recommended mapping amendments in those instances.</p>
<p><b>Theme 9</b> - Concerns about C zone affecting subdivision potential.</p>	<p>Subdivision is permitted in the C2 and C3 zones, however like in all zones, the land must meet the LEP Minimum Lot Size before it can be subdivided. The Minimum Lot Size for C zones is 40 hectares, which is the same as the RU1 and RU2 rural zones, and as is the case with the existing '7' zones under Tweed LEP 2000.</p> <p>In almost all cases of landowners raising subdivision potential as a concern, their land is already constrained by a 40 hectare minimum lot size; or in the case of R5 Large Lot Residential land, is either already too small to meet the 1 or 4 hectare Minimum Lot Size, or sufficient land would remain under the R5 zone after the C zone is applied to</p>

	<p>retain subdivision potential. In these instances, the application of a C zone has no effect.</p> <p>Officers performed an analysis of where a C zone is being proposed over R5 land in Stage 1, and identified only one instance where the C zone would remove the ability for the land to meet the 1 hectare minimum lot size for subdivision. Approximately 10 years ago the owner had specifically undertaken a boundary adjustment with the neighbouring lot for the purposes of obtaining just over 2 hectares to permit an application for subdivision in the future. At the time, the development application acknowledged the purpose of the boundary adjustment, and it was also acknowledged in the assessment report.</p> <p>Special consideration is recommended in this unique instance to apply the C2 zoning over the areas of core koala habitat on the site, but also retain the existing 1-hectare minimum lot size across the entire property. This would allow the suitability of subdivision of this parcel to be decided by detailed merit assessment under development application rather than prohibiting it based on zone alone.</p>
<p><b>Theme 10</b> – Council can't / shouldn't force this.</p>	<p>The NSW Planning framework directs Council to apply appropriate land use zoning in the public interest. To date there is no requirement for Council to obtain landowner agreement for land to be rezoned and there is no legal right of appeal. The main reason is that Council needs to be able to plan for future generations and for the whole community.</p> <p>Council must notify landowners that a change is proposed, consult with them and notify them once a change takes place. This first round of informal landowner consultation was designed to notify landowners that their land has been drafted for a zone change and invite them to participate in verifying the mapping and identifying any inconsistencies.</p> <p><i>The Northern Councils E Zone Review Final Recommendations Report</i> does identify a right of review by the NSW Chief Planner, however there is no right of appeal to the Land and Environment Court.</p>
<p><b>Theme 11</b> - Landowners looking after their land, protecting fauna and allowing vegetation to grow back are being penalised.</p>	<p>This response came from multiple landowners in a rural context, who have bushland portions of their land proposed for a C3 zone. The perception that a C zone is a penalisation is unexpected, particularly coming from landowners who are actively looking after their land. How a proposed C3 zone results in a penalisation was not clearly articulated except by one submitter suggesting that the C3 zone would prevent them from building a house. This indicates a misunderstanding of the purpose of the C3 zone and how it operates, because dwelling houses are permissible with consent in that zone.</p> <p>As discussed in detail in the response to submission theme 1 above, the application of a C3 zone does not in and of itself significantly reduce the development potential of land in the context of the challenges to development that already exist over land containing native vegetation; nor does it affect how land is managed for safety or rural land</p>

	<p>management, or how landowners can access or use their land on a day to day basis.</p> <p>On the contrary, for landowners who are already interested in allowing vegetation to grow back, a C zone can mean their land has more opportunity for grant funding and Council assistance to help them take care of and manage their bushland.</p> <p>The landowners who raised this issue did not seek a site visit or validation of the vegetation on their land so the conclusion is that this issue is a broad statement on the overall application of C zones rather than specific issues about their land.</p> <p>Without further clarification and context on what penalisation these landowners feel is occurring, there are no recommended amendments to the draft mapping or broader approach to applying C zones based on this issue.</p>
<p><b>Theme 12</b> - Council should be more strategic and plan for / create more effective habitat corridors</p>	<p>Strategically planning habitat corridors across the Tweed would be a valuable outcome for biodiversity and habitat protection. Unfortunately, the <i>Northern Councils E Zone Review Final Recommendations Report</i> does not allow Council to use LEP land use zones strategically for that purpose. They only allow zoning of existing vegetation. Planning for and mapping habitat corridors strategically at a landscape level would require many landowners to volunteer a network of cleared land for replanting over time, and whilst Council is always encouraging landowners to participate in restoration programs, the contemporary LEP land use zone framework does not facilitate for this to be carried out in a strategic manner.</p> <p>There are no recommended amendments to the mapping or Methodology based on this issue.</p>

## Appendix 4. Local Planning Directions

The following is a list of Directions issued by the Minister for Planning to relevant planning authorities under section 9.1(2) of the *Environmental Planning and Assessment Act 1979*. These directions apply to planning proposals lodged with the Department of Planning and Environment on or after the date the particular direction was issued and commenced. This table demonstrates how this Planning Proposal is consistent with the Ministerial Directions.

**Table 1- Consistency with Local Planning Directions**

s9.1 Direction	Summary	Application to Planning Proposal	Consistency with direction
<b>Focus Area 1: Planning Systems</b>			
1.1 Implementation of Regional Plans	<p><u>Objective</u> The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions, and actions contained in Regional Plans.</p> <p><u>Application</u> This direction applies to a relevant planning authority when preparing a planning proposal for land to which a Regional Plan has been released by the Minister for Planning.</p>	<p><b>Applicable.</b> This planning proposal affects land subject to North Coast Regional Plan 2036</p>	<p><b>Consistent.</b> The proposal is consistent with Objective 3 of the NSW North Coast Regional Plan (NCRP) 2041 which is to protect regional biodiversity and areas of high environmental value. Specific actions in the NCRP 2041 for the Tweed LGA include to retain and protect local biodiversity through effective management of environmental assets and ecological communities. This Planning Proposal is intended give effect to the actions and objectives of the NCRP by protecting, managing and restoring areas of high environmental value through land use planning controls.</p> <p>For land that does not meet the criteria for a conservation zone, the application of zoning has considered the applicable goals and objectives of the NCRP. The proposal is consistent with Objective 5 by ensuring zoning sought to limit uplift in known hazard areas. Consistent with Objective 8 of the NCRP, the Planning Proposal has sought to protect rural land and ensure zoning is commensurate with</p>

**Table 1- Consistency with Local Planning Directions**

s9.1 Direction	Summary	Application to Planning Proposal	Consistency with direction
			the land identified as important farmland under the NCRP. Furthermore, by securing the continuity and viability to agriculture in the Tweed LGA. This Planning Proposal is intended give effect to the actions and objectives of the NCRP by protecting, managing and restoring areas of high environmental value through land use planning controls.
1.2 Development of Aboriginal Land Council Land	<p><u>Objectives</u> Provide for consideration of development delivery plans prepared under the State Environmental Planning Policy (Planning Systems) 2021</p> <p><u>Application</u> This direction applies to all relevant planning proposal authorities when preparing a planning proposal for land shown on the Land Application Map of chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021.</p>	<p><b>Applicable.</b> This Planning Proposal applied to land owned by an Aboriginal Land Council.</p>	<p><b>Consistent.</b> There is no development delivery plan made under chapter 4 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> relevant to the land subject of this Planning Proposal.</p>
1.3 Approval and Referral Requirements	<p><u>Objectives:</u> The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p><u>Application:</u> This direction applies to all relevant planning authorities when preparing a planning proposal.</p>	<p><b>Applicable.</b> This direction is relevant to the Planning Proposal as it seeks to amend provisions that will affect the assessment of planning proposals and development applications.</p>	<p><b>Consistent.</b> This Planning Proposal is advancing the main objective of this Direction, which is to encourage the efficient and appropriate assessment of development. The Planning Proposal does not introduce any new requirements for the concurrence, consultation or referral of development applications to a Minister or public authority. This Planning Proposal does not identify any development as designated development.</p>

**Table 1- Consistency with Local Planning Directions**

s9.1 Direction	Summary	Application to Planning Proposal	Consistency with direction
1.4 Site Specific Provisions	<p><u>Objective:</u> Discourage unnecessarily restrictive site specific planning controls.</p> <p><u>Application:</u> Applies to all relevant planning authorities when preparing a planning proposal that will allow a particular development to be carried out.</p>	<p><b>Applicable.</b> This Planning Proposal contains an additional permitted use provision to allow particular development to be carried out.</p>	<p><b>Inconsistent.</b> The additional permitted use clause as outlined in Table 3, Item 6 above permits recreational facility (outdoor) permitted with consent on certain land (beaches) zones C2 to facilitate the use of passive recreational uses such as commercial surf schools, yoga retreats, or personal training. It is necessary to include additional development standards and requirements to this provision to ensure development does not compromise the objectives of the zone.</p> <p>This variation to the direction is considered to be of minor significance.</p>

### Focus Area 1: Planning Systems Place-Based

No place-based planning systems are applicable to the Planning Proposal.

### Focus Area 3: Biodiversity and Conservation

3.1 Conservation Zones	<p><u>Objective</u> The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p><u>Application</u> This direction applies to all relevant planning authorities when preparing a planning proposal.</p>	<p><b>Applicable.</b> This direction is relevant as the Planning Proposal is seeking the application of conservation zones to the Tweed LEP 2014 and amendment of conservation zones within the Tweed City Centre 2012.</p>	<p><b>Consistent.</b> The purpose of the application of the C2 and C3 conservations zones directly supports this objective to protect and conserve environmentally sensitive areas.</p>
3.2 Heritage Conservation	<p><u>Objective</u> The objective of this direction is to conserve items, areas, objects, and places of environmental heritage</p>	<p><b>Applicable.</b> This direction is relevant because the <i>Final Recommendations Report</i></p>	<p><b>Consistent.</b> The culturally significant land criteria has not been used for the purposes of the conservation zone application</p>



**Table 1- Consistency with Local Planning Directions**

s9.1 Direction	Summary	Application to Planning Proposal	Consistency with direction
	<p>significance and indigenous heritage significance.</p> <p><u>Application</u> This direction applies to all relevant planning authorities when preparing a planning proposal.</p>	identifies 'culturally significant land' as a criterion for inclusion of land in the C2 Environmental Conservation zone.	<p>The identification, assessment and management of Aboriginal cultural heritage is covered under the Tweed Aboriginal Cultural Heritage Management Plan 2018 and associated mapping. This plan is applied at the time a development proposal is submitted.</p> <p>In the Stage 1 Tweed Coast area there may be areas identified specifically as Aboriginal cultural heritage places and these may also be managed under the Plans of Management of the <i>Local Government Act 1993</i> and the <i>National Parks and Wildlife Act 1974</i>.</p>
3.3 Sydney Drinking Water Catchments	<p><u>Objective</u> Provide for healthy catchments and protect water quality in the Sydney drinking water catchment</p> <p><u>Application</u> Applies when a planning proposal authority prepares a planning proposal for land located in the Sydney drinking water catchment</p>	<p><b>Not applicable.</b> Planning Proposal does not apply to land located in the Sydney drinking water catchment.</p>	
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs.	<p><u>Objective</u> Ensure that a balanced and consistent approach is taken when applying conservation zones and overlays to land on the NSW Far North Coast.</p> <p><u>Application</u> Applies when a relevant planning authority prepares a planning proposal within the Ballina, Byron, Kyogle, Lismore, and Tweed local government areas that introduces or alters an C2 Environmental Conservation or C3 Environmental Management zone or introduces or alters an overlay and associated clause.</p>	<p><b>Applicable.</b> This Planning Proposal applies to parts of the Tweed Shire and introduces the C2 and C3 zones, overlay maps and associated clauses.</p>	<p><b>Consistent.</b> The application of conservation zones is consistent with the <i>Northern Councils E Zone Review Final Recommendations</i>. Refer to Appendix 1 methodology.</p>
3.5 Recreational vehicle area	<p><u>Objective</u> Protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</p>	<p><b>Applicable.</b></p>	<p><b>Consistent.</b> The Planning Proposal does not enable land to be developed for the purpose of a recreational vehicle area.</p>

**Table 1- Consistency with Local Planning Directions**

s9.1 Direction	Summary	Application to Planning Proposal	Consistency with direction
	<u>Application</u> Applies to all relevant planning authorities when preparing a planning proposal.		
3.6 Strategic Conservation Planning	<u>Objective</u> Protect, conserve or enhance areas with high biodiversity value.  <u>Application</u> Land under the State Environmental Planning Policy (Biodiversity and Conservation) 2021, is identified as avoided land or a strategic conservation area.	<b>Not applicable.</b> This Planning Proposal does not apply to land under the SEPP identified as avoided land or a strategic conservation area	
3.7 Public Bushland	<u>Objective</u> Protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland.  <u>Application</u> Applies to land in certain local government areas.	<b>Not applicable.</b> Planning Proposal does not apply to listed local government areas.	
3.8 Willandra Lakes Region	<u>Objective</u> Protect, conserve and manage the Willandra Lakes Region World Heritage Property (World Heritage Property)  <u>Application</u> Applies to land identified as the Willandra Lakes World Heritage Property	<b>Not applicable</b> Planning Proposal does not apply to land identified as the Willandra Lakes World Heritage Property.	
3.9 Sydney Harbour Foreshores and Waterways Area	<u>Application</u> Land within the Foreshores and Waterways Area as defined in the State Environmental Planning Policy (Biodiversity and Conservation) 2021.	<b>Not applicable</b> Planning Proposal does not apply to land within the Foreshores and Waterways Area	
3.10 Water Catchment Protection	<u>Application</u>	<b>Not applicable</b> Planning Proposal does not apply to land within a regulated catchment.	

**Table 1- Consistency with Local Planning Directions**

s9.1 Direction	Summary	Application to Planning Proposal	Consistency with direction
	Land within a regulated catchment, excluding the Sydney Drinking Water Catchment, within the meaning of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.		
<b>Focus Area 4: Resilience and Hazards</b>			
4.1 Flooding	<p><u>Objectives</u> The objectives of this direction are to:</p> <p>(a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.</p> <p><u>Application</u> This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes, or alters a zone or a provision that affects flood prone land.</p>	<p><b>Applicable.</b> This Direction is relevant as some parts of the Stage 1 Tweed Coast area mapped as flood prone land.</p>	<p><b>Consistent.</b> The application of conservation zones C2 or C3 does not intensify development on land subject to flood risk.</p> <p>The application of an other zones to land not eligible for a conservation zone considered the impact of risks affecting the land and ensuring that zoning is commensurate with the risk and limiting of potential intensification of land uses into known hazard areas.</p> <p>Council's flood mitigation strategy is to ensure that only appropriate compatible development occurs on flood prone land in the future, by implementing both structural protection and planning controls, to minimise future potential flood damage and ensure safe occupation without undue reliance on emergency response agencies.</p> <p>Existing flood provisions of the LEP and Tweed Development Control Plan (Section A3 Development of flood liable land) establishes standards for land development in order to minimise the adverse effect of flooding on the community.</p>
4.2 Coastal Management	<p><u>Objective</u> The objective of this direction is to protect and manage coastal areas of NSW.</p> <p><u>Application</u></p>	<p><b>Applicable.</b> This Direction is relevant as some parts of the Stage 1 Tweed Coast area are within the Coastal Zone.</p>	<p><b>Consistent.</b> The application of conservation zones (C2) to certain land that contains wetland and/or littoral rainforest communities, and that meets the criteria contained within the NSW</p>

**Table 1- Consistency with Local Planning Directions**

s9.1 Direction	Summary	Application to Planning Proposal	Consistency with direction
	<p>This direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016 – comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.</p>		<p>Government's Northern Councils E Zone Review Final Recommendations Report, is consistent with the relevant objectives and provisions of this direction.</p>
4.3 Planning for Bushfire Protection	<p><u>Objective</u> The objectives of this direction are to: (a) 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) encourage sound management of bush fire prone areas.</p> <p><u>Application</u> This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land. This applies where the relevant planning authority is required to prepare a bush fire prone land map under section 10.3 of the EP&amp;A Act, or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.</p>	<p><b>Applicable.</b> This Direction is relevant as some parts of the Tweed area are bushfire prone.</p>	<p><b>Consistent.</b> The application of conservation zones C2 or C3 does not intensify development on land subject to bushfire risk.</p> <p>Where land did not meet the criteria for a conservation zone, consideration into an appropriate zone sought to ensure this would not result in the intensification of a land use on land subject to bushfire risk. The Planning Proposal seeks to apply a relevant land zone, including conservation zones to land within the Stage 1 area. There is no development component included in the proposal. For land that did not meet the criteria for a conservation zone and the recommended zone was the result of a like for like conversion or a best fit outcome for the context of the site, consideration for APZs, access roads, water supply, and other controls will be assessed as part of an application for development consent under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i>. Consultation with the NSW Rural Fire Service will be undertaken in accordance with this Direction.</p>
4.4 Remediation of Contaminated Land	<p><u>Objective</u> Reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p><u>Application</u></p>	<p><b>Applicable.</b></p>	<p><b>Consistent.</b> The application of conservation zones C2 or C3 does not intensify development on land with the potential for contamination.</p> <p>Implications of development resulting from the application of other zones can be managed under the <i>State Environmental Planning</i></p>

**Table 1- Consistency with Local Planning Directions**

s9.1 Direction	Summary	Application to Planning Proposal	Consistency with direction
	<p>Applies to:</p> <p>(a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</p> <p>i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p>		<p><i>Policy (Resilience and Hazards) 2021 and the Contaminated Land Management Act 1997.</i></p>
4.5 Acid Sulfate Soils	<p><u>Objective</u> avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p><u>Application</u> This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils when preparing 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 held by the Department of Planning and Environment</p>	<p><b>Applicable.</b> This direction is relevant as some parts of the Tweed are affected by Acid Sulfate Soils.</p>	<p><b>Consistent.</b> The application of conservation zones C2 or C3 does not intensify development on land subject to acid sulfate soils.</p> <p>Council will consider acid sulfate soils if it receives a development application for affected land in accordance with existing clause 7.1 of Tweed LEP 2014.</p> <p>The Planning Proposal also includes updated acid sulfate soils mapping for areas deferred under the Tweed LEP 2014.</p>
4.6 Mine Subsidence and Unstable Land	<p><u>Objective</u> Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p>	<p><b>Not applicable</b> Planning Proposal does not apply to land that is within a declared mine subsidence district or identified as unstable.</p>	

**Table 1- Consistency with Local Planning Directions**

s9.1 Direction	Summary	Application to Planning Proposal	Consistency with direction
	<p><u>Application:</u> This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that is within a declared mine subsidence district in the Coal Mine Subsidence Compensation Regulation 2017 pursuant to section 20 of the Coal Mine Subsidence Compensation Act 2017, or has been identified as unstable in a study, strategy or other assessment</p>		

**Focus Area 5: Transport and Infrastructure**

5.1 Integrating Land Use and Transport	<p><u>Objective</u> To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> <li>a) improving access to housing, jobs and services by walking, cycling and public transport, and</li> <li>b) increasing the choice of available transport and reducing dependence on cars, and</li> <li>c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</li> <li>d) supporting the efficient and viable operation of public transport services, and</li> <li>e) providing for the efficient movement of freight.</li> </ul> <p><u>Application</u> This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p>	<p><b>Applicable.</b> This Planning Proposal seeks to amend the land use zone relating to urban land including residential, employment, village or tourist for the purposes of the application of conservation zones where eligible.</p>	<p><b>Consistent.</b> The application of conservation zones is consistent with the Ministerial Direction to apply the C2 and C3 zones in accordance with the <i>Northern Councils E Zone Review Final Recommendations</i>.</p> <p>The strategic framework for a rezoning of land not eligible for a conservation zone sought to apply a like-for-like conversion of the non-standard zone to the standard zone where possible. Where this was not feasible, the framework sought to ensure an alternative zone was commensurate with this direction to ensure a next best fit was achieved considering alignment with the urban growth area boundaries and objective of each zone to ensure consistency with this direction.</p>
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**Table 1- Consistency with Local Planning Directions**

s9.1 Direction	Summary	Application to Planning Proposal	Consistency with direction
5.2 Reserving Land for Public Purposes	<p><u>Objective</u> The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>a) facilitate the provision of public services and facilities by reserving land for public purposes, and</li> <li>b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</li> </ul> <p><u>Application</u> This direction applies to all relevant planning authorities when preparing a planning proposal.</p>	<b>Applicable.</b>	<p><b>Consistent.</b> The zoning of public land is consistent with the <i>Northern Councils E Zone Review Final Recommendations</i>.</p>
5.3 Development Near Regulated Airports and Defence Airfields	<p><u>Objective</u> The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>a) ensure the effective and safe operation of regulated airports and defence airfields;</li> <li>b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and</li> <li>c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</li> </ul> <p><u>Application</u> Applies to a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.</p>	<p><b>Applicable.</b>  Planning Proposal includes land near a regulated airport (Gold Coast Airport)</p>	<p><b>Consistent.</b> Council have consulted with the operator of the Gold Coast Airport regarding the application of conservation zones for land on or near the airport. The Planning Proposal does not effect prescribed airspace and does not facilitate development that is incompatible with the current and future operation of the airport particularly with consideration for the <i>Draft Gold Coast Airport Master Plan 2024</i>.</p>
5.4 Shooting Ranges	<p><u>Application</u> Applies to 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.</p>	<b>Not applicable.</b>	

**Table 1- Consistency with Local Planning Directions**

s9.1 Direction	Summary	Application to Planning Proposal	Consistency with direction
<b>Focus Area 6: Housing</b>			
6.1 Residential Zones	<p><u>Objective</u> The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>a) encourage a variety and choice of housing types to provide for existing and future housing needs,</li> <li>b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</li> <li>c) minimise the impact of residential development on the environment and resource lands.</li> </ul> <p><u>Application</u> Land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p><b>Applicable.</b> Planning Proposal applies to land within an existing residential zone.</p>	<p><b>Consistent.</b> The application of conservation zones is consistent with the Ministerial Direction to apply the C2 and C3 zones in accordance with the <i>Northern Councils E Zone Review Final Recommendations</i>. Conservation zones have been applied to eligible land in existing residential zones which meets objective (c) of this direction.</p> <p>For land that did not meet the criteria for a conservation zone in existing residential zones, the strategic criteria sought a like-for-like conversion of LEP 2000 residential zones into the Standard Instrument template. The Planning Proposal is consistent with 2(a) and (b) of this direction.</p>
6.2 Caravan Parks and Manufactured Home Estates	<p><u>Objective</u> The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>a) provide for a variety of housing types, and</li> <li>b) provide opportunities for caravan parks and manufactured home estates.</li> </ul> <p><u>Application</u> This direction applies to all relevant planning authorities when preparing a planning proposal. This direction does not apply to Crown land reserved or dedicated for any purposes under the <i>Crown Land Management Act 2016</i>, except Crown land reserved for accommodation purposes, or land dedicated or reserved under the <i>National Parks and Wildlife Act 1974</i>.</p>	<p><b>Applicable.</b></p>	<p><b>Consistent.</b> The Planning Proposal does not propose any new zones or the amendment of existing zones relating to caravan parks or manufactured home estates.</p>



**Table 1- Consistency with Local Planning Directions**

s9.1 Direction	Summary	Application to Planning Proposal	Consistency with direction
<b>Focus Area 7: Industry and Employment</b>			
7.1 Employment Zones	<p><u>Objective</u> The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>a) encourage employment growth in suitable locations,</li> <li>b) protect employment land in employment zones, and</li> <li>c) support the viability of identified centres.</li> </ul> <p><u>Application</u> Land within an existing or proposed Employment zone (including the alteration of any existing Employment zone boundary).</p>	<p><b>Applicable.</b> This Planning Proposal applies to land within an existing employment zone.</p>	<p><b>Consistent.</b> The application of conservation zones is consistent with the Ministerial Direction to apply the C2 and C3 zones in accordance with the <i>Northern Councils E Zone Review Final Recommendations</i>. Conservation zones have been to land eligible land within the Stage 1 area including eligible land within the employment zone.</p> <p>Where land within an employment zone is not eligible for a conservation zone, this Planning Proposal retains the existing zoning and does not reduce the potential floor space area for employment uses related public services.</p>
7.2 Reduction in non-hosted short-term rental accommodation period	<p><u>Objective</u> The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>a) mitigate significant impacts of short-term rental accommodation where non-hosted short-term rental accommodation period are to be reduced, and</li> <li>b) ensure the impacts of short-term rental accommodation and views of the community are considered.</li> </ul> <p><u>Application</u> This direction applies to Byron Shire Council when the council prepares a planning proposal to identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out in parts of its local government area.</p>	<b>Not applicable.</b>	
7.3 Commercial and Retail Development along the	<p><u>Objective</u> The objectives for managing commercial and retail development along the Pacific Highway are to:</p>	<b>Applicable.</b>	<b>Consistent.</b>

**Table 1- Consistency with Local Planning Directions**

s9.1 Direction	Summary	Application to Planning Proposal	Consistency with direction
Pacific Highway, North Coast	<p>a) protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route,</p> <p>b) prevent inappropriate development fronting the highway,</p> <p>c) protect public expenditure invested in the Pacific Highway,</p> <p>d) protect and improve highway safety and highway efficiency,</p> <p>e) provide for the food, vehicle service and rest needs of travellers on the highway, and</p> <p>f) reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.</p> <p><u>Application</u> This direction applies when a relevant planning authority prepares a planning proposal for land within those council areas on the North Coast that the Pacific Highway traverses, being those council areas between Port Stephens Shire Council and Tweed Shire Council, inclusive, and that applies to land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.</p>	Planning Proposal includes land within the vicinity of the Pacific Motorway on the North Coast.	<p>This Planning Proposal does not propose new commercial or retail development located on "out-of-town" segments of the Pacific Highway.</p> <p>There are no "within town" segments of the Pacific Highway within the Stage 1 area.</p> <p>The application of conservation zones is consistent with the Ministerial Direction to apply the C2 and C3 zones in accordance with the <i>Northern Councils E Zone Review Final Recommendations</i>. The C2 or C3 zone within vicinity of the Pacific Highway does not conflict with the objectives of this direction.</p>

## Focus Area 8: Resources and Energy

8.1 Mining, Petroleum Production and Extractive Industries	<p><u>Objective</u> The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p><u>Application</u> This direction applies to all relevant planning authorities when preparing a planning proposal that would have the effect of:</p> <p>a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</p>	<b>Applicable.</b>	<p><b>Inconsistent.</b> This proposal contains sites where a C2 or C3 conservation zone are proposed within an identified section 177 mineral resource area. In accordance with this Direction, Council will consult with the Secretary of the Department of Primary Industries (DPI) during the public exhibition period to identify any:</p> <p>a) resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance,</p> <p>b) existing mines, petroleum production operations or extractive industries occurring in the area subject to the Planning Proposal, and seek advice from the Secretary of DPI on the development potential of resources identified and identify and</p>
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**Table 1- Consistency with Local Planning Directions**

s9.1 Direction	Summary	Application to 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.		take into consideration issues likely to lead to land use conflict between other land uses.

## Focus Area 9: Primary Production

9.1 Rural Zones	<p><u>Objective</u> Protect the agricultural production value of rural land.</p> <p><u>Application</u> This direction 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).</p>	Applicable.	<p><b>Consistent (for application of Conservation Zones)</b> This Planning Proposal has been prepared having regard for the Far North Coast Regional Plan and the State Environmental Planning Policy (Primary Production) 2021. The application of conservation zones to Stage 1 is consistent with the Ministerial Direction to apply the C2 and C3 zones in accordance with the Northern Councils E Zone Review Final Recommendations.</p> <p>As required by the Final Recommendations Report, consideration must be given to State and Regionally Significant Farmland and the application of conservation zones to land within Stage 1 is considered consistent with this direction.</p> <p><b>Inconsistent (for application of other zones to 4 properties)</b> Zoning within the Tweed LEP 2000 is based on legacy zones of the former Tweed LEP 1987 and have not been substantially reviewed or updated in over 35 years. As such some rural land the Tweed LEP 2000 is proposed to be rezoned to residential or other reflect</p>
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**Table 1- Consistency with Local Planning Directions**

s9.1 Direction	Summary	Application to Planning Proposal	Consistency with direction
			<p>the broader strategic directions affecting the Tweed Coast area. In most instances, the existing rural zones of the Tweed LEP 2000 have been transferred to an equivalent rural zone under the Standard Instrument format.</p> <p>4 properties in Stage 1 contain an existing rural zone under the Tweed LEP 2000 and are proposed to be rezoned to a residential or other urban zone. For these properties, the retention of the legacy rural zone is not considered suitable given the broader context of the site and would create a risk to land-use conflict with existing residential areas.</p> <p>Rural land (RU1 or RU2) that is zoned under the standard instrument of the Tweed LEP 2014 that is not eligible for a conservation zone retains its existing zoning.</p> <p>Inconsistency with this direction for the application of other zones is considered justified given the Strategic Framework reflects the North Coast Regional Plan and includes criteria for rural land zones and that the rezoning is considered of minor significance given the rezoning only applies to 4 properties.</p>

## Appendix 5. Summary of Planning Proposal Effects

*Refer to Microsoft Excel Worksheet:*

*'Proposed LEP Amendments Tweed LEP 2014: Stage 1 Tweed Coast'*

*'Proposed LEP Amendments Tweed City Centre LEP 2012: Stage 1 Tweed Coast'*

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