

- The draft Tweed Local Environmental Plan 2010 and the draft Tweed City Centre LEP 2009 were on exhibition from 27 January 2010 to 30 April 2010.
- Tweed Shire Council received 411 submissions, out of which approximately 56 submissions referred to the draft Tweed City Centre LEP 2009, the remainder relate to the shire wide Draft LEP 2010.
- The table below provides a summary of the submissions review process for the draft Tweed Local Environmental Plan 2010 only.
- Each submission was given a unique identifier (a number).
- The submissions were grouped into eight themes. Each theme contains a group of similar, related issues.
- Planning response and recommended outcomes have been provided for each group of issues.

THEME 1 LEP PREPARATION PROCESS

1.1 Aims of Plan

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
33, 34, 86, 95, 214, 242, 277, 304, 363	<p>Submissions suggested that the aims of the Plan (listed under Clause 1.2 of the LEP) do not correspond to the unique local values of the Tweed. A variety of aims were suggested for inclusion to the LEP Clause 1.2:</p> <ol style="list-style-type: none"> 1. To provide the highest standard of environmental protection appropriate to this internationally significant environment and this highly sensitive wildlife, and to reverse the decline of biodiversity in line with Australia's international obligations. 2. To reverse the decline of this highly significant Aboriginal cultural landscape and to protect and promote Aboriginal cultural values. 3. To protect this National Iconic visual landscape and the internationally significant geological feature of the Tweed Caldera. 4. To provide for sustainable food and water security. 5. To provide for healthy communities, improved urban design and connection with the nature. 6. To provide for a sustainable population size within the environmental carrying capacity of the Shire and to account for the ecological economics of development. 7. To halt the peak of carbon emissions from the Shire in line with recommendations of the International Panel on Climate Change and to require optimum sustainability outcomes across all levels. 8. To account for the ecological economics of development. 9. To promote the sustainable and productive use of rural resources and primary industry development. 10. To manage compatibility between land uses as to reduce land use conflicts. 11. To encourage housing affordability in residential and mixed use zones. 	<p>All aims suggested by the community were carefully reviewed and assessed against criteria set out by the Department of Planning & Infrastructure and against aims defined in the draft LEP exhibited in 2010. Subsequently, an additional aim was added to better reflect community's aspirations and Council's adopted strategies and policies.</p> <p>Some of the aims proposed by community could not be included in the draft Plan as they cover matters that are not managed by the Local Environmental Plan, for example: healthy communities, promotion of Aboriginal cultural values or carbon emissions. The revised list of aims is as follows:</p> <p>(a) to give effect to the desired outcomes, strategic principles, policies and actions contained in the Council's adopted strategic planning documents,</p> <p>(b) to promote employment, residential, recreational, arts, social, cultural and tourism opportunities in Tweed,</p> <p>(c) to encourage the responsible sustainable management and conservation of Tweed's natural and environmentally sensitive areas, the built environment and cultural heritage,</p> <p>(d) to promote development that is consistent with the principles of ecologically sustainable development,</p> <p>(e) to conserve and enhance the biological diversity, scenic quality and ecological integrity of the Tweed.</p>	<p>Clause 1.2 Aims of Plan to be amended - additional aim (e) to be added to the list of Aims:</p> <p>(e) to conserve and enhance the biological diversity, scenic quality and ecological integrity of the Tweed.</p>

1.2 Translation of the LEP 2000 into the Standard Instrument Template

<i>Submission. Number</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
31, 33, 34, 143, 152, 187, 214, 276, 321, 386, 393	Submissions suggested that the draft LEP is not as claimed in the user guide a mere rollover of the existing LEP and as such is in contrary to the state government law.	Council has established a clear direction for preparing the new LEP, which is to take a 'best fit' conversion approach by maintaining similar planning controls where possible, unless new controls were mandated by the Standard Instrument. In addition, all inconsistencies between the current and the draft LEP have been addressed in the report submitted to Council for approval. A fact sheet has been prepared for the LEP re-exhibition explaining the conversion process.	No actions required.

1.3 The Standard Instrument and its adequacy to the local unique values

<i>Submission numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
7, 40, 59, 143, 145, 189, 229, 326, 388	Submissions stated that the Standard Instrument is inappropriate for the Tweed Shire and its local unique values.	The Standard Instrument template was introduced by the NSW Government to simplify and streamline the planning process. While the 'one size fits all' is not an intention of the template, the implementation of this part of the Government's planning reform agenda has restricted Council's ability to include some local clauses derived from detailed local studies and investigations. However, when preparing the LEP Council was able to decide which zones to use and where these zones should be placed, add additional permitted or prohibited land uses for each zone, prepare additional local provisions which address local planning issues and reflect the outcomes of local and regional strategies, insert local criteria or standards into some compulsory clauses and prepare maps that specify desired local development standards.	No actions required.

1.4 Standard definitions

<i>Submission numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
57, 242, 294, 304	Submissions suggested that certain terms and definitions used in the plan require further clarification: <ul style="list-style-type: none"> • 'environmental facility', • 'recreational waterway', • 'multi dwelling housing, • 'demolition', • 'clearing of native vegetation'. 	The definitions in the standard instrument are mandatory provisions and may not be altered or deleted. A comprehensive dictionary of terms is provided at the rear of the document in which terms such as 'environmental facility' 'multi dwelling house' and 'clearing of native vegetation' are defined. While 'recreational waterway' is not listed in the dictionary, the intention of this zone is spelt out by way of its objectives and a list of land uses. 'Demolition' is one of many terms used in the Standard Instrument which are not separately defined in the Dictionary. In such cases, the ordinary meaning of the word is to be used, which can usually be ascertained by referring to the Macquarie Dictionary.	No actions required.

THEME 2 EXHIBITION IN 2010

2.1 The duration of the exhibition period

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
144, 181, 256, 300, 301, 352	Submissions suggested that the public exhibition period was too short and should have been extended for additional 30 days.	Council has undertaken extensive public consultation, with the LEP on public exhibition initially for a period of 65 days from 27 January 2010 until 31 March 2010. That period was then extended for an additional 30 days until 30 April 2010 following receipt of requests for further time to respond to the documents on exhibition. This represents a total of 95 days, 67 days longer than the minimum 28 days required by legislation. A revised LEP which will better reflect the concerns and expectations of the community has been prepared, yet within the constraints as imposed by the NSW Government. The revised draft LEP will then be placed on public exhibition for the community to again have opportunity to contribute.	1. The re-exhibited LEP to be supported with plain English fact sheets to assist the understanding of the plan.

2.2 The adequacy of the consultation process with residents and rate payers

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
21, 31, 33, 34, 36, 38, 54, 57, 59, 94, 134, 135, 152, 177, 179, 180, 187, 214, 281, 321, 366, 367, 393	<p>Submissions suggested that the Council has failed to adequately consult the draft LEP with the community, no material was exhibited to explain certain zoning decisions or the origin of zone objectives, and decisions have been made without due consideration of local concerns and expectations.</p> <p>Some submissions requested that the Plan be reviewed by independent research organisations or tertiary education institutes.</p>	<p>Council has undertaken extensive public consultation, with the LEP on public exhibition from 27 January 2010 until 30 April 2010. This represents a total of 95 days, 67 days longer than the minimum 28 days required by legislation.</p> <p>Council produced a range of documents to assist the community in understanding the process and how they could best respond to any concerns they might have. The Users' Guide, Zone Comparison Table and Fact Sheets were an important extension of the consultation process. Council conducted seven 'road show' presentations in local venues at which the community could meet with Council officers, at Murwillumbah, Burringbar, Uki, Tyalgum, Pottsville, Kingscliff and Tweed Heads. More than 350 people took the opportunity to visit the display and talk to Council officers.</p> <p>Documentation was on public exhibition for the duration of the public exhibition period and available for viewing at Murwillumbah, Burringbar, Uki, Tyalgum, Pottsville, Kingscliff and Tweed Heads. The documents could also be viewed online 24 hours a day.</p> <p>Council dedicated a strategic planning officer to handle enquiries throughout the duration of the exhibition period.</p> <p>Submissions could be lodged via email or by post, with more than 400 submissions received and reviewed in detail.</p>	No actions required.

2.3 Requests for a public hearing

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
33, 34, 39, 59, 70, 86, 95, 119, 124, 143, 151, 166, 168, 174, 178, 186, 188, 193, 214, 218, 226, 229, 232, 233, 258, 277,	Submissions expressed the desire to call a public hearing to discuss matters and concerns raised during the exhibition period.	Pursuant to section 57 of the Environmental Planning and Assessment Act 1979, the relevant planning authority can arrange a public hearing on the issues raised in a submission if a person making a submission so requests, and the relevant planning authority considers that the issues raised in a submission are of such significance that	No actions required.

278, 294, 310, 311, 323, 326, 337, 345, 350, 359, 363, 366, 368, 369, 377, 380		they should be the subject of a hearing. In 2010, Council undertook extensive public consultation and considered all submissions received. A public hearing was not considered to be warranted. A revised LEP which will better reflect the concerns and expectations of the community, yet within the constraints as imposed by the NSW Government will be placed on public exhibition for the community to again have the opportunity to contribute. Public hearing is not required at this stage.	
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2.4 Requests to revise the draft LEP and place back on public exhibition

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
33, 34, 70, 143, 151, 188, 264, 287, 312, 353, 359	Submissions requested that the draft LEP be re-written and re-exhibited because of a significant number of concerns and objections.	Council has considered these submissions and has prepared a revised LEP which will better reflect the concerns and expectations of the community, yet within the constraints as imposed by the NSW Government. The revised draft LEP will then be placed on public exhibition for the community to again have the opportunity to contribute.	No actions required.

THEME 3 GENERAL ISSUES

3.1 Population growth management

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
33, 34, 39, 54, 57, 94, 106, 151, 177, 178, 179, 180, 214, 220, 229, 234, 291, 296, 297, 380	Submissions expressed concern about excessive population growth and requested that further population expansion should be restricted until sustainability measures and suitable transportation modes are widely discussed with the community and implemented.	The matter of population limits is a complex one which in part is addressed within all Local Environmental Plans with the dedication of land for particular uses, the definition of this land determined through detailed site evaluation and development of concept plans which take into account the suitability and capability of the land to accommodate the landuses proposed. This LEP review process does not result in releasing new urban areas. Council is committed to developing a Local Growth Management Strategy which will address population growth and sustainability measures.	No actions required at this stage. Local Growth Management Strategy to address population growth and sustainability measures.

3.2 Rural land - general matters

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
40, 127, 238, 272, 324, 326, 384, 385, 386	Submissions expressed general and specific concerns regarding rural lands: <ul style="list-style-type: none"> • There is a need for a rural land study, • Farm forestry needs to be encouraged, • There is a need to facilitate profitable farming ventures, • That Tweed Shire Council should not support State Government Significant Farmland Protection Policy for Cudgen and zoning of rural lands should not be based on this Policy, 	The draft Tweed LEP 2010 is being prepared in response to the State Government's requirement for all NSW Councils to prepare a single LEP which conforms to the requirements of the Standard Instrument (Local Environmental Plans) Order 2006 (the Template). The Template establishes a compulsory set of standard zones (including zone objectives) as well as standard definitions and clauses to control and guide development in the Shire. Following this current translation, Council will be undertaking further studies and analysis with the intention of facilitating more comprehensive review of major landuse issues affecting the Shire, as reflected in feedback from the community.	No actions required at this stage.

	<ul style="list-style-type: none"> • That the farmers markets do not pay farmers well enough for their products, • "Managing Rural Change" chapter of Tweed 4/24 has not been addressed by the new Tweed LEP, • That a partnership with the rural community should be formed, • That the LEP must consider conflict of land use between farmers and lifestylers, • Assistance with weed control costs is needed, • Credit for using organic or natural mineral fertilizers should be provided, • Protection from trespassers and thieves is needed. 	<p>Matters raised during the exhibition have been carefully reviewed and analysed, with the majority of them addressed by the Sustainable Agriculture Strategy and the Rural Land Strategy which provides a holistic and objective assessment of options for the sustainable management of the Shire's environmental, social and economic resources.</p>	
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3.3 Adopted Locality Plans

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
33, 34, 37, 59, 145, 149, 156, 203, 214, 217, 345	<p>Submissions expressing concerns on how the locality plans should be represented in the LEP have been divided in 2 groups:</p> <p>1. First group requested the inclusion of recently adopted locality plans into the LEP:</p> <ul style="list-style-type: none"> • Uki Village, • Bogangar/Cabarita Beach Locality Plan, • Hastings Point DCP (especially provisions regulating construction on floodplains). <p>2. Second group objected to the inclusion of the following locality plans:</p> <ul style="list-style-type: none"> • Pottsville Locality Based Development Code (objection to the proposed shopping centre), • Bogangar/Cabarita Beach Locality Plan. 	<p>In the LEP preparation process, Councils can add local clauses that address specific local circumstances where justified. These could be as a result of relevant planning components of council's local strategic planning, or required under a section 117 direction, or regional or metropolitan strategy. However, any such local clauses are not to be inconsistent with and should not undermine the effect of: the mandated clauses in the Standard Instrument, the permissibility or otherwise of a land use as detailed in the Land Use Table, or any other relevant State and regional policies, strategies, directions etc.</p> <p>Uki Village, Hastings Point, Pottsville Locality Based Development Code and Bogangar/Cabarita Beach Locality Plan are adopted, local strategic planning documents under Tweed's Development Control Plan.</p> <p>Development standards defined in these plans have been used inform the LEP's height of buildings map and floor space ratio map with the exception of Bogangar/Cabarita Beach Locality Plan which, under Council's adopted work program is scheduled for a review.</p> <p>Land zoning map of areas subject to these locality plans is to be amended through a separate amendment of the LEP.</p>	Amend Height of Buildings and Floor Space Ratio Maps for: Hastings Point, Pottsville and Uki in line with relevant provisions of the DCP.

3.4 Relationship between the draft LEP and the State Environmental Planning Policy (Major Development) 2005

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
78, 81, 144, 354	<p>Submissions questioned the relationship between the draft LEP and the SEPP (Major Development) 2005 particularly in relation to the Kings Forest site and the Rise (Bilambil Heights) which are listed in Schedule 3 of the SEPP as "state significant sites".</p>	<p>The exhibited version of the Plan in 2010 nominated Kings Forest as a deferred area on request from the Department of Planning on the basis that the site was being assessed under Part 3A of the Environmental Planning and Assessment Act 1979.</p> <p>The Major Development SEPP will prevail over local environmental plans in case of any inconsistency between the two documents.</p> <p>The SEPP in its current form (as in June 2012) sets provisions for the two state significant sites: Kings Forest and Bilambil Height.</p> <p>Schedule 3 Part 6 Clause 10 of the SEPP states as follows:</p>	Exclude Bilambil Heights from the LEP. Kings Forest site to be included but left unzoned on the Land Zoning Map. Adequate annotations to be made on the Land Zoning Map for both sites.

		<p><i>The only environmental planning instruments that apply, according to their terms, to or in respect of development within the Kings Forest site are as follows:</i></p> <p><i>(a) in the case of development that is a transitional Part 3A project—this Policy and all other State environmental planning policies otherwise applicable to the land, except State Environmental Planning Policy No 1—Development Standards,</i></p> <p><i>(b) in the case of all other development—all environmental planning instruments otherwise applicable to the land, except State Environmental Planning Policy No 1—Development Standards, but only to the extent that those instruments are not inconsistent with this Policy.</i></p> <p>Schedule 3 Part 26 Clause 5 of the SEPP states as follows: The only environmental planning instruments that apply to land within the Rise Bilambil Heights site are this Policy and all other State environmental planning policies, other than <i>State Environmental Planning Policy No 1—Development Standards</i>.</p> <p>Given that the SEPP prevails over the LEP, and that the SEPP clearly states that the LEP does not apply to the Rise site, this site is to be excluded from the LEP with an appropriate note being made on a Land Zoning Map referring to the SEPP (Major Development) 2005.</p> <p>Kings Forest site is to be included in the LEP but unzoned to avoid any inconsistencies with the SEPP which provides zoning and list of uses permissible within each zone that applies to the site.</p>	
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THEME 4 ENVIRONMENTAL PROTECTION

4.1 The application of the environmental protection zones

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
9, 35, 60, 64, 66, 79, 80, 93, 136, 148, 170, 172, 201, 205, 207, 227, 235, 255, 292, 306, 317, 331, 339, 340, 356, 371, 383, 389, 395, 405	Submissions expressed site-specific objections to the application of the E2 Environmental Protection zone.	<p>Environmental protection under the draft LEP 2010 was based on the Tweed Vegetation Management Strategy 2004 (TVMS) and has resulted in amendments in zoning of certain areas across the Shire.</p> <p>Council is now working toward a revised strategy that will better reflect the status of vegetation within the Shire with a view to undertaking a further comprehensive environmental audit as part of future amendments to the LEP.</p> <p>In the meantime, the revised version of the draft Tweed LEP 2012 provides a ‘best fit’ conversion of current zones. Environmental zones from the LEP 2000, being 7(a), 7(d), 7(f) and 7(l) have been translated to the Standard Instrument zones (E2 and E3) without any modifications to their boundaries.</p> <p>As the TVMS recommends significant amendments to the zoning of land in the Tweed, it was decided that this strategy should be further consulted with landowners and the</p>	The Environmental zones have been applied as a “best fit” translation of the current environmental zones. No additional/new environmental zones are proposed..

		community before its implementation into the LEP.	
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<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
10, 20, 21, 23, 25, 28, 29, 31, 33, 34, 36, 39, 55, 58, 59, 67, 75, 78, 80, 86, 95, 97, 106, 118, 119, 121, 122, 124, 125, 126, 131, 139, 143, 144, 150, 151, 153, 166, 168, 169, 174, 178, 179, 180, 181, 185, 186, 188, 189, 190, 192, 193, 196, 210, 211, 214, 218, 220, 222, 223, 226, 229, 231, 232, 233, 234, 244, 254, 257, 258, 261, 263, 267, 277, 279, 294, 296, 297, 307, 310, 311, 319, 321, 322, 323, 325, 326, 329, 335, 336, 337, 342, 347, 350, 353, 359, 362, 363, 366, 367, 368, 369, 371, 372, 374, 376, 377, 378, 387, 388, 393, 405	Objection to the reduction of areas zoned with the environmental protection and to the loss of clearing controls.	<p>Environmental protection under the draft LEP 2010 was based on the Tweed Vegetation Management Strategy 2004 (TVMS) and resulted in a reduction of areas zoned for environmental protection and implementation of the “bushland map” (now terrestrial biodiversity map) into the LEP.</p> <p>Council is now working toward a revised strategy that will better reflect the status of vegetation within the Shire with a view to undertaking a further comprehensive environmental audit as part of future amendments to the LEP.</p> <p>Until this new strategy is completed, the revised version of the draft Tweed LEP 2012 provides a ‘best fit’ conversion of current zones. Environmental zones from the LEP 2000, being 7(a), 7(d), 7(f) and 7(l) have been translated to the Standard Instrument zones (E2 and E3) without any modifications to their boundaries.</p> <p>The draft Tweed LEP 2012 utilises a set of three environmental zones: E1 National Parks and Nature Reserves, E2 Environmental Conservation and E3 Environmental Management. These zones are supported by a complementary package of clauses, including: Clause 7.8 Biodiversity, Clause 7.9 Steep Land. Clause 5.9 Preservation of Trees or Vegetation, Clause 7.10 Drinking Water Catchment, Clause 7.14 Stormwater Management, Clause 7.11 Earthworks and Drainage, Clause 7.1 Acid Sulfate Soils and Clause 7.16 Coastal Risk Planning.</p> <p>In addition, Council has developed a Tweed DCP Section A16 Trees and Vegetation Preservation Code, which aims to protect the biodiversity, amenity and cultural values of the Tweed Shire through the preservation of trees and vegetation. It also provides a process for identifying, listing and preserving trees of ecological, heritage, aesthetic and cultural significance.</p>	The revised Tweed LEP 2012 is based on the ‘best fit’ conversion of the current environmental zones. The TVMS strategy is to be updated and further consulted with the community and the Department of Planning & Infrastructure.

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
27, 28, 29 334	Certain areas in Fingal Head should be zoned E2 Certain areas in Terranora should be zoned E2	<p>The revised version of the draft Tweed LEP 2012 is based on the ‘best fit’ conversion principle. Environmental zones from the LEP 2000, being 7(a), 7(d), 7(f) and 7(l) have been translated to the Standard Instrument zones (E2 and E3) without any modifications to their boundaries. Areas zoned for 6(a) Open Space have been zoned with the corresponding Standard Instrument zone RE1 Public Recreation.</p> <p>Council can rezone the land only when it is based on a up-to-date, locally adopted strategy or a planning proposal supported by environmental studies.</p> <p>The revised version of the TVMS should provide recommendations regarding preferred zones for Fingal Head.</p>	No actions required.

4.2 Accuracy of the Bushland Maps

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
57, 79, 80, 300, 301, 331, 368, 159, 206, 210, 305, 313, 236, 274, 381, 390, 161, 302, 327	Site-specific objection to the accuracy of the Bushland Map	<p>The accuracy of the Bushland Maps has been improved through detailed analysis of aerial imagery maps and numerous site inspections.</p> <p>The Bushland Maps identify vegetation and ecosystems of significance in the Shire, outside of National Parks and State Forests. The objectives of the maps are to:</p> <ul style="list-style-type: none"> (a) protect the biological diversity of native fauna and flora, (b) maintain and encouraging natural ecological processes necessary for their continued existence, (c)... improve the recovery of degraded habitats, threatened species, communities and populations and their habitats, (d) mitigate processes that threaten biodiversity values, (e) protect land and water resources from degradation, and (f) maintain scenic values. <p>The Bushland Map has been renamed The Terrestrial Biodiversity map and must be read in conjunction with clause 7.9 of the LEP 2012. This map does not result in the prohibition of development. It identifies the environmental constraints that need to be considered in the development assessment process.</p>	<p>Clause 1.2 Aims of Plan to be amended - additional aim (e) to be added to the list of Aims:</p> <p>(e) to conserve and enhance the biological diversity, scenic quality and ecological integrity of the Tweed.</p>

THEME 5 ZONING**5.1 The translation of zones 7(d) and 7(l) and its consistency with Section 117 directives and with the North Coast Regional Environmental Plan 1988**

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
59, 95, 143, 187, 188, 281, 310, 393	Submissions expressed concerns that the translation of zones 7(d) Environmental Protection (Scenic/Escarpment) and 7(l) Environmental Protection (Habitat) proposed in the exhibited version of the LEP will lead to reduction of the environmental protection. It is therefore inconsistent with Section 117 and the North Coast Regional Environmental Plan.	<p>The Section 117 directive says that a draft LEP shall not reduce the environment protection standards that apply to land within an (existing) environmental protection zone.</p> <p>The provisions of clause 29(b) and (e) of NCREP of the North Coast Regional Environmental Plan require a draft LEP:</p> <p><i>'shall not alter or remove existing environmental protection zonings or controls within them without undertaking a detailed analysis to determine whether there will be adverse environmental effects resulting from such action' and 'shall require consent for the clearing of natural vegetation in environmental protection zones'.</i> The revised version of the draft Tweed LEP 2012 is based on the 'best fit' conversion principle. Environmental zones from the LEP 2000, being 7(a), 7(d), 7(f) and 7(l) have been translated to the Standard Instrument zones (E2 and E3) without any modifications to their boundaries. As such, the Plan is considered consistent with Section 117 directives. Attachment 4 of the Report provides an assessment of the draft Tweed LEP 2012 against Section 117 directives.</p>	No actions required.

5.2 Zoning of infrastructure sites

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
48, 122, 134, 135, 136, 160, 171, 181, 189, 200, 136, 309, 363	Submissions expressed site-specific objections to rezoning of land zoned 5(a) Special Uses with another, non-infrastructure zone.	<p>The new zoning approach towards infrastructure sites is at the direction of the Department of Planning & Infrastructure to provide greater flexibility and adaptive management of land used for the provision of public or private infrastructure. It moves away from zoning infrastructure land as 'special use' or 'special purpose' zones, which previously limited the ability of infrastructure providers to respond to changing demographic trends and provide the public with infrastructure and services outside existing locations.</p> <p>'Special use' zone is not required in the LEP to permit infrastructure that is already permitted on all land through the Infrastructure SEPP. Therefore, for most infrastructure sites, the adjoining zone was applied. This approach avoids the need for spot rezoning when the infrastructure use expands, ceases, is realigned or is downsized in the future. All roads are to be zoned and have been zoned in accordance with the adjoining land. This avoids the need for spot rezoning where the roads are closed, or where the alignment of the roads changes, which can commonly occur in rural and release areas. The SP2 Infrastructure zone has been applied only for major infrastructure on large sites or on sites that are highly unlikely to be used for a different purpose in the future, such as cemeteries and sewage treatment plant..</p>	No actions required.

5.3 Site-specific requests to rezone land, amend the land use table or Schedule 1 (Additional permitted uses)

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
6, 11, 17, 24, 35, 44, 47, 57, 68, 69, 74, 76, 78, 80, 84, 108, 110, 112, 116, 122, 126, 129, 132, 134, 135, 136, 147, 148, 152, 159, 178, 192, 195, 206, 209, 210, 211, 215, 219, 235, 242, 246, 253, 260, 262, 265, 270, 275, 285, 286, 288, 293, 295, 304, 305, 321, 328, 334, 341, 342, 343, 344, 358, 363, 364, 372, 382, 383, 405, 407, 408, 411	Submissions objected to the proposed zoning and requested site-specific rezoning or site-specific amendments to the list of land uses permitted through the land use table or Schedule 1. In addition, some submissions sought amendments to zone objectives to recognize the intended use of land.	<p>The <i>Standard Instrument (Local Environmental Plans) Order 2006</i> (Standard Instrument) sets out 35 standard zones for councils to use when preparing new principal local environmental plans (LEPs) for their local government areas. Council has selected zones as appropriate to the needs of the local area, taking into account any relevant State or regional planning guidance.</p> <p>The draft Tweed LEP 2012 represents a translation of the existing Tweed LEP 2000, with the inclusion of previously completed strategies which have been publically exhibited and endorsed by Council. Decisions relating to the translation of existing zones in the Tweed LEP 2000 into appropriate zones under the draft LEP 2010 have been mandated by the NSW Government. For the majority of existing zones, an equivalent zone was selected.</p> <p>The land use table contains land uses mandated under the Standard Instrument and additional uses added by the Council. While adding additional uses Council considered the integrity of each zone (by including only uses consistent with the zone objectives) and any relevant State or regional planning policy or guidance and translation of the current permitted uses.</p> <p>The assessment of individual sites for a change in the land use zone (to a zone other than a corresponding Standard Instrument zone) is outside the scope of the current LEP</p>	No actions required.

		<p>planning review process. A separate statutory planning process, application for a Planning proposal, applies to the preparation of LEPs.</p>	
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5.4 Site-specific requests to rezone land in accordance with relevant State policies & requests to adjust zoning anomalies resulting from translation of zones

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
<p>45, 69, 73, 98, 110, 198, 208, 241, 305, 318, 410, 397, 405</p>	<p>Submission expressed justified objections to the proposed zoning of specific areas or allotments:</p> <ul style="list-style-type: none"> • Crown Lands should not be zoned with a zone that might restrict access for community. • Cobaki Lakes - zoning of Cobaki Lakes should be aligned with the approved concept plan, • Certain infrastructure sites: Murwillumbah airfield, Murwillumbah cemetery, Kingscliff Fire Station - to be rezoned in accordance with relevant updated State guidelines, • Minor mapping anomalies which in consequence gave effect to the unplanned change of zone or land use (Salt Boathouse, boat storage facility in Chinderah, intersection of Reserve Creek Rd and Wullfs Lane in Kielvale, private land at 1 Young St in Hastings Point, serviced apartments at Tamarind Avenue, Cabarita) 	<p>A number of zone requests appropriately have identified anomalies and/or errors in the manner in which the zones were translated.</p> <p>The concept plan for Cobaki Lakes was approved by the Minister under Section 75O of the EP&A Act 1979 and the transitional provisions in Clause 80A of the EP&A Regulation 2000. Subsequently, under Section 75R, Minister ordered the LEP to be amended in accordance with the concept plan.</p> <p>Certain areas owned by Crowns Land and reserved for a wide range of public recreational areas have been zoned RE1 Public Recreation. In addition, list of permissible land uses under this zone has been amended to allow for uses compatible with the primary use on some areas, such as 'entertainment facility' or 'function centres'.</p> <p>The State's guidelines on zoning public infrastructure land in Standard Instrument were amended in December 2010. Certain sites (including M'bah airfield, cemetery and Kingscliff Fire Station) have been rezoned in accordance with the new guidelines.</p> <p>A few mapping anomalies that occurred during the translation process have been amended on landowners' requests. These amendments are not to be considered as 'rezoning', rather they reflect the appropriate 'standard translation' of a Tweed LEP 2000 zone into</p>	<p>The LEP Land Zoning Map and land use table to be amended to address the required/appropriate permitted uses.</p>

		a draft Tweed LEP 2012 zone.	
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5.5 Translation of zone 3(d) Waterfront Enterprise

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
4, 363	Submissions objected to the translation of zone 3(d) Waterfront Enterprise in Chinderah.	The Standard Instrument does not provide a zone directly compatible with the 3(d) Waterfront Enterprise zone. Therefore, the land has been zoned to reflect the most appropriate translation of the current land use with regard being made to flooding. As a result, for areas zoned 3(d) a B4 or IN1 zones have been applied. Council is aware that this zoning results in a change of permissible land uses however all efforts were made to select zones that would protect the current use of land.	No actions required.

5.6 Zoning of land accreted in natural process

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
50, 140, 398, 399, 400, 409	Submissions objected to the proposed zoning of RE1 Public Recreation for foreshore land between the property boundary and the current Mean High Water Mark on the bank of the Tweed River.	The ownership status of land accreted in natural erosion process needs to be resolved before any zoning decisions will be made. In this instance, the preferred scenario is to translate the existing zone 6(a) into the corresponding zone, being RE1 Public Recreation. This approach is consistent with the Coastal Protection Act 1979 which contains provisions requesting continuing and undiminished public access to beaches, headlands and waterways, particularly where public access is threatened or affected by accretion.	No actions required.

5.7 Zoning of waterways

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
152, 187, 304, 363, 405, 321	Submissions suggested that no material has been exhibited to justify the proposed zoning of waterways and raised concerns regarding zoning of certain areas (Cobaki Broadwater, islands within the Tweed River, and areas north of Cudgen Lake)	<p>Zoning of waterways has been updated in accordance with the directions of the Department of Planning & Infrastructure in March 2011. Three water-based zones have been applied as follows:</p> <p>W1 Natural Waterways: This zone is used for waterways that are to be protected due to their ecological and scenic values. A limited number of low impact uses that do not have an adverse effect on the natural value of the waterway have been permitted in this zone.</p> <p>W2 Recreational Waterways: This zone is generally intended for waterways that are used primarily for recreational purposes such as boating, fishing and waterskiing, but which may also have ecological, scenic or other values that require protection.</p> <p>W3 Working Waterways: This zone is generally intended for waterways which are primarily used for shipping, port, transport and other working uses. The zone recognises that there may also be recreational uses.</p> <p>Small and ephemeral waterways have generally been zoned according to the surrounding zone.</p>	No actions required.

THEME 6 DEVELOPMENT STANDARDS

6.1 Floor space ratio

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
23, 31, 36, 55, 67, 69, 94, 95, 110, 124, 125, 131, 152, 166, 174, 178, 179, 180, 186, 187, 206, 216, 231, 232, 233, 258, 261, 277, 278, 279, 281, 291, 294, 307, 310, 321, 323, 337, 345, 347, 363, 376, 393	Submissions suggested that the Tweed Local Environmental Plan would effectively increase the allowable density of development in most parts of the Shire zoned for urban purposes.	The Draft Tweed Local Environmental Plan 2012 adopts the requirements of the State Government's LEP Template for inclusion of Floor Space Ratios (FSR) for urban areas within the Shire. FSR controls in the Draft LEP have been based on the maximum potential FSR for buildings; however, as with building height, the maximum potential FSR does not reflect the FSR requirement for particular building types. The maximum potential FSR mapped within the Draft LEP must be read in conjunction with permissible FSR requirements within the Tweed DCP A1 to determine the maximum permissible FSR for building types within each zone. FSR requirements existed prior to the Draft LEP 2012, but are now reinforced by inclusion within the LEP as well, as such; FSR requirements have not changed, but are merely reflected in the LEP and remain unchanged in the Tweed DCP A1.	A Fact sheet has been prepared for the re-exhibition providing a plain English explanation on floor space ratio development standard provisions in both the LEP and the Tweed DCP A1.

6.2 Height of buildings

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
21,23, 25, 28, 29, 31, 36, 38, 39, 47, 54, 55, 59, 67, 69, 72, 78, 86, 92, 94, 95, 110, 115, 119, 120, 121, 124, 125, 126, 131, 133, 143, 145, 152, 153, 166, 168, 174, 178, 179, 180, 185, 186, 187, 188, 196, 206, 211, 214, 216, 220, 223, 231, 232, 233, 242, 244, 257, 258, 261, 262, 276, 277, 278, 279, 291, 294, 296, 297, 303, 305, 307, 310, 311, 313, 321, 322, 323, 337, 345, 347, 350, 354, 359, 363, 364, 366, 372, 374, 376, 380, 387, 388, 392, 393	Submissions objected to the height of buildings standard provided in the LEP. The majority of submissions expressed concerns that the new LEP would increase the allowable height limits, however there was also a number of submissions requesting increased buildings height limits to allow for higher/high rise development. Some submissions requested that the height of buildings should be expressed in storeys not in metres.	The draft Tweed LEP does not intend to alter height of buildings standards defined in the LEP 2000 and in the Tweed Development Control Plan. The draft Tweed LEP adopts the height definition required by the State Government's LEP Template, which will be applied to the majority of development types. The new Template format requires a measurement of vertical height in metres, as compared against the current measurement which is a composite of the number of storeys and a vertical height measurement. Height of buildings maps need to be read in conjunction with the Tweed DCP (both the shire wide A1 and site-specific locality plans) and the State Government's Residential Flat Design Code. The height of buildings likely to arise under the new controls is not dissimilar to those under the current Plan, which generally prescribes a higher limit in metres through the definition of terms. Building types permissible under the Tweed LEP 2000 are likewise permissible under the draft Tweed LEP 2012, however, as mentioned, building height is determined by assessment of a range of parameters, which are detailed in the DCP, not just building type.	A Fact sheet has been prepared for re-exhibition providing a plain English explanation on height of buildings development standard provisions in both the LEP and the Tweed Development Control Plan.

6.3 Minimum lot size on rural lands (development on rural lands)

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
3, 7, 11, 13, 14, 15, 20, 46, 47, 56, 58, 59, 61, 65, 75, 77, 81, 87, 88, 89, 107, 109, 111, 114, 126, 130, 141, 148, 153, 157, 163, 164, 165, 176, 188, 197, 199, 202, 210, 212, 213, 215, 221, 224, 228, 229, 236, 237, 238, 239, 244, 245, 249, 250, 251, 252, 259, 265, 266, 269, 270, 271, 272, 273, 277, 280, 289, 298, 299, 300, 301, 304, 326, 348, 363, 368, 370, 373, 375, 383, 384, 385, 386, 391	<p>A number of submissions expressed concerns regarding the minimum lot size standard for rural lands:</p> <ul style="list-style-type: none"> • There are small lots that do not have dwelling entitlements but fees and rates are being charged, • Rural land should be assessed for sustainable small acreage, • Development should be permitted on poor quality farming land, • The current minimum lot size provisions for rural lands are outdated and should be flexibly applied on a case-by-case basis, • Proposed minimum lot size provisions should be retained to prevent the land from fragmentation, • Site-specific request to amend zoning or development standards to allow for a subdivision and development of rural land. 	<p>The principles for the land-use management of rural lands, including the minimum lot size required for a dwelling entitlement, will be reviewed in the Rural Land Study. Council anticipates commencement of the Rural Land Study in the 2012/2013 financial year. The Study is expected address a range of issues, including the minimum subdivisional lot sizes for additional housing entitlement, land capability to support agricultural and rural industries, conservation, tourism and rural housing. The minimum lot size of 40 hectares relates specifically to the use of the land for a residential purpose. While subdivision may be permissible below 40 hectares for a non-residential purpose, the permissibility of additional residential dwelling entitlements in such cases cannot be guaranteed. This approach is a direct translation of minimum lot size provisions contained in the Tweed LEP 2000. The draft LEP 2012 does not intend to allow a dwelling entitlement where one does not currently exist.</p>	<p>The rural land study is anticipated to provide the planning framework to review the minimum lot size standard for rural lands.</p>

6.4 Development standards - other

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
47, 288, 403	<p>Submissions objected to the following development standards:</p> <ul style="list-style-type: none"> • Minimum lot size in zone R5 Large Lot Residential, • Minimum floor area for secondary dwellings, 	<p>Minimum lot size for zone R5 is a direct translation of the same development standard from the current plan, Tweed LEP 2000 and therefore is not proposed to be altered in this LEP review process. Minimum floor area for secondary dwellings has been defined in Tweed Development Control Plan Section A1. According to this Section, the gross floor area of the secondary dwelling may not exceed 60m² or t 20% of the total floor space of the primary and secondary dwelling.</p>	<p>No action required.</p>

THEME 7 CLAUSES**7.1 Multiple occupancy (strata title) and community title on certain land**

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
11, 79, 80, 82, 83, 117, 184, 229, 244, 331, 336	<p>Submissions requested amendments to the LEP to permit multiple occupancy (strata title) or community title on land zoned R5 Large Lot Residential and RU2 Rural Landscape, or additional dwellings to be permitted without subdividing the land.</p>	<p>Multiple occupancy is broadly defined as the collective management and sharing of un-subdivided land, facilities and resources. The matter of whether existing multiple occupancy can or should be converted to community title or some other form of land tenure is beyond the scope of the current LEP review. Council is soon to commence a rural land strategy, which is anticipated to include assessment and review of multiple occupancy and community title for rural areas and large lot residential areas. In the meantime the subdivision of rural land below the current minimum lot size is not permitted. It is also recognised that</p>	<p>No actions required at this stage. The The rural land study is anticipated to provide the planning framework to review strata title and community title for rural lands.</p>

		subdividing multiple occupancy is contrary to the aims of the State Policy and would not be supported by the Department of Planning and Infrastructure.	
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7.2 Acid Sulfate Soils controls

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
41, 42, 43, 189, 215, 221, 270, 277	Submissions objected to the loss of self-regulation of drain management as is currently practised under LEP 2000 provisions.	Council has considered these submissions has agreed to retain current self-regulation controls; clause 7.2(2)(e) which changed the provision for self-regulation, has been removed thereby reinstating the original intent of Clause 35 of the current Tweed Local Environmental Plan 2000.	Acid Sulfate Soils controls to be amended as requested in the submissions.

7.3 Buffer areas for sugar cane production and development near zone boundary

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
69, 215, 270	Submissions expressed concern that recommended minimum buffers for primary industries have not been considered and objected to Clause 5.3 Development near zone boundaries: The LEP should require consultation an adjoining land owner in respect of any development application based on the clause.	<ol style="list-style-type: none"> 1) The document "Living and Working in Rural Areas" produced by the Northern Rivers Catchment Management Authority in 2007 recommended buffer distances sugar cane from residential areas of 300 metres. 2) Tweed DCP A5 recommends buffer distances for a range of agricultural activities accommodating such activities as spraying under the Pesticides Act 1978, the DCP recommends a buffer of 150 metres from habitable buildings, but does not specifically mention sugar cane farming. 3) NSW Rural Fire Services would also need consultation on matters relating to the setback from vegetation and other potential fire hazards on adjoining land, but not specifically for sugar cane farmed land. 4) Buffers are to be incorporated within the zone, it is not the function of zones to define buffer distances between various potentially incompatible landuses, zones may define which landuses can adjoin, but there is no specific zone to accommodate buffers as a specific landuse. 5) Where development of habitable dwellings is proposed, such buffers would be considered as part of the development assessment process. 6) Adjoining landowners are notified of any development application proposal on neighbouring land and provided opportunity to respond with any concerns. 	No actions required.

7.4 Heritage

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
122, 268	That Schedule 5 Environmental Heritage should be expanded	<p>In August 2012 Council endorse the CBHS and resolved to prepare an amendment to the LEP to list the recommended heritage items and conservation areas within the Heritage Schedule of the Tweed LEP.</p> <p>Given the draft LEP 2012 has been finalised at a similar time and the imminence of the exhibition, the heritage listing recommendations of the CBHS have been incorporated into the draft Tweed LEP 2012. Schedule 5 Environmental Heritage has been updated to</p>	The list of heritage items and conservations areas adopted in the CBHS have been included in the draft LEP 2012.

		include the heritage items and conservation areas resolved by Council in the CBHS.	
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7.5 Development in flight paths and development in areas subject to airport noise - Clauses 7.5 and 7.6 of the draft LEP

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
104, 189, 333	Submissions suggested that the entire Clause 7.5 and 7.6 of the draft LEP should be redrafted and that the Murwillumbah airfield should not be excluded from the controls of obstacles to aircraft.	<p>Clauses 7.5 and 7.6 of the draft LEP 2010 were model local provisions prepared by the Department of Planning & Infrastructure for councils to adopt in SI template LEPs. Recently, The DP&I redrafted these model provisions and the updated versions has been included in draft Tweed LEP 2012.</p> <p>It should be noted that the ISEPP may be amended to include provisions in relation to air traffic noise consistent with AS2021-2000.</p>	Clauses 7.5 and 7.6 of the draft LEP 2010 to be replaced with the updated model local provisions provided by the DP&I.

7.6 Part 6 Urban Release Areas

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
26, 47, 215, 270, 304	<p>Submissions expressed concerns that related to Area E in Clause 53D of Tweed LEP 2000 have not been translated into Part 6 of the draft Tweed LEP.</p> <p>In addition, submissions requested certain changes to Part 6 of the LEP:</p> <ul style="list-style-type: none"> Objectives should be strengthened, Clause 6.6 of the exhibited LEP should include requirements of identification of potential impacts on adjoining agricultural activities and measures to mitigate any identified impacts, Clause 6.6 should provide an assessment of the compatibility of the proposed development with adjoining rural lands and environmental assets, Part 6 should promote public parks to be created on the best elevated lands. 	<p>Part 6 "Urban Release Areas" of the LEP contains a set of model clauses prepared by the Department of Planning & Infrastructure. Wording of these clauses cannot be altered or amended.</p> <p>On 13 December 2011 Council resolved to amend Tweed Shire Development Control Plan (Tweed DCP) to include a new section; Section B24 – Area E Urban Release Development Code. Section B24 identifies design principles for high quality urban and sustainable development of the site as well as the need to provide critical infrastructure within Area E.</p>	No actions required.

7.7 Amendments to the compulsory clauses or to the Standard Instrument template

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
8, 76, 104, 137, 189, 215, 270, 276, 304, 331, 361, 363	<p>Submissions requested certain amendments to mandatory clauses or to the structure of the LEP:</p> <ul style="list-style-type: none"> Clauses 3.1, 3.2 and/or Schedules 2 and 3 regarding exempt and complying development should be amended, Additional uses to be added to the land use table, the cumulative impact provision defined in clause 8(1)(c) of the LEP 2000 should be retained, 	<p>1. The SI Order identifies 42 mandatory clauses for inclusion in new principal Standard Instrument LEPs. The clauses are identified as either compulsory or optional and must not be modified.</p> <p>The content of Clauses: 1.8 (which repeals the North Coast REP), 3.1, 3.2, 5.9, Schedules 2 and 3 is compulsory and cannot be modified.</p> <p>2. Councils can add local clauses that address specific local circumstances where</p>	No actions required.

	<ul style="list-style-type: none"> • additional subclause be provided for clause 5.9, • social impact clause be retained, • improved compliance processes should be included through the objectives, to place onus on developers to provide evidence of compliance, e.g. soil and water quality tests, • Clause 38 of the LEP 2000 be retained, • objection to the North Coast Regional Environmental Plan being repealed, • major scenic routes should be shown on the Land Zoning Map, • LEP should contain mandatory provisions for refilling swimming pools with water captured by rainwater tanks, and the rainwater tanks should be tested for oestrogen leaching. 	<p>justified. These could be as a result of relevant planning components of council's local strategic planning, or required under a section 117 direction, or regional or metropolitan strategy. Any such local clauses are not to be inconsistent with and should not undermine the effect of: the mandated clauses in the Standard Instrument, the permissibility or otherwise of a land use as detailed in the Land Use Table, or any other relevant State and regional policies, strategies, directions etc.</p> <p>Clause 8 of the LEP 2000 is not consistent with the standard instrument therefore it has been removed from the revised LEP document. Tourist precinct or areas where certain forms of commercial activities are promoted must be supported by a relevant strategy adopted on local or state level.</p> <p>3. Compliance with the legislative requirements and social impact assessment are matters that should be dealt with through Development Control Plan. Tweed's DCP covers a broad range of standards that each development application needs to comply with. Section A13 of the DCP deals with socio-economic impact assessment.</p>	
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THEME 8 MATTERS OUTSIDE THE SCOPE OF THIS PLANNING PROCESS

<i>Submission Numbers</i>	<i>Summary of Submissions</i>	<i>Planning Response</i>	<i>Recommended Outcome</i>
3, 33, 34, 47, 54, 70, 113, 128, 136, 157, 176, 177, 178, 180, 194, 214, 243, 244, 264, 277, 279, 287, 363, 372	<p>Submissions expressed concerns on matters outside the scope of this planning process:</p> <ul style="list-style-type: none"> • There is a mapping error in the Northern Rivers Farmland Protection Project map, • That the Northern Rivers Farmland Protection Project be amended, • Council's Water Demand Strategy should contain provisions for water tanks, composting closets and on site water recycling, • Objection to the proposed brothel in Tweed Heads South, • Size of water tanks exempt under SEPP (Exempt and Complying Development codes) 2008 should be increased. • All relevant studies, including the non-commissioned ones should be taken into consideration, • A Locality Plan for Fingal Head should be developed, • There is a lack of specific flood guidelines for Fingal Head, • Council's Water Management Strategies do not achieve optimal sustainable water use, • A dwelling entitlement may be lost if a land is mapped as flood liable land, • There are inadequacies of the Draft Tweed Shire Retail and Centres Strategy, • The LEP should address the issue of unapproved dwellings and dwelling entitlements, • An application for rezoning of the site lodged in May 2006 has not been dealt with yet, • An Independent Commissioner for Tweed Sustainability should be established, • Aboriginal community should be consulted while zoning areas of Aboriginal significance, • The LEP should provide for a rail corridor from Condong through Cobaki to Gold Coast Airport, • A tourist precinct be established with restaurants, holiday units, motels, shops etc. along Dry Dock Road and Philip Street, Tweed Heads South, • Tweed Shire could become a viable farming community with thriving eco-tourism. 	<p>These matters are considered to be outside the scope of this planning process which is to translate the existing Tweed LEP 2000 into a Standard Instrument template mandated by the State Government.</p>	<p>No actions required.</p>