

Draft Tweed LEP Amendment Number **15**

PLANNING PROPOSAL
Version - GATEWAY

Housekeeping review of development standards

November 2017

Council File PP17/0001

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Part 1 Objectives or intended outcomes

The main objective of this planning proposal is to amend the Tweed Local Environmental Plan (LEP) 2014 to improve the alignment of its principal development standards (particularly height of building and lot size) with the corresponding provisions of the Tweed Development Control Plan (DCP) 2008. Additionally, this planning proposal seeks to reconsider – and reinstate where suitable – controls that were regulating building heights in the Tweed from 1987 to 2014, that is before gazettal of the Tweed LEP 2014. These amendments of themselves will not result in an increase of development potential and if at all may have the opposite effect, particularly in the instance where the current framework, since 2014, has created a potential for 4-storey buildings within a similar height envelope to that which previously existed.

The focus of these changes is on areas within the Shire where the height of building and lot size standards prescribed under the Tweed LEP 2014 vary from those prescribed in relevant site-specific sections of the Tweed DCP 2008. This discrepancy exists due to two different measures of building height: in metres (provided in the Tweed LEP 2014) and in storeys (provided in several, often older, sections of the Tweed DCP 2008). Through this planning proposal, Council intends to incorporate the height measurement provided in DCP in stories into the Tweed LEP 2014 Height of Building Map to have, where applicable, two complementary sets of height of building controls, prescribing height limits in both metres and a number of stories. In addition to building height provisions the corresponding Floor Space Ratio (FSR) provisions have also been rationalised to align with the differing building typologies and their respective heights.

Further, this planning proposal seeks amendments to the Lot Size Map of the Tweed LEP 2014 to provide appropriate development standard for medium density residential development in the R2 Low Density Residential zone. Similarly to the height of building standard, it is proposed to carry out amendment on the basis of provisions identified within Tweed DCP 2008. This proposed amendment, explained in details in Part 2 of this planning proposal, seeks to align the lot size standard to anticipated outcomes of the recent initiative of the NSW Government to facilitate medium density housing through amendment of State Environmental Planning Policy (SEPP) Housing Code 2008. The objective of this amendment is to ensure that potential future development of medium density housing will not have detrimental effect on low density residential suburbs.

To summarise, this planning proposal seeks the following amendments to the Tweed LEP 2014:

- (a) Location specific changes to the **Height of Building Map** to align height controls provided in metres within the Tweed LEP 2014 with controls provided in storeys under the Tweed DCP 2008;
- (b) Include provision to the effect that height of certain low density residential accommodation in the Shire cannot exceed three (3) storeys;
- (c) Spot changes to the **Height of Building Map** for certain areas subject to the draft Kingscliff Locality Plan, in accordance with Council resolutions of 16 March 2017 identifying Council's position with respect of building heights in this locality;
- (d) Amendment to the effect that the minimum site area of medium density residential accommodation in the R2 Low Density Residential Zone is 900m² or 500m² if the land is within 300 metres from a business zone;
- (e) Amendment to **Clause 4.6 Exceptions to development standards** to provide that the floor space ratio controls and amendments listed in points (a) to (d) above are not subject to variations at the development assessment stage.

Part 2 Explanation of provisions

The intended outcome of this planning proposal is to be achieved through site-specific and landuse-specific amendments to the height of buildings and lot size standards and mapping prescribed within the Tweed LEP 2014. The extent of amendments proposed within this planning proposal has been identified through a thorough review and comparison analysis of development standards provided within the Tweed LEP 2014, its predecessor Tweed LEP 2000 and the Tweed DCP 2008. The review and comparison analysis sought to identify potential discrepancies between respective standards provided within these documents. The scope of proposed changes is outlined on the following pages, provided in separate sub-chapters for height of buildings and lot size review.

2.1. Review of maximum height of buildings in certain areas

Council's best practice approach to implementing appropriate height of building controls is based on preparation of detailed locality plans. Preparation of locality plans involves community consultation and seeks to incorporate into the planning framework as sections of the Tweed DCP 2008. This approach requires regular updates to the principal planning document, the Tweed LEP 2014, to ensure that its provisions are consistent with detailed locality planning. Recent review of the consistency between the two documents identified the following discrepancies that are proposed to be addressed in this planning proposal:

DCP Section		Development standards for the area	
		LEP 2014 (current)	DCP (proposed for inclusion into LEP)
B1	Terranora Village	Height of buildings: 13.6 m	The "Ridgetop Precinct" ¹ : single story unless stepped down the hillside. "Residential Precinct": Maximum height is 2 storeys
B3	Banora Point	Height of building: 9 m for land zoned R2 and 13.6 for land zoned R1, B1 or B2.	"Neighbourhood/local business" and "residential area": Maximum height of buildings of 2 storeys.
B20	Uki Village	Height of buildings: 13.6 m.	Uki East and Uki West Precincts: maximum height of buildings is not to exceed two storeys and eight metres. Maximum height of building in the "Main Street Precinct" and along Kyogle Road not to exceed two storeys and 10 metres
B21	Pottsville Locality Based Development Code	Height of buildings: 11 m	Height of residential buildings should be up to 3 storeys
B22	Murwillumbah Town Centre	Height controls varying from 12.2 to 13.6 m.	Height of residential buildings in the "Medium Density Residential" is not to exceed 3 storeys.
B23	Hastings Point	Height controls varying from 9-11 m	Height of residential flat buildings is to be 2-3 storeys, with 2 storeys where prominent from the beach
B24	"Area E"	Height control is 13.6 m.	Height of buildings in the Village Centre precinct is 15m

Table. 1 Comparison of certain height of buildings controls in the Tweed DCP 2008 and LEP 2014.

¹ The "Ridgetop Precinct", as well as all other specific locations referred to in this table are outlined in Part 4 "Mapping" of this planning proposal

The table on previous page outlines locality plans adopted and incorporated into Tweed DCP 2008. Further to this list, it is intended to amend the height of buildings in accordance with provisions of the draft Kingscliff Locality Plan. Council resolved on 16 March 2017 to reduce building height of mixed use shop-top housing from 13.6m to 12.2m on land identified within the table below.

Description of land	Current status	Proposed status
Land zoned R3 Medium Density Residential or R1 General Residential	13.6m	12.2 and maximum of 3 storeys

Table 2: Site-specific changes to the Tweed LEP 2014 Height of Buildings Map on land subject to the draft Kingscliff Locality Plan

Further, a review of site-specific height of buildings controls provided under the Tweed LEP 2000 was carried out. Again, the purpose of this review was to identify areas where height of buildings provided in storeys within the Tweed LEP 2000 was converted to metres in accordance with the State Government guidelines for preparing plans under the 'Standard Instrument' LEP. The site-specific height of buildings controls within the Tweed DCP 2008 and Tweed LEP 2000 have been identified through extensive strategic planning investigations, involving community consultation, urban design analysis and understanding of the future needs, challenges and opportunities of land in the local and regional scale. In those two documents, the height of building standard was provided both in metres and in storeys. Whilst the metres measure was incorporated "as is" into the Tweed LEP 2014, the storeys measure was converted from storeys to metres, often resulting in a variation to the desired development outcomes, for example in areas like Fingal Head village, where height was limited to two storeys but through converting this standard to a "9 metres" maximum height, the possibility of a three storey building became apparent. This results in a high level of community and development uncertainty with respect of the acceptable scale and bulk of new development and requires for review of planning regulations to address this uncertainty.

The following discrepancies between the current LEP (2014) and its predecessor, the Tweed LEP 2000, have been identified:

Site	Development standards for the area	
	LEP 2014	LEP 2000 (proposed for inclusion into Tweed LEP 2014)
Fingal Head village and Fingal Rd at Wommin Lake ²	9 metres	2 storeys
Sunnycrest Drive, Terranora	9 metres	2 storeys
Kingscliff, Orient Street / Moss Street Precinct	9 metres	2 storeys

Table 3 Site-specific height of buildings controls provided within the Tweed LEP 2000, recommended for incorporation into the Tweed LEP 2014.

² See Part 4 Mapping of this planning proposal

A long-established Tweed Shire Council approach towards height of buildings in low density residential areas was to allow for a maximum height of buildings of 3 storeys.

The height of building standards identified in *Tables 1 and 2* above are proposed to be introduced into the Tweed LEP 2014 by way of:

- a) An amendment to the Height of Buildings where areas provided in Tables 1 and 2 will be marked-up with a blue outline, labelled in the legend as “Refer to Clause 4.3A”,
- b) A new clause of the Tweed LEP 2014 (Clause 4.3A), providing additional controls limiting the maximum height of buildings in storeys, in addition to the already existing controls measuring heights in metres. The proposed form of this Clause is as follows:

Clause 4.3A Height restrictions in certain residential areas

- (1) *The objective of this clause is to limit the number of storeys in certain residential areas.*
- (2) *Any development proposed to be carried out on land identified as “Area 1” on the Height of Buildings Map must not be higher than 2 storeys.*
- (3) *Any development proposed to be carried out on land identified as “Area 2” on the Height of Buildings Map must not be higher than 3 storeys.*

A further clause is proposed to clarify the appropriate height of certain types of residential accommodation across the Shire. The underlying intention of this proposed clause is to reinforce provisions regulating height of certain types of residential accommodation in the Shire from 1987 to 2014 (that is from Tweed’s prior Local Environmental Plans) providing greater certainty to the community and landowners about the acceptable bulk and scale of new development.

Clause 4.3B Height restrictions for certain residential accommodation

- (1) *The objective of this clause is to limit the number of storeys of certain types of residential accommodation.*
- (2) *The following forms of residential accommodation must not be higher than 3 storeys:*
 - (a) *a dwelling house,*
 - (b) *an attached dwelling,*
 - (c) *a dual occupancy,*
 - (d) *a secondary dwelling,*
 - (e) *a dwelling that forms part of multi-dwelling housing or seniors housing,*
 - (f) *a semi-detached dwelling,*

2.2. Review of the lot size controls in R2 low density residential zone

Whilst the main focus of this planning proposal is on height of buildings in the Shire, an amendment is also sought to provisions prescribing the minimum subdivision lot size for certain types of land use within the R2 Low Density Residential zone. The need for such amendment arises from the NSW Government initiative to modify the State Environmental Planning Policy (SEPP) *Exempt and Complying Development Codes 2008* to introduce the “Medium Density Housing Code”. The proposed amendment of the SEPP seeks to facilitate delivery of medium density housing types such as dual occupancies and multi dwelling houses (in form of manor homes, townhouses or terrace houses). Whilst this proposal is in principle supported by local governments as it is expected to deliver a greater variety of housing, its provisions are predominantly suitable for Sydney metropolitan area, where intensification of development in low density residential suburbs is promoted by local

and State government as a mean to resolve housing affordability challenges. Amendments to Tweed LEP 2014 appear necessary to ensure multi dwelling houses will be appropriately accommodated within areas of low density, detached housing. Currently, the Tweed LEP 2014 does not contain a clause pertaining to a minimum lot size for development of dual occupancy, multi dwelling housing, semi-detached dwelling and group homes in R2 Low Density Residential zone. Therefore, in accordance with the proposed amendments to the *Exempt and Complying Development Codes 2008*, each such dwelling would be approved on lot that is at least 6m wide and is either 200m² or 60% of the minimum lot size for the subject property on the Tweed LEP Lot Size Map, whichever is greater. This can effectively result in development of dual occupancy on allotments as small as 450m², an outcome substantially different from the current, established character of residential suburbs in the Shire. In order to mitigate this outcome whilst ensuring delivery of medium density housing, it is proposed to amend provisions of the Tweed LEP 2014 on the basis of provisions on development of dual occupancies provided within the Tweed DCP 2008, which state as follows:

Dwellings and development must be consistent with the scale and character of surrounding dwellings or as envisaged through an adopted concept plan, locality plan, design statement / covenant and the like.

Dual occupancy development on residentially zoned land must be located:

- *on sites with a minimum area of 900m².*
- *on a minimum area of 450m² if the land is within the Medium Density Residential zone,*
- *on a minimum area of 500m² if the land is within the low density residential zone and within 300 m of a business zone.*

This planning proposal seeks to utilise the above provisions of the Tweed DCP 2008 to provide adequate development controls managing medium density housing in R2 Low Density Residential zone. This is proposed to be achieved through inclusion of an additional clause into the Tweed LEP:

4.1C Minimum subdivision lot size for certain residential accommodation in the R2 Low Density Residential Zone

- (1) *The objective of this clause is to achieve planned residential density in the R2 Low Density Residential Zone.*
- (2) *This clause applies to development of land for dual occupancy, multi dwelling housing, semi-detached dwellings and group homes in the R2 Low Density Residential Zone.*
- (3) *Despite any other provision of this plan, development consent for the purpose of development described in subclause (2) may only be granted if:*
 - (a) *The resultant site area will be of a minimum of 450 m² per dwelling, or*
 - (b) *The resultant site area will be of a minimum 250 m² per dwelling if the land subject to development is within 300 metres form a business zone.*

2.3. Amendment to clause 4.6 Exceptions to development standards

Clause 4.6 of the Standard Instrument allows a consent authority to grant consent to a proposed development “even though the development would contravene a development standard” provided elsewhere in the LEP. In circumstances where it applies, clause 4.6 is intended to replace aims and objectives of repealed *State Environmental Planning Policy No. 1 – Development Standards*. The amendment proposed to this clause seeks to ensure that lot size controls identified within this planning proposal will not be subject to variations at the development assessment stage. The

purpose of this amendment is to deliver upon a goal identified within Tweed Community Strategic Plan 2017-2027 to incorporate good design into planning policies and to clarify the intended development standard outcomes for the community and development. The scope of proposed amendment to clause 4.6 is to exclude clause 4.1C from its application by listing clause 4.1C under subclause (8) as provided below (proposed amendment highlighted in red):

4.6. Exceptions to development standards

Subclauses (1) to (7) to remain unchanged.

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,*
- (c) clause 5.4, **clause 4.1C., clause 4.3A and clause 4.3B***

Part 3 Justification

This part of the planning proposal has been structured in accordance with the guidelines provided by the NSW Department of Planning and Environment *A guide to preparing planning proposals*. Each section of this part, outlined below, provides comprehensive justifications of the proposed changes and the consistency with relevant environmental, social and economic considerations in local and regional scale:

Section A	Need for the planning proposal
Section B	Relationship to strategic planning framework
Section C	Environmental, social and economic impact
Section D	State and Commonwealth interests

Section A Need for the planning proposal

Question 1: Is the planning proposal a result of any strategic study or report?

This planning proposal gives effect to a number of locality-based development control plans which, after having been publicly consulted and endorsed by Council, became sections of the Tweed DCP 2008 and provide recommendations with respect of height of building and lot size, often slightly varying from those prescribed within the Tweed LEP 2014. They include:

- Tweed DCP Section A1 Residential and Tourist Development Code,
- Tweed DCP Section B1 Terranora Village,
- Tweed DCP Section B3 Banora Point,
- Tweed DCP Section B9 Tweed Coast Strategy,
- Tweed DCP Section B20 Uki Village,
- Tweed DCP Section B21 Pottsville Locality Plan Development Code,
- Tweed DCP Section B22 Murwillumbah Town Centre,
- Tweed DCP Section B23 Hastings Point
- Tweed DCP Section B24 Area E,

The Tweed DCP 2008 is available on Council website <http://www.tweed.nsw.gov.au/PlanningPolicies>

Up until recently, Tweed Council, similarly to other councils in New South Wales, held that where a locality specific DCP prescribes development standards directly relevant to a development application (such as height of building, floor space ratio or minimum lot size) those standards should be given significant weight during the development assessment process. It is considered these locality specific provisions, based on community consultation further refine the suitability or appropriateness of the development standard within the framework of a maximum or minimum permitted development standard. Following the NSW Government state-wide reforms of the planning system in 2012, DCPs are now considered to be guidelines only and have significantly less weight. In situations where a locality specific development standard, such as height, is less than the

permitted standard within the LEP Council is finding it difficult to be consistently applying the wishes of the community developed through the locality planning or DCP process. To ensure that key provisions guiding bulk and scale of new development, based on community consultation, are consistently applied Council resolved to convert those provisions to the principal environmental planning instrument, the Tweed LEP 2014.

Further input into this planning proposal is based on the Height of Building Map of the Tweed Local Environmental Plan 2000, prescribing the bulk of the new development in storeys, not metres. Council is of the view that for certain types of low density residential accommodation, prescribing height of buildings in both storeys and metres will provide a greater certainty to the community, landowners and applicants about the acceptable bulk and scale of new development, and will ensure appropriate character and amenity outcomes.

The proposed amendment to the minimum lot size for medium density development in the low density residential zone has been triggered by a proposal put forward by the NSW Department of Planning & Environment to amend the *Exempt and Complying Development Codes 2008*. The intended outcome of this proposal is to facilitate delivery of medium density housing types in the low density residential zoning by providing appropriate minimum lot size standard.

Question 2: *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

As outlined in the previous section, the diminished role of Development Control Plan in development assessment process does not guarantee that its provisions, based on community consultation and responding to local amenity and certain expectations with respect of the future development in the locality, will be adequately considered. Elevating the principal development standards from Tweed DCP 2008 to Tweed LEP 2014 is the best means of achieving their intended outcomes.

Section B Relationship to strategic planning framework

Question 3: *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy or district plan or strategy (including any exhibited draft plans or strategies)?*

The principal regional strategy applicable to Tweed Shire LGA is the North Coast Regional Plan 2036. Among the regionally focused goals of this Plan is “great housing choice and lifestyle options” (Goal 4) and the Plan provides several directions to achieve this. These directions are aimed at delivery of greater housing supply, increase in housing diversity and choice and delivery of well-planned rural residential housing areas. Council is of the view that the desired outcome of this planning proposal, that is increased clarity of development standards provisions provided within the Tweed LEP 2014, whilst not directly related to the goals of the Plan, will facilitate delivery of its directions. More detailed assessment of the consistency of this planning proposal with provisions of the North Coast Regional Plan 2036 are provided in Appendix 2 to this planning proposal.

Question 4: *Is the planning proposal consistent with the local Council’s Community Strategic Plan, or other local strategic plan?*

The Tweed Community Strategic Plan (CSP) 2017-2027 establishes the following vision: *“The Tweed will be recognised for its desirable lifestyle, strong community, unique character and environment and the opportunities its residents enjoy”*.

The following provisions of the CSP have been identified as relevant to the scope of this planning proposal:

- Action 1.4 Managing community growth: The goal of this action is to *“plan for sustainable development which balances economic, environmental and social considerations. Promote good design in the built environment”*.
- Action 2.1 Built environment. The goal of this action is to *“regulate and deliver the built environment to balance the social, cultural, economic and environmental needs of the community”*.

The planning proposal responds and acts upon the above actions and is consistent with the vision of the Tweed CSP 2017-2027 as it seeks stronger alignments of LEP’s principal development standards with the unique character of local built environment and scenic amenity of the landscape.

Question 5: *Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPPs)?*

State Environmental Planning Policies, referred to as SEPPs regulate matters of State or regional significance. They have precedence, unless specifically stated otherwise, over all local environmental plans. An assessment has been undertaken to determine the level of consistency of this planning proposal with relevant State Environmental Planning Policies (SEPPs). Due to the administrative, low impact nature of this planning proposal, no significant inconsistencies have been identified and the following remarks are made:

- This planning proposal is consistent with the intent of SEPP No 1 – Development Standards, which provides flexibility on the application of planning controls where strict compliance with those standards would be unreasonable or unnecessary.
- This planning proposal is consistent with both general and specific aims of SEPP No 19 – Bushland in Urban Areas. The administrative amendments with respect of building heights and lot sizes in certain residential areas are minor in nature and will not impact on bushland in urban areas.
- This planning proposal is consistent with SEPP 2008 (Exempt and Complying Development Code) which provides streamlined assessment processes for development that complies with specified development standards. One of the amendments proposed within this planning proposal responds directly to the intended outcome of recent proposal to change this SEPP to provide for medium density housing in low density residential areas. In accordance with this proposed amendment, the Tweed LEP 2014 will provide for medium density housing in low density residential areas in accordance with the proposed clause outlined within Part 2 of this planning proposal.
- This planning proposal gives effect to certain aims of SEPP No 71 – Coastal Protection in context of this policy’s intent to protect the visual amenity of the coastal areas. It is anticipated that intended objectives of this planning proposal will contribute to protection of the distinctiveness of the landscape in Tweed Shire.

No inconsistencies between this planning proposal and the SEPPs have been identified.

Question 6: *Is the planning proposal consistent with applicable Ministerial Directions (s117 Directions)?*

This planning proposal is consistent with the applicable Ministerial Directions provided under s117 of the Environmental Planning & Assessment Act 1979. This consistency is further demonstrated in the Appendix 1 to this planning proposal.

Section C Environmental, social and economic impact

Question 7: *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

This planning proposal is not anticipated to cause adverse effects to critical habitat or threatened species, populations or ecological communities, or their habitats as it does not alter the zoning or permissibility of land use outside of existing urban areas. The purpose of this planning proposal is to provide greater clarity with respect of development standards such as height of buildings and lot size in areas already designated for urban development.

Question 8: *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No environmental effects resulting from this planning proposal have been identified.

Question 9: *Has the planning proposal adequately addressed any social and economic effects?*

This planning proposal has been prepared to improve clarity of development standards (height of buildings and lot size) applicable to certain areas of the Shire, as described within Part 2. The desired development standards, present within Tweed DCP 2008 and, in the Tweed LEP 2012 have been identified through planning processes involving community consultation with consideration to the principles of *Environmentally Sustainable Development*.

Section D State and Commonwealth interests

Question 10: *Is there adequate public infrastructure for the planning proposal?*

This planning proposal is not likely to result in any increase in demand for public infrastructure. The planning proposal applies to land zoned for urban development and its purpose is to remove inconsistency between development standards provided within the LEP and relevant standards provided within the Tweed DCP 2008.

Question 11: *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The scope and extent of consultation with State and Commonwealth public authorities will be specified in the gateway determination notice. Response to Question 11 will be amended following the public exhibition and agency consultation stages.

Part 4 Mapping

Section A Maps of areas subject to the amendments

This section provides mapping of all sites identified within Table 1, Table 2 or Table 3 of this planning proposal (ref. Part 2)

1. Terranora, land in the vicinity of Henry Lawson Drive, referred to as “Ridgetop Precinct” and “Residential” within Section B1 “Terranora Village” of Tweed DCP 2008

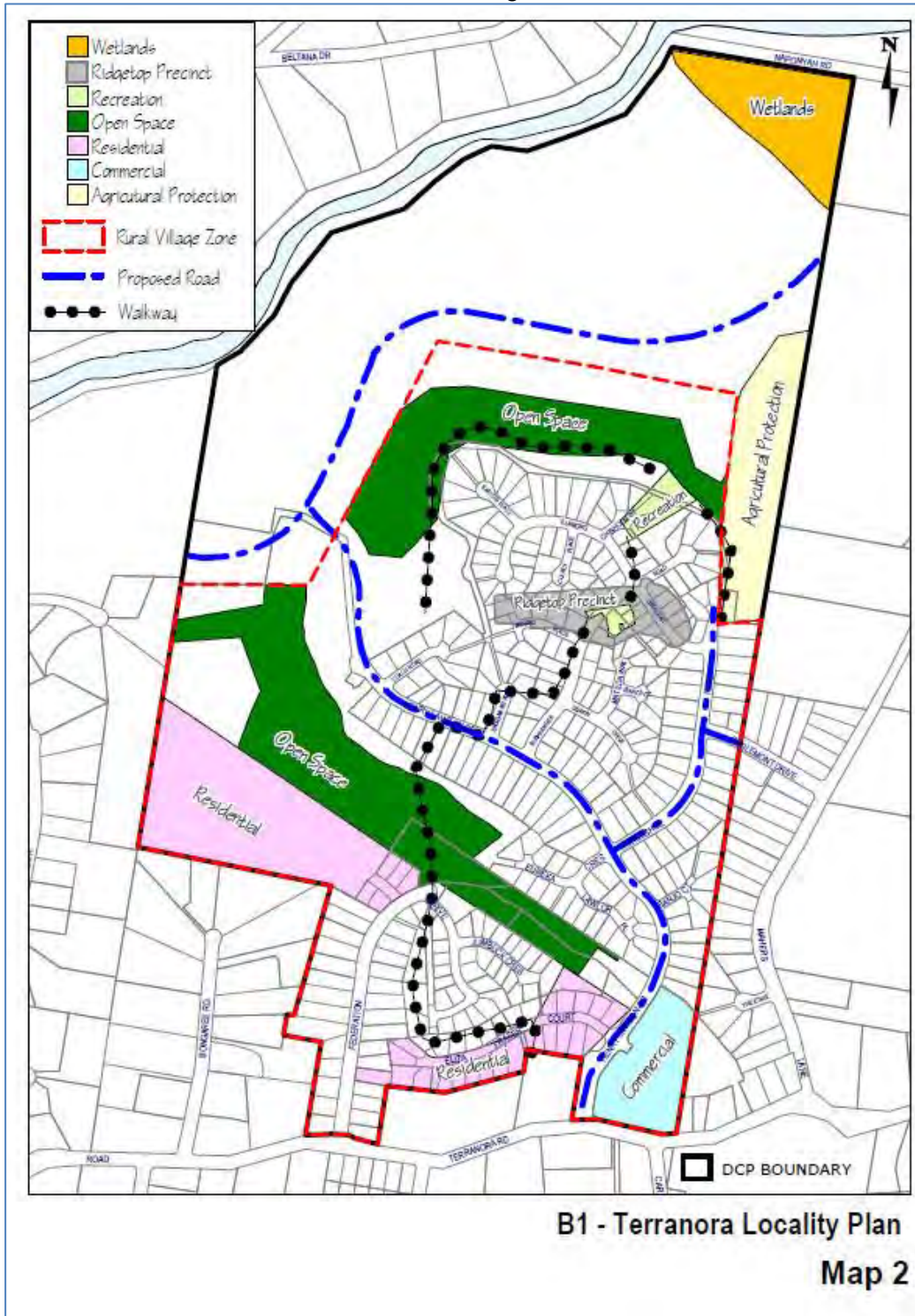


Figure. 1. Tweed DCP Section B1 Terranora Village: location of the “Ridgetop Precinct” and the “Residential Precinct”, both subject to this planning proposal (Ref page 5)

2. Banora Point, land labelled as residential or neighbourhood/local business within Section B3 “Banora Point – Tweed Heads South” of the Tweed DCP 2008

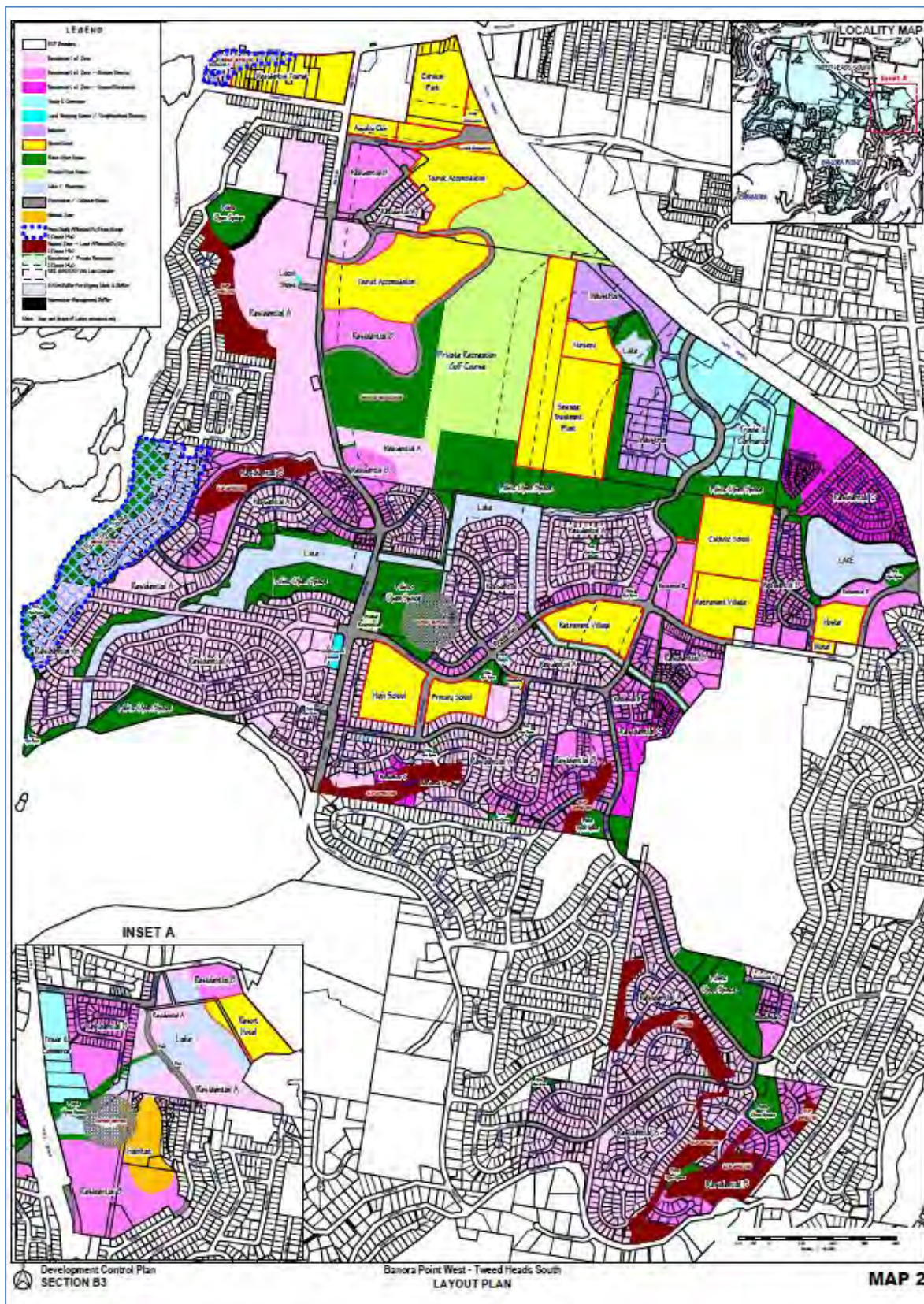


Figure. 2. Tweed DCP Section B3 Banora Point – Tweed Heads South: location of the “Neighbourhood/ local business” and “residential area” both subject to this planning proposal (Ref page 5).

3. Uki, land within “Uki East”, “Uki West” or “Main Street”, as identified in Section B20 “Uki Village” of the Tweed DCP 2008.

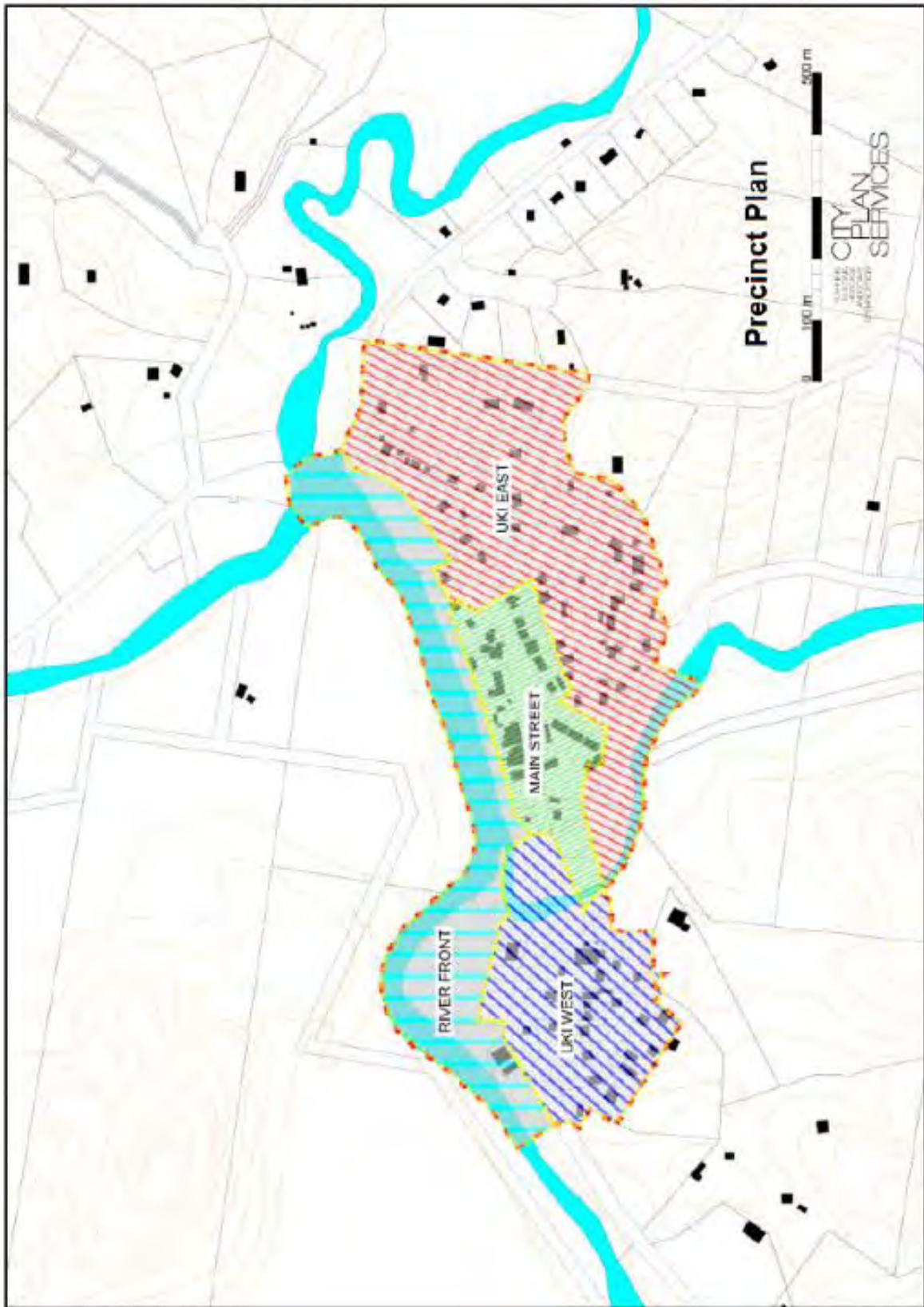


Figure 3. DCP section B20: Location of “Uki East”, “Uki West” and “Main Street Precinct”

4. Murwillumbah, land designated for 3 and/or 3-4 storeys within Section B22 “Murwillumbah Town Centre” of the Tweed DCP 2008.

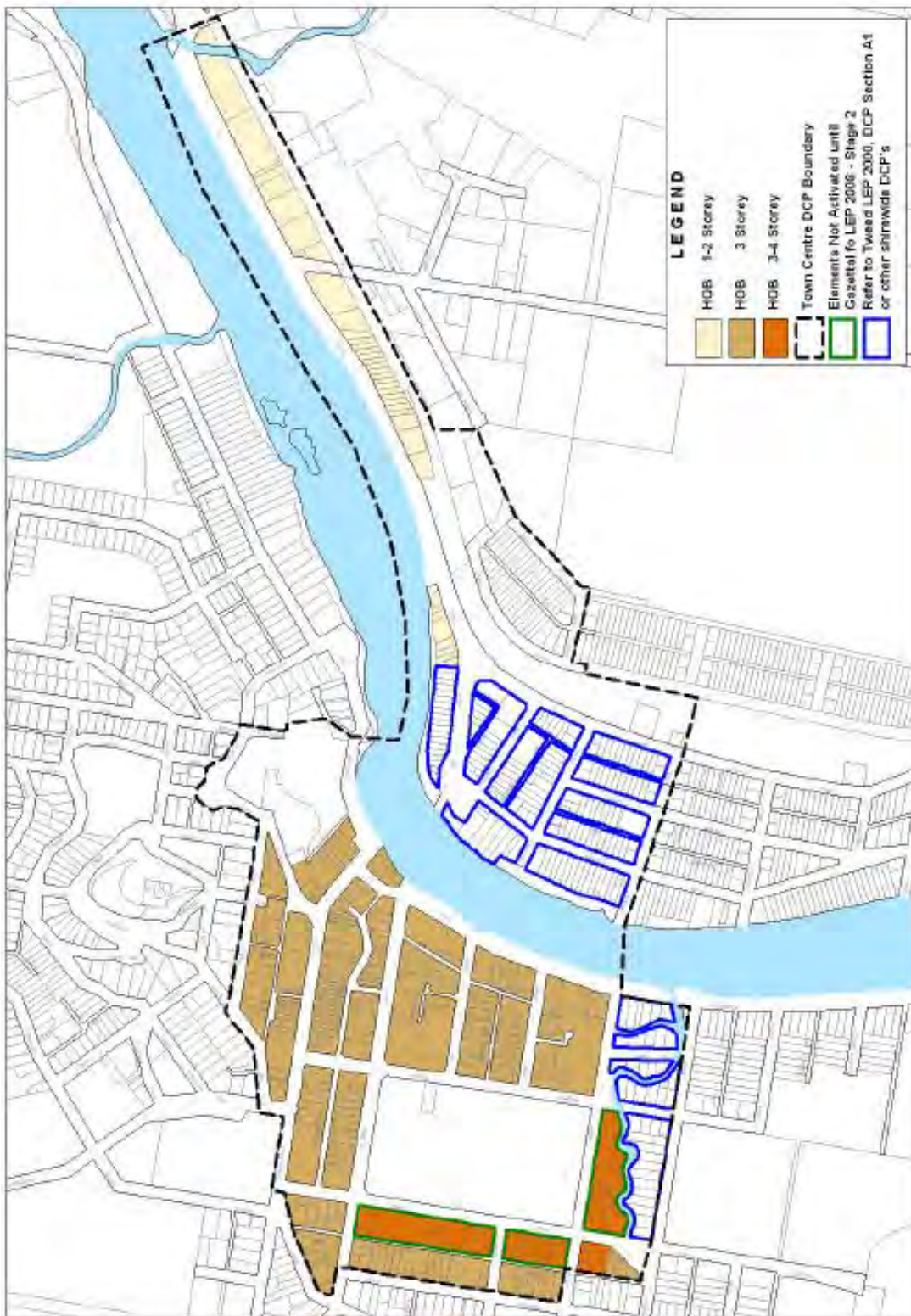


Figure 4. DCP Section B22 – Height of buildings in Murwillumbah CBD

5. Urban footprint of the Fingal Head settlement, identified within Tweed LEP 2000 as “maximum number of storeys: 2”



Figure. 5. Extract from the Tweed LEP 2000 Height of Building Map for the Fingal Head locality.

6. Certain parts of Kingscliff (below) and Terranora, identified within Tweed LEP 2000 as “maximum number of storeys: 2”.

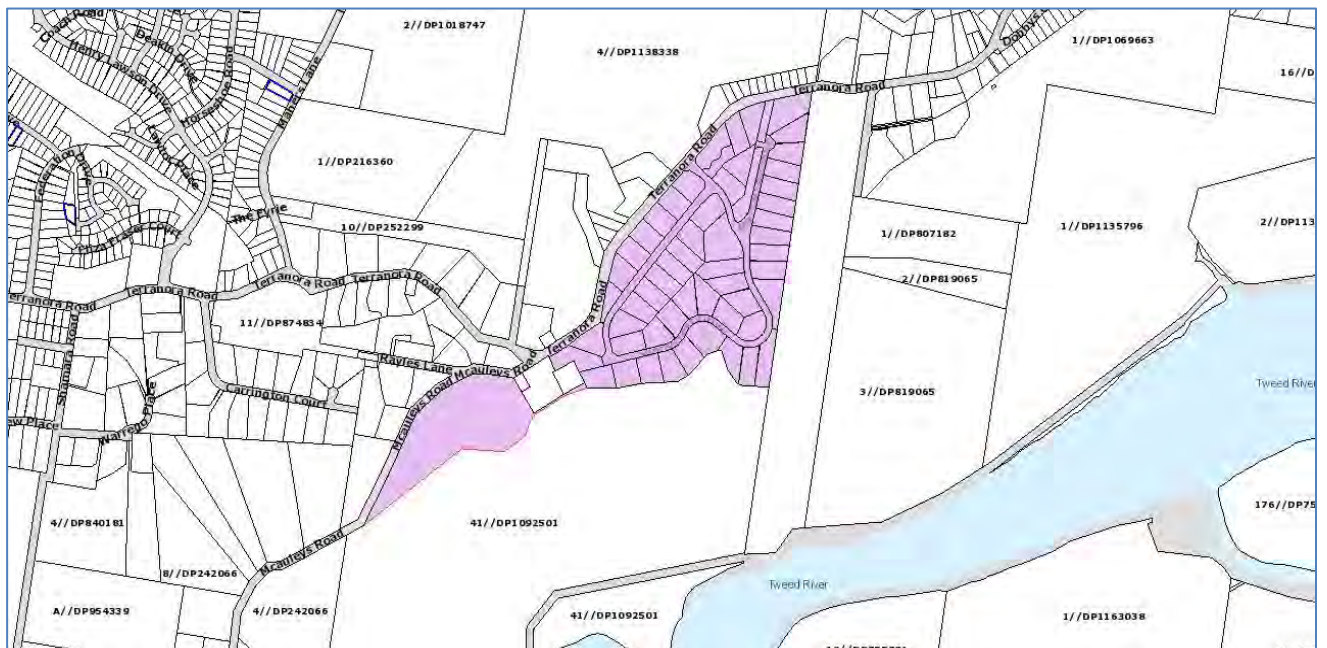
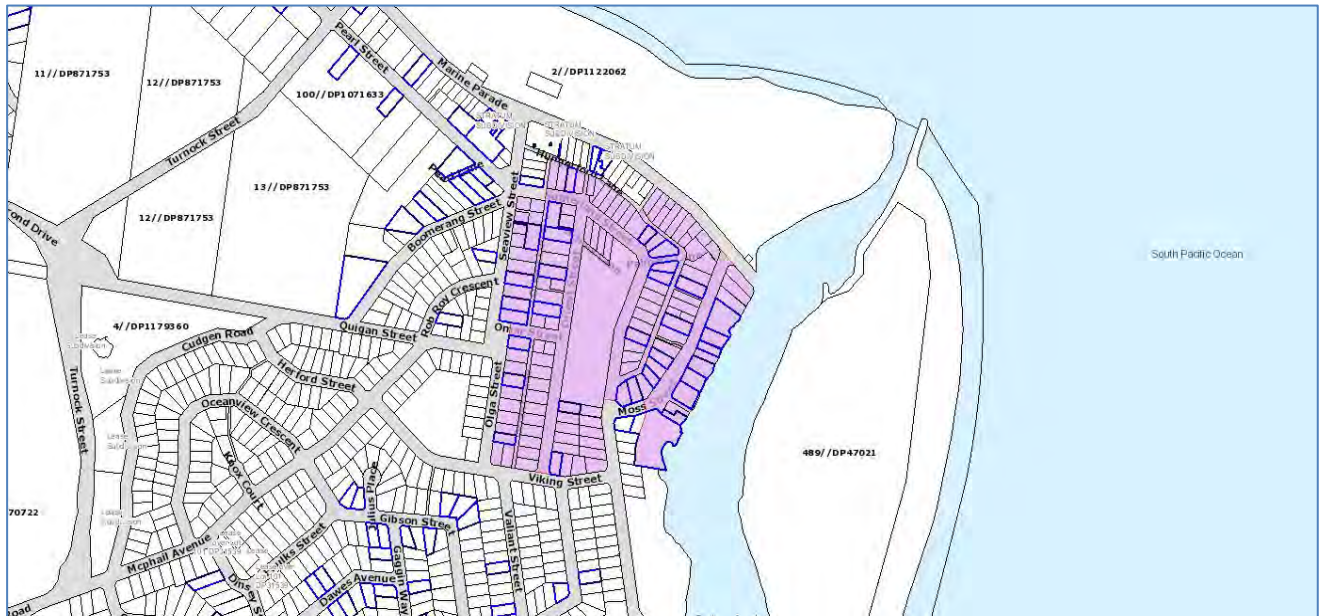


Figure. 6. Extract from the Tweed LEP 2000 Height of Building Map for Kingscliff (top of page) and Terranora (above) localities.

Section B Proposed amendments to the LEP's Height of Building Map

This planning proposal recommends the following amendments to the Height of Building map:

- Areas subject to this planning proposal – that is evidenced within Table 1, Table 2 and Table 3 of this planning proposal (ref. Part 2) – to be delineated with thick blue line,
- Additional entry to the map's legend – as proposed below, referring to the new clause **4.3A Height restrictions in certain residential areas**,
- In addition to the above, areas identified within Table 2 (Kingscliff Locality Plan) to have their Height of Buildings standard amended as per recommendations provided in Tab 2.

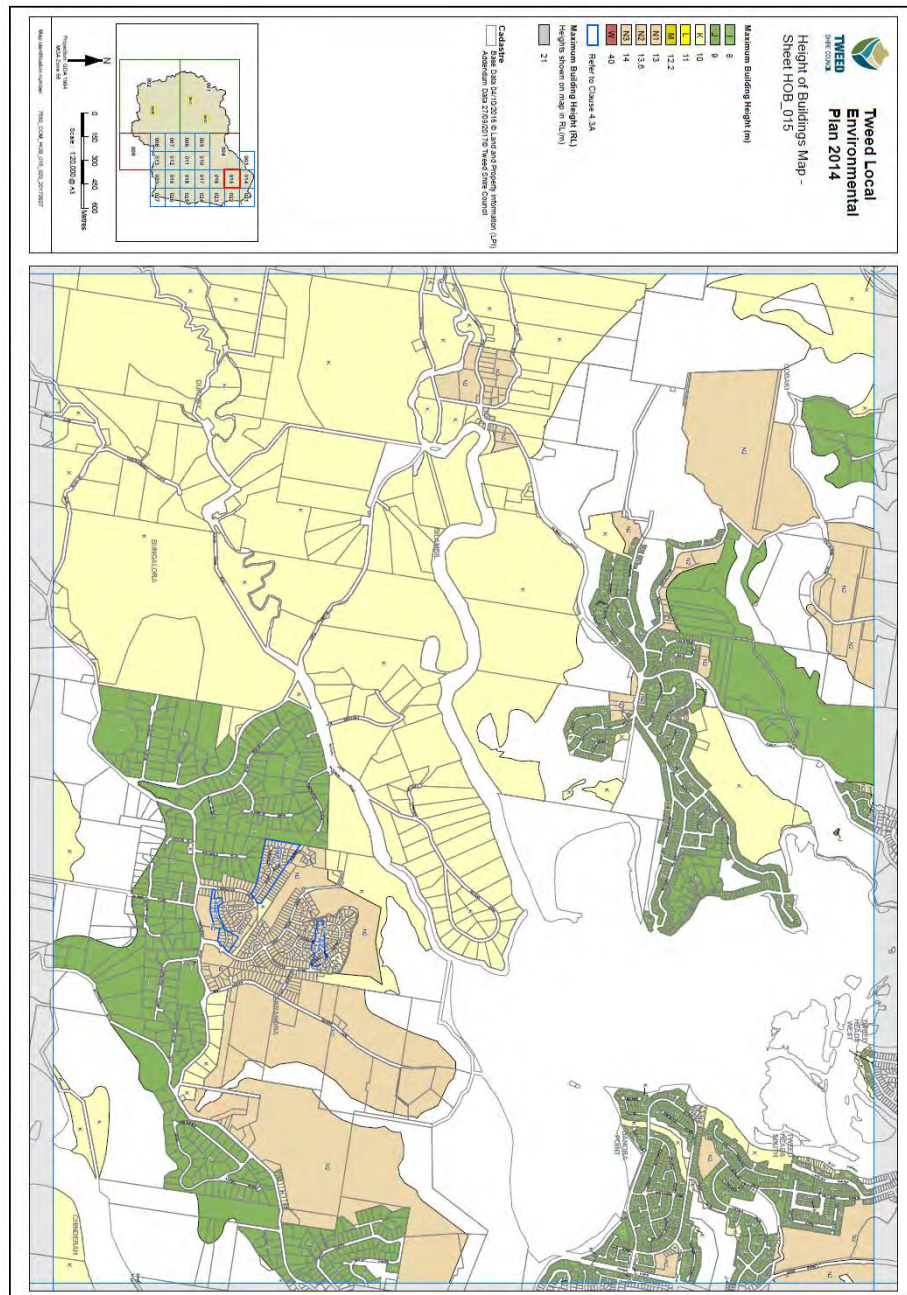
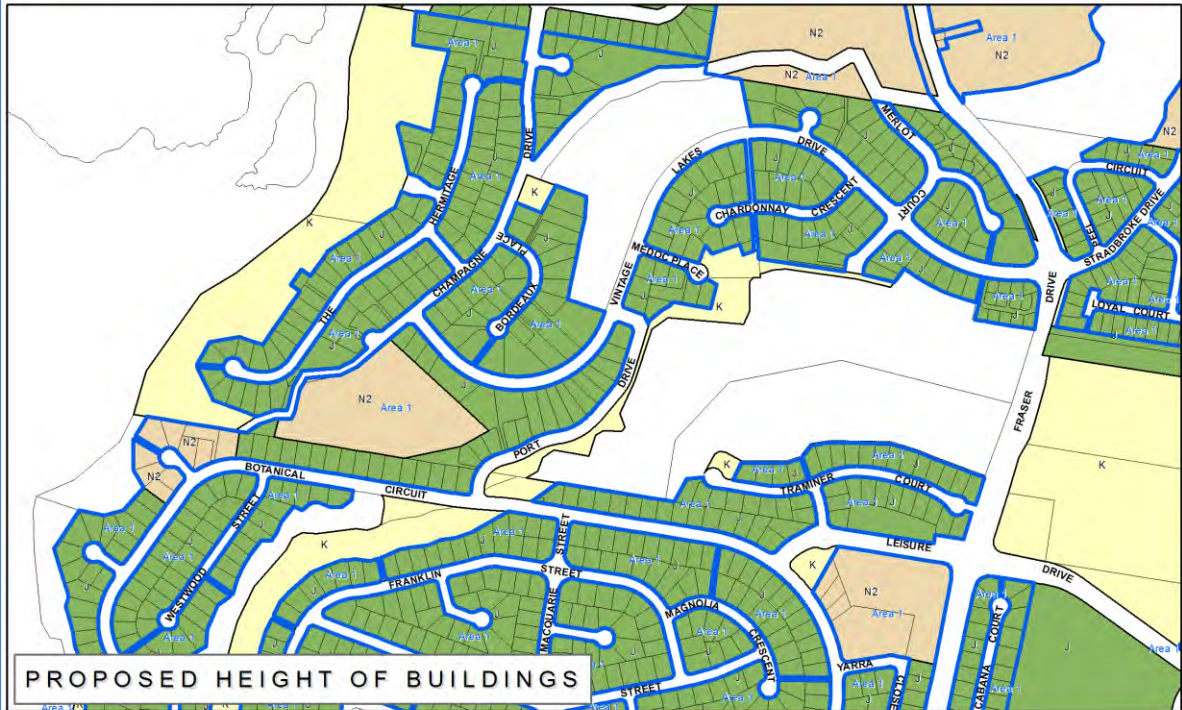
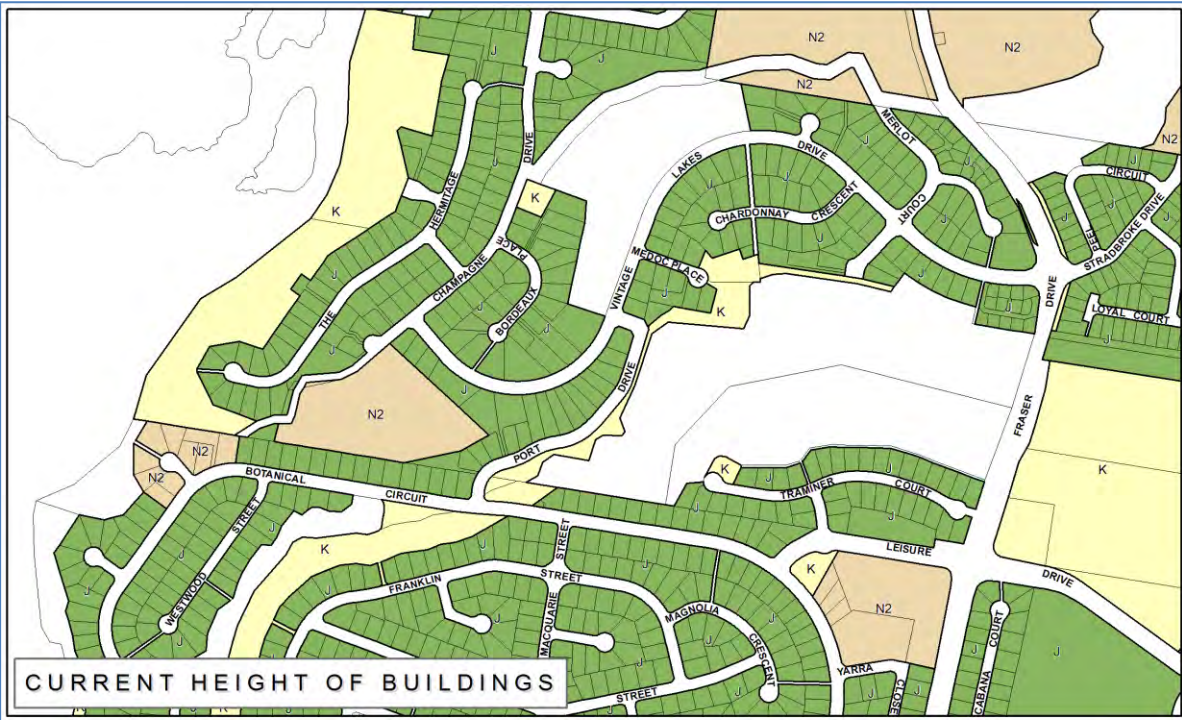


Figure 1. Proposed amendment to the Height of Building Map of the Tweed LEP 2014.



Tweed Local Environmental Plan 2014
Height of Buildings
Maximum Building Height (m)

I	8	K	10	M	12.2	N2	13.6	W	40
J	9	L	11	N1	13	N3	14		

Maximum Building Height (RL)
 Heights shown on map in RL(m)
 21

refer to clause 4.3A

1:8,000 @ A4 Portrait
 0 40 80 120 160 M

Map Projection: Universal Transverse Mercator
 Horizontal Datum: Geoidetic Datum of Australia 1994
 Grid: Map Grid of Australia, Zone 56

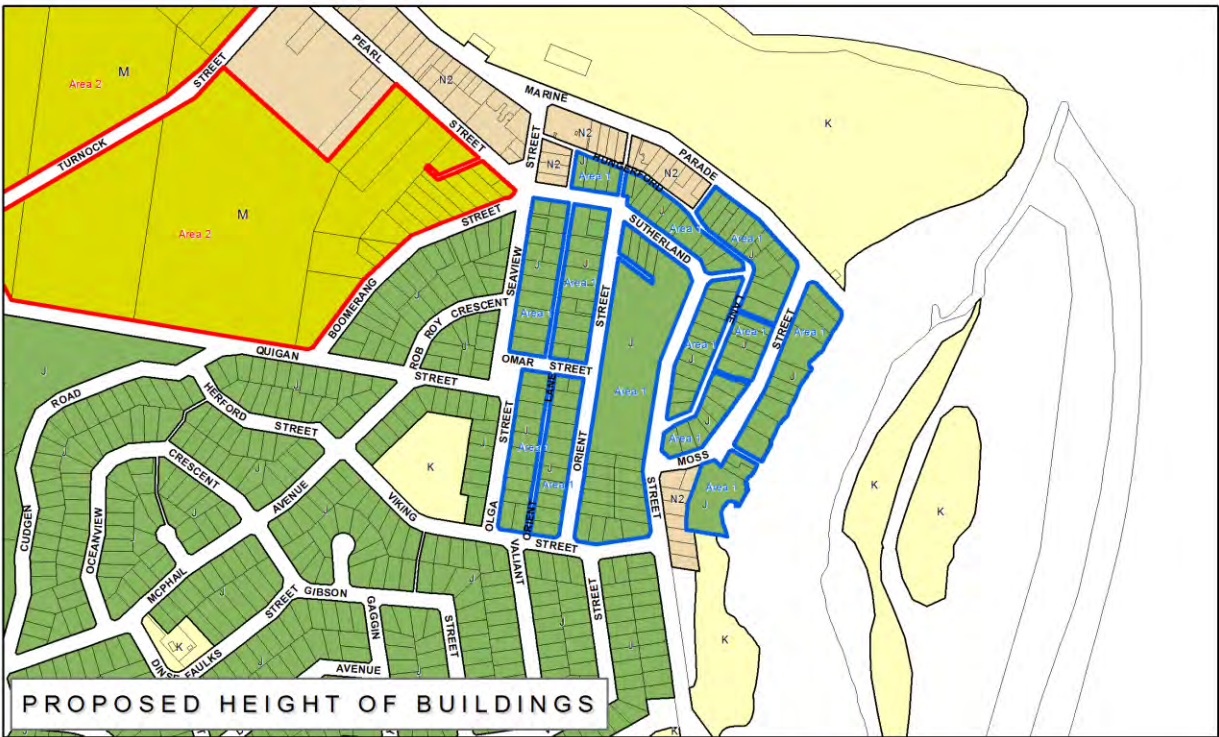
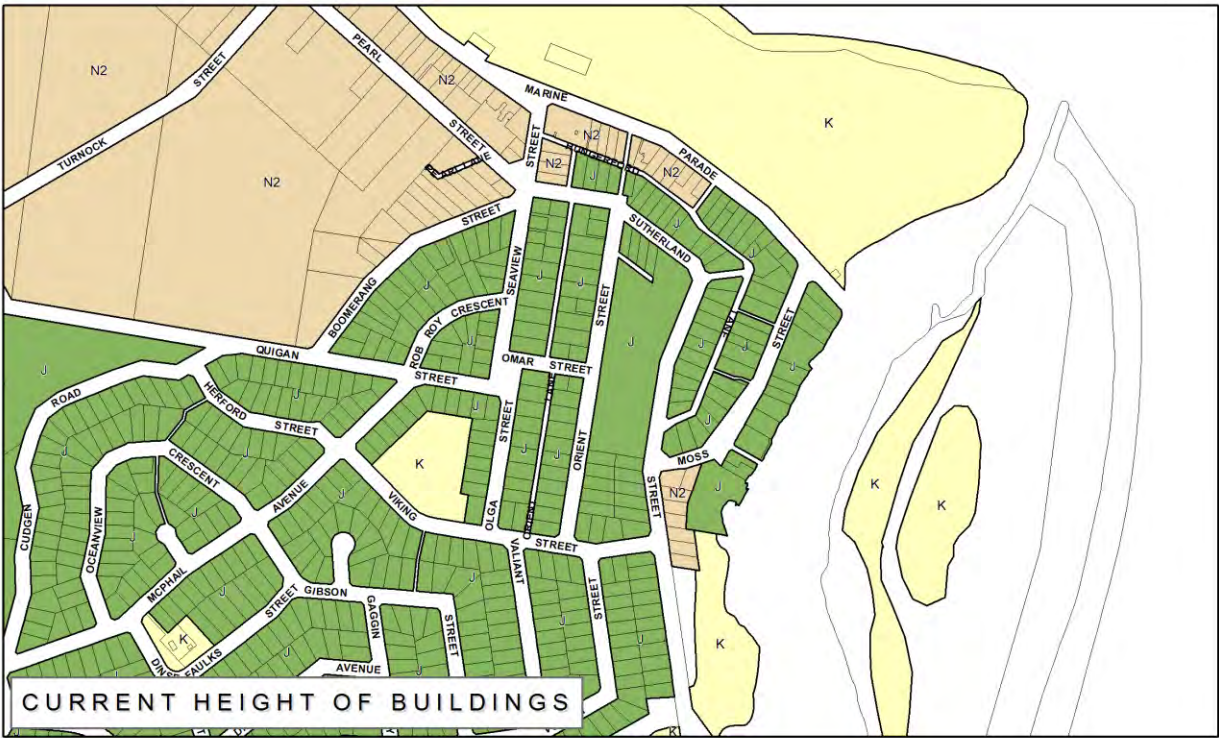
Civil and Cultural Centre
 3 Tunbulgum Road
 Murwillumbah NSW 2484
TWEED
 SHIRE COUNCIL
 PO Box 816
 Murwillumbah NSW 2484
 T | (02) 0670 2400 | 1300 292 872
 F | (02) 0670 2429
 W | www.tweed.nsw.gov.au
 E | planning@tweed.nsw.gov.au

Tweed Local Environmental Plan 2014
DRAFT Planning Proposal
 Housekeeping review of development standards
 Banora Point MAP 3 of 7:

Council File | PP17/0001
 Revised | 22/11/2017
 Cadastre: 22 November, 2017
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Figure 2: Proposed amendments to the Height of Building Map in Banora Point (based on DCP Section B3 Banora Point – Tweed Heads South).



Tweed Local Environmental Plan 2014
 Height of Buildings
 Maximum Building Height (m)

I	8	K	10	M	12.2	N2	13.6	W	40	refer to clause 4.3A	21
J	9	L	11	N1	13	N3	14	refer to clause 4.3A			

Maximum Building Height (RL)
 Heights shown on map in RL(m)

Tweed Local Environmental Plan 2014
DRAFT Planning Proposal
 Housekeeping review of development standards
 Kingscliff MAP 5 of 7:

Council File |PP17/0001
 Revised |22/11/2017

Cadastral: 22 November, 2017
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 Filepath: Z:\ESRI\PRU\POLICIES & STRATEGIES\PLANNING PROPOSALS\PP17-0001 Housekeeping Review of Development Standards\MXD\HOB_Map 5.mxd Author: J.Baichelor - Strategic Planning & Urban Design Unit Date Printed: 22 November, 2017

Figure 3: Proposed amendments to the Height of Building Map in Kingscliff area (based on the draft Kingscliff Locality Plan and the Height of Building Map provided within Tweed LEP 2000).

Part 5 Community consultation

This part of the planning proposal may be revised following receipt of the Department of Planning and Environment's Gateway determination to reflect community consultation requirements as stipulated in the determination.

This planning proposal is considered to be of low impact and as such, it is proposed to place it on public exhibition for a standard period of 28 days and made available for viewing as listed below:

- Council offices at Tweed Heads and Murwillumbah;
- Notice in Council's weekly newspaper, the Tweed Link, and
- Online at Council's website: www.tweed.nsw.gov.au.

Part 6 Project timeline

The following project timeline has been prepared with the assumption that the project would commence once a Gateway determination is issued, but may be amended following assessment by the Department of Planning and Environment to provide the necessary level of confidence that the proposed amendments to *Tweed Local Environmental Plan 2014* will be finalised within a reasonable time.

Project timeline	
Benchmark	Anticipated Deadline
• Anticipated commencement date (date of Gateway determination)	December 2017
• Anticipated timeframe for the completion of required technical information	December 2017
• Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	January 2018
• Commencement date for public exhibition period	January 2018
• Completion date for public exhibition period	February 2018
• Dates for public hearing (if required)	N/A
• Timeframe for the consideration of submissions	March 2018
• Timeframe for the consideration of a proposal post exhibition and report to Council	April 2018
• Date of submission to the Department of Planning and Environment to finalise the LEP	May 2018
• Anticipated date RPA will make the plan (if delegated)	June 2018
• Anticipated date plan is published and effective	June/July 2018

Appendix 1:

Consistency with applicable Section 117 Local Planning Directions

Consistency with relevant section 117(2) Ministerial Directions		
Application	Objective	Consistency of this planning proposal
3. Housing, Infrastructure and Urban Development		
3.1 – Residential Zones		
A planning proposal must encourage a variety and choice of housing types to provide for existing and future housing needs, efficient use of existing infrastructure and minimise the impact of residential development on the environment.	The objective of this direction is to broaden the choice of building types and locations, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing and associated urban development on the urban fringe, and be of good design.	Consistent. This planning proposal will not result in additional land for residential development. Instead, it seeks to provide a greater certainty to the community and landowners about the acceptable bulk and scale of new development. The aim of this planning proposal is to improve the alignment of LEP’s principal development standards (that is provisions regulating height of building and lot size) with the local, established character of certain areas within the Shire.
3.3 – Home Occupations		
This direction applies when a relevant planning authority prepares a planning proposal	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	This planning proposal is consistent with this direction as it does not intend to change the permissibility of home occupations.
3.4 Integrating Land Use and Transport		
This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts improve access to housing, jobs and services by walking, cycling and public transport, reduce dependence on cars, and travel demand including the number of trips, especially by car.	The planning proposal is broadly consistent with this direction. Whilst this planning proposal does alter certain provisions related to urban-zoned land, this alteration will not negatively impact on delivery of the objectives of Direction 3.4. This planning proposal does not seek to remove or create any residential zone or land uses.
5. Regional Planning		
5.10 Implementation of Regional Plans		
This direction applies to land to which a Regional Plan has been released by the Minister for Planning.	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	No inconsistencies have been identified. Consistency of this planning proposal with the North Coast Regional Plan 2036 is demonstrated within Appendix 5 on the following pages.

6. Local Plan Making

6.1 Approval and Referral Requirements

<p>A planning proposal must:</p> <ul style="list-style-type: none"> • minimise the inclusion of provisions requiring concurrence, consultation or referral of DAs to a Minister or Public Authority, • not contain these provisions unless Council has obtained approval from the relevant Authority • not identify development as designated development unless certain prerequisites can be met 	<p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	<p>The Planning Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.</p>
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6.3 Site Specific Provisions

<p>A proposed amendment to a environmental planning instrument must either:</p> <ul style="list-style-type: none"> • allow that land use to be carried out in the zone the land is situated on, or • rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or • allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. 	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p>	<p>Not inconsistent. The purpose of this planning proposal is not to allow a particular development to be carried out. Instead, its aim is to improve the alignment of certain principal development standards (that is provisions regulating height of building and lot size) with the local, established character of certain areas within the Shire. The proposed amendments are not considered as unnecessarily restrictive (in meaning of the objectives of this direction), therefore this planning proposal is considered consistent with Direction 6.3.</p>
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Appendix 2:

Consistency with North Coast Regional Plan 2036

Goal 1: The most stunning environment in NSW		
Direction/Action		Response / consistency check
Direction 1: Deliver environmentally sustainable growth		
1.1	Focus future urban development to mapped urban growth areas.	Consistent – this planning proposal does not propose urban growth outside the areas identified within the NCRP maps.
1.2	Review areas identified as ‘under investigation’ within urban growth areas to identify and map sites of potentially high environmental value.	Not applicable
1.3	Identify residential, commercial or industrial uses in urban growth areas by developing local growth management strategies endorsed by the Department of Planning and Environment.	Not applicable
1.4	Prepare land release criteria to assess appropriate locations for future residential, commercial and industrial uses.	Not applicable
Direction 2: Enhance biodiversity, coastal and aquatic habitats, and water catchments		
2.1	Focus development to areas of least biodiversity sensitivity in the region and implement the ‘avoid, minimise, offset’ hierarchy to biodiversity, including areas of high environmental value.	Not applicable
2.2	Ensure local plans manage marine environments, water catchment areas and groundwater sources to avoid potential development impacts.	Not applicable
Direction 3: Manage natural hazards and climate change		
3.1	Reduce the risk from natural hazards, including the projected effects of climate change, by identifying and managing vulnerable areas and hazards.	Not applicable
3.2	Review and update floodplain risk, bushfire and coastal management mapping to manage risk, particularly where urban growth is being investigated.	Not applicable
3.3	Incorporate new knowledge on regional climate projections and related cumulative impacts in local plans for new urban development.	Not applicable
Direction 4: Promote renewable energy opportunities		
4.1	Diversify the energy sector by identifying renewable energy resource precincts and infrastructure corridors with access to the electricity network	Not applicable
4.2	Enable appropriate smaller-scale renewable energy projects	Not applicable
4.3	Promote appropriate smaller and community-scale renewable energy projects	Not applicable
Goal 2: A thriving, interconnected economy		
Direction 5: Strengthen communities of interest and cross-regional relationships		
5.1	Collaborate on regional and intra-regional housing and employment land delivery, and industry development	Not applicable
5.2	Integrate cross-border land use planning between NSW and South East Queensland, and remove	Not applicable

	barriers to economic, housing and jobs growth.	
5.3	Encourage ongoing cooperation and land use planning between the City of Gold Coast and TSC	Not applicable
5.4	Prepare a regional economic development strategy that drives economic growth opportunities by identifying key enabling infrastructure and other policy interventions to unlock growth.	Not applicable
Direction 6: Develop successful centres of employment		
6.1	Facilitate economic activity around industry anchors such as health, education and airport facilities by considering new infrastructure needs and introducing planning controls that encourage clusters of related activity	Not applicable
6.2	Promote knowledge industries by applying flexible planning controls, providing business park development opportunities and identifying opportunities for start-up industries	Not applicable
6.3	Reinforce centres through local growth management strategies and local environmental plans as primary mixed-use locations for commerce, housing, tourism, social activity and regional services.	Not applicable
6.4	Focus retail and commercial activities in existing centres and develop place-making focused planning strategies for centres	Not applicable
6.5	Promote and enable an appropriate mix of land uses, prevent the encroachment of sensitive uses on employment land through local planning controls	Not applicable
6.6	Deliver an adequate supply of employment land through local growth management strategies and local environmental plans to support jobs growth	Not applicable
6.7	Ensure employment land delivery is maintained through North Coast Housing and Land Monitor	Not applicable
Direction 7: Coordinate the growth of regional cities		
7.1	Prepare action plans for regional cities that: <ul style="list-style-type: none"> • ensure planning provisions promote employment growth and greater housing diversity; • promote new job opportunities that complement existing employment nodes around existing education, health and airport precincts; • identify infrastructure constraints and public domain improvements that can make areas more attractive for investment; and • deliver infrastructure and coordinate the most appropriate staging/sequencing of development. 	Not applicable
Direction 8: Promote the growth of tourism		
8.1	Facilitate appropriate large-scale tourism developments in prime tourism development areas such as Tweed Heads, Tweed Coast, Ballina, Byron Bay, Coffs Harbour and Port Macquarie.	Not applicable
8.2	Facilitate tourism and visitor accommodation and supporting land uses in coastal and rural hinterland locations through local growth management strategies and local environmental plans.	Not applicable
8.3	Prepare destination management plans or other tourism-focused strategies that:	Not applicable

	<ul style="list-style-type: none"> • identify culturally appropriate Aboriginal tourism opportunities; • encourage tourism development in natural areas that support conservation outcomes; and • plan for a growing international tourism market. 	
8.4	Promote opportunities to expand visitation to regionally significant nature-based tourism places, such as Ellenborough Falls, Dorrigo National Park, Wollumbin-Mount Warning National Park, Iluka Nature Reserve and Yuraygir Coastal Walk.	Not applicable
8.5	Preserve the region's existing tourist and visitor accommodation by directing permanent residential accommodation away from tourism developments, except where it is ancillary to existing tourism developments or part of an area otherwise identified for urban expansion in an endorsed local growth management strategy.	Not applicable
Direction 9: Strengthen regionally significant transport corridors		
9.1	Enhance the competitive value of the region by encouraging business and employment activities that leverage major inter-regional transport connections, such as the Pacific Highway, to South East Queensland and the Hunter.	Not applicable
9.2	Identify buffer and mitigation measures to minimise the impact of development on regionally significant transport infrastructure including regional and state road network and rail corridors.	Not applicable
9.3	Ensure the effective management of the State and regional road network by: <ul style="list-style-type: none"> • preventing development adjoining the Pacific Hwy • preventing additional direct 'at grade' access to motorway-class sections of the Pacific Highway; • locating highway service centres on the Pacific Hwy at Chinderah, Ballina, Maclean, Woolgoolga, Nambucca Heads, Kempsey and Port Macquarie, approved by the Department of Planning and Environment and Roads and Maritime Services; • identifying strategic sites for major road freight transport facilities. 	Not applicable
Direction 10: Facilitate air, rail and public transport infrastructure		
10.1	Deliver airport precinct plans for Ballina-Byron, Lismore, Coffs Harbour and Port Macquarie that capitalise on opportunities to diversify and maximise the potential of value-adding industries close to airports.	Not applicable
10.2	Consider airport-related employment opportunities and precincts that can capitalise on the expansion proposed around Gold Coast Airport.	Not applicable
10.3	Protect the North Coast Rail Line and high-speed rail corridor to ensure network opportunities are not sterilised by incompatible land uses or land fragmentation.	Not applicable
10.4	Provide public transport where the size of the urban area has the potential to generate demand.	Not applicable
10.5	Deliver a safe and efficient transport network to serve future release areas.	Not applicable
Direction 11: Protect and enhance productive agricultural lands		
11.1	Enable the growth of the agricultural sector by	Not applicable

	directing urban and rural residential development away from important farmland and identifying locations to support existing and small-lot primary production, such as horticulture in Coffs Harbour.	
11.2	Deliver a consistent management approach to important farmland across the region by updating the <i>Northern Rivers Farmland Protection Project (2005)</i> and <i>Mid North Coast Farmland Mapping Project (2008)</i> .	Not applicable
11.3	Identify and protect intensive agriculture clusters in local plans to avoid land use conflicts, particularly with residential and rural residential expansion.	Not applicable
11.4	Encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector's capacity to adapt to changing circumstances.	Not applicable
11.5	Address sector-specific considerations for agricultural industries through local plans.	Not applicable
Direction 12: Grow agribusiness across the region		
12.1	Promote the expansion of food and fibre production, agrichemicals, farm machinery, wholesale and distribution, freight and logistics, and processing through flexible planning provisions in local growth management strategies and local environmental plans.	Not applicable
12.2	Encourage the co-location of intensive primary industries, such as feedlots and compatible processing activities.	Not applicable
12.3	Examine options for agribusiness to leverage proximity from the Gold Coast and Brisbane West Wellcamp airports.	Not applicable
12.4	Facilitate investment in the agricultural supply chain by protecting assets, including freight and logistics facilities, from land use conflicts arising from the encroachment of incompatible land uses.	Not applicable
Direction 13: Sustainably manage natural resources		
13.1	Enable the development of the region's natural, mineral and forestry resources by directing to suitable locations land uses such as residential development that are sensitive to impacts from noise, dust and light interference.	Not applicable
13.2	Plan for the ongoing productive use of lands with regionally significant construction material resources in locations with established infrastructure and resource accessibility.	Not applicable
Goal 3: Vibrant and engaged communities		
Direction 14: Provide great places to live and work		
	Prepare precinct plans in growth areas, such as Kingscliff, or centres bypassed by the Pacific Highway, such as Woodburn and Grafton, to guide development and establish appropriate land use zoning, development standards and contributions.	Not applicable though a Kingscliff locality plan is currently being prepared and the building height amendments proposed in this planning proposal reflect the Council resolutions in respect of this planning.
	Deliver precinct plans that are consistent with the <i>Precinct Plan Guidelines (Appendix C)</i>	Not applicable
Direction 15: Develop healthy, safe, socially engaged and well-connected communities		
15.1	Deliver best-practice guidelines for planning, designing and developing healthy built	Not applicable

	environments that respond to the ageing demographic and subtropical climate.	
15.2	Facilitate more recreational walking and cycling paths and expand interregional and intra-regional walking and cycling links, including the NSW Coastline Cycleway.	Not applicable
15.3	Implement actions and invest in boating infrastructure priorities identified in regional boating plans to improve boating safety, boat storage and waterway access.	Not applicable
15.4	Create socially inclusive communities by establishing social infrastructure benchmarks, minimum standards and social impact assessment frameworks within local planning.	Not applicable
15.5	Deliver crime prevention through environmental design outcomes through urban design processes.	Not applicable
Direction 16: Collaborate and partner with Aboriginal communities		
16.1	Develop partnerships with Aboriginal communities to facilitate engagement during the planning process, including the development of engagement protocols.	Not applicable
16.2	Ensure Aboriginal communities are engaged in the preparation of local growth management strategies and local environmental plans.	Not applicable
Direction 17: Increase the economic self-determination of Aboriginal communities		
17.1	Deliver opportunities to increase the economic independence of Aboriginal communities through training, employment and tourism.	Not applicable
17.2	Foster closer cooperation with Local Aboriginal Land Councils to identify the unique potential and assets of the North Coast communities.	Not applicable
17.3	Identify priority sites with economic development potential that Local Aboriginal Land Councils may wish to consider for further investigation.	Not applicable
Direction 18: Respect and protect the North Coast's Aboriginal heritage		
18.1	Ensure Aboriginal objects and places are protected, managed and respected in accordance with legislative requirements and the wishes of local Aboriginal communities.	Not applicable
18.2	Undertake Aboriginal cultural heritage assessments to inform the design of planning and development proposals so that impacts to Aboriginal cultural heritage are minimised and appropriate heritage management mechanisms are identified.	Not applicable
18.3	Develop local heritage studies in consultation with the local Aboriginal community, and adopt appropriate measures in planning strategies and local plans to protect Aboriginal heritage.	Not applicable
18.4	Prepare maps to identify sites of Aboriginal heritage in 'investigation' areas, where culturally appropriate, to inform planning strategies and local plans to protect Aboriginal heritage.	Not applicable
Direction 19: Protect historic heritage		
19.1	Ensure best-practice guidelines are considered such as the <i>Australia International Council on Monuments and Sites (ICOMOS) Charter for Places of Cultural Significance</i> and the NSW	Not applicable

	<i>Heritage Manual</i> when assessing heritage sites.	
19.2	Prepare, review and update heritage studies in consultation with the wider community to identify and protect historic heritage items, and include appropriate local planning controls.	Not applicable
19.3	Deliver the adaptive or sympathetic use of heritage items and assets.	Not applicable
Direction 20: Maintain the region's distinctive built character		
20.1	Deliver new high-quality development that protects the distinct character of the North Coast, consistent with the <i>North Coast Urban Design Guidelines</i> .	Consistent. This planning proposal seeks to improve the alignment of its principal development standards with the local, established character of certain areas within the Shire.
20.2	Review the <i>North Coast Urban Design Guidelines</i> .	Not applicable
Direction 21: Coordinate local infrastructure delivery		
21.1	Undertake detailed infrastructure service planning to support proposals for new major release areas.	Not applicable
21.2	Maximise the cost-effective and efficient use of infrastructure by directing development towards existing infrastructure or promoting the co-location of new infrastructure.	Not applicable
Goal 4: Great housing choice and lifestyle options		
Direction 22: Deliver greater housing supply		
22.1	Deliver an appropriate supply of residential land within local growth management strategies and local plans to meet the region's projected housing needs.	Not applicable This planning proposal does not seek to deliver residential land outside of the established areas, rather it seeks to provide greater consistency between the development standards of the applicable LEP and the locality plans and DCPs.
22.2	Facilitate housing and accommodation options for temporary residents by: • preparing planning guidelines for seasonal and itinerant workers accommodation to inform the location and design of future facilities; and • working with councils to consider opportunities to permit such facilities through LEPs.	Not applicable
22.3	Monitor the supply of residential land through the North Coast Housing and Land Monitor.	Not applicable
Direction 23: Increase housing diversity and choice		
23.1	Encourage housing diversity by delivering 40 per cent of new housing in the form of townhouses, dual occupancies, apartments, villas or dwellings on lots less than 400 square metres, by 2036.	Consistent This planning proposal does not seek to alter housing diversity, rather it seeks to provide greater consistency between the development standards of the applicable LEP and the locality plans and DCPs.
23.2	Develop local growth management strategies to respond to changing housing needs, including household and demographic changes, and support initiatives to increase ageing in place.	Not applicable
Direction 24: Deliver well-planned rural residential housing areas		
24.1	Facilitate the delivery of well-planned rural residential housing areas by identifying new rural residential areas in a local growth management strategy or rural residential land release strategy endorsed by the Department; and ensuring that	Not applicable

	such proposals are consistent with the <i>Settlement Planning Guidelines: Mid and Far North Coast Regional Strategies (2007)</i> or land release criteria.	
24.2	Enable sustainable use of the region's sensitive coastal strip by ensuring new rural residential areas are located outside the coastal strip, unless already identified in a local growth management strategy or rural residential land release strategy endorsed by the Department of Planning and Environment.	Not applicable
Direction 25: Deliver more opportunities for affordable housing		
25.1	Deliver more opportunities for affordable housing by incorporating policies and tools into local growth management strategies and local planning controls that enable greater variety of housing types and incentivise investment in affordable housing.	Not applicable
25.2	Prepare guidelines for local housing strategies that will provide guidance on planning for local affordable housing needs.	Not applicable



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