

Direction No.	Consistent	Justification/Comment
1. Employment and Resources		
1.1 Business and Industrial Zones	Yes	<p>Business zones The draft LEP provides a variety of six different business zones tailored to the local needs. This variety achieves a more efficient and economical land use outcome. The overall area zoned for Business has been retained. There are following business zones:</p> <ul style="list-style-type: none"> • Neighbourhood centre zone (B1) has been applied for small and isolated commercial sites situated within residential areas. Its intention is to reflect the local character of those sites. • B2 Local centre zone is generally intended for centres that provide a range of commercial, civic, cultural and residential uses that typically service a wider catchment than a neighbourhood centre. • Zones B3 and B4 have been applied for major centres that provide a wide range of uses including large-scale retail, office, businesses, entertainment and community uses. • B5 Business development zone is intended to provide for business, warehouse and bulky goods retail uses that require a large floor area, in locations that are close to, and that support the viability of, centres, and provide for employment generating uses. • A new zone, B7 Business Park, has been introduced to recognise the important contribution to the local economy of specialised landuses and functions. All business zones with the exception of the B1 zone allow for shop top housing. <p>Industrial Zones The draft LEP retains the current locations of industrial zones. Tweed Shire has approximately 231 ha of zoned industrial land of which approximately 138 ha is vacant. This vacant land should be discounted to 102 ha to account for physical and infrastructure constraints which affect different areas. This discounted amount equates to about 10 years supply of land based on the "land demand per employee methodology" for assessing employment land demand.</p>
1.2 Rural Zones	Yes	<p>The Draft LEP protects the land identified as State or Regional Significant Farmland by zoning it RU1 Primary Production. Rural land not identified as "Significant Farmland" is zoned RU2 Rural Landscape.</p> <p>The Draft LEP does not rezone land from rural to urban purposes and does not contain provisions to increase the permissible density of land zoned for rural purposes.</p> <p>The Draft LEP retains land in existing rural zones in a rural zone, with the exception of Clarrie Hall Dam site which has been rezoned SP2 Infrastructure. It is noted that this new zone properly reflects</p>

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		the existing land use.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	The Mineral Resources branch of the NSW Department of Industry & Investment has been involved with Tweed Shire Council in the ongoing consultations regarding the draft LEP. Council has been provided with latest Mineral Resource Audit (May 2011). Zoning of resource areas have been analysed and no changes that might prohibit or restrict mining or quarrying have been identified.
1.4 Oyster Aquaculture	Yes	NSW Oyster Industry Sustainable Aquaculture Strategy identifies five priority aquaculture areas and one aquaculture lease within Terranora Broadwater. The aquaculture lease area is mapped as a 'phase out' site. The entire Terranora Broadwater with the abovementioned sites has been zoned W2 Recreational Waterway, where aquaculture as a land use is permitted with development consent. The W2 Recreational Waterway zone is intended for water-based recreation, boating and water transport, and development associated with fishing industries, such as natural water-based aquaculture and recreational fishing. One of the objectives of this zone is to provide for sustainable fishing industries. Areas adjoining the Terranora Broadwater have been zoned with either E2 Environmental Conservation or R2 Low Density Residential zone. No land uses which could result in any adverse impact were identified in any of these two zones. Similarly, no land use conflicts are likely to occur within areas zoned W2 Recreational Waterway.
1.5 Rural Lands	Yes	The draft Tweed LEP 2012 has been prepared with consideration of the Rural Planning and Rural Subdivision Principles of the SEPP (Rural Lands) 2008. The rural zone objectives within the draft instrument ensure that consistency with the direction is maintained.

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2. Environment and Heritage		
2.1 Environment Protection Zones	Yes	Environmental zones of the Tweed LEP 2000 have been converted on a "best fit" basis as per the relevant LEP Directions and Practice Notes. The draft Tweed LEP 2012 does not propose to reduce the environmental protection standards, rather improves them by introducing the biodiversity and steep land clauses which aim to protect areas of high conservation values.
2.2 Coastal Protection	Yes	Clause 5.5 of the draft Tweed LEP 2012 <i>Development within the coastal zone</i> is compulsory for this LEP because the coastal zone applies to part of the LGA. This clause provides for implementing the principles of the NSW Coastal Policy and provides heads of consideration for certain types of development within the NSW Coastal Zone. Proposed local provisions are not contrary to SEPP 71.

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		Zones proposed under the draft Tweed LEP 2012 are based on existing zones and a 'best fit' application of the 'Standard LEP zones'. It is noted that the Kings Forest site is subject to Major Development SEPP 2005 but the provisions of clause 5.5 are applicable.
2.3 Heritage Conservation	Yes	<p>In 2011 Council exhibited the draft Community Based Heritage Study (CBHS). This study provides a range of heritage management guidelines and recommendations relating to European Heritage. The CBHS recommended the listing of an additional four heritage conservation areas and 124 heritage items.</p> <p>In August 2012 Council resolved to endorse the CBHS and 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 include the heritage items and conservation areas resolved by Council in the CBHS.</p> <p>The draft Tweed LEP 2012 contains Standard Instrument provisions relating to Aboriginal heritage conservation, though does not nominate any Aboriginal cultural heritage sites. Council is currently undertaking an Aboriginal Cultural Heritage Management Plan to inform Aboriginal heritage in subsequent reviews of the LEP</p>
2.4 Recreation Vehicle Areas	Yes	<p>The draft Tweed LEP 2012 makes no specific provision for 'recreation vehicle areas'. Under the Standard LEP it is assumed that such areas would be covered by the definition of 'recreation facility (outdoor)'. In the draft Tweed LEP 2012 recreation facilities (outdoor) are prohibited in the E2 Environmental Conservation and E3 Environmental Management zones. In the draft Tweed LEP 2012 the E2 zone generally applies to beach and dune areas.</p> <p>The LEP does not permit the development of caravan parks on areas zoned with any of the environmental protection zones.</p>

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1. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Substantially consistent	The LEP provides for four types of residential zones which have been carefully analysed and applied in suitable locations across the Shire. Two of them, R1 General Residential and R3 Medium Density Residential, are intended to provide for a variety of residential housing types and densities, including

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		<p>dwelling houses, residential flat buildings, boarding houses and seniors housing. The LEP allows for shop top housing to be developed in all Business zones across the Shire to maximise housing opportunities and cross utilisation of urban infrastructure.</p> <p>Part 6 of the LEP identifies areas for urban development but requires a development control plan to be developed for each area in order to ensure that development occurs in a logical and cost-effective manner. Each development control plan must contain measures to encourage higher density living around transport, open space and service nodes, measures to accommodate and control appropriate neighbourhood commercial and retail uses and detailed urban design controls for significant development sites. Density controls provided in the LEP are based on Council's Development Control Plan adopted in 2008.</p> <p>The LEP does not contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it) in the residential zones. Part 6 of the LEP, in accordance with the requirements of the SI template, requires a development control plan for all major urban release areas which must provide for a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing. Therefore the inconsistency with this direction is considered to be of minor significance.</p>
3.2 Caravan Parks and Manufactured Home Estates	Yes	In the LEP, caravan parks are permissible with consent in the following zone: RU2 Rural Landscape, SP3 Tourist, RE1 Public Recreation and RE2 Private Recreation. This is an exact translation from the LEP 2000.
3.3 Home Occupations	Yes	The LEP permits house occupations without development consent in all zones in which at least one type of residential accommodation is permitted (with or without consent).
3.4 Integrating Land Use and Transport	Yes	The LEP does not rezone any land for urban purposes, that is, no new urban areas are created by the Plan or land rezoned from rural to an urban zone. The purpose of the LEP is to translate the existing LEP applying in the Tweed Shire into the Standard LEP instrument (the Standard Template). Part 6 of the LEP identifies urban release areas and requires a development control plan to be created for each area. The development control plan must contain measures to encourage higher density living around transport, open space and service nodes.
3.5 Development Near Licensed Aerodromes	Yes	<p>Clause 7.5 of the LEP makes a reference to the Procedures for Air Navigation Systems Operations Surface Map for the Gold Coast Airport in regards to any development that might penetrate the established obstacle limitation surface controls.</p> <p>The LEP considers the draft Obstacle Limitation Surface for the Murwillumbah Airfield which informed height of building controls in areas located nearby.</p> <p>In addition the draft LEP 2012 includes Clause 7.5 to ensure residential development considers the ANEF requirements for aircraft noise. The LEP does not rezone any land in vicinity of the Gold Coast Airport and Murwillumbah Airfield for urban purposes.</p>

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4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	The Tweed LEP Acid Sulfate Soils Maps identify areas affected by acid sulfate soils and divide them into five classes. The written document contains a local clause consistent with the ASS Planning Guidelines. The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The Tweed LEP does not propose an intensification of land uses on any land.
4.2 Mine Subsidence and Unstable Land		Not applicable. No land in the draft LEP is located within a mine subsidence district nor identified as unstable land.
4.3 Flood Prone Land	Yes	The draft LEP 2012 has been prepared consistent with the requirements of the NSW Government Flood Prone Land Policy and the principles of the Flooplain Development Manual 2005. ?????? The draft LEP 2012 does not rezone land within the flood planning areas, permit development in floodways, permit increased development on flood prone land or impose additional flood related development controls above the residential flood planning level for residential development. ???????
4.4 Planning for Bushfire Protection	Yes	The draft LEP 2012 has been prepared with regards to Planning for Bushfire Protection 2006 and does not introduce controls that place development in hazardous areas.

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5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	The Regional Strategy provides the following framework and context for local environmental plans: 1. Local environmental plans will protect and zone land with State or regional environmental, agricultural, vegetation, habitat, waterway, wetland or coastline values. Complies: Yes. The LEP contains three environmental zones: E1, E2 and E3, supported by local provisions:

		<p>bushland, steep land, riparian land and water catchment. State or regional significant farmlands have been zoned RU1 Primary Production. The majority of the coastal strip has been zoned E2.</p> <p>2. Local environmental plans will not zone land within the Environmental Assets and Rural Land area to permit urban purposes, other than rural residential development. Existing and future rural residential development will be located in this area, but not where it conflicts or coincides with the attributes or values identified in the Strategy.</p> <p>Complies: Yes The LEP does not rezone any land within the Environmental Assets and Rural Land area to permit urban purposes.</p> <p>3. Local environmental plans will identify and zone land of landscape value (including scenic and cultural landscapes) to protect those values.</p> <p>Complies: Yes. The land zoned as 7(d) Environmental Protection (Scenic/Escarpment) has been zoned E3 Environmental Management.</p> <p>4. Local environmental plans will protect land identified as having extractive resources of regional significance (see Appendix 2).</p> <p>Complies: Substantially complies. The LEP translates zones from the Tweed LEP 2000 into the Standard Instrument zones. No changes are proposed in regards to sites identified under Appendix 2 of the Strategy.</p> <p>5. Local environmental plans will include minimum subdivision standards for rural and environment protection zones, include provisions to limit dwellings in the rural and environmental zones and not include provisions to permit concessional allotments.</p> <p>Complies: Yes. The LEP provides a minimum subdivision standards for rural and environment protection zones as defined on the Minimum Lot Size maps, contains provisions limiting dwellings in certain rural and environment protection zones (Part 4 of the LEP) and does not contain any provisions that would allow for concessional allotments.</p> <p>6. Local environmental plans will include provisions to encourage habitat and corridor establishment in future zoning of Environmental Assets and Rural Land area.</p> <p>Complies: Yes The LEP contains clauses 7.9 Bushland and 7.11 Riparian land which encourage habitat and corridor establishment in environmental zones.</p> <p>7. Local environmental plans will include provisions to limit the creation of additional water rights on land fronting watercourses.</p> <p>Complies: Substantially complies. The LEP translates zones from the Tweed LEP 2000 into the Standard Instrument zones. No changes were proposed in regards to water rights on land fronting watercourses.</p>
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	<p>Complies: Yes The LEP zones reflect potential hazards and are supported by a set of supplementary maps and clauses (bushland, steep land, flood planning land, acid sulfate soils).</p> <p>14. Local environmental plans will align with the Regional Strategy's settlement network (as shown on the Housing Map) to contain the spread of urban development, efficiently utilise existing services and infrastructure, and protect areas of high conservation value.</p> <p>Complies: Yes. The LEP land zoning map is consistent with the Regional Strategy's settlement network.</p> <p>15. Local environmental plans will ensure that all new development reinforces existing urban and rural centres, towns and villages.</p> <p>Complies: Yes. Compliance has been achieved through land use table providing list of uses permitted or prohibited under each zone.</p> <p>16. Local environmental plans generally should locate major health and educational facilities in urban areas.</p> <p>Complies: Yes. The LEP does not provide for any new major health and educational facilities and established facilities are located within urban areas.</p> <p>17. Local environmental plans cannot use the Transition Zone in the Standard Instrument (Local Environmental Plans) Order 2006 to identify land for future urban investigation purposes.</p> <p>Complies: Yes. The LEP does not use the RU6 Transition zone.</p> <p>18. Local environmental plans will maintain interurban breaks between existing and new settlements.</p> <p>Complies: Yes. The purpose of this LEP review is to translate the existing LEP into the Standard Instrument template. No zoning changes outside of the standard translation were proposed.</p> <p>19. Local environmental plans will set building heights in urban areas that reflect the landscape character, function and hierarchy of the future settlement and visual and cultural amenity of its location.</p> <p>Complies: Yes. The LEP contains a Height of Buildings Map which sets building height limits in urban areas. These height limits are based on Council's Development Control Plan and site-specific Locality Plans and they reflect the landscape character, function and hierarchy of the future settlement and amenity of its location.</p> <p>20. Local environmental plans for areas subject to the NSW Coastal Policy (NSW Government</p>
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		<p>1997) will incorporate provisions to achieve the outcomes of the Coastal Policy in respect to overshadowing. Complies: No, though is of minor significance. This inconsistency is considered to be of a minor significance. Instead of provisions preventing overshadowing of coastal land, the LEP provides height of building limits which reflect character of coastal towns and villages and respond to community's expectations and strong opposition to high buildings in the landscape. Combination of zoning (E2 or RE1 along the coastal dunes) and maximum height of buildings (in coastal towns and villages) being 13 metres reduce the risk of overshadowing to minimum.</p> <p>21. Local environmental plans and development control plans (and subsequent land release development) will be consistent with the Settlement Planning Guidelines, and the Government's Coastal Design Guidelines for NSW (2003) as applicable. Complies: Yes. The purpose of this LEP review process is to translate the current LEP 2000 into a Standard Instrument template provided by the Department of Planning & Infrastructure. The draft LEP 20102 does not propose or zone any new settlement areas. The content of the new LEP 2012 is not inconsistent with the Settlement Planning Guidelines, and the Government's <i>Coastal Design Guidelines for NSW</i> (2003).</p> <p>22. Local environmental plans (and other relevant planning provisions) will facilitate employment growth in regional and major town centres, appropriate home based employment, and local jobs in towns, villages and neighbourhood centres. Complies: Yes. This aim has been achieved through land zoning process, zone objectives and list of land uses permitted or prohibited under each zone.</p> <p>23. Local environmental plans will ensure that sufficient lands which are zoned employment and currently vacant are protected to accommodate the new jobs required for each local government area until 2031. Complies: Yes. The purpose of this LEP review process is to translate the current LEP 2000 into the Standard Instrument template provided by the Department of Planning & Infrastructure. The total area of employment (commercial or industrial) land has not been reduced in this process.</p> <p>24. Local environmental plans will locate large scale tourism development in prime tourism development areas unless other proposed locations are consistent with an approved Local Growth Management Strategy. Complies: Yes. The purpose of this LEP review process is to translate the current LEP 2000 into the Standard Instrument template provided by the Department of Planning & Infrastructure. The LEP does not</p>
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		<p>rezone land to accommodate large scale tourism development.</p> <p>25. Local environmental plans will ensure that appropriate land is available to provide for a range of tourism experiences and forms of tourist accommodation, including ecotourism and the support of 'bed and breakfast' enterprises within residential and rural areas.</p> <p>Complies: Yes.</p> <p>Compliance has been achieved by permitting (with consent) a range of tourist-related land uses in majority of zones adopted in this LEP. This approach is in line with the relevant Practice Note Providing for tourism in Standard Instrument LEPs.</p> <p>26. Local environmental plans will permit no more than small scale tourism development in rural or environment protection zones.</p> <p>Complies: Yes.</p> <p>Tourist-related land uses permitted in rural and environmental zones have been limited to bed & breakfast accommodation, farm stay accommodation, camping grounds, caravan parks (in RU2 zone only) and eco-tourist facilities.</p> <p>27. Local environmental plans will prevent permanent residential accommodation in tourism development, except where it is: ancillary to existing tourism development, or part of an area otherwise identified for urban expansion in an approved Local Growth Management Strategy.</p> <p>Complies: Substantially complies</p> <p>Residential accommodation has been made a prohibited use in the SP3 Tourist Accommodation zone. There are no provisions in the LEP that would prohibit residential accommodation in tourism development.</p> <p>28. Local environmental plans will recognise and protect the regional water supply system through appropriate planning provisions.</p> <p>Complies: Yes.</p> <p>Consistent through the application of the ISEPP and the land use table which allows water supply systems in 20 zones adopted in this LEP.</p> <p>29. In preparing local environmental plans councils will liaise with water and energy providers and make provision for any regional gas, water and electricity infrastructure corridors that may be required.</p> <p>Complies: Yes.</p> <p>Water and energy providers were consulted during the LEP preparation stage. Issues related to infrastructure corridors are managed under the ISEPP.</p> <p>30. Local environmental plans will provide for passenger interchanges in all major regional centres, major towns and towns. These interchanges will be well connected to pedestrian and cycle ways. Local environmental plans are to recognise and protect the regional transport network through appropriate planning provisions.</p> <p>Complies: Yes.</p>
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		The Tweed does not include any major interchange areas, however, the draft LEP 20102 does not prohibit these uses.
5.2 Sydney Drinking Water Catchments		Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Yes	This LEP does not rezone land identified as “State Significant Farmland”, “Regionally Significant Farmland” or “significant non-contiguous farmland” for urban or rural residential purposes.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast		The draft LEP 20102 does not provide for any additional retail or commercial land use along the highway either within or out of town.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)		Revoked
5.6 Sydney to Canberra Corridor		Revoked
5.7 Central Coast		Revoked
5.8 Second Sydney Airport: Badgerys Creek		Not applicable

Direction No.	Consistent	Justification/Comment
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	This LEP has been prepared in accordance with the standards set out under the Standard Instrument Order. Provisions regarding designated development have been mandated under the Standard Instrument. The draft LEP 20102 does not contain any requirements for concurrence.
6.2 Reserving Land for Public Purposes	Yes	A review of all lands reserved for public purposes has been completed. Only those lands required to facilitate the provision of a public service or facility have been retained as such in the LEP, and are identified on the Land Reservation Acquisition Map. All other lands have been zoned appropriately to reflect current use.
6.3 Site Specific Provisions		The draft LEP 2012 does not create any site specific development controls.