

Part 6 Kings Forest site

1 Definitions

In this Part:

agricultural buffer means an area within the Kings Forest site indicated by distinctive marking as “Agricultural Buffer—150m” on the Land Zoning Map.

ecological buffer means an area within the Kings Forest site indicated by distinctive marking as “Ecological Buffer—50m” on the Land Zoning Map.

Kings Forest site means the land identified on the Land Application Map.

Land Application Map means the *State Environmental Planning Policy (Major Development) 2005 Kings Forest Land Application Map*.

Land Zoning Map means the *State Environmental Planning Policy (Major Development) 2005 Kings Forest Land Zoning Map*.

native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

2 (Repealed)

3 Application of Part

- (1) Subject to subclauses (2) and (3), this Part applies with respect to development within the Kings Forest site and so applies whether or not the development is a transitional Part 3A project.
- (2) This Part does not apply to the land comprising Lot 19, DP 112061 unless and until that land has been vacant for one continuous period of 12 months, being a period that commences on or after the commencement of this Part.
- (3) Nothing in this Part applies to or with respect to development for the purposes of a public utility undertaking.

4 Land use zones and objectives

- (1) For the purposes of this Policy, land within the Kings Forest site is in a zone specified below if the land is shown on the Land Zoning Map as being within that zone:
 - (a) Zone 2 (c) Urban Expansion,
 - (b) (Repealed)
 - (c) Zone 7 (a) Environmental Protection (Wetlands and Littoral Rainforests),
 - (d) Zone 7 (l) Environmental Protection (Habitat).
- (2) Subject to the other provisions of this Part, the provisions of *Tweed Local Environmental Plan 2000*, as in force at the commencement of this clause, apply to land within a zone in the same way as they apply to land within a zone of the same name under that Plan and so apply as if those provisions were provisions of this Policy.
- (3) The consent authority must have regard to the objectives for development in a zone within the Kings Forest site when determining a development application in respect of land within that zone.

5 Zone 2 (c)

(1) Subdivision

Subdivision of land within Zone 2 (c) is permitted with consent regardless of the size of each allotment to be created by the subdivision.

(2) Dwelling houses

Development for the purposes of a dwelling house is permitted with consent on land within Zone 2 (c) regardless of the size of the allotment on which the house is to be located.

6 Zones 7 (a) and 7 (l)

(1) Subdivision that is permitted

Subdivision of land within Zone 7 (a) or 7 (l) is permitted with consent if the subdivision is for one or more of the following purposes:

- (a) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
- (b) a minor realignment of boundaries to reflect the zone boundaries, being a realignment that does not involve the creation of a greater number of lots.

(2) Other subdivision

Subdivision of land within Zone 7 (a) or 7 (l) for any other purpose is prohibited.

(3) Temporary development

The consent authority must not consent to development on land within Zone 7 (a) or 7 (l) for which consent may be granted under *Tweed Local Environmental Plan 2000* only because the development is carried out for not more than 14 days, whether consecutive or not, in any one year.

(4) Dwelling houses

Development for the purposes of a dwelling house is prohibited on land within Zone 7 (l).

(5) Earthworks

Development for the purposes of earthworks is permitted with consent on land within Zone 7 (l), but only if the applicant for consent has demonstrated to the consent authority's satisfaction that:

- (a) the development is necessary for any one of the following reasons:
 - (i) it needs to be in the locality in which it is proposed to be carried out due to the nature, function or service catchment of the development,
 - (ii) it meets an identified urgent community need,
 - (iii) it comprises a major employment generator, and

- (b) there is no other appropriate site on which the development is permitted with consent (other than as advertised development) in reasonable proximity, and
- (c) the development is generally consistent with the scale and character of existing and future lawful development in the immediate area, and
- (d) the development is consistent with the aims of *Tweed Local Environmental Plan 2000* (to the extent that those aims are consistent with this Policy) and at least one of the objectives of Zone 7 (l).

7 Ecological buffers

- (1) Consent must not be granted to development on land within an ecological buffer unless the consent authority is satisfied, after considering a detailed environmental assessment, that:
 - (a) the development complies with the objectives for ecological buffers and other provisions of this clause, and
 - (b) there is no practicable alternative to siting the development within the buffer.
- (2) The objectives for ecological buffers are:
 - (a) to protect wetlands or areas of particular habitat significance, and
 - (b) to restrict development so that, as far as practicable, it does not occur within ecological buffers, and
 - (c) to help ensure that development is designed, sited and managed so as to minimise its impact on the ecological and hydrological functions of ecological buffers, and
 - (d) to encourage the restoration and maintenance of native vegetation and the ecological processes of land within and adjacent to wetlands or areas of particular habitat significance.
- (3) Development on land within an ecological buffer is to:
 - (a) incorporate effective measures to manage wetlands or areas of particular habitat significance, and
 - (b) be designed and sited to maintain connectivity of vegetation and minimise vegetation clearing, soil disturbance and alterations to the rate, volume or quality of surface and ground-water flows, and
 - (c) retain and maintain all existing native vegetation outside the area immediately required for the development, and
 - (d) incorporate measures to regenerate native vegetation for all disturbed areas within the buffer, and
 - (e) incorporate appropriate stormwater and erosion control measures to protect the buffer from surface water run-off or other disturbance.
- (4) When considering whether or not there is a practicable alternative to siting development inside an ecological buffer, the consent authority must consider:

- (a) the design, type and site cover of the proposed development, and
 - (b) the physical characteristics of the land on which the development is proposed to be carried out, and
 - (c) the suitability of the land for the proposed development.
- (5) Before deciding whether or not to grant consent to development on land within an ecological buffer, the consent authority must consult the Department.

8 Agricultural buffers

Consent must not be granted to development on land within an agricultural buffer unless the consent authority:

- (a) has considered the potential impact of the proposed development on agricultural activities on land adjoining the buffer and of those agricultural activities on future occupiers of land within the buffer, and
- (b) has consulted the Department of Primary Industries.

9 Complying development

For the purposes of determining whether development within the Kings Forest site is complying development, the provisions in *Tweed Development Control Plan No 40* (as adopted by Tweed Shire Council on 6 October 2004) relating to single dwelling houses, or to development ancillary to single dwelling houses, are taken not to apply to the Kings Forest site.

10 Relationship with other environmental planning instruments

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:

- (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*,
- (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.

11 Infrastructure development and the use of existing buildings of the Crown

- (1) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development that is permitted to be carried out with or without consent or that is exempt development under *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.