

ADDENDUM REPORT

REPORTS FROM DIRECTOR PLANNING & DEVELOPMENT

a6 [PD] Minor Rezoning Amendments

ORIGIN:

Strategic Town Planning

FILE NO: GT1/LEP/2000

SUMMARY OF REPORT:

Council on 2 June 2004 resolved to prepare Tweed Local Environmental Plan 2000 Amendment No 21 to integrate the LEP with the natural resource reforms adopted by the NSW State Government.

Draft LEP, Amendment No 21 was publicly exhibited at the Murwillumbah and Tweed Heads Civic Centres from Wednesday 8 December 2004 to Friday 25 March 2005. Approximately 250 submissions were received as a part of the exhibition of the draft Plan. Some of which raised a number of complex issues. It is anticipated that the resolution of these issues will not be completed for some time.

As a part of the Amendment two (2) separate sites, one in Bray Park and the other in Murwillumbah, were proposed to be re-zoned to provide a greater level of transparency in Council's planning controls.

It is considered that the Amendment of Tweed LEP 2000 with regard to these two (2) sites should proceed separate to that of Amendment No 21. The Department of Planning has advised Council that it is acceptable to do so.

The re-zoning of these two (2) sites will better reflect the current and/or intended landuse of each site.

The draft Plan, as exhibited with regard to each site, can be forwarded to the Minister to make the Plan.

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RECOMMENDATION:

That Council: -

- 1. Adopts the draft Plan with regard to Lot 7 DP 565198 Tree Street, Bray Park as exhibited as a part of Tweed Local Environmental Plan 2000, Amendment No 21.**
- 2. Adopts the draft Plan with regard to part Lot 4 DP 835954 and part Lot 1 DP 814412 North Arm Road, Murwillumbah as exhibited as a part of Tweed Local Environmental Plan 2000, Amendment No 21.**
- 3. Forwards the draft Plan with regard to Lot 7 DP 565198 Tree Street, Bray Park, and part Lot 4 DP 835954 and part Lot 1 DP 814412 North Arm Road, Murwillumbah to the Minister for Planning to make the Plan in accordance with section 70 of the Environmental Planning and Assessment Act 1979.**

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REPORT:

Introduction

Council on 2 June 2004 resolved, pursuant to section 54 of the Environmental Planning and Assessment Act 1979, to prepare Tweed Local Environmental Plan 2000 Amendment No 21, being a Shirewide Amendment, to integrate the LEP with the natural resource reforms adopted by the NSW State Government, which included the Native Vegetation Act 2003.

Amendment No 21 was prepared and exhibited at the Murwillumbah and Tweed Heads Civic Centres from 8 December 2004 to 25 March 2005. As a result of the exhibition Council received approximately 250 submissions, many of which raised a number of complex issues. It is anticipated that the resolution of these issues will not be completed for some time.

As a part of the Amendment two (2) separate sites, one in Bray Park and the other in Murwillumbah, were proposed to be re-zoned to better reflect the current and/or intended landuse of each site and thus provide a greater level of transparency in Council's planning controls.

It is considered that the Amendment of Tweed LEP 2000 with regard to these two (2) sites should proceed separate to that of Amendment No 21. The Department of Planning has advised Council that it is acceptable to do so.

The purpose of this report is to summarise to Council the exhibition of the draft Plan with regard to these two (2) sites.

Background

Site 1

Site 1 is described as Lot 7 DP 565198 Tree Street, Bray Park. Figure 1 of this report shows the subject site and its current zoning.

Lot 7 DP 565198 is approximately 2.2 Hectares in size. The majority of the site has been heavily re-vegetated by the landowners and is predominately flood prone. However, a part of the site is not affected by flooding and as such a dwelling house has been constructed there. Figure 2 of this report shows the subject site, its landuse and that of the surrounding area.

Tweed LEP 1987 zoned the land part 2(a) Residential and part 6(b) Proposed Open Space. The part of the site that was zoned 2(a) included the area of land not affected by flooding.

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Gazettal of Tweed LEP 2000 inadvertently re-zoned the land entirely 6 (a) Open Space. Amendment No 21 proposed to re-zone the site part 2(a) Residential and part 6(b) Recreation to more accurately reflect the ownership of the land and that part of the site suitable for residential development. Figure 3 of this report shows the proposed rezoning as a part of Amendment No 21.

Site 2

Site 2 is described as part Lot 4 DP 835954 and part Lot 1 DP 814412 North Arm Road, Murwillumbah. Figure 4 of this report shows the subject site and its current zoning.

Lot 1 DP 814412 is the site of the Wollumbin High School whilst Lot 4 DP 835954 is an adjoining sugar cane farm. The size of the site is approximately 1 Hectare, is relatively flat and highly prone to flooding. Figure 5 of this report shows the subject site, its landuse and that of the surrounding area.

A planning study completed for the West Murwillumbah area in 1989 identified land to accommodate the expansion of Murwillumbah. It was the intention of the planning study that the land identified would be suitable for development and would not be affected by flooding.

The identification of the existing zone boundaries was based on small-scale topographic maps, being the best resource available at the time.

During the development of the high school a survey of the subject site accurately identified the boundary of the land not affected by flooding and thus formed the current boundary of the high school.

Some interest has been expressed in the further re-zoning of Lot 4 for residential development; however, due to the site being affected by flooding further re-zoning of Lot 4 is inappropriate. Hence, Amendment No 21 proposed to re-zone the site to reflect the intended landuse of the area pursuant to the planning study undertaken in 1989. Figure 6 of this report shows the proposed rezoning as a part of Amendment No 21.

State Agency Consultation

Pursuant to Section 62 of the Environmental Planning and Assessment Act, 1979, Council consulted with relevant State Government Agencies. No issues were identified with regard to the two (2) sites described in this report.

Public Exhibition

Draft Tweed LEP 2000 Amendment No 21 was publicly exhibited at the Murwillumbah and Tweed Heads Civic Centres from Wednesday 8 December 2004 to Friday 25 March 2005.

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Submissions

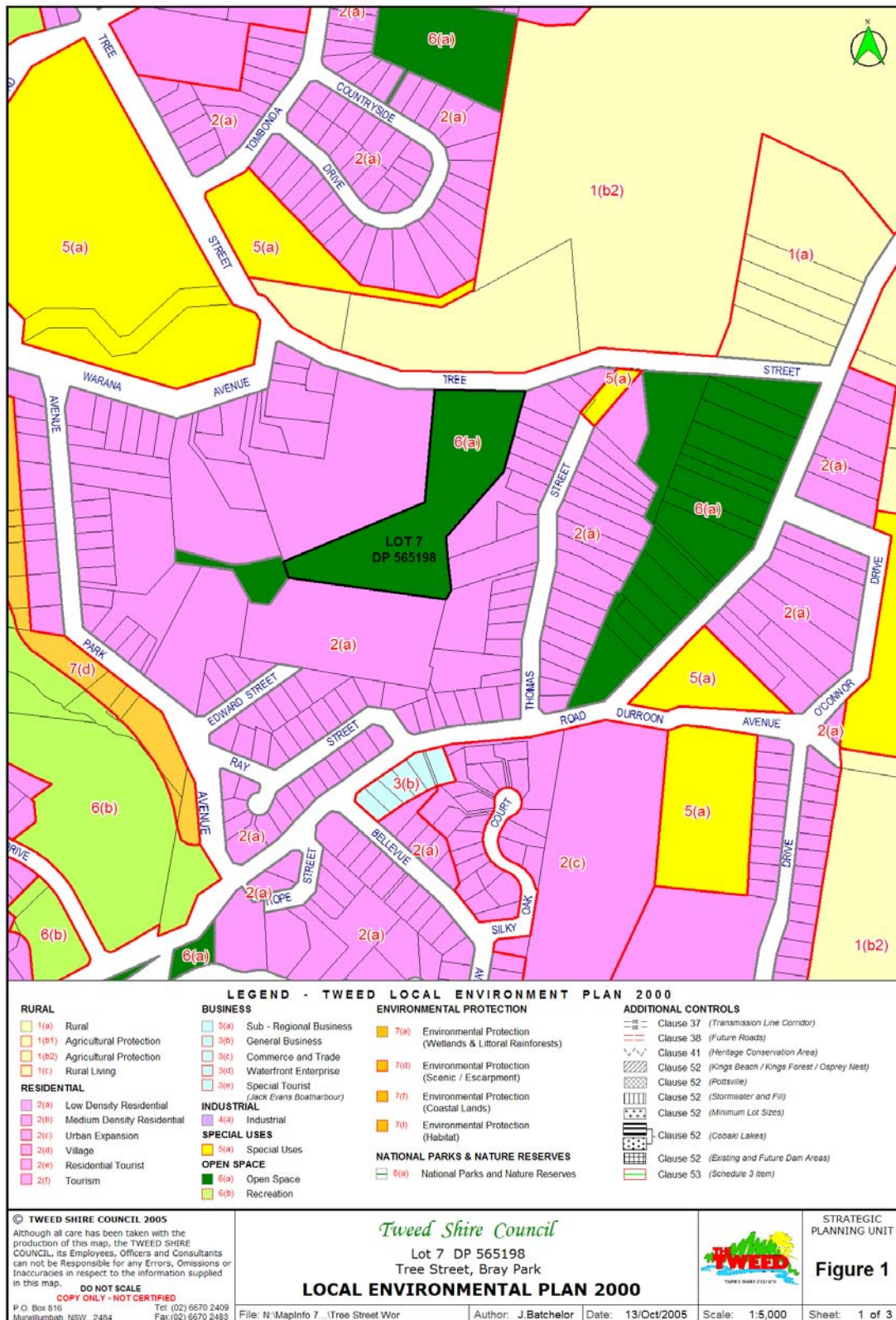
Council received one (1) submission to the exhibition of the draft Plan in regard of Site 1. Council did not receive any submissions to the exhibition of the draft Plan with respect to Site 2.

The received submission objected to the location of the 2(a) / 6(b) zone boundary as it was considered the location of the boundary did not accurately reflect the area of land zoned 2(a) pursuant to Tweed LEP 1987.

The exhibited zone boundary closely reflects the boundary previously adopted in Tweed LEP 1987 and better reflects that part of the site that is suitable for residential development or conversely that part of the site that has been re-vegetated and/or is prone to flooding.

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FIGURE 1



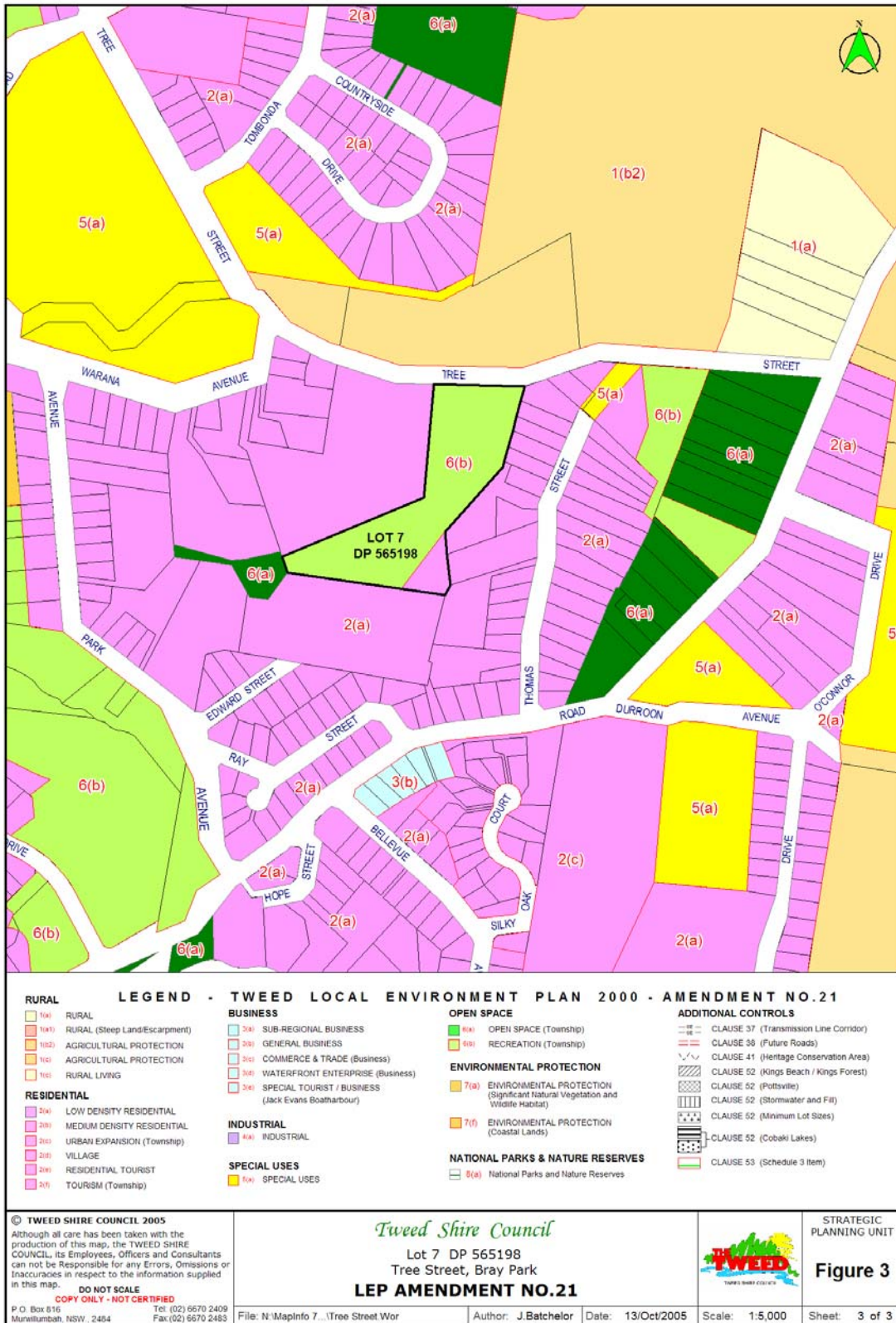
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FIGURE 2



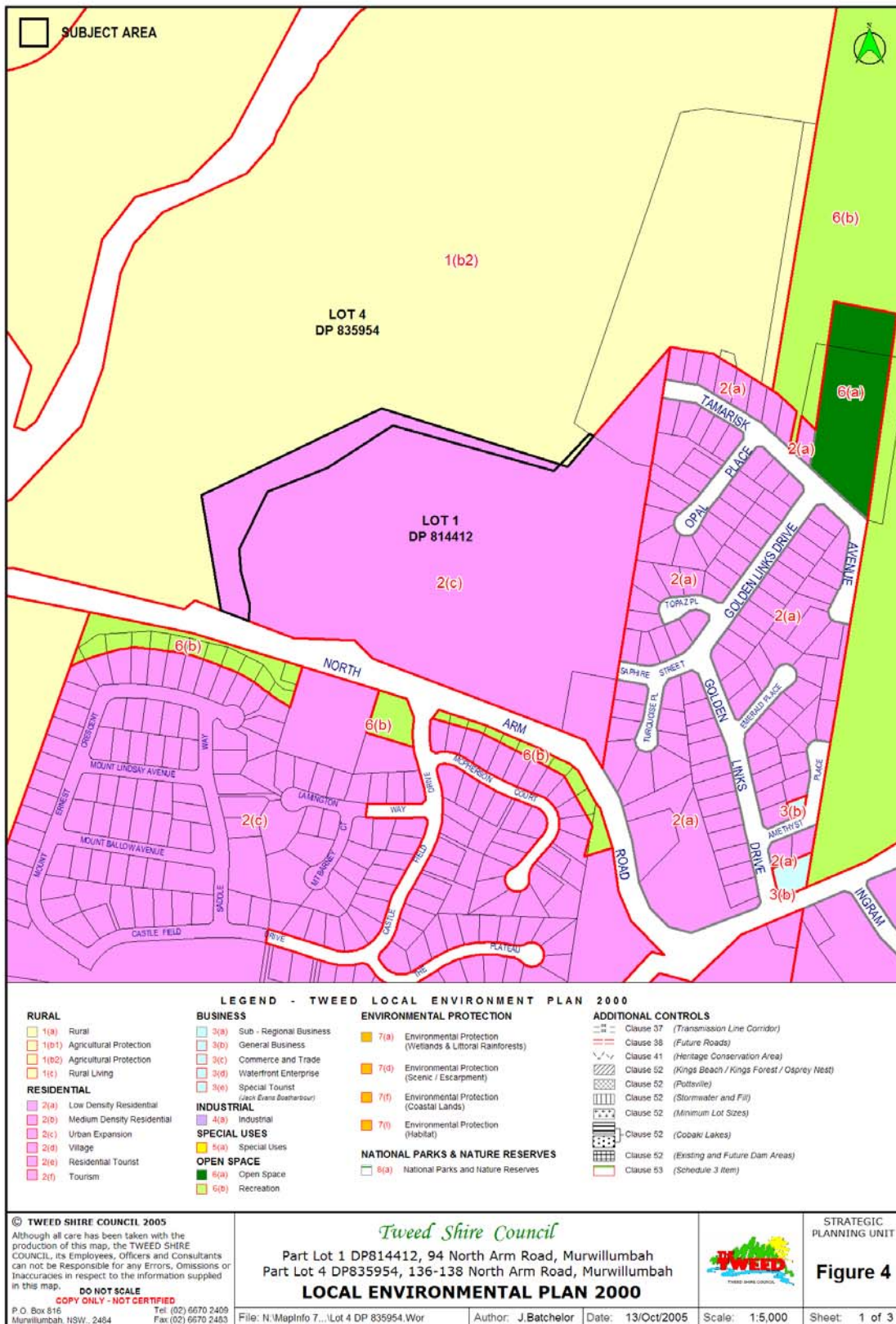
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FIGURE 3



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FIGURE 4



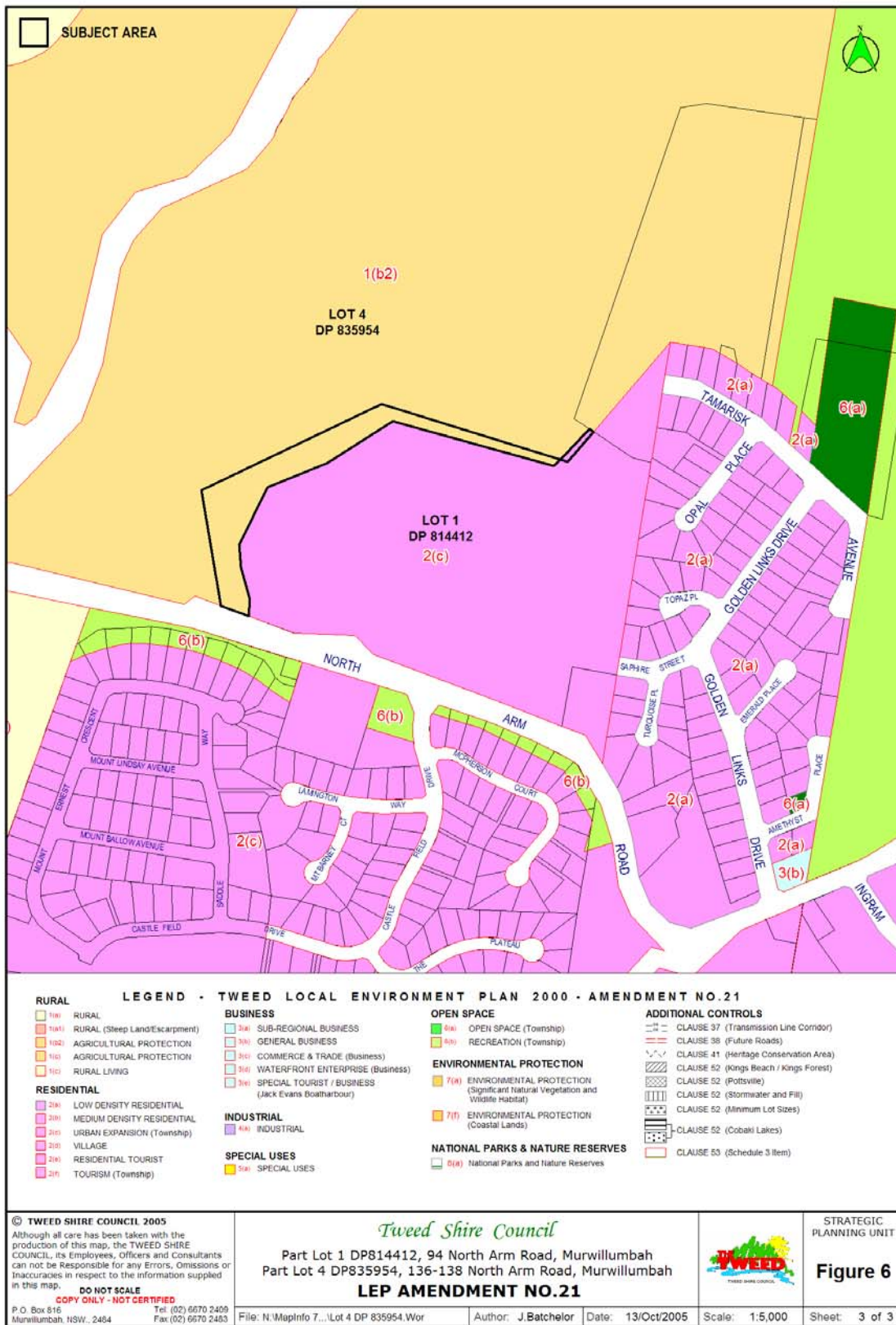
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FIGURE 5



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FIGURE 6



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LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

CONCLUSION:

Therefore it is recommended that Council resolve to proceed with the Amendment of Tweed LEP 2000, as exhibited, of the two (2) sites described in this report.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.
