

Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process

Explanatory note:

- The draft Tweed Local Environmental Plan 2012 was on public exhibition from 14 November 2012 to 18 January 2013.
- Tweed Shire Council received 1510 submissions, including **224** individual submissions and **1286** pro-forma submissions.
- The tables below provide an assessment of each issue raised in individual submissions, a planning response and a recommendation.
- A summary of planning responses and all recommendations have been presented in the report for individual consideration by Councillors.
- Each submission was given a unique identifier (a number).
- For transparency, the submissions were grouped into themes as follows:

Page 2: **Table One** **Submissions related with rural land** (minimum lot size, flexibility of planning controls for agriculture)

Page 8: **Table Two** **Submissions related with environmental protection** (koala habitat, Koala Plan of Management, Revised Environmental Strategy, zoning of Pottsville Wetlands, permissibility of land uses in environmental zones, requests for Public Hearing regarding protection controls)

Page 23: **Table Three** **Submissions related with the accuracy of the rural and environmental zones in rural areas**

Page 28: **Table Four** **Individual requests to rezone land or amend the land use table**

Page 74: **Table Five** **Submissions made in relation to the heritage register or heritage controls**

Page 84: **Table Six** **Government agencies, Gold Coast Airport**

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Table 1

Submissions related with rural land

Sub No	Submission Summary	Planning Response	Recommendation
1432	Submission expressed dissatisfaction that the minimum lot size standard was not addressed in the proposed amendments; but acknowledged that a Rural Land Strategy is underway that may assist in this matter.	<p>This matter has been considered by Council and raised with the Department of Planning and Infrastructure. While existing dwelling entitlement will not be affected by the minimum lot sizes presented in the LEP, the benefits of mapping which better reflects the approved minimum lot sizes existing is appreciated.</p> <p>A shire-wide approach to investigating the opportunity for revising the minimum lot size maps and creation of smaller lot subdivision for residential purposes is needed, in part, through the preparation of a Rural Land Use Strategy which is due for completion in late 2013.</p>	For referral to consultants preparing the Rural Land Strategy
1435		Same land parcel and Submission wording as Submission 1432. Refer to response to Submission 1432.	For referral to consultants preparing the Rural Land Strategy
689	Submission and letter attached. That the 40ha rule has no relevance in the Tweed Shire. Farmers have no means of raising capital to assist in improving their business or to purchase further land to improve viability. Family members cannot build a home, nor can they title land to pass to the next generation. Need more flexibility. Provides details of the transition in rural landuses. Concerned that there is going to be no future for young people on the land.	<p>This matter has been considered by Council and raised with the Department of Planning and Infrastructure. While existing dwelling entitlement will not be affected by the minimum lot sizes presented in the LEP, the benefits of mapping which better reflects the approved minimum lot sizes existing is appreciated.</p> <p>A shire-wide approach to investigating the opportunity for revising the minimum lot size maps and creation of smaller lot subdivision for residential purposes is needed, in part, through the preparation of a Rural Land Use Strategy which is due for completion in late 2013.</p>	For referral to consultants preparing the Rural Land Strategy
581	Proposes that the identification of suitable land for rural residential should be tied more to the department of Primary Industry's land ratings which would identify lower rated land that is to be classified RU2 unsuitable for farming that which but could be used for tourism, self-sufficient living, housing construction etc.. Some farmers with properties good land also have pockets of waste land that could be sold in exchange for new	<p>This matter has been considered by Council and raised with the Department of Planning and Infrastructure. While existing dwelling entitlement will not be affected by the minimum lot sizes presented in the LEP, the benefits of mapping which better reflects the approved minimum lot sizes existing is appreciated.</p> <p>A shire-wide approach to investigating the opportunity for revising the minimum lot size maps and creation of smaller lot subdivision for residential purposes is needed, in part, through the preparation of a</p>	For referral to consultants preparing the Rural Land Strategy

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	<p>equipment.</p> <p>Identifies a proliferation of caravan and shed dwellers on land that has no dwelling entitlement as a result of the current 40ha restriction; with consequent concerns about inadequate facilities, sewerage disposal and visual amenity impacts, loss of Council income etc..</p> <p>Most of the Tweed's farmers are approaching retirement and look to the property for their superannuation which is not possible under the 40ha rule.</p> <p>Suggests that for new arrivals to the Tweed, that lot sizes of less than 40ha are all that is needed to start a new business venture, such as those landuses permissible with consent in the RU2 zone, but must be able to live there.</p>	<p>Rural Land Use Strategy which is due for completion in late 2013.</p>	
305	<p>Raises objection to the 40ha rule and asks whether all land with titles should be granted building permits. Seeks to prevent further decline and encourage rural industries and that the LEP reflect the needs of the existing community and promote rural partnership.</p> <p>Asks who decided what land goes under the RU1 zone, and a range of questions about sustainability, and points to much of the conflict which is occurring as a result of planning regulations.</p> <p>Asks if RU2 Rural Landscape land is to be kept for its scenic value, and whether tourism is being encouraged to the detriment of local land owners, and whether maintaining the rural landscape character of the land includes productive, viable and sustainable land free of weeds, including camphor. - smaller manageable blocks will assist</p>	<p>This matter has been considered by Council and raised with the Department of Planning and Infrastructure. While existing dwelling entitlement will not be affected by the minimum lot sizes presented in the LEP, the benefits of mapping which better reflects the approved minimum lot sizes existing is appreciated.</p> <p>A shire-wide approach to investigating the opportunity for revising the minimum lot size maps and creation of smaller lot subdivision for residential purposes is needed, in part, through the preparation of a Rural Land Use Strategy which is due for completion in late 2013.</p>	<p>For referral to consultants preparing the Rural Land Strategy</p>

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	<p>and assist bring in young people to “farm” while working in local towns and villages.</p> <p>Associates vibrant rural villages to previous smaller developments with building permission, but have stagnated due to a decline in such development and overall aging of the local population.</p> <p>Diversity and merit based development leading to “acceptable sustainability” need to be encouraged through providing rights to develop with reduced restrictions.</p> <p>Proposes that all land should have a dwelling to ensure population is encouraged to stay in the area and look after the land.</p> <p>Asks who decided what zonings were to apply to the land.</p> <p>Asks about the 40ha minimum lot size and why a dwelling cannot be erected on lots, stifling sustainable development.</p>		
304	<p>Makes a range of statements and asks questions about past studies and statements of Council which it is alleged have not lead to productive outcomes without specific request for action.</p> <p>States that farming is a thing of the past, and sees the answer in smaller lot sizes where landowners have a job in town, more hobby farms.</p> <p>Argues that they do not need external interference from experts, and that “how we do things is our choice”.</p>	<p>This matter has been considered by Council and raised with the Department of Planning and Infrastructure. While existing dwelling entitlement will not be affected by the minimum lot sizes presented in the LEP, the benefits of mapping which better reflects the approved minimum lot sizes existing is appreciated.</p> <p>A shire-wide approach to investigating the opportunity for revising the minimum lot size maps and creation of smaller lot subdivision for residential purposes is needed, in part, through the preparation of a Rural Land Use Strategy which is due for completion in late 2013.</p>	For referral to consultants preparing the Rural Land Strategy

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303	<p>Disappointed that no change to the 40ha rule has been made. Not all farms are the same, with a range of sizes, soils, water, weeds, grazing and farming possible.</p> <p>States that most small farms are not viable, and when wishing to retire, can only be sold as a farm.</p>	<p>This matter has been considered by Council and raised with the Department of Planning and Infrastructure. While existing dwelling entitlement will not be affected by the minimum lot sizes presented in the LEP, the benefits of mapping which better reflects the approved minimum lot sizes existing is appreciated.</p> <p>A shire-wide approach to investigating the opportunity for revising the minimum lot size maps and creation of smaller lot subdivision for residential purposes is needed, in part, through the preparation of a Rural Land Use Strategy which is due for completion in late 2013.</p>	<p>For referral to consultants preparing the Rural Land Strategy</p>
569	<p>Concerned that no change to the 40ha minimum subdivision area which may assist the aging farming population to retire has been made.</p> <p>Refers to the previous Sinclair Knight Mertz Rural Land Study which stated that different area rules for different land use areas should apply.</p> <p>Proposes that there is no need for further studies are required to make a decision about smaller lot sizes.</p> <p>Biodiversity overlay is a response to State Govt concern about new E zones</p> <p>Biodiversity overlay may allow development to be refused including camphor laurel harvesting</p> <p>Overlay biodiversity mapping too detailed and inaccurate</p> <p>Flood mapping alarmist</p> <p>There should be no justification to retain any camphor laurel under A16</p>	<p>This matter has been considered by Council and raised with the Department of Planning and Infrastructure. While existing dwelling entitlement will not be affected by the minimum lot sizes presented in the LEP, the benefits of mapping which better reflects the approved minimum lot sizes existing is appreciated.</p> <p>A shire-wide approach to investigating the opportunity for revising the minimum lot size maps and creation of smaller lot subdivision for residential purposes is needed, in part, through the preparation of a Rural Land Use Strategy which is due for completion in late 2013.</p> <p>The Terrestrial Biodiversity overlay is consistent with councils adopted TVMS and has been included in all draft Comprehensive LEPs since 2004.</p> <p>Developments may be refused or conditioned on any number of grounds including biodiversity considerations. The Biodiversity clause simply seeks to clarify some of the common issues that require consideration. Camphor laurel harvesting for commercial purposes falls under the definition of Forestry under the SILEP</p> <p>The Biodiversity mapping needs to be detailed to pick up relevant issues. The alternative would be to require similar considerations for all DAs. Specific inaccuracies are not stated however if there are errors these can be addressed via the provisions of Biodiversity clause 7.8.</p>	<p>For referral to consultants preparing the Rural Land Strategy.</p> <p>No amendments to the LEP.</p>

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	<p>Camphor laurel harvesting should be permitted without consent as it is regulated by other bodies.</p> <p>Limited consultation on exhibition</p>	<p>The DLEP Flood Planning Map is scheduled for amendment in line with the most recent flood modelling data provided to council as part of developing the (draft) floodplain management study.</p> <p>A16 does not apply to noxious weeds such as camphor laurel by virtue of clause 5.9(8) of the DLEP.</p> <p>The control of noxious weeds is exempt development providing it is carried out in a manner that does not cause significant environmental impacts.</p> <p>The DLEP was on exhibition from 15 November 2012 until 18 January 2013. During that time, eight (8) public meetings were held, six of them open for general public and two held by request of community groups. Council staff was providing additional information and guidelines when requested and considered late submission that were lodged after the exhibition closed.</p>	
27	<p>Contends that diversification and vigour will only occur by allowing younger landowners with new leads onto the land, by making and more affordable through subdivision.</p> <p>Claims that subdivision is the best solution to provide a superannuation policy for retiring landowners. Proposes that RU2 land would suit this purpose.</p>	<p>This matter has been considered by Council and raised with the Department of Planning and Infrastructure. While existing dwelling entitlement will not be affected by the minimum lot sizes presented in the LEP, the benefits of mapping which better reflects the approved minimum lot sizes existing is appreciated.</p> <p>A shire-wide approach to investigating the opportunity for revising the minimum lot size maps and creation of smaller lot subdivision for residential purposes is needed, in part, through the preparation of a Rural Land Use Strategy which is due for completion in late 2013.</p>	For referral to consultants preparing the Rural Land Strategy
601	<p>Wishes to have 5 acres subdivided and rezoned from RU1 to RU2, to allow family to remain in the locality.</p>	<p>Subdivision is not within the scope of this planning process; however, with respect to lot sizes more generally, this matter has been considered by Council and raised with the Department of Planning and Infrastructure. While existing dwelling entitlement will not be affected by the minimum lot sizes presented in the LEP, the benefits of mapping which better reflects the approved minimum lot sizes existing is appreciated.</p> <p>A shire-wide approach to investigating the opportunity for revising the</p>	For referral to consultants preparing the Rural Land Strategy

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		<p>minimum lot size maps and creation of smaller lot subdivision for residential purposes is needed, in part, through the preparation of a Rural Land Use Strategy which is due for completion in late 2013.</p>	
757	<p>Refers to Clause 4.1 and that Council needs to recognise the past subdivisions that were undertaken where smaller lot sizes were allowed. Failing to do so causes issues with dwelling entitlements and boundary adjustments.</p> <p>Asserts that the lot size map as relates to rural land does not accord with lawfully created lots that are less than the 40ha minimum lot size.</p> <p>That the lot size map should be amended to accord with existing approved lot sizes.</p> <p>That the provisions of clause 20 sub-clause 3 of LEP 2000 should be included to provide opportunities for the creation of allotments for uses other than agriculture and rural living. Unless the lot size map is adjusted to that of existing approved lots, then any boundary adjustment could create lots that no longer have dwelling entitlement and rely solely on existing use rights.</p> <p>Proposes a reduction in minimum lot sizes in RU2 zoned land to 1ha.</p>	<p>While no change is proposed for the lot size map, the submission raises the issue of potential implications of boundary adjustments which should be considered.</p> <p>This matter has been considered by Council and raised with the Department of Planning and Infrastructure. While existing dwelling entitlement will not be affected by the minimum lot sizes presented in the LEP, the benefits of mapping which better reflects the approved minimum lot sizes existing is appreciated.</p> <p>A shire-wide approach to investigating the opportunity for revising the minimum lot size maps and creation of smaller lot subdivision for residential purposes is needed, in part, through the preparation of a Rural Land Use Strategy which is due for completion in late 2013.</p>	<p>For referral to consultants preparing the Rural Land Strategy</p>
1195	<p>That there is no flexibility in the LEP to assist the farming community.</p> <p>That the 40ha rule has no relevance in the Tweed, and there is no ability to raise capital to improve the business or purchase more land, or let family members build a home on the land, or have separate title so land can be passed on to future generations.</p>	<p>This matter has been considered by Council and raised with the Department of Planning and Infrastructure. While existing dwelling entitlement will not be affected by the minimum lot sizes presented in the LEP, the benefits of mapping which better reflects the approved minimum lot sizes existing is appreciated.</p> <p>A shire-wide approach to investigating the opportunity for revising the minimum lot size maps and creation of smaller lot subdivision for</p>	<p>For referral to consultants preparing the Rural Land Strategy</p>

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		residential purposes is needed, in part, through the preparation of a Rural Land Use Strategy which is due for completion in late 2013.	
1448	<p>Provides advice on the status of rural industries, that there is no provision to ensure that land designated as RU1 is actually used for that purpose.</p> <p>States that the only superannuation that farmers have is their land, land which the 40ha rule allows only one dwelling per 100 acres.</p> <p>That the 40 ha ruling is throttling innovative farming enterprises; citing lettuce and finger lime enterprises on less than 5 acres.</p> <p>That the 40ha provision is leading to large lot infestations of Camphor Laurel.</p> <p>Refers to a comment made at the 2010 public meeting where a “residential precinct” was proposed so that more than one generation could live on the same property at the same time.</p> <p>Refers to a Multiple Occupancy Community near Burringbar and the ability of such communities to rejuvenate the land and develop alternative rural industries such as arts and crafts, rainforest nurseries and market gardens.</p>	<p>This matter has been considered by Council and raised with the Department of Planning and Infrastructure. While existing dwelling entitlement will not be affected by the minimum lot sizes presented in the LEP, the benefits of mapping which better reflects the approved minimum lot sizes existing is appreciated.</p> <p>A shire-wide approach to investigating the opportunity for revising the minimum lot size maps and creation of smaller lot subdivision for residential purposes is needed, in part, through the preparation of a Rural Land Use Strategy which is due for completion in late 2013.</p>	For referral to consultants preparing the Rural Land Strategy

Table 2

Submissions made in relation to environmental protection

Sub No	Submission Summary	Planning Response	Recommendation
32, 35, 39, 80, 141, 142, 189, 214, 266, 302, 374,	The draft Tweed LEP 2012 is a step backwards for conservation of	The draft Tweed LEP 2012 has been prepared in response to the NSW State Government requirement for all councils to review	It is recommended that the Land Zoning Map be amended to apply'

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460, 511, 518, 538, 561, 562, 567, 573, 579, 580, 585, 589, 590, 592, 612, 624, 652, 654, 655, 656, 658, 688, 726, 727, 728, 759, 794, 1356, 1357, 1362, 1370, 1375, 1381, 1383, 1384, 1400, 1402, 1408, 1414, 1428, 1431, 1432, 1434, 1435, 1439, 1444, 1445, 1447, 1449, 1451, 1452, 1463, 1467, 1471, 1478, 1488, 1490	native vegetation and biodiversity in Tweed Shire.	<p>their LEPs and implement a common template referred to as “The Standard Instrument” (SI). This change is part of a wider, ongoing reform of the planning system. The methodology of implementing the SI for the Tweed Shire area has been based on conversion of the current LEP with changes limited to minimum with additional local context based on adopted policies and strategies.</p> <p>The first exhibition, which took place in 2010, intended to implement recommendations of the Tweed Vegetation Management Strategy 2004 (TVMS). The TVMS had been completed prior to the State Government’s request to adopt the SI, which resulted in some of the recommendations of the Strategy to be extremely difficult to implement. In consequence, the 2010 Land Zoning Map, as based on TVMS, was increasing the overall areas zoned for environmental protection along the Tweed Coast (including koala habitat), and rezoning areas in the west from environmental zones to a rural zone with limited, if any, levels of environmental protection.</p> <p>After the 2010 exhibition, Council amended the recommendations of the TVMS, which, followed by consultations with NSW Department of Planning & Infrastructure resulted in a new approach to the Land Zoning Map with the E3 Environmental Management zone intended to cover rural land constrained by slope, scenic and bushland values. A bridging document referred to as “Revised Environmental Strategy” was further developed to provide a linkage between the TVMS 2004 and the Standard Instrument LEP although this document has not been publicly exhibited for community and landowners to have an opportunity to contribute and provide comments.</p>	where possible, the E2 Environmental Zone for the core koala habitat along the coast.
35, 39, 80, 141, 144, 214, 266, 302, 371, 374, 460, 511, 515, 517, 518, 519, 530, 538, 561, 567, 573, 585, 587, 592, 600, 612, 652, 653, 655, 656, 688, 724, 725, 726, 727, 728, 759, 794, 797, 1375, 1381, 1384, 1386, 1397, 1400, 1402, 1408, 1414, 1421, 1422, 1428, 1434, 1436, 1439, 1443, 1445, 1447, 1451, 1452, 1453, 1462, 1463, 1465, 1468, 1467, 1475, 1478, 1479, 1487, 1488, 1500, 1470	Koala Plan of Management and revised Environmental Strategy should be finalised prior to the draft Tweed LEP, and the LEP should be informed by these studies.	<p>Due to ongoing pressure from State Government to finalise the SI implementation process, Council decided to place the draft Tweed LEP 2012 on public exhibition with intention to implement certain recommendations of the TVMS and with a view to implement the remaining ones through a separate LEP amendment process (subject to separate public consultations). The draft Tweed LEP 2012 implements the following recommendations of the TVMS:</p>	
3, 518, 654, 655, 656, 1355, 1421, 1422, 1428, 1435, 1444, 1449	LEP Amendment 21 should be included in the draft Tweed LEP 2012.		
1444, 1445, 1449, 1452, 1490	The draft Tweed LEP 2012 should be delayed until the ‘E-zone review project’ is finalised.		
374, 396, 567, 655, 658, 728, 764, 1357, 1380, 1487	Native vegetation and biodiversity of the Tweed must be made a		

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	priority.		
518, 585, 587, 588, 589, 794, 517, 1375, 1422, 1428, 1487, 1481, 1478, 1488, 1490	The draft LEP should be based on the latest mapping and information available.	<ul style="list-style-type: none"> • Bushland overlay map and clause, • Steep land overlay map and revised clause, • Drinking water catchment land overlay map and clause, • Acid sulfate soils clause • A new earthworks clause to reflect existing consent provisions for innominate works under LEP 2000. <p>It was initially intended to implement another recommendation related with biting midge and mosquito breeding areas however this recommendation has not been supported by the Department of Planning & Infrastructure as more suitable for a Development Control Plan control, rather than a LEP clause.</p>	
1428, 1478, 1488	Protection of the high conservation vegetation and habitat on private land needs to be done through the draft Tweed LEP 2012: riparian corridors should be protected with an environmental zone. Land in private ownership with conservation covenants recognising the high conservation values of the land should be zoned with the E2 zone.	<p>The following recommendations of the TVMS have been intended to be implemented via a separate LEP amendment process:</p> <ul style="list-style-type: none"> • A refined E2 Environmental Conservation zone focussing mostly on the Tweed Coast, public lands and areas already protected. • A new but flexible E3 Environmental Management zone, • Revised Waterways zones which more closely reflect existing waterway character and uses. • A new riparian land overlay map and revised clause, • A revised approach to tree preservation. 	
517, 518, 573, 600, 612, 652, 653, 655, 725, 794, 797, 1375, 1384, 1428, 1465, 1478, 1488, 1490,	The draft LEP does not meet the NSW state government requirement to protect the environment (SEPP 44 or Directions under Section 117)	<p>In order to respond to concerns raised by community, this Report recommends an amendment to the Land Zoning Map to apply the E2 Environmental Conservation zone over the koala habitat, as proposed in 2010 exhibition. It needs to be noted that this approach creates a significant risk of re-exhibition the LEP which would add significant delays to a project which has been ongoing since 2010, but will also run the significant risk of losing local input into the review and application of environmental zones. The DP&I have made strong representation to all Council's that standard instrument LEPs are to be completed as the highest priority pending the introduction of a new Environmental Planning and Assessment Act.</p> <p>The Koala Plan of Management (KPoM) is currently in a draft</p>	

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		<p>form with a view to be completed in early 2014.</p> <p>To summarise, Council has considered an option to delay the draft Tweed LEP 2012 until the “E-zone review” project, the Revised Environmental Strategy and KPoM are finalised. Nonetheless, as some of those documents are facing delays, and the State Government pressure to finalise the SI implementation process continues to increase, it is recommended to either rezone the koala habitat with the E2 zone or continue with the draft Tweed LEP 2012 in its current form (with a view to amend the Plan through a separate process).</p>																																								
35, 39, 134, 141, 198, 214, 266, 302, 370, 371, 374, 438, 439, 440, 461, 511, 515, 517, 522, 528, 530, 532, 561, 567, 579, 580, 585, 589, 592, 624, 724, 727, 759, 764, 794, 1357, 1362, 1375, 1383, 1385, 1386, 1397, 1398, 1402, 1414, 1423, 1424, 1428, 1432, 1435, 1436, 1439, 1443, 1444, 1447, 1449, 1450, 1451, 1453, 1463, 1467, 1471, 1475, 1478, 1488, 1490	Zones and provisions for vegetation clearing do not achieve koala protection in areas along the Tweed Coast.	<p>The draft Tweed LEP 2012 Land Zoning Map is essentially based on the Land Zoning Map of the current LEP. While many submissions pointed out that the draft Tweed LEP 2012 reduces the area of land zoned with an environmental protection zone, in point of fact the draft LEP maintains the status quo both in koala habitat area and in the rest of the Shire.</p> <table border="1" data-bbox="898 770 1697 1404"> <thead> <tr> <th></th> <th>AREA (m²)</th> <th>AREA (ha)</th> </tr> </thead> <tbody> <tr> <td>LEP 2000 (As Gazetted 15/01/2013)</td> <td></td> <td></td> </tr> <tr> <td>Sum of 7(a), 7(d), 7(f) & 7(l) - Environmental Protection Covering Land Parcels</td> <td>34,569,162</td> <td>3,457</td> </tr> <tr> <td>Sum of 8(a) - National Parks & Nature Reserves Covering Land Parcels</td> <td>9,124,720</td> <td>912</td> </tr> <tr> <td>SUM</td> <td></td> <td>4,369</td> </tr> <tr> <th></th> <th>AREA (m²)</th> <th>AREA (ha)</th> </tr> <tr> <td>DRAFT LEP 2010 (As Exhibited)</td> <td></td> <td></td> </tr> <tr> <td>Sum of E2 - Environmental Conservation Covering Land Parcels</td> <td>41,793,884</td> <td>4,179</td> </tr> <tr> <td>Sum of E1 - National Parks & Nature Reserves Covering Land Parcels</td> <td>11,375,177</td> <td>1,138</td> </tr> <tr> <td>SUM</td> <td></td> <td>5,317</td> </tr> <tr> <th></th> <th>AREA (m²)</th> <th>AREA (ha)</th> </tr> <tr> <td>DRAFT LEP 2012 (As Exhibited)</td> <td></td> <td></td> </tr> <tr> <td>Sum of E2 - Environmental Conservation and E3 - Environmental Management Covering Land Parcels</td> <td>35,103,088</td> <td>3,510</td> </tr> </tbody> </table>		AREA (m ²)	AREA (ha)	LEP 2000 (As Gazetted 15/01/2013)			Sum of 7(a), 7(d), 7(f) & 7(l) - Environmental Protection Covering Land Parcels	34,569,162	3,457	Sum of 8(a) - National Parks & Nature Reserves Covering Land Parcels	9,124,720	912	SUM		4,369		AREA (m ²)	AREA (ha)	DRAFT LEP 2010 (As Exhibited)			Sum of E2 - Environmental Conservation Covering Land Parcels	41,793,884	4,179	Sum of E1 - National Parks & Nature Reserves Covering Land Parcels	11,375,177	1,138	SUM		5,317		AREA (m ²)	AREA (ha)	DRAFT LEP 2012 (As Exhibited)			Sum of E2 - Environmental Conservation and E3 - Environmental Management Covering Land Parcels	35,103,088	3,510	It is recommended that the Land Zoning Map be amended to apply where possible, the E2 Environmental Zone for the core koala habitat along the coast.
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		Sum of E1 - National Parks & Nature Reserves Covering Land Parcels	11,375,309	1,138	
			SUM	4,648	
		<p><i>Comparison of environmental zones coverage within the Koala Study Area under LEP 2000, draft LEP 2010 and draft LEP 2012.</i></p> <p>Council is conscious of a critical need to increase the application of environmental protection zones in koala habitat areas along the Tweed Coast.</p> <p>As part of developing the Koala Plan of Management, which is now in early draft version scheduled for internal review, Council has mapped the Core Koala Habitat area along the Tweed Coast. These maps can now be used to commence a review of the Land Zoning Map for the Core Koala Habitat to give effect to State Environmental Planning Policy 44.</p>			
1423	The draft Tweed LEP 2012 should contain a local clause providing a linkage to the Koala Plan of Management.	<p>In order to respond to concerns raised by community, this Report recommends an amendment to the Land Zoning Map to apply the E2 Environmental Conservation zone over the koala habitat, as proposed in 2010 exhibition. It needs to be noted that this approach creates a significant risk of re-exhibition the LEP which would add significant delays to a project which has been ongoing since 2010, but will also run the significant risk of losing local input into the review and application of environmental zones. The DP&I have made strong representation to all Council's that standard instrument LEPs are to be completed as the highest priority pending the introduction of a new Environmental Planning and Assessment Act.</p>			
141	The Koala Connections Project will be adversely affected by the draft Tweed LEP 2012.				
728, 1445, 1452	The draft Tweed LEP should take into account the climate change.	<p>Comment noted. This comment will be taken into account while finalising the Revised Environmental Strategy for public exhibition and implementation into the LEP.</p> <p>The draft Tweed LEP 2012 contains the following provisions related with the climate change:</p> <ul style="list-style-type: none"> • Clause 5.5 Development within the coastal zone, • Clause 7.6 Flood planning clause 		No changes to the draft Tweed LEP 2012. Comment will be taken into account while finalising the Revised Environmental Strategy.	

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Summary of the submissions review process

Sub No	Submission Summary	Planning Response	Recommendation
35, 39, 141, 198, 266, 302, 511, 517, 530, 532, 561, 585, 589, 592, 652, 653, 655, 656, 688, 727, 759, 794, 1402, 1422, 1436, 1445, 1447, 1452, 1439, 1471, 1475, 1479, 1490	Council has not been open with councillors and the community by claiming that this LEP is a rollover of the current LEP 2000 and has not provided information on the implications for restrictions of clearing of native vegetation on land zoned with a rural zone.	<ul style="list-style-type: none"> Clause 7.16 Coastal risk planning <p>Comments noted. The Council Report of 25 October 2012 which recommended a public exhibition of the draft LEP 2012 followed a workshop session on which Councillors were informed about Council intention to base the Land Zoning Map on the current LEP 2000.</p> <p>Part 3.2 of the Report outlined the methodology of developing the draft Tweed LEP 2012.</p> <p>Fact sheets prepared for the public exhibition process contained information on the methodology behind drafting the LEP.</p> <p>The Report informed about the reasons behind the recommendation to base the Land Zoning Map on the current LEP 2000 and stated what follows:</p> <p><i>Compulsory clause 5.9(8) of the draft Tweed LEP 2012 (Preservation of Trees or Vegetation) allows for clearing of native vegetation in certain zones (being zones other than E2, E3 and R5 Large Lot Residential), when authorised under certain provisions of the Native Vegetation Act 2003, such as clearing authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003, or clearing that is otherwise permitted under Division 2 or 3 of Part 3 of the Native Vegetation Act 2003 (clearing for routine agriculture management activities is permitted under this exemption).</i></p>	No amendments to the LEP.
656, 1444, 1445, 1447, 1449, 1452, 1462,	Byrrill Creek area should be zoned with an E2 or E3 zone, due to its documented environmental significance.	<p>The draft Tweed LEP 2012 Land Zoning Map is essentially based on the land zoning map of the current LEP. This results from the methodology behind the Standard Instrument implementation process, which is to convert the current LEP with no or minimum changes with local context of the plan based on adopted policies and strategies. Council is aware that the Land Zoning Map requires an update to align the extent of environmental zones with the extent of conservation values requiring protection. This process will be done on a basis of Revised Environmental Strategy.</p> <p>Council considers implementation of this Strategy as a matter of high priority, however this process is now facing a delay due to review of the environmental zones in the Northern Rivers Region, commenced by DP&I in October 2012. Initially, the outcomes of</p>	No amendments to the LEP.
1402, 1414, 1453	Objection to the proposed Byrrill Creek Dam site.		

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Summary of the submissions review process

Sub No	Submission Summary	Planning Response	Recommendation
		<p>the review were to be released by March 2013 but this process is now delayed due to large amount of analysis to be conducted by consultants engaged by DP&I. This review is expected to provide a new approach towards the application of environmental zones and environmental overlay maps in LEPs in the Northern Rivers area. As such, it is reasonable to hold the Revised Environmental Strategy until the outcomes of the “E-zone review project” are released to public.</p> <p>Council is aware of controversies evolving around the proposal to develop a dam at Byrill Creek and continues to carry out strategic analysis assessing potential future necessity for this major infrastructure site. In this regard, the draft LEP 2012 intends to maintain the status quo by identifying site for <u>potential, future development</u> of the dam (similarly to Clause 52 of the current LEP) and by enabling this potential development to be subject to Part 5 assessment (under the Environmental Planning & Assessment Act 1979).</p>	
35, 39, 80, 141, 144, 214, 266, 302, 460, 511, 514, 518, 532, 538, 561, 573, 580, 588, 592, 600, 652, 653, 654, 655, 758, 794, 1356, 1362, 1375, 1381, 1383, 1384, 1397, 1398, 1421, 1428, 1431, 1432, 1434, 1435, 1436, 1439, 1443, 1450, 1465, 1468, 1470, 1471, 1475, 1478, 1488, 1500,	Request for a Public Hearing as the due process has not been followed.	<p>The draft LEP as exhibited is consistent with the resolution of Council of 25 October 2012, which was premised on the methodology of drafting the draft Tweed LEP 2012, based on two guiding principles:</p> <ul style="list-style-type: none"> • The “best fit” conversion. This approach has been taken to simplify the translation of the current LEP 2000 into the format of the standard LEP template in the absence of a Shire wide strategic review of the LEP and zones. • Local context based only on Council adopted strategies, plans and policies. This also applies to the Tweed Vegetation Management Strategy 2004, however, as outlined in response above, some recommendations provided under the TVMS, including the recommendation to amend the Land Zoning Map, have been left for a separate LEP amendment process, because those recommendations were updated between the completion of the TVMS and re-exhibition of the draft LEP in 2012/2013. 	No amendments to the LEP.
514, 1397, 1400	More consultations with residents	<p>The draft LEP 2012 has been prepared to translate the current environmental zoned land into the corresponding Standard LEP</p>	

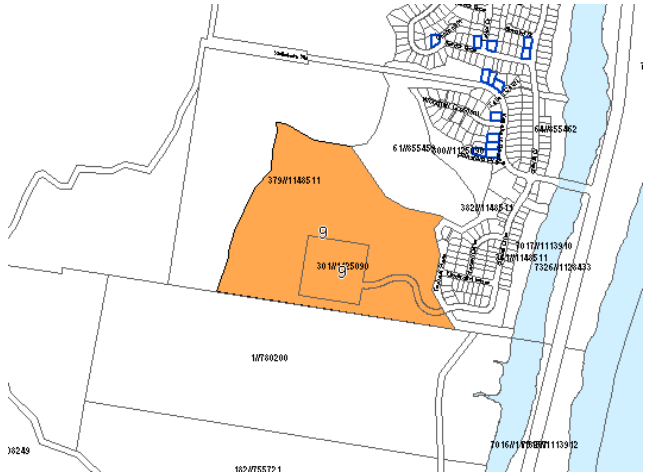
Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process

Sub No	Submission Summary	Planning Response	Recommendation
		<p>template environmental zone, thus retaining the current environmental zone, not applying environmental zones to other land, and with the aim of retaining the current environmental protection in light of the State Government review.</p> <p>Therefore, given the LEP incorporates a translation of the current environmental zones and that the State Government is reviewing the environmental zones on the far north coast, it is considered the LEP has been prepared following due process.</p> <p>The recommendation provided under this Report is to endorse the LEP and commence the LEP amendment process to rezone land identified as core koala habitat to give effect to SEPP 44. This process includes extensive public exhibition together with consultations with landowners affected by the rezoning. Council is also committed to finalise Environmental Strategy which needs to be put on hold until State Government review of the environmental zones is completed. Implementation of this Strategy will involve extensive public consultation.</p> <p>Holding a public hearing at this stage would not achieve any relevant outcome as any recommendations for amending the environmental zones is most likely to be critically dependent on the findings and directions of the State Government review and on the completion and public exhibition of the updated environmental strategy (currently underway) and therefore at this stage the issue is not considered of such significance to require a public hearing.</p>	
266, 374, 517, 538, 561, 727, 728, 1356, 1380, 1402, 1414, 1427, 1432, 1435, 1444, 1447, 1449, 1452, 1453, 1471, 1489, 1490,	The submissions request that Tweed Council should strongly object to State Government intentions to reduce environmental protection controls.	The recent exhibition of the draft LEP was prepared in response to NSW State Government request for all councils to revise their local environmental plan in line with the common template called "The Standard Instrument" (SI). Councils were requested to convert land zoning maps into a new template, with a set of 34 zones, common for all councils across the State provided to translate existing zones of each local environmental plan.	No amendments to the LEP.
652, 728, 1402, 1481, 1489	The Standard Instrument Template does not fit	The Standard Instrument implementation initiative does not intend to reduce the extent of environmental zones, although local zones, developed by councils to reflect their unique conservation values, are now being converted into standardised zones. The	

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Sub No	Submission Summary	Planning Response	Recommendation
		<p>standardised zones have identical names and primary (mandatory) objectives in all LEPs across the State, however councils have the ability to add additional zone objectives and tailor the list of permissible land uses to match local characteristics and values.</p> <p>In October 2012, the State Government commenced the review of environmental zones in the Northern Rivers Region. This process aims to provide a set of guidelines for councils in our area on the best way of planning for land where both agricultural and conservation values need to be given careful consideration.</p>	
136, 137, 240, 264, 265, 266, 391, 511, 522, 525, 526, 533, 543, 546, 547, 582, 597, 598, 728, 797, 1421, 1398, 1399, 1436, 1439, 1457	Objection to the proposed additional land use (outdoor recreation facility) permitted on Lot 301 DP 1125090 and 379 DP 1148511.	<p>The Additional Permitted Uses Map of the draft Tweed LEP 2012 contains item labelled as “Area 9”. Schedule 1 of the Plan permits development of a recreation facility (outdoor) on the site with consent. On the Land Zoning Map the site is zoned with the E3 Environmental Management zone.</p>	Area 9 to be removed from the Additional Permitted Uses Map. Lot 301 DP 1125090 to be rezoned from E3 Environmental Management to RE1 Public Recreation.
1436, 1439, 1457	Objection to vehicular access from Dunloe Park development to the coastal strip through areas identified on the Additional Permitted Uses as “Area 9”.	<div data-bbox="898 767 1541 1241" data-label="Image">  <p>The map shows a coastal strip with several land parcels. A large parcel, Lot 301 DP 1125090, is highlighted in orange and labeled 'Area 9'. Other parcels shown include Lot 379 DP 1148511, Lot 10780200, Lot 30201140517, Lot 61085540001125090, Lot 610855402, Lot 301071113310, Lot 301071148511, Lot 712261120433, Lot 10780200, Lot 30249, Lot 107855771, and Lot 70161118001113012. The map also shows a road network and a water body to the east.</p> </div> <p><i>Figure: Additional Permitted Uses Map – Area 9</i></p> <p>Council does not intend to expand the existing sporting facility. Area 9 has been identified and mapped prior to 2008 when the extent of the existing sporting field was yet to be identified. The</p>	

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Sub No	Submission Summary	Planning Response	Recommendation
		<p>reason to keep Area 9 in the draft Tweed LEP 2012 was not to facilitate a further recreational development (or access to Dunloe Park urban release area) but to provide balanced controls for managing the sporting field within environmentally sensitive areas. As this approach has caused confusion among Pottsville community, it is recommended to remove Area 9 from the Additional Permitted Uses Map and rezone the existing sporting field site to RE1 Public Recreation zone.</p>	
266, 460, 511, 525, 655, 728, 797, 1421, 1428, 1436, 1457, 1478, 1488, 1504	Pottsville Wetlands should be zoned with the E2 zone, instead of the E3 zone.	<p>Comments noted. Area referred to as “Pottsville Wetlands” is zoned with E2 Environmental Conservation and E3 Environmental Management zones, which is a translation of current zones, 7(a) and 7(l). The land use table for zone E3 Environmental Management has been tailored to match zone 7(l) Environmental Protection/Habitat and Council is confident that this zone does not reduce the current levels of protection for this site.</p> <p>In order to respond to concerns raised by community, this Report recommends an amendment to the Land Zoning Map to apply the E2 Environmental Conservation zone over the koala habitat, including the Pottsville Wetlands, as proposed in 2010 exhibition. It needs to be noted that this approach creates a significant risk of re-exhibition the LEP which would add significant delays to a project which has been ongoing since 2010, but will also run the significant risk of losing local input into the review and application of environmental zones. The DP&I have made strong representation to all Council’s that standard instrument LEPs are to be completed as the highest priority pending the introduction of a new Environmental Planning and Assessment Act.</p>	It is recommended that the Land Zoning Map be amended to apply where possible, the E2 Environmental Zone for the core koala habitat along the coast.
1443	Objection to the expansion of the Tweed Coast Caravan Park at Cabaritat/Bogangar	<p>The methodology of preparing the draft Tweed LEP 2012 has been based on two principles: the Land Zoning Map of the LEP 2000 to be converted to the Standard Instrument template with zero to minimum variations, and local context to be based on adopted policies and strategies. The draft LEP 2012 is maintaining the zones in Cabarita and Bogangar as in the LEP 2000. Any request to rezone land to a different zone should be subject to a separate LEP amendment through a planning proposal process.</p>	No amendments to the LEP.

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Sub No	Submission Summary	Planning Response	Recommendation
1384, 1428, 1434, 1467, 1468, 1470, 1471, 1478, 1488	Exhibition during the holiday break	<p>The exhibition of the draft Tweed LEP 2012 commenced on 14 November 2012 and concluded on 18 January 2013, with six public presentations open to the public and two additional closes presentations held on request of community groups from Tyalgum and Kingscliff.</p> <p>This exhibition timeframe intended to meet State Government requirement to have the draft Tweed LEP 2012 finalised before June 2013. This deadline has been imposed on all council across the State and is linked with a wider, ongoing reform of the planning system in NSW.</p> <p>Council Tweed Shire placed the draft LEP on exhibition for more than 60 days and adopted a flexible approach of considering late submissions and organising additional LEP presentations on requests of community associations.</p>	No amendments to the LEP.
511, 518, 600, 1384, 1421, 1423, 1450, 1467, 1468, 1470	Mining: Open cut mining should be prohibited in the rural zones. CSG should be listed as a prohibited land use.	<p>Permissibility of mining activities under the draft LEP needs to be considered in conjunction with the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries), referred to as "The Mining SEPP". The Mining SEPP provides that mining activities may be carried out on land where development for the purposes of agriculture or industry is permitted with or without development consent.</p> <p>According to the hierarchy of planning documents (environmental planning instruments, EPI) in New South Wales, local environmental plans must not be inconsistent with State EPI.</p> <p>The land use table of the draft Tweed LEP 2012 has been prepared as a conversion of the current LEP 2000. Open cut mining and extractive industries have been permitted land uses since the first LEP gazetted in 1987.</p>	No amendments to the LEP.
1402, 1414, 1489	Name of the E3 zone "Environmental Management" is inappropriate and does not inform what the intention of the zone is.	<p>The Standard Instrument LEP is based on a template common for all councils across the State. The template has been developed by Department of Planning & Infrastructure with a view to simplify the "planning language" by providing a common set of definitions, land uses and zones. Councils do not have the ability to amend zone names, therefore this request cannot be supported.</p> <p>Councils do however have the ability to tailor land zones to match local needs and characteristics. This can be done by including additional zone objectives and tailoring – to some extent – the land use table in line with primary objectives of a zone.</p>	No amendments to the LEP.

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Sub No	Submission Summary	Planning Response	Recommendation
		Generally, the E3 Environmental Management zone is for land where there are special ecological, scientific, cultural or aesthetic attributes or environmental hazards/processes that require careful consideration/management and for uses compatible with these values. The land use table of this zone has been tailored to match two zones of the current LEP 2000: the 7(d) Environmental Protection Scenic/Escarpment and 7(l) Environmental Protection/Habitat.	
80, 1381, 1383	Objection to land uses permitted with consent in the RU1, RU2, RU5, E3 and W1 zones. Submissions do not specify any particular uses of concern. E3 zone's proposed objective <i>to enable (...) limited range of tourism and residential development (...)</i> is in conflict with the remaining objectives of this zone.	Comments noted. No specific land uses have been mentioned in this submission. The land use table of each zone has been based on a "best-fit conversion" of the LEP 2000 zones into the Standard Instrument LEP 2012. This process intends to implement the Standard Instrument LEP as part of the ongoing reform of the planning system in NSW and any amendments to the land use table are considered to be outside the scope of this planning process. One of the compulsory objectives of the E3 zone is to provide a limited range of development that does not have an adverse effect on ecological, scientific, cultural or aesthetic values. Council has included additional, local objective <i>to enable development, including a limited range of tourism and residential development that has adequate protection from natural hazards</i> . Both the compulsory and local objectives are focused on enabling limited development that would respect values of the site. When analysed in conjunction with the land use table, which allows for very limited tourist/residential development: dwelling houses (1 per 40 hectares) and eco-tourist facilities (subject to Clause 5.13), the local objective appears in line with other, compulsory objectives of this zone.	No amendments to the LEP.
189	Wharf or boating facilities, water recreation structures and water storage facilities will encourage further degradation of biological systems. There is limited distinction between land use table of the W1 zone and W2 and W3 zones.	Those uses are considered consistent with objectives of this zone, which include "providing for sustainable fishing industries and recreational fishing". It is a role of the merit-based development assessment process to determine whether a proposed development is consistent with objectives of a zone and other relevant considerations.	No amendments to the LEP.
80, 1381, 1383	Objection to the change to the RE1	This matter is outside the scope of this planning process. The	No amendments to the LEP.

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Sub No	Submission Summary	Planning Response	Recommendation
	zone, where activities permitted with consent require fees to be paid to an administrative body.	draft LEP does not impose any fees to be paid for using public areas. All matters related with commercial use of Council land or events on public land are not managed under the LEP but are subject to Council local policies and regulations.	
1384, 1434, 1465, 1468, 1470	Fingal Head Coastcare Inc. requests to amend the DCP A16 Significant Tree Register to include additional trees (list provided in submission 1384).	The application of A16 is limited by the Standard Instrument LEP. Council has made representations regarding this issue to DP&I in 2010 and was partially successful in having the SILEP changed to allow TPO provisions to apply in E zones (but not Rural zones). Implementation of the Revised Environmental Strategy would see nominated areas included in the TPO via proposed E zoning.	No amendments to the LEP.
1384, 1434, 1468, 1470	Site specific amendments to the Land Zoning Map to apply E2 or E3 zones.	Comments noted. Council is proposing a broad, shire-wide update of the application of environmental zones in the LEP, based on the TVMS 2004 and spelt under recommendations of the Revised Environmental Strategy. The Revised Environmental Strategy is scheduled for implementation as a matter of priority upon finalisation of the "E-zone review project" initiated by the NSW State Government. This project will provide guidelines on appropriate application of environmental zones in the Northern Rivers region.	No amendments to the LEP.
1453	E2 buffers for National Park areas should zoned E1		
137,189, 460, 518, 573, 589, 600, 652, 656, 726, 1375, 1399, 1421, 1423, 1444, 1449, 1451, 1465	Consistency with the Council own policies, including Community Strategic Plan	<p>Clause 1.5.3 of the Community Strategic Plan states that the Tweed Local Environmental Plan will be reviewed and updated as required to ensure it provides an effective statutory framework to meet the needs of the Tweed community.</p> <p>To meet this objective, Council has applied the methodology of the preparation of the DLEP 2012, which is based on:</p> <ol style="list-style-type: none"> 1. The State Government directions associated with the preparation of a standard instrument LEP, being: the Standard Instrument (Local Environmental Plans) Order, 2006, the suite of State Practice Notes and Planning Circulars; S117 Ministerial Directions; and relevant State Environmental Planning Policies (SEPPs). These provide the legal framework Council's LEP must be consistent with. 2. Council's endorsement that the LEP be prepared as both a "best fit" conversion of the current LEP 2000 into the format of the standard LEP template and that local context and clauses be based only on adopted strategies, plans and policies. 3. Acknowledgement of the limitations of the current Tweed Vegetation Management Strategy, dated 2004, and 	No amendments to the LEP.

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Sub No	Submission Summary	Planning Response	Recommendation
		<p>development of the bridging “draft Environmental Strategy” which is yet to be publicly exhibited and adopted by Council.</p> <p>4. Within the wider context of the Department of Planning and Infrastructure (DP&I) direction from September 2012 essentially stating a strong concern with restrictive controls and extensive use of environmental overlays, E2 Environmental Conservation and E3 Environmental Management on agricultural lands and potentially reducing the value of those properties. As such the DP&I have stated that any E2 or E3 land will be excised from for the draft LEPs when they are finalised by the State government.</p>	
1453	Objection to clause 1.9A which is likely to facilitate the development without a clear process.	<p>The purpose of Clause 1.9A is to prevent covenants, agreements or like instruments from overriding the provisions of the LEP or existing development consent. Therefore, the draft Tweed LEP 2012 will suspend all other covenants, agreements and instruments that do not allow the provision of the LEP to be realised. For example, private restrictions placed on the use of land by developers will not be of relevance to Council when assessing applications for development under the Plan. This Clause of the Tweed LEP 2012 does not apply to items listed under Clause 1.9A (2) of the Plan.</p>	No amendment to the LEP.
1453	The submission requests to eliminate the RU1 Primary Production zone and rezone all land affected by this zone RU2.	<p>The primary function of the RU1 Primary Production zone is to protect prime agricultural land (nominated as State or Regionally Significant Farmland) from any forms of urban development or other uses. According to the DP&I guidelines, this zone covers land used for most kinds of commercial primary industry production. The zone is aimed at utilising the natural resource base in a sustainable manner. The zone is allocated to land where the principal function is primary production.</p>	No amendments to the LEP.
511	Definition of term primary industry should be included in the dictionary.	<p>The draft Tweed LEP 2012 is based on a Standard Instrument (SI) Template, which is a common template for all local environmental plans across the State. Councils do not have the ability to amend the dictionary of definitions, which is an integral part of the SI.</p> <p>Practice Note PN11-002 <i>Preparing the LEP using the Standard Instrument</i> provides that the RU1 Primary Production zone is intended to cater for land used for most kinds of commercial</p>	No amendments to the LEP.

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Summary of the submissions review process

Sub No	Submission Summary	Planning Response	Recommendation
		primary industry production, including extensive agriculture, intensive livestock and intensive plant agriculture, aquaculture, forestry, mining and extractive industries. The zone is aimed at utilising the natural resource base in a sustainable manner.	
189, 1421, 1450	E3 zone land use table is too broad (e.g. helipad, eco-tourist facilities) and is in conflict with biodiversity clause.	<p>The E3 Environmental Management zone has been tailored to match the 7(d) and 7(l) zones of the current LEP.</p> <p>The land use table of each zone cannot be analysed in isolation from other LEP clauses and overlay maps.</p> <p>Eco-tourist facility is a land use permitted with consent under this zone, subject to Clause 5.13 which provides further controls on suitability of this land use on a case-by-case basis. In addition, in most cases the E3 zone is supported by biodiversity and steep land overlays providing additional controls regulating development.</p>	No amendments to the LEP.
1385	Domestic animals should be banned in all new developments.	Comment noted. The issue of domestic animals threat to native fauna, particularly within the koala habitat, has been addressed under the Koala Plan of Management, which is being prepared by Council as a matter of high priority. Once the KPoM is finalised and adopted by Council, the LEP will be amended to implement its recommendations.	Koala Plan of Management to address issue of domestic animals threat to native fauna.
134, 585, 724	Urban development cannot be considered as sustainable factor for economic development.	Comment noted. One of the Aims of the draft LEP is <i>to promote development that is consistent with the principles of ecologically sustainable development</i> . Council has no intentions to base its future on urban development. As explained in this Report, Council is working towards further amendments to the LEP to incorporate recommendations of Environmental Strategy and Koala Plan of Management.	No amendments to the LEP.
1409	The submission expresses an opinion that the Standard Instrument has been extremely difficult to implement. Further, submission states that necessary amendments to the LEP 2012 must take place once the rollover process is completed and that Tweed Shire Council has amassed	Comments noted. Council is committed to amend the application of environmental zones on the basis of the Revised Environmental Strategy (draft). The implementation of this Strategy has been delayed due to ongoing environmental zones review undertaken by the DP&I.	No amendments to the LEP.

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Sub No	Submission Summary	Planning Response	Recommendation
	significant data over the past 10 years that would inform and support the need for these amendments.		

Table 3

Submissions related with the accuracy of rural and environmental zones in rural areas

Sub No	Submission Summary	Planning Response	Recommendation
1460	The submission received references a previous submission regarding environmental zoning. A search of Council records indicates receipt of a submission on the Tweed Vegetation Management Plan 2004, rather than the draft LEP. Accordingly, it is assumed that the submission objects to either the extent or the location of environmental protection.	<p>The Draft LEP 2012 maintains the existing zone boundaries between Rural and Environmental Protection.</p> <p>Notwithstanding the above, Council acknowledges that a review of the Environmental zones is needed however is to be pursued through a separate process.</p>	No amendments to the LEP. For referral to Revised Environmental Strategy.
1377	<p>Concern is raised regarding the application of the E3 Environmental Management zoning to land that is currently farmed.</p> <p>The submission states that the property is currently farmed with beef cattle and that the use of the E3 zone will lock the landowner off their land. Further, that if the E3 zone is applied and agriculture prohibited, then Council should buy that land from the landowner.</p> <p>The submission details that there is an area of the property that does contain established timber and palms and questions why this area is not zoned for conservation instead of the land currently identified.</p> <p>The submission also questions why the 'primary production farm' is zoned RU2 Rural Landscape.</p>	<p>The Draft LEP 2012 maintains the existing zone boundaries between Rural and Environmental Protection.</p> <p>The area of land identified to be zoned E3 directly correlates with the area of land presently zoned 7(l) Environmental Protection. Within the 7(l) zone, agriculture is permissible with development consent if the proposal can satisfy the provisions of Clause 8(2) of the Tweed LEP 2000. Agriculture is prohibited in the E3 zone.</p> <p>Notwithstanding the above, Council acknowledges that a review of the Environmental zones is needed however is to be pursued through a separate process.</p> <p>The use of the RU2 zone in effect mirrors the current 1(a) Rural zoning under the Tweed LEP 2000. The land is not considered to possess the attributes required to be zoned RU1 Primary Production. Accordingly, the use of the RU2 Rural Landscape zone is considered to be appropriate.</p>	No amendments to the LEP. For referral to Revised Environmental Strategy.

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Sub No	Submission Summary	Planning Response	Recommendation
	<p>The submission raises concern that the draft zonings will negatively affect the value of the property and that farming is of significance to Australia as a nation.</p> <p>Finally, the submission details that all landowners affected by the proposed LEP should be advised in writing.</p>	<p>Property values are not a planning consideration the making of an LEP, however no information has been submitted clearly demonstrating any impact the draft LEP 2012 would have.</p> <p>Defining 'affected by the proposed LEP' is difficult when in many ways, every landowners within an LEP area is, in some way, affected. Council undertook an extensive public consultation period throughout the draft LEP, firstly in 2010 and then again in 2012.</p>	
8	<p>The submission details that an area of land, presently zoned 7(d) Environmental Protection under the Tweed LEP 2000 and proposed E3 Environmental Management under the draft LEP 2012 has been utilised for primary industry production for over 50 years and is more akin to the neighbouring RU1 zone (Primary Production).</p> <p>The submission contends that that the land is incorrectly zoned under the Tweed LEP 2000 and that this error extends to the draft LEP 2012.</p>	<p>The Draft LEP 2012 maintains the existing zone boundaries between Rural and Environmental Protection.</p> <p>Notwithstanding the above, Council acknowledges that a review of the Environmental zones is needed however is to be pursued through a separate process.</p>	No amendments to the LEP. For referral to Revised Environmental Strategy.
1403	<p>The submission objects to the application of an Environmental Management zone (E3) which does not reflect the existing vegetation and use of the land.</p> <p>The submission states that within the subject site, an area of approximately 4ha is cleared and contains an organic fruit farm and residence. The submission requests this area be zoned rural as per adjoining properties.</p>	<p>The Draft LEP 2012 maintains the existing Environmental Protection zone boundaries.</p> <p>Notwithstanding the above, Council acknowledges that a review of the Environmental zones is needed however is to be pursued through a separate process.</p>	No amendments to the LEP. For referral to Revised Environmental Strategy.
187	<p>The submission states that the RU2 Rural Landscape zone has no protection for the ecology and is inappropriate for the Upper Rous River Valley, which largely comprises original</p>	<p>The Draft LEP 2012 maintains the existing Environmental Protection zone boundaries.</p> <p>Notwithstanding the above, Council acknowledges that a review of</p>	No amendments to the LEP. For referral to Revised Environmental Strategy.

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Sub No	Submission Summary	Planning Response	Recommendation
	<p>and regenerating native forests, resulting in the E3 Environmental Conservation zone being the most appropriate.</p> <p>Concern is raised that the draft LEP 2012 applies the RU2 zone to large areas of inaccessible montane terrain which still retains its original native rainforest, including rare and endangered species of flora and fauna, which must be legally protected.</p>	<p>the Environmental zones is needed however is to be pursued through a separate process.</p>	
478	<p>The submission requests the rationalisation of zone boundaries between the RU2 Rural Landscape zone and the E2 Environmental Conservation zone based on current agricultural pursuits. Further, the biodiversity map should also be amended to reflect current land use practices.</p> <p>The submission provides a detailed account of vegetation types and agricultural activities, articulating that components of the zone boundaries require amendment to better reflect on-ground conditions and farming.</p>	<p>The Draft LEP 2012 maintains the existing Environmental Protection zone boundaries.</p> <p>Notwithstanding the above, Council acknowledges that a review of the Environmental zones is needed however is to be pursued through a separate process. Any necessary amendments to the Biodiversity Map will also be investigated within this process.</p>	<p>No amendments to the LEP. For referral to Revised Environmental Strategy.</p>
135	<p>The submission raises objection to the Draft LEP 2012 on the grounds that the land zoning map is highly inaccurate. Further, concern is raised that no provision to convert Multiple Occupancies to Community Title is provided under the Draft LEP 2012.</p> <p>Concern is raised that the Draft LEP 2012 does not reflect existing land use, therefore disadvantaging landholders who are actively involved in environmental enhancement.</p> <p>The submission details areas of environmental</p>	<p>The Draft LEP 2012 maintains the existing Environmental Protection zone boundaries.</p> <p>Notwithstanding the above, Council acknowledges that a review of the Environmental zones is needed however is to be pursued through a separate process.</p> <p>Multiple Occupancies are primarily governed by the State Environmental Planning Policy – Rural Landsharing Communities as opposed to the Tweed LEP.</p> <p>Council does not currently have any specific planning provisions that apply to Rural Landsharing Communities and as such the</p>	<p>No amendments to the LEP. For referral to Revised Environmental Strategy.</p>

Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process

Sub No	Submission Summary	Planning Response	Recommendation
	<p>rehabilitation that are inconsistent with zone boundaries.</p> <p>Issue is raised that approved Multiple Occupancies should be able to convert to Community Title, as is the case in Byron Shire.</p>	<p>inclusion of new controls is beyond the scope of this LEP.</p>	
372	<p>The submission raises objection to the use of the E3 Environmental Management zone on land that has been farmed for over 100 years.</p> <p>Concern is raised that Agriculture is prohibited within the E3 Environmental Management zone, however substantial areas of the property affected by this zone are currently farmed and have been for over 100 years. The prohibition of agriculture would cost the landowner between \$60,000 - \$90,000 per annum and employment of one or two staff or affect land sale value by in excess of \$550,000 in reduction.</p> <p>Solutions offered include changing the zoning of the property to RU2 Rural Landscape, as per the Draft LEP 2010 (as exhibited) or Tweed Shire Council purchase the E3 affected land, at a price of \$700,000.</p>	<p>The Draft LEP 2012 maintains the existing Environmental Protection zone boundaries.</p> <p>Notwithstanding the above, Council acknowledges that a review of the Environmental zones is needed however is to be pursued through a separate process.</p> <p>Whilst Council may wish to purchase land of environmental quality in order to facilitate strategic land management, such an action has not been identified to-date and is not recommended to be instigated in this instance.</p>	<p>No amendments to the LEP. For referral to Revised Environmental Strategy.</p>
1475	<p>The submission raises objection to the proposed zoning under the Draft LEP 2012 as the current and proposed zonings do not reflect the environmental status or sensitivity of the property, nor provide compatibility with the existing farming use.</p> <p>The submission provides a detailed account of vegetation types and agricultural activities, articulating that components of the zone boundaries require amendment to better reflect</p>	<p>The Draft LEP 2012 maintains the existing Environmental Protection zone boundaries.</p> <p>Notwithstanding the above, Council acknowledges that a review of the Environmental zones is needed however is to be pursued through a separate process.</p>	<p>No amendments to the LEP. For referral to Revised Environmental Strategy.</p>

Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process

Sub No	Submission Summary	Planning Response	Recommendation
	<p>on-ground conditions and farming practices. The submission requests the use of RU2 Rural Landscape in areas where the qualities of the site do not justify environmental protection.</p>		
43	<p>The submission objects to the land zoning map that maintains an area of environmental protection on the land that was incorrectly zoned 7(l) Environmental Protection – Habitat in the Tweed LEP 2000.</p>	<p>The Draft LEP 2012 maintains the existing Environmental Protection zone boundaries.</p> <p>Council acknowledges that a review of the Environmental zones is needed however is to be pursued through a separate process.</p>	<p>No amendments to the LEP. For referral to Revised Environmental Strategy.</p>

Draft Tweed Local Environmental Plan 2012


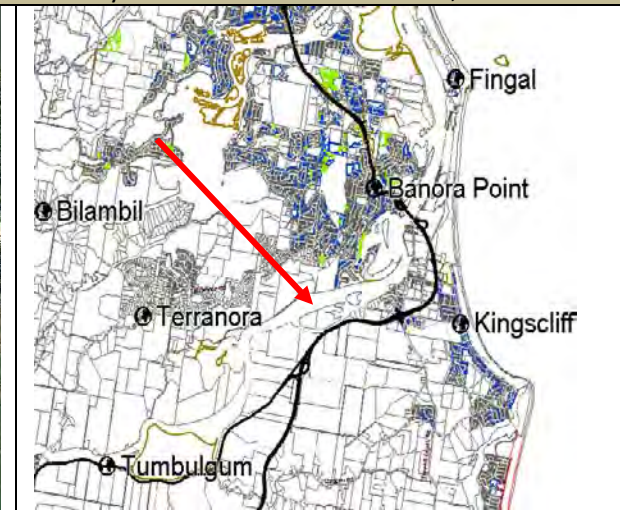
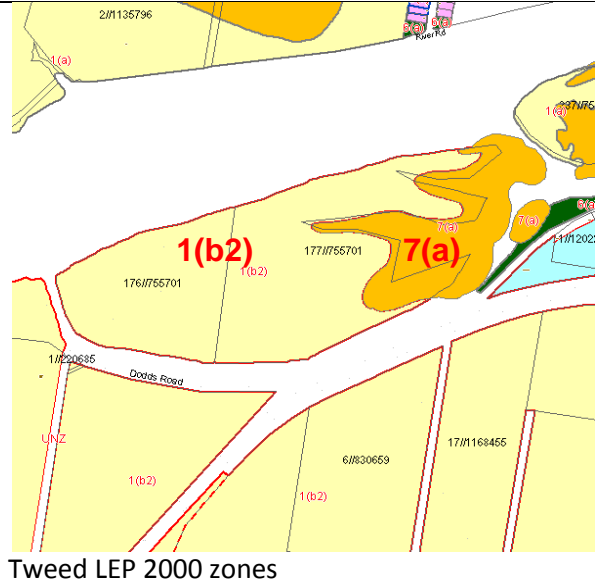
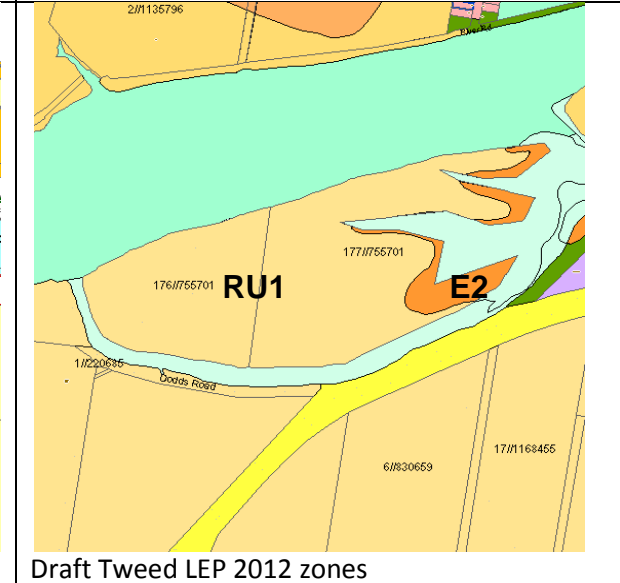
Summary of the submissions review process

Table 4

Individual requests to rezone land or amend the land use table.

1.Submission No 1


Site: Lot 176 DP 755701 and Lot 177 DP 755701, commonly referred to as Dodds Island, Chinderah

	
<p>Aerial photo of the site</p>	<p>Indicative location of the site</p>
	
<p>Tweed LEP 2000 zones</p>	<p>Draft Tweed LEP 2012 zones</p>

<p>Applicant: UPS Urban Planning Services on behalf of Joyworld Australia Pty Ltd</p>	
<p>Summary of the request:</p>	<p>To rezone land zoned RU1 Primary Production to RU2 Rural Landscape.</p>
<p>Details of the proposal:</p>	<p>Submission seeks amendments to the Land Zoning Map to allow for development of a rural tourist facility located above flood level, with extensive agricultural activities involving olive and avocado groves with fruit/vegetable gardens, using organic farming techniques.</p>
<p>Analysis:</p>	
<p>Site description</p>	<p>With a total area of 34.98 hectares, the island is located approximately 9 km upstream of the Tweed River entrance. Vehicular access is provided to the site via Dodds Road. The site is currently developed with a two storey dwelling house overlooking the Tweed River, an access road, private bridge and a dam.</p>

Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process


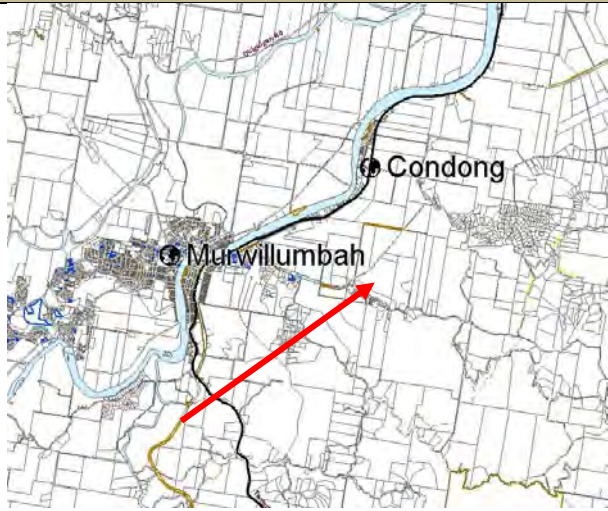
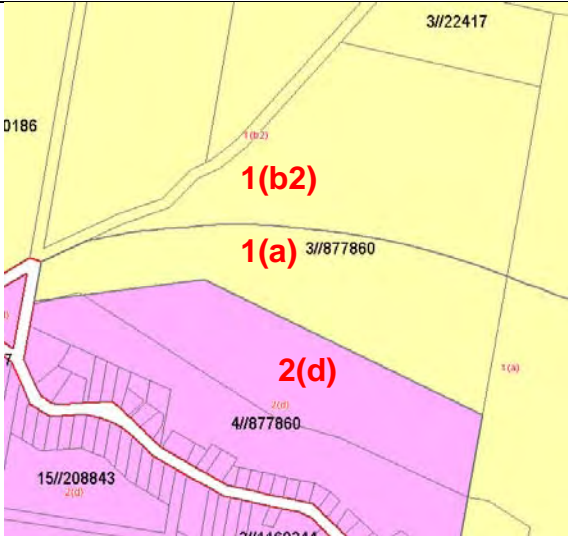
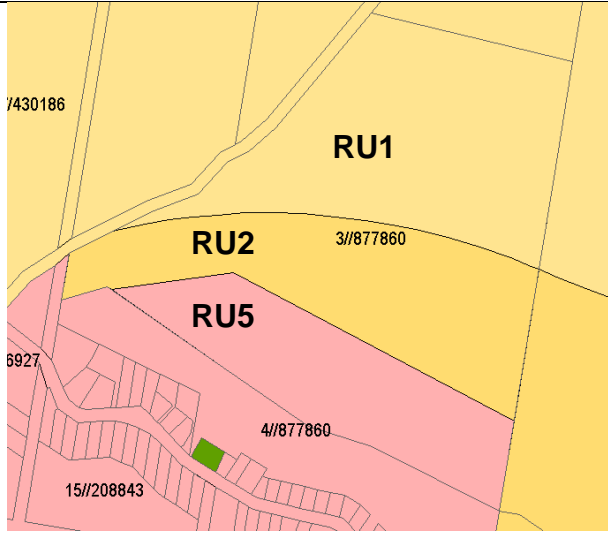
<p>Consistency of proposal with State and Council strategic planning initiatives</p>	<p>1. Preliminary review of consistency with Section 117 Directions:</p> <ul style="list-style-type: none"> The proposal is generally consistent with Directions under Section 117, with the exception of Direction 4.3 Flood Prone Land. Consistency with this Direction should be tested in details at the Planning Proposal stage. <p>2. Preliminary review of the Far North Coast Regional Strategy:</p> <ul style="list-style-type: none"> Consistency of the proposal with Part 6 “Natural Hazards” of the Strategy should be tested in details at the planning proposal stage. <p>3. Preliminary review of State Environmental Planning Policies (SEPP):</p> <ul style="list-style-type: none"> Consistency with SEPP 71 Coastal Protection, particularly with matters for consideration listed under Clause 8, should be analysed in detail at the Planning Proposal stage. Consistency with SEPP 55 Remediation of Land should be tested at the planning proposal stage. <p>4. Northern Rivers Farmland Protection Project:</p> <ul style="list-style-type: none"> The site is not identified as Regionally or State Significant Farmland. <p>5. Draft Tweed LEP 2012 Flood Planning Map:</p>  <p>The site is identified within Flood Planning Area of the draft Tweed LEP Flood Planning Map.</p> <p>This proposal has been subject to discussion at Development Assessment Panel in April.</p> <p>The site is flood liable and DCP-A3 Development of Flood Liable Land severely limits the ability to develop the site, particularly for habitable purposes. The site cannot provide an adequate evacuation route to flood free land, and the provision of refuge areas above the PMF level is considered impractical for small scale, isolated dwellings with extreme flood depths and velocities possible. Restrictions to fill and building scale within the high flow area means that raising the land and/or construction of a consolidated facility with a shared refuge also cannot be practically achieved for this site.</p>
<p>Land use and land use pattern in the surrounding area:</p>	<p>The site has been used for cattle grazing. Adjoining uses include sugar cane farms, Action Sands Quarry and a caravan park with residential and commercial development of Chinderah village further to the east.</p>
<p>Proximity to nearest centre:</p>	<p>The site is located approximately 2 km from the Chinderah village centre. Residential suburbs of Banora Point and Terranora are located across the Tweed River, access to these suburb is via Pacific Motorway through Chinderah.</p>

Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process

Access:	From Pacific Motorway via Dodds Road. Appropriate access to the site should be analysed at the Planning Proposal stage.
Planning Consideration:	Given the flood risk and restrictions imposed by the DCP A3 Development of Flood Liable Land, the proposal cannot be supported.
Recommendation:	No amendments to the LEP.

2.Submission No 613

Site: Lot 3 DP 877860, Wulffs Lane, Kielvale	
	
Aerial photo of the site	Indicative location of the site
	
Tweed LEP 2000 zones	Draft Tweed LEP 2012 zones

Applicant: Kielvale residents	
Summary of the request:	To rezone portion of land zoned RU5 Primary Production to RU2 Rural Landscape.
Details of the proposal:	Petition submitted by Kielvale residents objecting to potential expansion of residential development in their village.
Analysis:	
Site description	Lot 3 DP 877860 is located directly to the north of the existing village. The total area of the lot is 37.5 ha with approximately 20% zoned RU5 for village expansion. The lot is currently in use for sugar cane

Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process

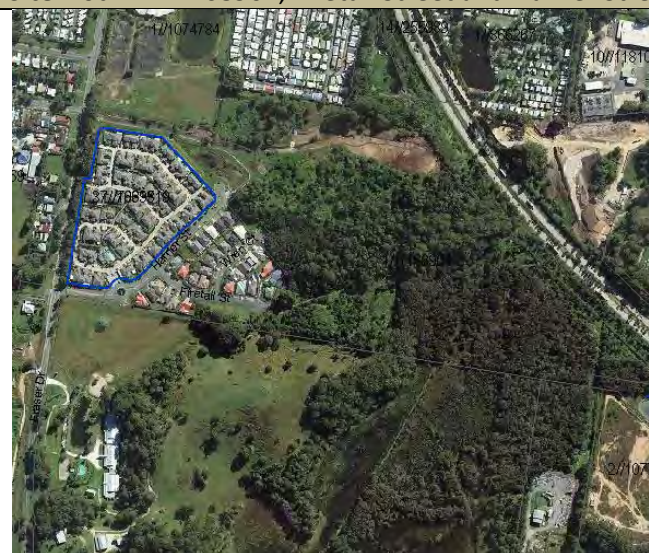
	cultivation. Vehicular access to the site is provided via Wulffs Lane.
Consistency of proposal with State and Council strategic planning initiatives	<ol style="list-style-type: none"> 1. Tweed LEP 2000 and Tweed LEP 1987: <ul style="list-style-type: none"> • The subject site has been zoned with a village zone 2(d) in both the LEP 2000 and the LEP 1987. 2. Tweed Shire Urban Land Release Strategy 2009: <ul style="list-style-type: none"> • The strategy considers the subject site as suitable for village expansion. 3. <u>Preliminary</u> review of consistency with Section 117 Directions: <ul style="list-style-type: none"> • The proposal is consistent with Direction listed under Section 117 with the exception of Direction 3.4 Integrating Land Use and Transport. 4. Northern Rivers Farmland Protection Project: <ul style="list-style-type: none"> • The site is not identified as Regionally or State Significant Farmland.
Land use and land use pattern in the surrounding area:	The site has been used for sugar cane cultivation. Adjoining uses include: Kielvale village residential area, sugar cane farms and Vardrop Valley industrial area, which is located further to the south.
Proximity to nearest centre:	The site is adjoining the Kielvale village. Employment/commercial precinct of South Murwillumbah and major arterial road, Tweed Valley Way, is located within 2.5 kilometres from the site.
Access:	Access to the site is available from Wulffs Lane located to the west of the site.
Planning Consideration:	<p>While considering the appropriateness of the proposed zone, the following factors have been considered:</p> <ol style="list-style-type: none"> 1. The site is located in close proximity to both the Kielvale village and employment/industrial areas of Vardrop Valley and Murwillumbah South. 2. The current zoning has been identified in 1987 and remains unchanged since then. 3. The current zoning is consistent with State and Council strategic planning initiatives. 4. The site is not identified as Regionally or State Significant Farmland.
Recommendation:	It is recommended to maintain the RU5 Village zone over part of the site, as proposed in the draft LEP 2012, consistently with the previous LEP 2000 and LEP 1987. Council advise the signatories of the petition of this recommendation and that any rezoning will need to be sought through a separate planning proposal process.

Draft Tweed Local Environmental Plan 2012

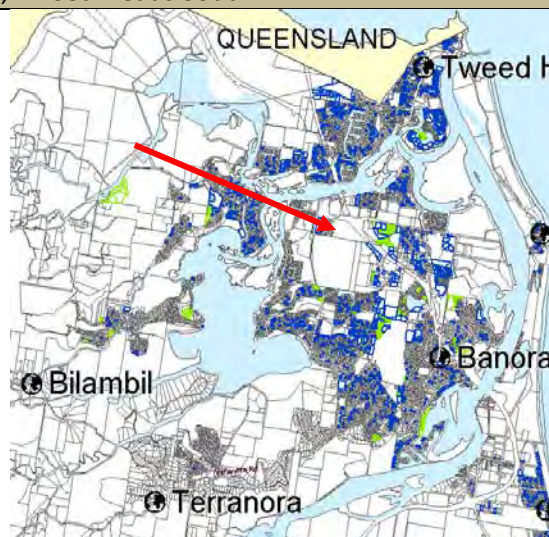
Summary of the submissions review process

3.Submission No 29

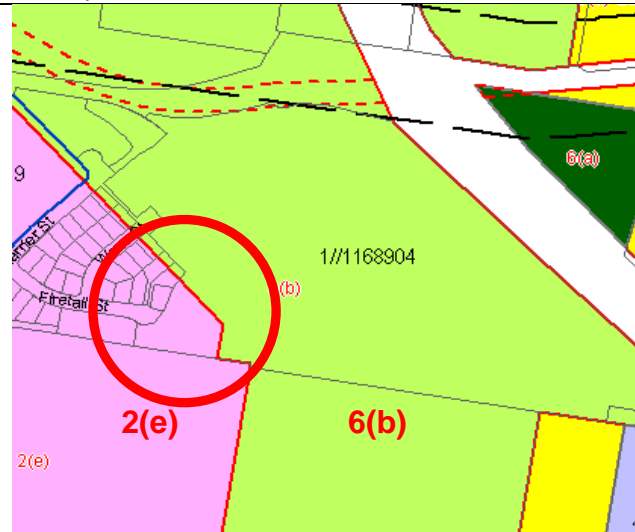
Site: Lot 1 DP 1168904, Firetail Street and Harrier Street, Tweed Heads South



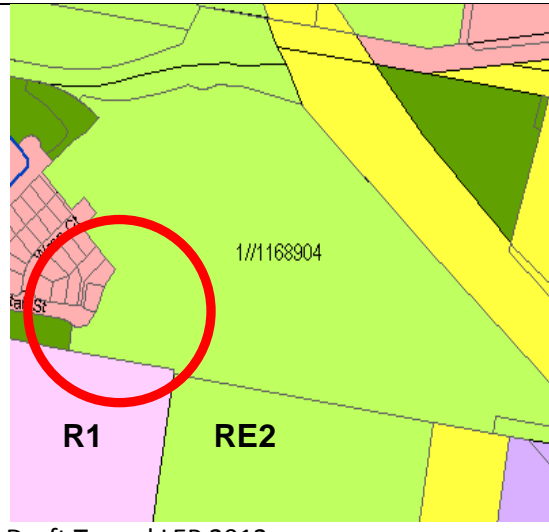
Aerial photo of the site



Indicative location of the site



Tweed LEP 2000 zones



Draft Tweed LEP 2012 zones

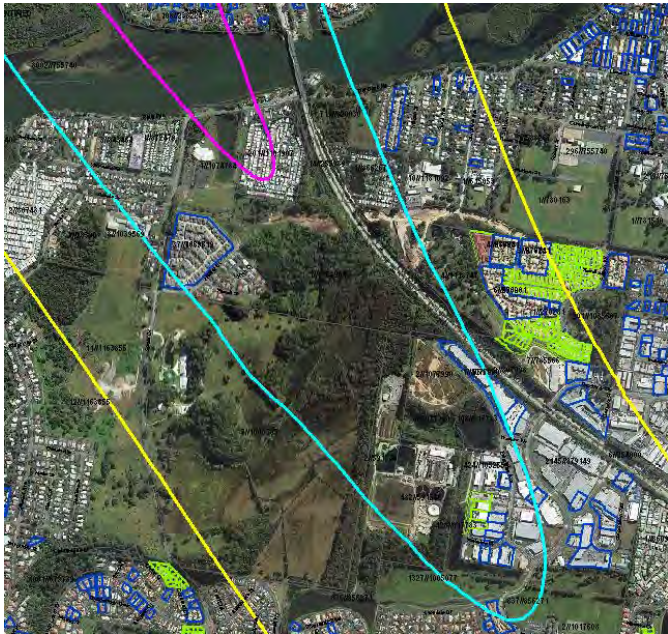
Applicant: DAC (Darryl Anderson Consulting) on behalf of the landowners

Summary of the request:	To apply the SP3 Tourist zone to the section of the lot which, under the draft LEP 2012, is proposed to be rezoned from 2(e) Residential Tourist to RE2 Private Recreation.
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Details of the proposal:	In the view of the land owners, rezoning the subject site from 2(e) Residential Tourist to RE2 Private Recreation is not considered to be a direct conversion of zones. The submission seeks amendments to the draft Tweed LEP which would allow development of a shop (with development consent).
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Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process

Analysis:	
Site description	<p>The site is located in Tweed Heads South and adjoins recent residential developments of Harrier Street and Firetail Street. The site is located within 25-30 ANEF contours which exclude residential development on the site due to aircraft noise constraint. The site is currently undeveloped.</p>
Consistency of proposal with State and Council strategic planning initiatives	<p>1. Conversion of the Tweed LEP 2000 to the Standard Instrument LEP</p> <ul style="list-style-type: none"> The subject site has been zoned 2(e) Residential Tourist. The primary objectives of this zone are to encourage the provision of family-oriented tourist accommodation and related facilities and services in association with residential development. The Standard Instrument LEP does not provide an equivalent zone, therefore the site has been rezoned in relation to existing use of land, existing constraints and adjoining land use zones. <p>2. Gold Coast Airport Masterplan – ANEF Contours</p>  <p>The site is located within 25-30 ANEF contours. Under the Gold Coast Airport Master Plan and AS2021-2000, the following land uses are acceptable, or conditionally acceptable: hotel, motel, hostel, public buildings, commercial buildings, light & other industrial.</p> <p>3. Department of Planning & Infrastructure guidelines on the application of the SP3 Tourist zone.</p> <ul style="list-style-type: none"> Under the Practice Note PN 09 -006 <i>Providing for tourism in Standard Instrument local environmental plans</i>, the mandatory zone objectives of the SP3 zone provide for a variety of tourist-oriented development and related uses. Any additional local objectives should reflect the particular intention of council's strategy or outcomes of council's study, e.g. council may wish to provide area-specific objectives to identify a particular precinct or local attraction. The draft Tweed LEP 2012 applies the SP3 zone only for the major tourist resorts in Salt Village, Kingscliff.

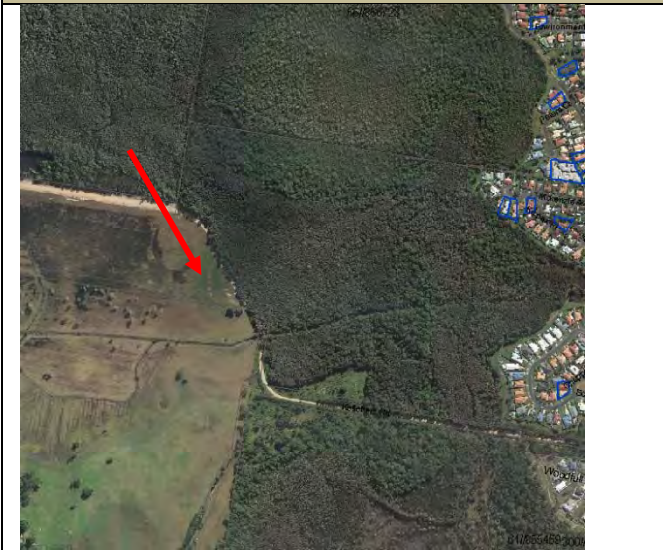
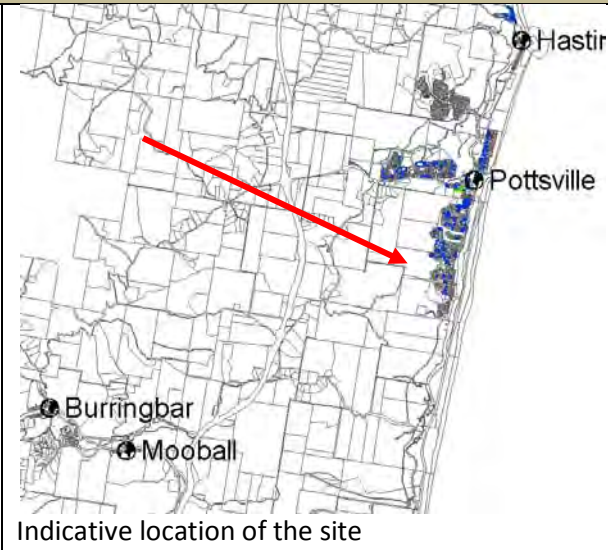
Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process

Land use and land use pattern in the surrounding area:	There is a mix of land use pattern in the surrounding area with residential development adjoining the site from the western side, open, undeveloped areas to the south, and vegetated areas to the north and east. Pacific Motorway corridor is located 400 metres east of the subject site with the Kirkwood Road extension project (with additional motorway entry/exit) now under construction to the north of the site.
Proximity to nearest centre:	The site is located approximately 1.7 km from Tweed Heads South commercial/employment precinct at Minjungbal Drive.
Access:	Access is available via Firetail Street.
Planning Consideration:	The Standard Instrument does not provide a zone comparable with the 2(e) Residential Tourist zone of the LEP 2000. Council is open for further discussions with the landowner on appropriate zoning of the site, with consideration given to land constraints and local and regional strategies and polices. Given that the SP3 zone proposed in this submission will not be supported by DP&I and that the ANEF contours identify under Gold Coast Airport Master Plan 2011 preclude residential development on the site, the application of the RE2 zone appears to be the “best fit” conversion of the existing zone.
Recommendation:	No changes at this stage.

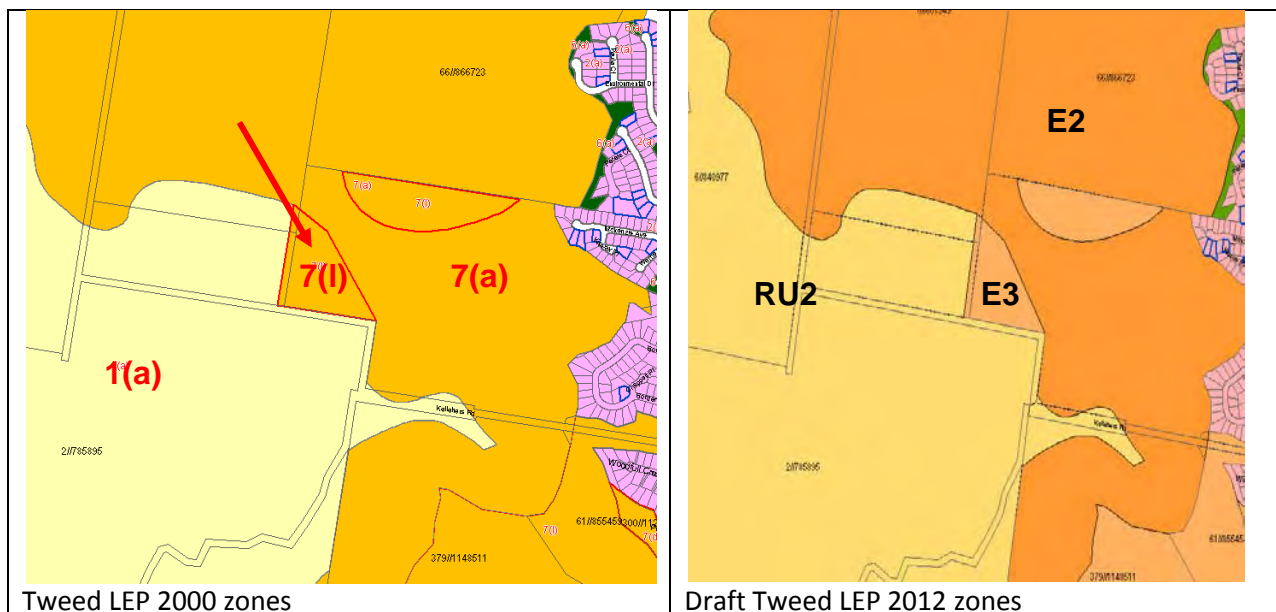
4.Submission No 26


Site: Lot 379 DP 1148511 at Kellehers Road, Pottsville

	 <p>Indicative location of the site</p>
<p>Aerial photo of the site</p>	

Draft Tweed Local Environmental Plan 2012


Summary of the submissions review process



Applicant: DAC on behalf of Pottsville Development Corporation Pty Ltd	
Summary of the request:	Request to rezone part of the site from E3 Environmental Management to RU2 Rural Landscape
Details of the proposal:	The request has been made in relation to the triangular portion of the lot in subject (as marked up on the maps above). This section of the lot, currently owned by Tweed Shire Council, is proposed to be transferred to Pottsville Development Corporation as part of the boundary adjustment.
Analysis:	
Site description	The site is located at Kellehers Road in Pottsville and forms a part of Lot 379 DP 1148511. The site is undeveloped and cleared of vegetation.
Consistency of proposal with State and Council strategic planning initiatives	<ol style="list-style-type: none"> Tweed LEP 2000 <ul style="list-style-type: none"> The site is currently zoned 7(l) Environmental Protection (Habitat) and is proposed to be zoned E3 Environmental Management, which is a conversion of the current zone into a zone mandated under the Standard Instrument LEP, in line with the methodology of the Standard Instrument implementation process. Tweed Shire Urban Land Release Strategy 2009: <ul style="list-style-type: none"> The site is identified for urban expansion, as part of "Area 7". The proposal to zone the land with a rural zone is inconsistent with the Strategy.
	

Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process

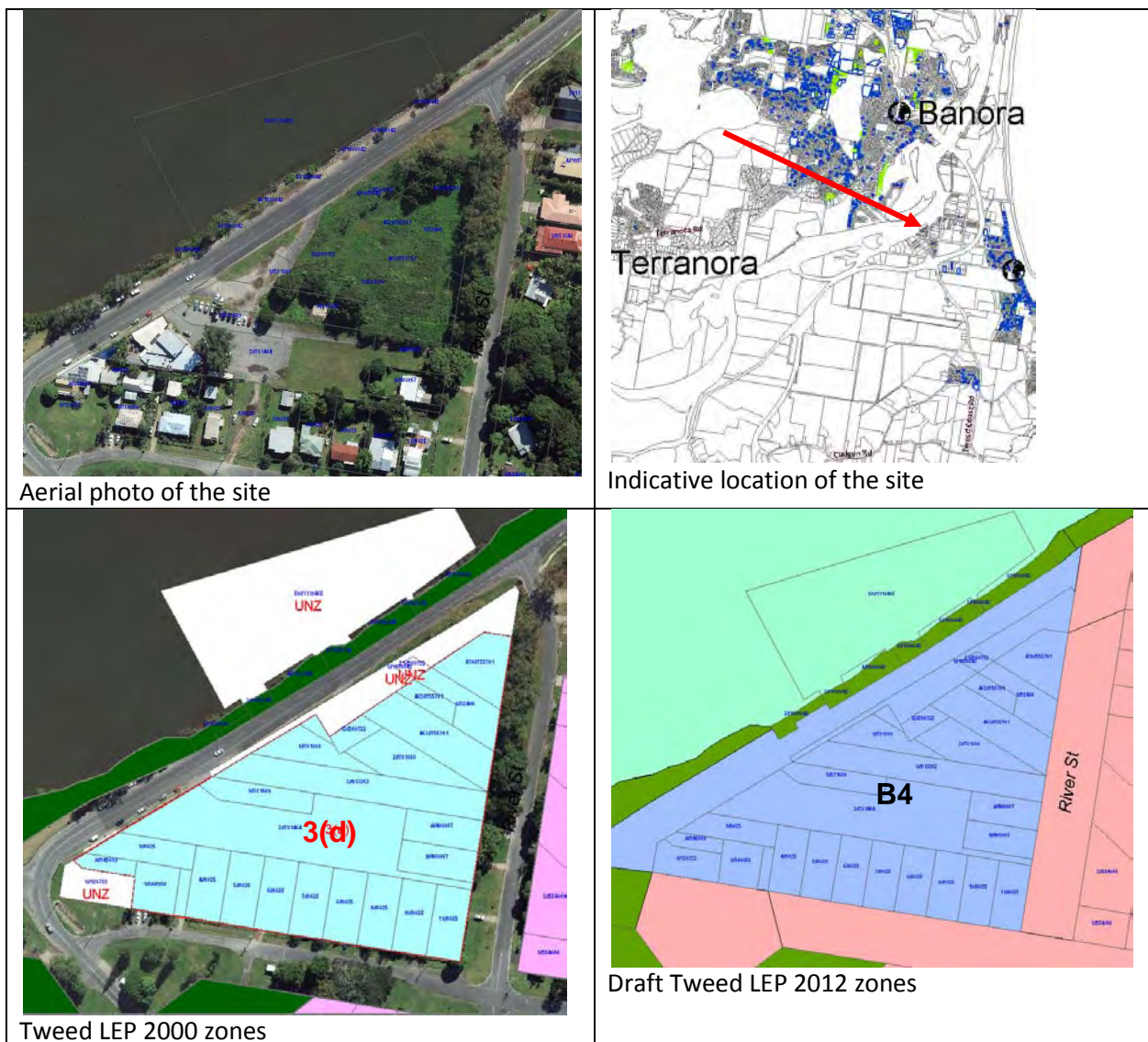
	<p>3. Far North Coast Regional Strategy</p> <ul style="list-style-type: none"> The site is identified as Proposed Future Urban Release Area. The proposal to zone the land with a rural zone is inconsistent with the Strategy.  <p>4. <u>Preliminary</u> analysis of consistency of the proposal with Section 117 Directions:</p> <ul style="list-style-type: none"> No inconsistencies identified. <p>5. <u>Preliminary</u> analysis of consistency of the proposal with State Environmental Planning Policies (SEPPs)</p> <ul style="list-style-type: none"> Consistency of the proposal with SEPP 71 Coastal Protection should be further analysed.
Land use and land use pattern in the surrounding area:	Analysis of aerial imagery available in Council database indicates that the site was cleared of vegetation between 2004 and 2007 and is currently undeveloped. Land adjoining to the north and east is zoned with environmental protection zones, land adjoining to the west and south is in use for extensive agriculture (cattle grazing)
Proximity to nearest centre:	Pottsville residential area is located approximately 1 km to the east.
Access:	Access to the site is available via Kellehers Road.
Planning Consideration:	The site has been identified for urban expansion in both the Far North Coast Regional Strategy and Tweed Shire Urban Land Release Strategy 2009. The proposal to rezone the site from E3 to RU2 zone is inconsistent with both strategies. Zoning of the site with the E3 zone is a result of the methodology of converting the LEP 2000 into the Standard Instrument LEP. It is noted that the Land Zoning Map is largely based on the Land Zoning Map of LEP 1987. The appropriate process of updating the Land Zoning Map is through the planning proposal process.
Recommendation:	Appropriate zone should be applied to the site via a separate planning proposal for Area 7 Dunloe Park Urban Release Area. No changes at this stage.

5. Submission No 1416

Site: Chinderah Bay Drive, Chinderah: Lot 1 DP 371689, Lot 2 DP 781464, Lot 1 DP 1080842, Lots 462, 463 and 470 DP 755701, Lots 12 and 21 DP 260772, Lot 1 DP 32406, Lot1 DP 781888 and Lot 3 DP 913262

Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process



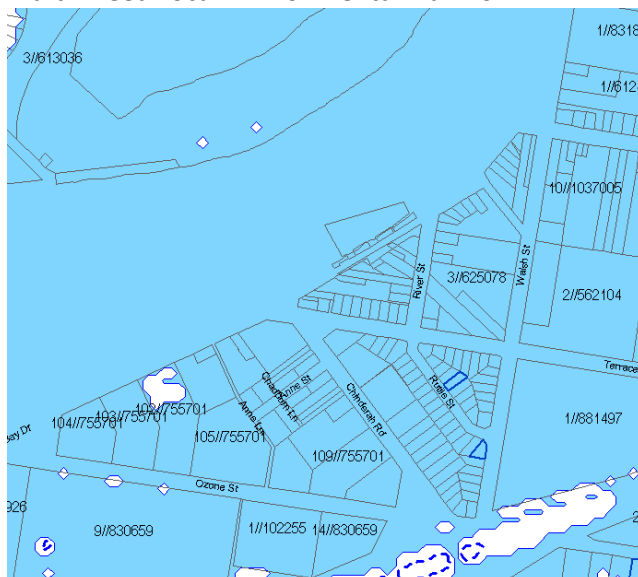
Applicant: Cardno on behalf of Matsal Property Investment	
Summary of the request:	Request to amend the land use table of the B4 Mixed Use zone to permit dwelling houses with consent and to include additional zone objective: <i>to encourage employment opportunities and a focal point for the local community.</i>
Details of the proposal:	While dwelling houses are not specifically envisaged as part of future re-development options for the subject site, the prohibition precludes any possibility of excising superfluous land fronting River Street suitable for dwelling houses. Submission also seeks to amend the development controls to allow for a mixture of standalone commercial/retail buildings with generally larger building floor plates.
Analysis:	
Site description	The site is located at Chinderah Bay Drive, Chinderah, and includes the existing Chinderah Tavern and vacant lot immediately to the north. The Tweed River and associated foreshore area is located on the north-western side of Chinderah Bay Drive.
Consistency of proposal to allow dwelling houses	1. Conversion of the Tweed LEP 2000 to the Standard Instrument LEP

Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process

under the B4 zone with State and Council strategic planning initiatives

- The subject site is currently zoned 3(d) Waterfront Enterprise. The primary objective of this zone is to encourage development related to waterfront and marine activities, dwelling houses, recreation or tourism.
 - The Standard Instrument LEP does not provide a zone equivalent to the 3(d) zone. Site has been proposed to be zoned B4, which is an open zone promoting integration of wide range of uses. It is noted that dwelling houses, permissible with consent under the 3(d) zone, are prohibited in B4 zone. The only residential development permissible under the B4 zone is shop top housing.
 - The standard zones provided under the Standard Instrument Template have very limited flexibility in terms of integrating residential and commercial uses under one zone. Request to allow dwelling houses under the B4 zone, would not be supported by the Department of Planning & Infrastructure.
2. Tweed Valley Flood Management Study 2012 (draft) identifies Chinderah Village as “hydraulically sensitive, with the future development potential of these areas extremely constrained”.
 3. Draft Tweed Local Environmental Plan 2012



Extract from the Flood Planning Map, refer to clauses 7.6 and 7.7 of the draft LEP for details.

4. Preliminary analysis of consistency of the proposal with Section 117 Directions:
 - The proposal is inconsistent with Direction 1.1 Business and Industrial Zones. Allowing dwelling houses in a business zone would reduce the total potential floor space area for employment uses and related services.
5. Preliminary analysis of consistency of the proposal with the Far North Coast Regional Strategy:
 - The proposal is inconsistent with Part 6 of the Strategy: “Local environmental plans will zone areas subject to high hazard (including flooding) to reflect the capabilities of the land”.
6. Preliminary analysis of consistency with State Environmental Planning Policies (SEPPs)

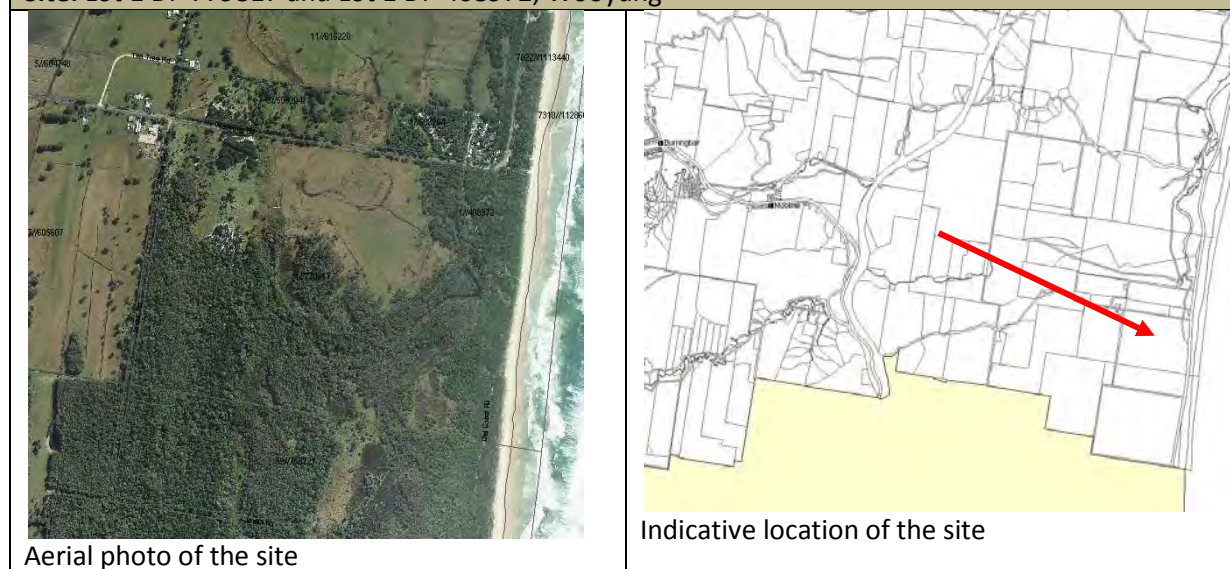
Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process

	<ul style="list-style-type: none"> No inconsistencies identified.
Land use and land use pattern in the surrounding area:	Land surrounding the subject site includes a mixture of detached dwellings, commercial and retail premises and caravan parks. Commercial premises include seafood processing centre and similar marine-related activities.
Proximity to nearest centre:	The site is located within Chinderah village centre.
Access:	Access to the site is available via Chinderah Bay Drive.
Planning Consideration:	<p>Dwelling houses under the business zone B4 would reduce the total potential for employment generating development</p> <p>Flood risk on the site is a significant constraint to urban development.</p> <p>Proposal to include an additional zone objective is not supported. The existing objectives of the zone are</p> <ul style="list-style-type: none"> to provide a mixture of compatible land uses, and to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. <p>Residential development, particularly of low density, should not be encouraged in this area.</p> <p>The proposed additional objective of the B4 zone to large extent duplicates the current objectives of this zone, thus there is no need to include it in the draft LEP.</p>
Recommendation:	No changes recommended to the draft LEP.

6. Submission No 1388

Site: Lot 1 DP 779817 and Lot 1 DP 408972, Wooyung

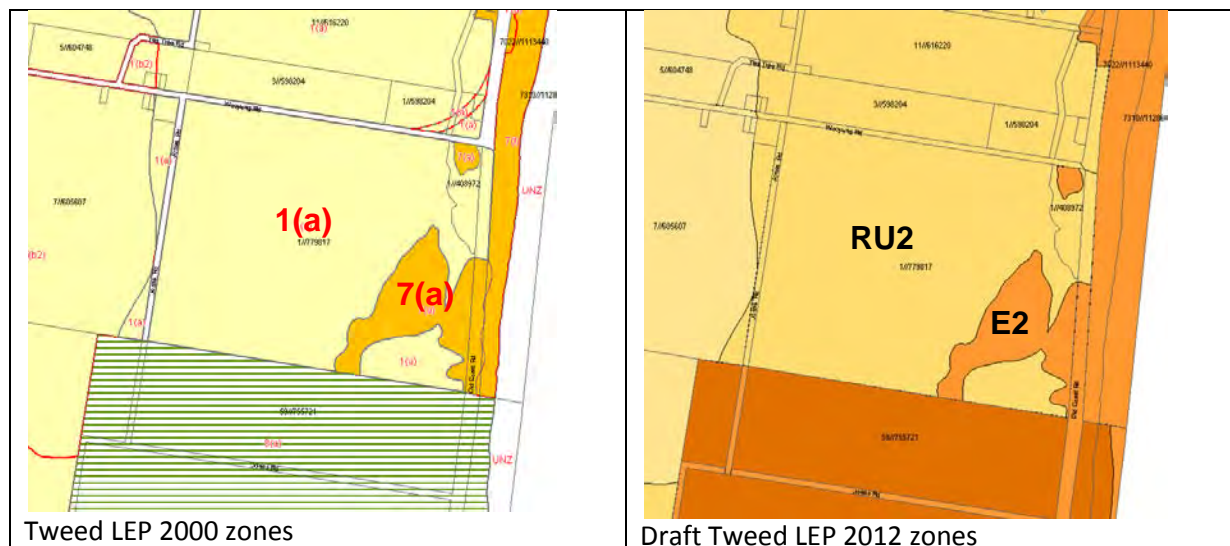


Aerial photo of the site

Indicative location of the site

Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process



Applicant: Wooyung Properties Pty Ltd	
Summary of the request:	<p>Objection to the Land Zoning Map. Request to apply SP3 Tourist zone for the footprint of development approved for the site and B4 Mixed Use zone for the north-western corner of the site.</p> <p>As an alternative, Land Zoning Map should be amended to apply the E3 Environmental Management zone over the site and development standards tailored to allow for subdivision and erection of 25 dwellings.</p>
Details of the proposal:	<p>Wooyung Properties holds valid development consent for the construction of a major tourist resort on the site (DA1988/2006). The Land Zoning Map should be amended to recognise this consent.</p>
Analysis:	
Site description	<p>The site is located at Wooyung Road, between Billinudgel Nature Reserve and Wooyung Nature Reserve. While the majority of the site is covered with vegetation. The site is currently undeveloped.</p>
Consistency of proposal to either rezone part of land as SP3 and B4 or to facilitate development of 25 dwellings on the site.	<ol style="list-style-type: none"> <u>Preliminary</u> analysis of the consistency of the proposal with the Far North Coast Regional Strategy. <ul style="list-style-type: none"> The site is located in Coastal Area, outside of Town and Village Growth Boundaries. The Strategy states that "In the Coastal Area, only land within a Town and Village Growth Boundary may be released for urban purposes. This will ensure that the high coastal environmental values that attract people to the Region are protected". <u>Preliminary</u> analysis of the consistency of the proposal with the Section 117 Directions. <p>The proposal is inconsistent with Direction 2.2 Coastal Protection.</p> <u>Preliminary</u> analysis of the consistency of the proposal with State Environmental Planning Policies (SEPPs). <ul style="list-style-type: none"> The proposal is inconsistent with SEPP 71 Coastal Protection, SEPP 26 Littoral Rainforests and North Coast Regional Environmental Plan 1988 (deemed SEPP). Consistency with SEPP 44 should be verified in details.
Land use and land use pattern in the surrounding area:	<p>Land adjoining the site is zoned with rural and environmental protection zones. Caravan park is located in the vicinity of the subject site.</p>

Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process

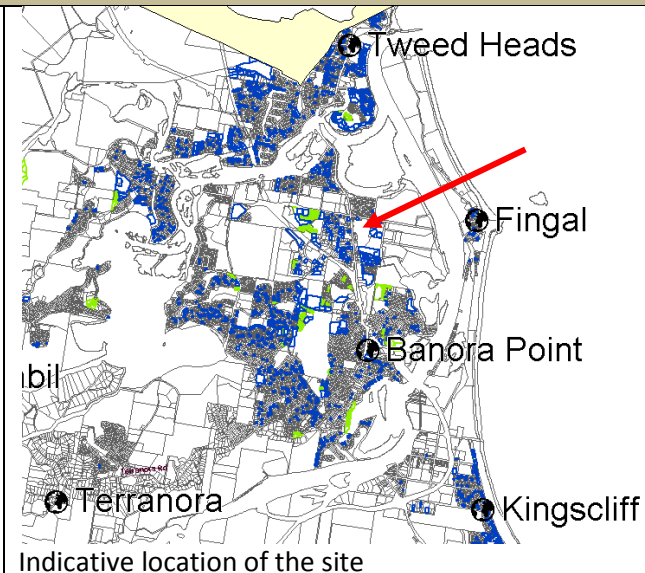
Proximity to nearest centre:	The site is located approximately 5.5 km from Pottsville village centre.
Access:	Access to the site is available via Wooyung Road.
Planning Consideration:	Brief analysis of the proposal indicates that the proposal is inconsistent with the Far North Coast Regional Strategy, Section 117 Directions, SEPP 71 Coastal Protection, SEPP 26 Littoral Rainforests and North Coast Regional Environmental Plan 1988 (deemed SEPP).
Recommendation:	The proposal is not supported.

7. Submission 1365

Site: Tweed City Shopping Centre



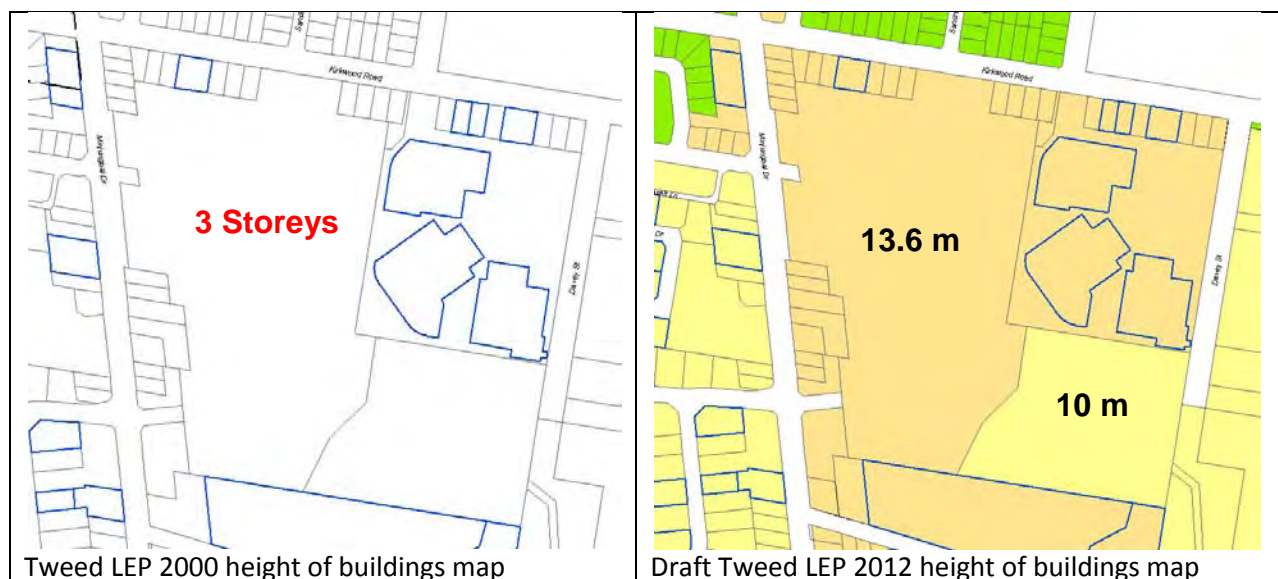
Aerial photo of the site



Indicative location of the site

Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process



Applicant: Dexus Property Group	
Summary of the request:	Request to amend the Height Of Buildings Map to apply a 21 maximum building height for the Tweed City Shopping Centre site in line with a re-development proposal prepared for the site
Details of the proposal:	Increased height controls are required to facilitate redevelopment of cinemas at the shopping centre. Council has recently finalised a planning proposal for redevelopment of the Tweed City Shopping Centre. Amendments to the Height of Buildings Map to facilitate this expansion were not adequately analysed by proponent and resulted in no amendments to the LEP Height of Buildings Map at that stage.
Analysis:	
Site description	The site is located in Tweed Heads South identified in Council's Retail Strategy as the region's major district retail centre, with access afforded to the site from both the north and south along Minjungbal Drive. Minjungbal Drive also provides access to the Pacific Highway, approximately one kilometre south of the site. Kirkwood Road access will also be provided upon the completion of a project extending it to the Pacific Highway, scheduled for completion in June 2013. The site's topography is virtually flat, with no discernible changes in grade over the site.
Consistency of proposal to either rezone part of land as SP3 and B4 or to facilitate development of 25 dwellings on the site.	<ol style="list-style-type: none"> <u>Preliminary</u> analysis of the consistency of the proposal with the Far North Coast Regional Strategy (the FNCRS). Within the FNCRS, the site is located in the identified Town and Village Growth Boundary of the Tweed region, within the existing urban footprint. Increasing the maximum height of buildings limit for the site would assist in achieving the aims of the Regional Strategy, in particular through Assisting in the revitalisation of the Tweed CBD, enabling it to provide a high level of services and employment and Assisting in the development of Tweed Heads as a major centre for tourism through the provision of a variety of retail services. <u>Preliminary</u> analysis of the consistency of the proposal with the Section 117 Directions: no inconsistencies identified.

Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process

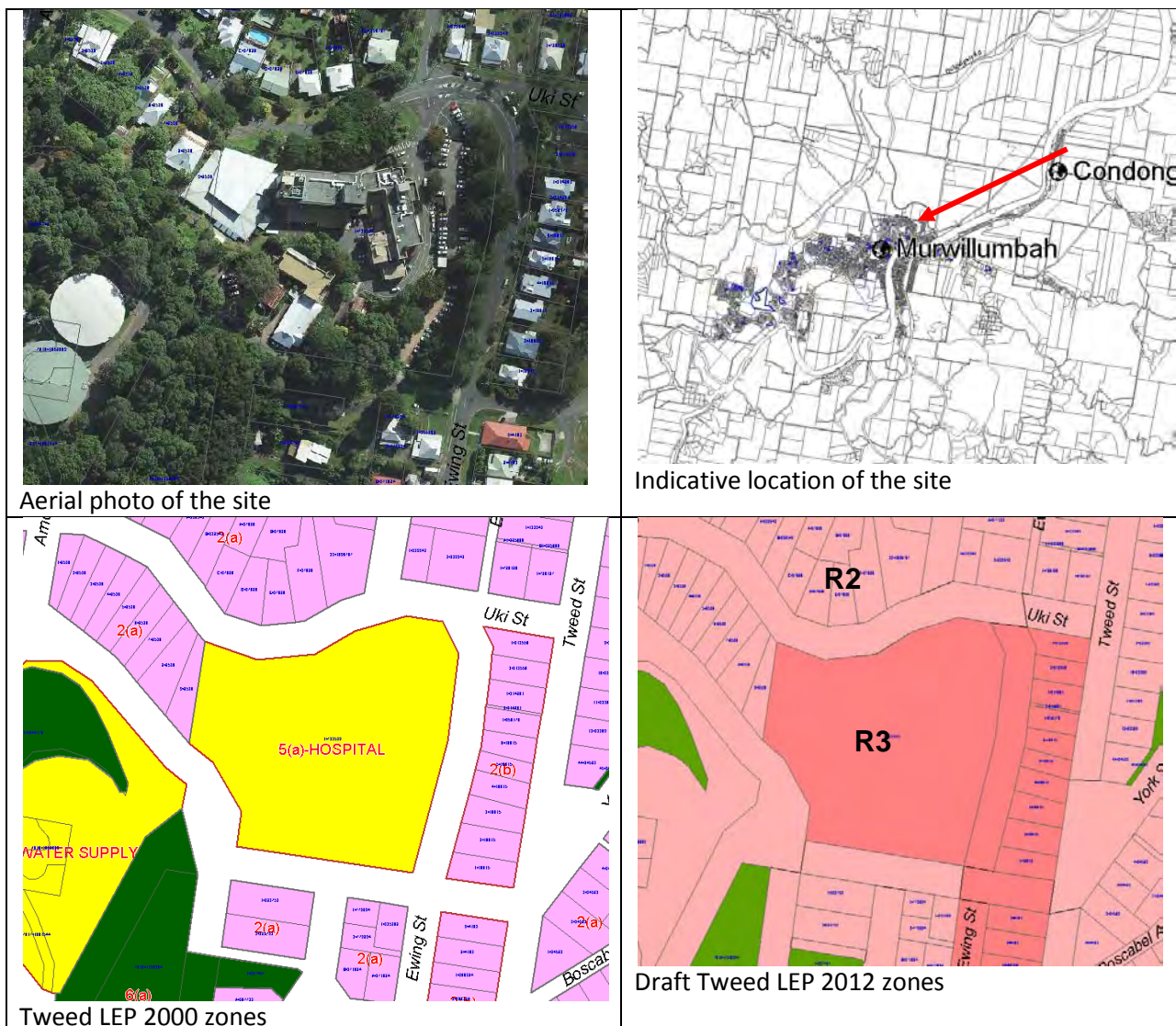
	<p>3. <u>Preliminary</u> analysis of the consistency of the proposal with State Environmental Planning Policies (SEPPs): no inconsistencies identified.</p> <p>4. Consistency with Tweed Shire Council Retail Policy Principles: Principle 1: The character of existing towns and villages and the retail facilities they already have be protected. Principle 2: Where appropriate, Council will support the incremental expansion of existing retail centres in such a way as not to threaten or fracture those existing centres, rather than building new ones. Principle 3: Reinforce Tweed Heads south as the major district retail centre by encouraging the expansion and when Tweed's population demands that increased range and level of shopping.</p>
Land use and land use pattern in the surrounding area:	<p>Surrounding the site, fronting Minjungbal Drive, to the north, south and west are a number of motor vehicle premises, bulky goods premises and service industry businesses. There is a fragmented cluster of retail uses west of Minjungbal Drive to the Pacific Highway, and also bulky goods premises on the western side of the Pacific Highway.</p> <p>Residential neighbourhoods, generally consisting of single storey detached dwellings, are situated within walking distance north, south and west of the site. and are located to the site's: Tweed River High School is located to the north west of the site from the intersection of Minjungbal Drive and Kirkwood Road.</p>
Proximity to nearest centre:	The site is located within Tweed Heads, which is a major regional centre.
Access:	Access to the site is available via Minjungbal Drive and Kirkwood Road.
Planning Consideration:	<p>Council has recently finalised a planning proposal for redevelopment of the Tweed City Shopping Centre. Amendments to the Height of Buildings Map to facilitate this expansion were not adequately analysed by proponent at that stage and resulted in no amendments to the LEP Height of Buildings Map.</p> <p>Given that this proposal is generally consistent with relevant policies and strategies, responds to Retail Strategy Principles and that the site was recently rezoned to facilitate the expansion, it is considered that this request has merit and is supported.</p>
Recommendation:	Height of Buildings Map to be amended to provide a 21 m height limit for the Tweed City Shopping Centre site.

8. Submission No. 392

Site: Murwillumbah Hospital

Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process



Applicant: Newton Denny Chapelle on behalf of the Northern NSW Local Health District	
Summary of the request:	The submission requests to rezone the hospital site SP2
Details of the proposal:	The submission relates to application of residential zones over the site and application of a 'split zoning' over the site.
Analysis:	
Site description	Murwillumbah District Hospital, located at the site, is a Level 3 Rural Hospital providing care to over 15,200 patients every year. The campus site comprises four (4) allotments developed with the hospital building and an office. One allotment, Lot 9 DP 8520 remains vacant. Under the current LEP, the site is zoned 5(a) and 2(a) Low Density Residential. The draft LEP 2012 zones the site R3 Medium Density Residential and R2 Low Density Residential.
Consistency of proposal with State and Council strategic planning initiatives	<ol style="list-style-type: none"> Conversion of the Tweed LEP 2000 to the Standard Instrument LEP <ul style="list-style-type: none"> The conversion of zoning of the subject site into the draft LEP 2012 has been based on Practice Note "Zoning for Infrastructure in LEPs" issued by DP&I to assist Councils in implementing the reform. The Practice Note recommends limiting the application of the SP2 zone only to major infrastructure sites or sites where land use is unlikely to be changed. The proposal to keep the SP2

Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process

	<p>Infrastructure zone is not inconsistent with the Practice Note, considering local and regional significance of the hospital.</p> <ol style="list-style-type: none"> 2. <u>Preliminary</u> analysis of the consistency of the proposal with the Far North Coast Regional Strategy. <ul style="list-style-type: none"> • The proposal is not inconsistent with the Strategy. 3. <u>Preliminary</u> analysis of the consistency of the proposal with the Section 117 Directions. <ul style="list-style-type: none"> • The proposal is not inconsistent with Section 117 Directions. 4. <u>Preliminary</u> analysis of the consistency of the proposal with State Environmental Planning Policies (SEPPs). <ul style="list-style-type: none"> • The proposal is not inconsistent with relevant SEPPs. It is noted that the Infrastructure SEPP does not include the R2 zone (currently proposed for part of the site) as a prescribed one for this type of development
Land use and land use pattern in the surrounding area:	The surrounding area combines low and medium density residential allotments, with Murwillumbah CBD and Civic Centre Precinct located in a walking distance from the subject site.
Access:	Access to the site is available from Ewing Street.
Planning Consideration:	Given the consistency of the proposal with DP&I's guidelines spelt under the Practice Note Zoning For Infrastructure in LEPs, and general consistency with relevant State and local plans, it is considered that the rezoning has merit in terms of applying a more appropriate zone for the hospital site.
Recommendation:	Rezoning of the site to SP2 Infrastructure as part of the post-exhibition review of the draft LEP 2012 is supported.

9. Submission No. 602

Site: Lot 6, DP 524303, 26 George Street, Murwillumbah

Draft Tweed Local Environmental Plan 2012

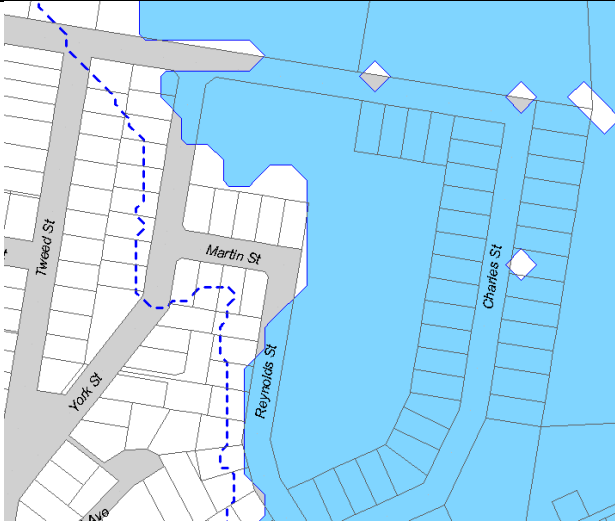
Summary of the submissions review process



Applicant: Newton Denny Chapelle on behalf of RHBAH Pty Ltd	
Summary of the request:	To rezone the land from RU2 Rural Landscape to R2 Low Density Residential
Details of the proposal:	The submission seeks changes to the Land Zoning Map to allow for low density residential development on that part of the site on which there is valid development consent (DA2011/292) for an aged care facility.
Analysis:	
Site description	The area of the subject site is 2.852 hectares. The site is currently vacant and sparsely vegetated. There is a drainage path which traverses the western portion of the site in a north/south direction. The north-western corner of the site is zoned 2(a) Low Density Residential, the remainder of the site is zoned with a rural zone. The lot was previously used for sugar cane farming.
Consistency of proposal with State and Council strategic planning initiatives	When analysing consistency of the proposal with relevant local, regional and state planning initiatives, consideration needs to be given to flood hazard on the site.

Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process

	 <p>Draft Tweed LEP 2012 Flood Planning Map for the subject site.</p> <ol style="list-style-type: none"> Preliminary analysis of the consistency of the proposal with the Section 117 Directions. <ul style="list-style-type: none"> The proposal is inconsistent with Direction 4.3 Flood Prone Land. Preliminary analysis of the consistency of the proposal with the Far North Coast Regional Strategy. <ul style="list-style-type: none"> The proposal is inconsistent with recommendations spelt under Part 6 of the Strategy: “Local environmental plans will zone areas subject to high hazard to reflect the capabilities of the land”. Preliminary analysis of the consistency of the proposal with State Environmental Planning Policies (SEPPs). <ul style="list-style-type: none"> The proposal is not inconsistent with relevant SEPPs. <p>There is an existing approval of a seniors living development (DA 2011/292) granted in April 2012.</p>
Land use and land use pattern in the surrounding area:	The surrounding area combines low and medium density residential allotments, with Murwillumbah CBD and Civic Centre Precinct located in a walking distance from the subject site.
Proximity to nearest centre:	The site is located approximately 800 metres from Murwillumbah CBD.
Access:	Access is available from all directions via local roads surrounding the site.
Planning Consideration:	Preliminary analysis indicates inconsistencies of the proposal with local, regional and State planning strategies and policies. Those inconsistencies should be assessed in detail through a separate planning proposal process.
Recommendation:	It is recommended to maintain zones as proposed under the exhibited draft Tweed LEP 2012.

Draft Tweed Local Environmental Plan 2012

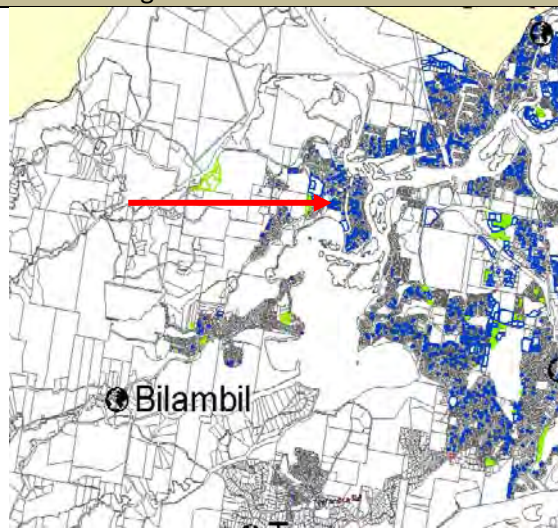
Summary of the submissions review process

10. Submission No.194

Site: Lot 2 DP 881169, 54-68 Gollan Drive, Tweed Heads West – Seagulls Club



Aerial photo of the site



Indicative location of the site



Tweed LEP 2000 zones



Draft Tweed LEP 2012 zones

Applicant: Think Planners on behalf of Seagulls Club

Summary of the request:	Request to amend the draft Tweed LEP 2012 to permit development of a shop on the site.
Details of the proposal:	The submission seeks amendments to the draft LEP to facilitate development of a shop (IGA supermarket) through Clause 2.5 Additional Permitted Uses for Particular Land and overlay map Additional Permitted Uses Map.

Analysis:

Site description	The site is located at Terranora Broadwater and comprises club with associated car park. The overall area of the lot is 4.94 ha. The site is located within low density residential suburb of Tweed Heads West.
Consistency of proposal with State and Council strategic planning initiatives	When analysing consistency of the proposal with relevant local, regional and state planning initiatives, consideration needs to be given to the methodology of converting the current LEP 2000 into the Standard Instrument LEP:.

Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process

	<ul style="list-style-type: none"> • The subject site is currently zoned 6(b) Recreation zone. This zone permits general stores with development consent if consistent with the primary objective of this zone, which is to <i>designate land, whether in public or private ownership, which is or may be used primarily for recreational purposes.</i> • The Standard Instrument LEP provides the RE2 Private Recreation zone as an equivalent to the 6(b) zone of the current LEP. Under the new zone, the land use table has been tailored to achieve consistency with the objectives of the zone. In result, the only types of 'retail' land uses permissible with consent under the RE2 zone are kiosks, markets and food & drink premises. • The standard zones provided under the Standard Instrument Template have limited flexibility in terms of integrating recreational and commercial uses under a recreational zone. A more suitable approach would be to look at options to rezone the entire site to a commercial zone. This however should be carried out via a planning proposal process, separate to the SI Template implementation process. <p>4. <u>Preliminary</u> analysis of the consistency of the proposal with Section 117 Directions.</p> <ul style="list-style-type: none"> • The proposal is generally consistent with Directions. <p>5. <u>Preliminary</u> analysis of the consistency of the proposal with the Far North Coast Regional Strategy.</p> <ul style="list-style-type: none"> • The proposal is generally inconsistent with the Strategy. <p>6. <u>Preliminary</u> analysis of the consistency of the proposal with State Environmental Planning Policies (SEPPs).</p> <ul style="list-style-type: none"> • The proposal is generally consistent with the SEPPs.
Land use and land use pattern in the surrounding area:	The surrounding area combines low and medium density residential allotments located along Terranora Broadwater.
Proximity to nearest centre:	The site is located approximately 2.5 km from Tweed Heads South business and commercial precinct.
Access:	Access is available from Gollan Drive.
Planning Consideration:	Given recent advice received from Department of Planning & Infrastructure that use of Clause 2.5 should be limited to exceptional circumstances only, and inconsistency of a full line supermarket development with objectives of the RE2 zone, the proposal is not supported.
Recommendation:	The proposal is not supported. Amendments to the LEP in order to facilitate the development of a supermarket should be subject to a separate planning proposal process.

Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process

11. Submission No. 568

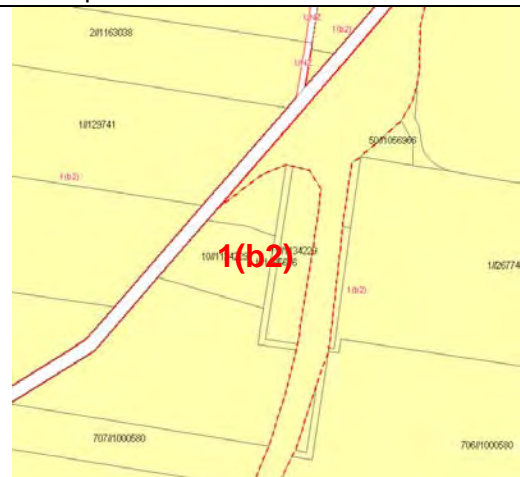
Site: Part of Lot 11 DP 1134229, Tweed Valley Way, Chinderah



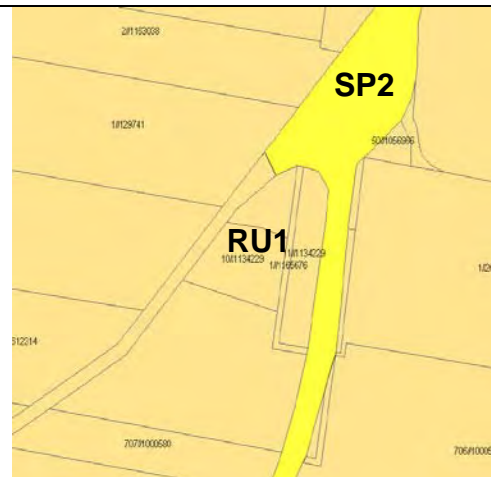
Aerial photo of the site



Indicative location of the site



Tweed LEP 2000 zones



Draft Tweed LEP 2012 zones

Applicant: Jim Glazebrook & Associates Pty Ltd on behalf of the owner, P. Guinane Pty Ltd.

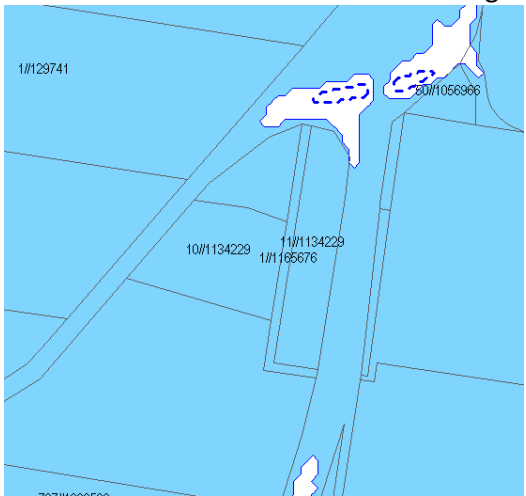
Summary of the request:	Request to amend the draft Tweed LEP to allow for development of a highway service centre on the subject site.
Details of the proposal:	The submission does not provide a preferred approach towards amendments to the draft Tweed LEP. The submission seeks to support the request with Direction 5.4 of Section 117 which identifies a need to develop a highway service station (HSC) for northbound lanes of the Pacific Motorway in Chinderah.

Analysis:

Site description	The site is part of a larger lot of a total area of 53.79 ha. Historically, the site has been used for sugar cane cultivation and in more recent years for tea tree cultivation and tea tree oil distillation. The site proposed for development of a HSC is of 3.6 ha in size and is facing Pacific Motorway corridor. Under the draft Tweed LEP, the site is zoned RU1 Primary Production.
Consistency of proposal with State and Council strategic planning	<ol style="list-style-type: none"> <u>Preliminary</u> review of consistency with Section 117 Directions: <ul style="list-style-type: none"> Direction 5.3 Farmland of State and Regional Significance on the

Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process

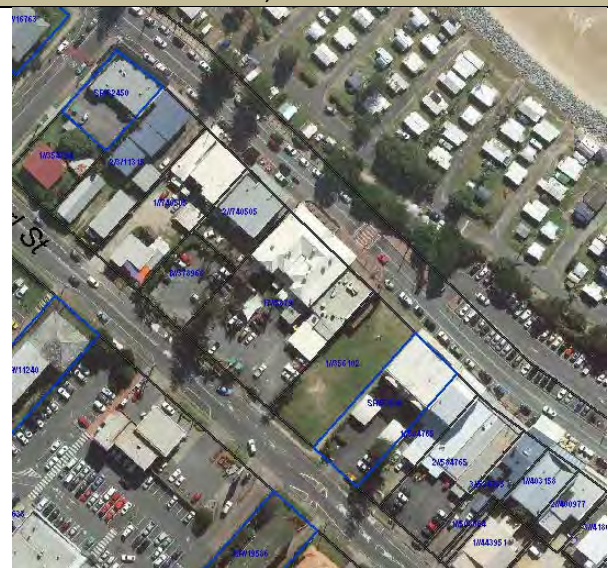
<p>initiatives</p>	<p>NSW Far North Coast –the proposal is inconsistent with this Direction,</p> <ul style="list-style-type: none"> • The proposal is inconsistent with Direction 1.2 Rural Zones, • The proposal is inconsistent with Direction 5.4 Commercial and Retail Development along the Pacific Highway, North Coast. <p>2. <u>Preliminary</u> review of the Far North Coast Regional Strategy:</p> <ul style="list-style-type: none"> • The proposal is consistent with Part 9 of the Strategy which identifies the need for additional highway service station and a need for employment opportunities along the Pacific Motorway Corridor in Chinderah. • The proposal is inconsistent with Part 6 of the Strategy which states that <i>local environmental plans will protect and zone land with State or regional environmental, agricultural, vegetation, habitat, waterway, wetland or coastline values.</i> <p>3. <u>Preliminary</u> review of State Environmental Planning Policies (SEPP):</p> <ul style="list-style-type: none"> • Consistency with the Rural SEPP should be verified at the planning proposal stage. • Consistency with SEPP 55 Remediation of Land should be tested at the planning proposal stage. <p>4. Northern Rivers Farmland Protection Project:</p> <ul style="list-style-type: none"> • The site is identified as Regionally Significant Farmland. <p>5. The Draft Tweed LEP 2012 Flood Planning Map:</p> 
<p>Land use and land use pattern in the surrounding area:</p>	<p>The locality is relatively flat, being on the flood plain of the Tweed River. The surrounding area is dominated by sugar cane and tea tree cultivation with associated farm dwellings. Crematorium (Melaleuca Station) is located adjacent to the subject site.</p>
<p>Proximity to nearest centre:</p>	<p>The site is located approximately 3.5 km from Chinderah village centre.</p>
<p>Access:</p>	<p>Access is available from Tweed Valley Way</p>
<p>Planning Consideration:</p>	<p>Preliminary analysis indicates some inconsistencies of the proposal with local, regional and State planning strategies and policies. Those inconsistencies should be assessed in detail through a separate planning proposal process.</p>
<p>Recommendation:</p>	<p>The proposal to amend the draft Tweed LEP as part of the post-exhibition review is not supported. Amendments to the LEP in order to facilitate the development of a highway service centre should be subject to a separate planning proposal process.</p>

Draft Tweed Local Environmental Plan 2012

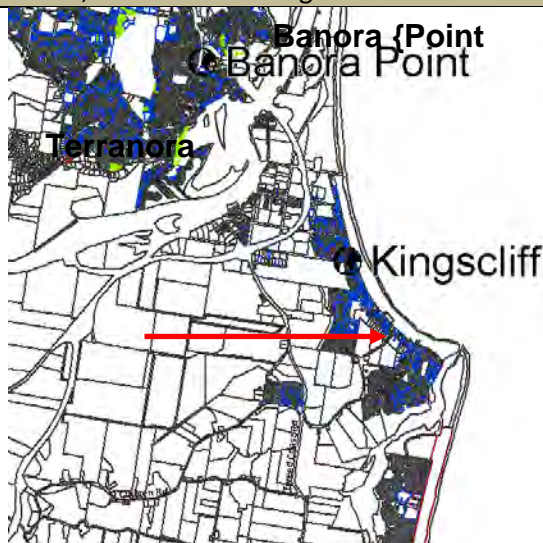
Summary of the submissions review process

12. Submission 1417

Site: Lot B DP 378968, Lot 17 DP 5879 and Lot 1 DP 356102, known as the Kingscliff Beach Hotel.



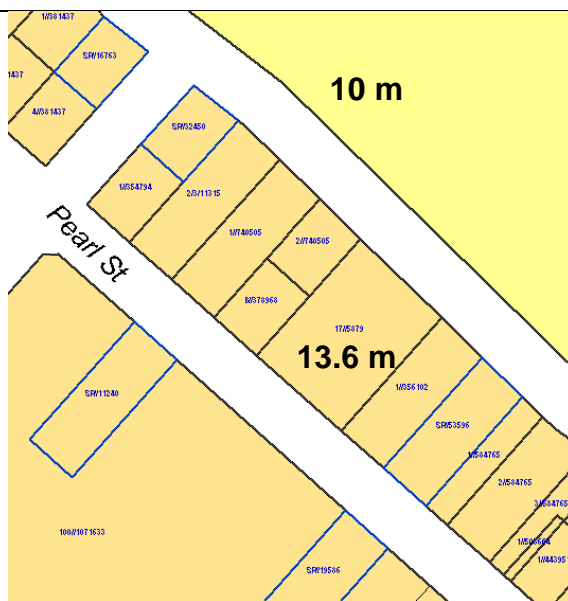
Aerial photo of the site



Indicative location of the site



Draft Tweed LEP 2012 zones



Draft Tweed LEP 2012 height of buildings

Applicant: Cardno HRP on behalf Matsal Property Investments	
Summary of the request:	Request to amend Height of Buildings and Floor Space Ratio Maps to allow development of up to 5 storeys (16.6 m) and floor space ratio of 3.5:1.
Details of the proposal:	Amendments described above are sought in order to ensure that the draft Tweed LEP 2012 provides an appropriate framework to ensure that land which currently accommodates the Hotel can be re-developed in a manner that will provide a mixed use development outcome on the site.
Analysis:	
Site description	The total area of the subject site is 0.358 ha. The site is fronting Marine Parade and Pearl Street. Under the draft Tweed LEP 2012 the site is proposed to be zoned B4 Mixed Use, which is a translation of a


Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process

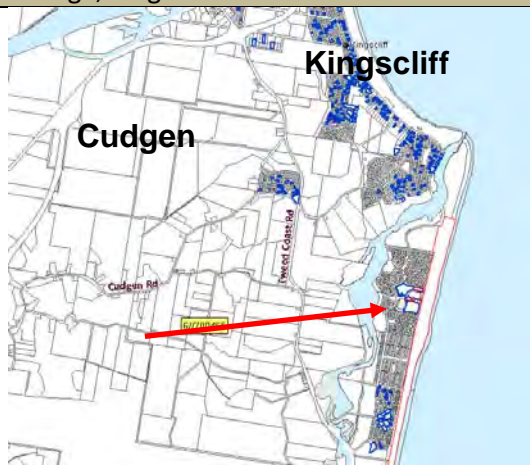
	current zone of the LEP 2000. Proposed height of building standard is 13.6 metres with floor space ratio defined as 2:1.
Consistency of proposal with State and Council strategic planning initiatives	Although generally consistent with relevant planning policies and strategies, the proposal is inconsistent with the methodology of converting the current LEP into the Standard Instrument Template with no, or minimum variations. Under the current LEP the maximum allowed height limit is 3 storeys. Council is committed to prepare a locality plan for Kingscliff. A matter of appropriate height limit will be investigated during this process.
Land use and land use pattern in the surrounding area:	Land surrounding the site consists of a number of single and two storey commercial/retail buildings which comprises the Kingscliff Business Centre.
Proximity to nearest centre:	The site is located within the Kingscliff Business Centre..
Access:	Access is available from Marine Parade and Pearl Street.
Planning Consideration:	Appropriate development controls for Kingscliff village centre will be identified under Kingscliff Locality Plan, which is due to commence in the next financial year. Any proposal to increase maximum building heights will be subject to community consultations with local residents.
Recommendation:	No amendments to the LEP. For referral to Kingscliff Locality Plan.

13. Submission No 197


Site: Lot 169 DP 1075495 and Lot 930 DP 1079118, Salt Village, Kingscliff




Aerial photo of the site



Indicative location of the site



2(f) tourist



SP3

Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process

Tweed LEP 2000 zones	Draft Tweed LEP 2012 zones
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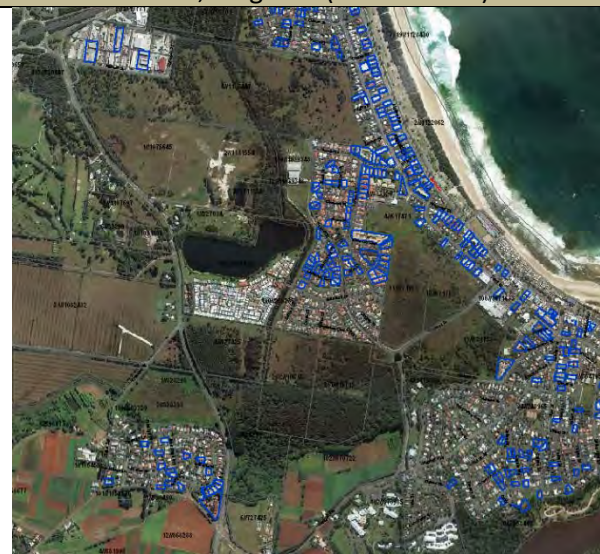
Applicant: Darryl Anderson Consulting on behalf of the owners of the subject site	
Summary of the request:	Request to amend the Land Zoning Map to apply R1 General Residential zone over the majority of the site, with the SP3 zone being kept for the northern section of the site.
Details of the proposal:	The submission states that in the short to medium term it is highly unlikely that a further resort will be required or viable on the subject site and the SP3 zoning appears to be inappropriate in the circumstances. The submission seeks rezoning of the part of the site as R1 General Residential.
Analysis:	
Site description	The total area of the site is .The northern section of the site is developed with a car park and easement. Development application for a mixed use commercial and residential development was approved in 2006 and subsequently, bulk earthworks were carried out prior to February 2011, as shown on aerial image above.
Consistency of proposal with State and Council strategic planning initiatives	<ol style="list-style-type: none"> 1. Conversion of the LEP 2000 into the Standard Instrument LEP <ul style="list-style-type: none"> • The Standard Instrument does not provide a directly comparable zone with the 2(f) Tourist zone, therefore areas subject to the 2(f) zone have been rezoned in line with current land use or with the Master Plan approved for the site. 2. <u>Preliminary</u> consistency with the S117 Directions <ul style="list-style-type: none"> • The proposal is generally consistent with Directions. 3. <u>Preliminary</u> consistency with the Far North Coast Regional Strategy. <ul style="list-style-type: none"> • The proposal is generally consistent with the Strategy 4. <u>Preliminary</u> consistency with State Environmental Planning Policies <ul style="list-style-type: none"> • The proposal is generally consistent with the SEPPs.
Land use and land use pattern in the surrounding area:	The site is located within the Salt Village Precinct with two major tourist resorts of Peppers and Mantra, retail precinct and open space area for recreation located to the north and east and low density residential development located to the south and west.
Proximity to nearest centre:	The Salt Village retail centre is located approximately 150 metres from the subject site.
Access:	Access is available from local street network surrounding the site.
Planning Consideration:	Given the location of the site and general consistency with State and Council strategic planning initiatives, it is considered that the rezoning has merit in terms of proposed uses.
Recommendation:	Rezone the site as proposed in the submission

Draft Tweed Local Environmental Plan 2012

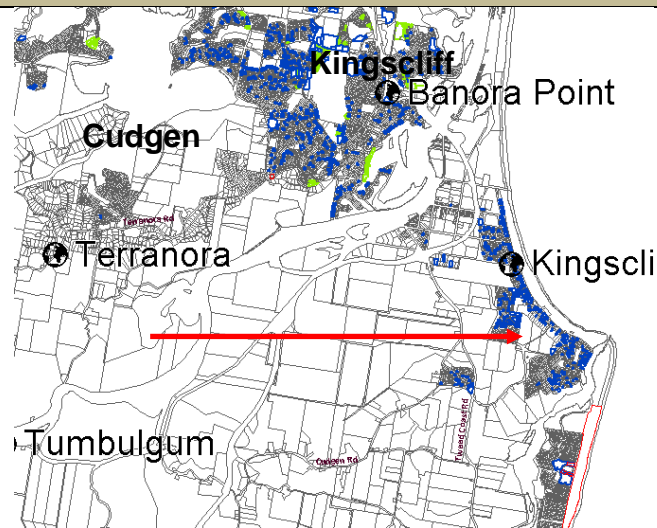
Summary of the submissions review process

14. Submission No 33

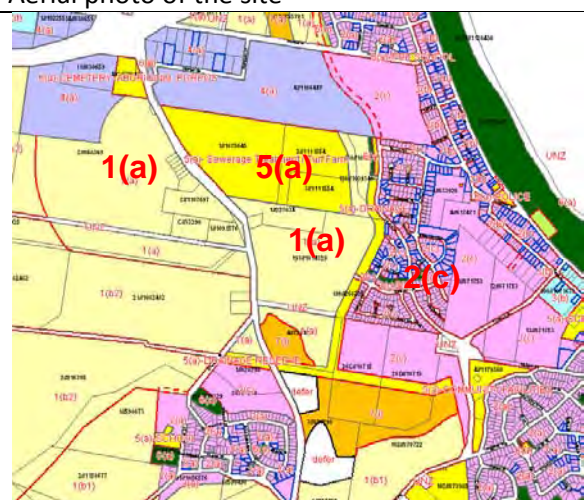
Site: Gales Land, Kingscliff (various sites)



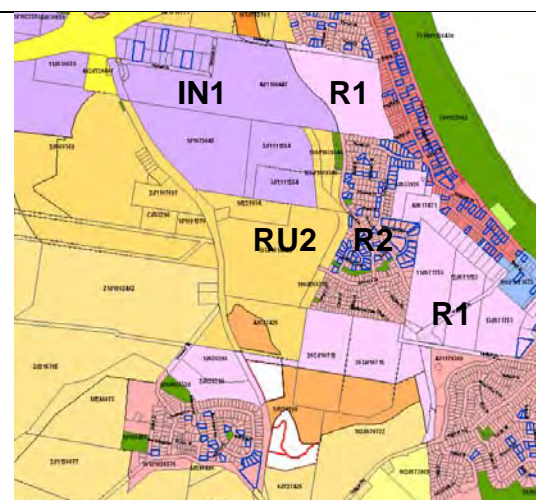
Aerial photo of the site



Indicative location of the site



Tweed LEP 2000 zones



Draft Tweed LEP 2012 zones

Applicant: RPS on behalf of Gales Holding PL

Summary of the request:

Submission seeks amendments to different parcels of land owned by the Gales Holding:

- Zoning of the former sewerage treatment plant as IN1 General Industrial is inappropriate,
- Objection to the application of the Biodiversity Map over the Gales Land,
- Request to amend the land use table of land adjacent to Turnock Street to allow development of shops with consent,
- Request to amend land zoning map for land adjacent to the southern boundary of Lot 4 DP 727425,

Details of the proposal:

Gales Holding consider that the IN1 zone proposed for the former sewerage infrastructure site constitutes a significant policy change and cannot be justified by a Practice Note which was published by the DP&I to provide a guidance on rezoning land with a infrastructure zone. The

Draft Tweed Local Environmental Plan 2012

Summary of the submissions review process

	<p>site should be then classified as “unzoned land” as an interim measure to allow for proper investigations to be carried out to determine the most appropriate land use and zone.</p> <p>The Terrestrial Biodiversity designation affecting parts of the Gales Holding land should be removed.</p> <p>The range of land uses permitted under the R1 zone does not correlate with the current zone, 2(c) Urban Expansion. Therefore, the land use table of area zoned R1 at Turnock Street should be amended through additional entry into the Schedule 1 allowing development of shops with consent.</p>
Analysis:	
Site description	
Consistency of proposal with State and Council strategic planning initiatives	<p>The former sewerage treatment plant site is currently subject to a planning proposal seeking for alternative zoning. The site is also within proposed Kingscliff Locality Plan, scheduled for preparation in the next financial year. In such circumstances, zoning the site with an industrial zone, although supported by DP&I’s guidelines, does not achieve its desired outcomes.</p> <p>Request to revise the translation of zone on Lot 13 DP 871753 from 2(c) Urban Expansion to R1 General Residential by allowing retail development (shops) through Additional Permitted Uses Map. The Standard Instrument does not provide an equivalent zone for the 2(c) Urban Expansion zone of the current LEP. In most cases, this zone has been converted to R1 General Residential zone, considered to be “the closest translation” of the 2(c) zone. Shops, as well as the majority of commercial land uses are prohibited under this zone as they are inconsistent with the mandatory objectives of this zone. The proposal to allow shops at Turnock Street (as per image below) is consistent with Section B9 Tweed Coast Strategy which recognises this site for potential expansion of the adjoining centre at Pearl Street. In addition, the proposal is consistent with Principle 2 of the Tweed Retail Policy, which states: <i>where appropriate, Council will support the incremental expansion of existing retail centres in such a way as not to threaten or fracture those existing centres, rather than building new ones.</i></p> <p>The biodiversity mapping has been reviewed on the basis of 2009 aerial photos and captures bushland and wetland areas broadly consistent with reports referred to in the submission. Highly disturbed vegetation is consistent with the bushland mapping criteria. Conservation significance and on site impacts will be determined through the application of the clause when a DA is required. The clause does not influence approved DAs such as the approved fill north and south of Turnock St. nor does it affect routine land management.</p> <p>A strip of land zoned RU2 Rural Landscape Lot 4 DP 727425 is a result of rezoning a drainage reserve corridor zoned 5(a) Special Uses, in line with the Practice Note <i>Zoning for Infrastructure in LEPs</i>. An adjoining zone has been applied, which, in this instance, is the RU2 Rural Landscape.</p>
Land use and land use	The site is located within the Salt Village Precinct with two major

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pattern in the surrounding area:	tourist resort of Peppers and Mantra, retail precinct and open space area for recreation located to the north and east and low density residential development located to the south and west.
Proximity to nearest centre:	The Salt Village retail centre is located approximately 150 metres from the subject site.
Access:	Access is available from local street network surrounding the site.
Planning Consideration:	<p>Given general consistency with Council's adopted policy position, the request to allow shops at Turnock Street is supported.</p> <p>Given a separate planning proposal undertaken to identify appropriate zones for the former sewerage treatment plant, and lack of adequate guidelines regarding replacing the 5(a) Special Uses zone of the LEP 2000 with a suitable Standard Instrument zone, it is recommended to defer the site from the LEP until appropriate zone is identified through a planning proposal or a locality planning exercise.</p>
Recommendation:	<p>That the former sewerage treatment plant site at Kingscliff, including the part of the site which is in Council ownership, be deferred from the draft Tweed LEP 2012, and</p> <p>Shops be made permissible with consent on Lot 13 DP 871753.</p>

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Table 4B

Sub No	Submission Summary	Planning Response	Recommendation
762	<p>Request to rezone the extractive industry site located on Lot 28 DP 615931 and Lot 2 DP 590220 from RU1 Primary Production to RU2 Rural Landscape.</p> <p>Objection to the application of the Biodiversity Map over Lot 28 DP 615931, followed by objection to the Biodiversity Clause (7.8) of the draft LEP.</p>	<p>The request to rezone the site has been referred for Rural Land Strategy which is currently under preparation. It is acknowledged that the Land Zoning Map of the draft Tweed LEP 2012 is in certain rural areas outdated, but any site-specific amendments should be supported by an adopted strategy. The Rural Land Strategy involves extensive community consultations commencing in May 2013 and is expected to provide recommendations for amendments to the Land Zoning Map. The methodology of the current process of converting the LEP 2000 into the Standard Instrument Template is based on a 'best fit' conversion of the Land Zoning Map with zero or minimum variations (where no compatible zones were provided).</p> <p>In response to objection to the application of the Biodiversity overlay to the site, it needs to be noted that highly disturbed vegetation is consistent with the bushland mapping criteria. Conservation significance and on site impacts will be determined through the application of the clause</p> <p>The bushland overlay does not prohibit consent uses and is not inconsistent with t SEPP North Coast REP and SEPP Mining</p> <p>The reference to a DCP is to be removed until relevant section of the DCP is in place.</p>	<p>Request to amend the Land Zoning Map is for referral to Rural Land Strategy.</p> <p>Subclause (3) of the Terrestrial Biodiversity Clause 7.8 to be removed from the draft.</p>
823	<p>Request to amend the boundary between RU1 and RU2 zones in line with natural features and agricultural suitability of the site. Lot 10 DP 1014723.</p> <p>Objection to the application of the Biodiversity overlay map and wording of the Biodiversity Clause (7.8). Subclause (3) makes a reference to Development Control Plan which has not been prepared yet.</p>	<p>The request to rezone the site has been referred for Rural Land Strategy which is currently under preparation. It is acknowledged that the Land Zoning Map of the draft Tweed LEP 2012 is in certain rural areas outdated, but any site-specific amendments should be supported by an adopted strategy. The Rural Land Strategy involves extensive community consultations commencing in May 2013 and is expected to provide recommendations for amendments to the Land Zoning Map. The methodology of the current process of converting the LEP 2000 into the Standard Instrument Template is based on a 'best fit' conversion of the Land Zoning Map with zero or minimum variations (where no compatible zones were provided).</p> <p>In response to objection to the application of the Biodiversity overlay to</p>	<p>Request to amend the Land Zoning Map is for referral to Rural Land Strategy.</p> <p>Subclause (3) of the Terrestrial Biodiversity Clause 7.8 to be removed from the draft.</p>

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Sub No	Submission Summary	Planning Response	Recommendation
		<p>the site, it needs to be noted that highly disturbed vegetation is consistent with the bushland mapping criteria. Conservation significance and on site impacts will be determined through the application of the clause.</p> <p>The reference to a DCP is to be removed until relevant section of the DCP is in place.</p>	
763	Objects to Clause 7.8(3) as Council has not made the DCP referred to.	The reference to a DCP is to be removed until relevant section of the DCP is in place.	The reference to a DCP is to be removed until relevant section of the DCP is in place.
395	Support for biodiversity overlay with particular respect to bird habitat	Noted	No amendments to the LEP.
635 638	<p>Objects to Biodiversity clause:</p> <ol style="list-style-type: none"> 1. Insufficient justification 2. Arbitrary mapping lacking science 3. Includes areas without biodiversity value – locations not stated 4. Inhibits routine maintenance 5. Conflicts with other legislation (noxious weed control, bushfire hazard control etc) 6. Consultation period too short 7. Inadequate public consultation 	<ol style="list-style-type: none"> 1. Consistent with councils adopted TVMS. Has been included in all draft Comprehensive LEPs since 2004 2. The applicant appears to misinterpret the mapping as areas of “high conservation value” – this is not necessarily the case. The mapping simply indicates areas that will require consideration with regards to biodiversity issues when a DA is required. 3. As 2 above 4. The clause is only triggered by a DA. Routine property management does not trigger a DA 5. As 4 above. Further noxious weed control and bushfire hazard reduction do not trigger a DA and are in fact exempt development. <p>6&7 The DLEP was on exhibition from 15 November 2012 until 18 January 2013. During that time, eight (8) public meetings were held, six of them open for general public and two held by request of community groups. Council staff was providing additional information and guidelines when requested and considered late submission that were lodged after the exhibition closed.</p>	No amendments to the LEP.
605 606	Site-specific objection to the Biodiversity mapping:	1. Highly disturbed vegetation is consistent with the bushland mapping criteria. Conservation significance and on site impacts determined	No amendments to the LEP.

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Sub No	Submission Summary	Planning Response	Recommendation
607	<ol style="list-style-type: none"> The site contains disturbed vegetation of little significance Inhibits routine maintenance 	<ol style="list-style-type: none"> through the application of the clause. The clause is only triggered by a DA. Routine property management does not trigger a DA 	
584	<ol style="list-style-type: none"> Biodiversity overlay includes camphor laurel which are not environmentally significant. Accuracy of mapping – includes shadows and dams LEP difficult to comprehend Insufficient public consultation 	<ol style="list-style-type: none"> Highly disturbed vegetation is consistent with the bushland mapping criteria. Conservation significance and on site impacts determined through the application of the clause and only applies when a DA is required. Subclause 3 allows flexibility in on site boundary interpretation. <p>3&4 The DLEP was on exhibition from 15 November 2012 until 18 January 2013. During that time, eight (8) public meetings were held, six of them open for general public and two held by request of community groups. Council staff was providing additional information and guidelines when requested and considered late submission that were lodged after the exhibition closed. In addition, Council staff have prepared explanatory material which was available on Council website and in specific locations across the Shire.</p>	No amendment to the LEP.
5	Biodiversity Overlay covers approved urban subdivision.	<p>The purpose of the Biodiversity Map is to provide additional consideration at the DA stage.</p> <p>Highly disturbed vegetation is consistent with the bushland mapping criteria. Conservation significance and on site impacts determined through the application of the clause and only applies when a DA is required.</p>	No amendments to the LEP.
1426	<p>Objects to bushland overlay:</p> <ol style="list-style-type: none"> Part of the site is highly disturbed and part of a proposed APZ Council has not made the DCP referred to in cl 7.8(3) 	<p>Highly disturbed vegetation is consistent with the bushland mapping criteria. Conservation significance and on site impacts determined through the application of the clause – all issues raised by the clause will need to be addressed for the development in any case.</p> <p>The reference to a DCP is to be removed until relevant section of the DCP is in place.</p>	The reference to a DCP is to be removed until relevant section of the DCP is in place.
1492	<ol style="list-style-type: none"> Biodiversity overlay includes camphor laurel 	<ol style="list-style-type: none"> Highly disturbed vegetation is consistent with the bushland mapping 	The reference to a DCP is to



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Sub No	Submission Summary	Planning Response	Recommendation
	<p>which are not environmentally significant</p> <p>2. Clause 5.9 excludes noxious weeds from A16 but cl 7.8(3) refers to a DCP (which the applicant assumes is A16)</p>	<p>criteria. Conservation significance and on site impacts determined through the application of the clause</p> <p>2. The DCP referred to in clause 7.8 is not A16 and has not been made. The reference to a DCP is to be removed until relevant section of the DCP is in place.</p>	<p>be removed until relevant section of the DCP is in place.</p>
444	<p>The submission specifically relates to permissibility of highway service centres in areas zoned IN1 adjoining classified roads (SP2). The Land Use Table for zone IN1 should be amended to allow highway service centres with consent.</p>	<p>Permissibility of a highway service centre land use in the draft Tweed LEP has been based on 117 Directions, in particular Direction 5.4 <i>Commercial and Retail Development along the Pacific Highway, North Coast</i>.</p> <p>According to this Direction, the establishment of highway service centres may be permitted in Chinderah, at Chinderah Bay Road interchange (southbound) and at the western side of highway in urban zone (northbound). In addition, the RMS needs to be satisfied that the highway service centre(s) can be safely and efficiently integrated into the Highway interchange(s).</p> <p>While a southbound highway service station has already been developed, the exact location of the northbound station is yet to be identified. This should be done through a planning proposal stage, rather than through amendments to the land use table for the IN1 General Industrial zone.</p>	<p>Request not supported. No changes required.</p>
30	<p>The submission questions the methodology of translating the zoning of Lots 1-3 Section 1 DP 29748 and Lot 4 Section 1 DP 31209 at 2-6 Coast Road, Cabarita Beach. Under the draft LEP, the current zone 2(e) Residential Tourist has been converted into the RE2 Private Recreation. The submission requests that the land in question be rezoned as R2 or R3, in line with Major Project Application, recently approved by the Planning Assessment Commission in September 2012.</p>	<p>Under the current LEP the subject site is zoned 2(e) Residential Tourist. The Standard Instrument does not provide a direct translation of this zone, therefore the site has been zoned RE2 Private Recreation in line with the current land use.</p> <p>In September 2012, the Planning Assessment Commission approved a Major Project Application for the site for a medium density residential development with serviced apartments. Given that, it is considered that rezoning the site to R3 Medium Density Residential has merit and is supported.</p>	<p>Request supported. Lots 1-3 Section 1 DP 29748 and Lot 4 Section 1 DP 31209 at 2-6 Coast Road, Cabarita Beach to be zoned R3 Medium Density Residential.</p>
1348	<p>Submission seeks amendment to the extent of the E2 Environmental Conservation zone on Lot 34 DP 1171641 (Seaside City) in line with 2050 Hazard Line defined on the Coastal Risk Planning Map.</p>	<p>The environmental zones on the draft Tweed LEP 2012 Land Zoning Map for Seaside City are based on the LEP 2000.</p>	<p>No amendment to the LEP.</p>

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Sub No	Submission Summary	Planning Response	Recommendation
796	<p>Submission made on behalf of Richtech Pty Ltd and other landowners. The submission seeks amendment to the extent of the E2 Environmental Conservation zone in Seaside City in line with 2050 Hazard Line defined on the Coastal Risk Planning Map.</p>	 <p>The draft Tweed LEP 2012 Costal Risk Planning Map is based on the Tweed DCP B25 Coastal Hazards.</p>  <p>This request to amend the Land Zoning Map on the basis of Coastal Risk Planning Map is outside the scope of this planning process which is to convert the Tweed LEP 2000 into the Standard Instrument template. In addition, The Coastal Hazard DCP is scheduled for amendment which will result in an update to the Coastal Hazard Maps. Any request to reduce environmental zones in favour of a residential zone should be subject to a planning proposal.</p>	



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Sub No	Submission Summary	Planning Response	Recommendation
1411	Submission seeks amendments to the Land Zoning Map for Lot 2 DP 815182 to apply the E2 Environmental Conservation zone over that part of the site which is subject to the trust agreement between the landowner and the Nature Conservation Trust of NSW.	The draft Tweed LEP 2012 has been prepared to convert the current LEP 2000 into the Standard Instrument Template, common for all councils in New South Wales. As provided in this Report, and in the Report of 25 October 2012, the methodology for preparing the land zoning map was to convert the existing zones into zones under the Standard Instrument with zero or minimum variations.	Requests supported. The draft Tweed LEP 2012 Land Zoning Map to be updated as follows:
4	Submission seeks amendments to the Land Zoning Map for Lot 17 DP 778624 and Lots 165 and 167 DP 755696 to apply the E2 Environmental Conservation zone over that part of the site which is subject to the trust agreement between the landowner and the Nature Conservation Trust of NSW.	Council is preparing a revised Environmental Strategy which provides recommendations to update the land zoning map (particularly rural and environmental zones) in line with mapping developed under the Tweed Vegetation Management Strategy 2004. Council is committed to implement those recommendations, although this process is now delayed due to the review of environmental zones commenced by the Department of Planning & Infrastructure in October 2012.	<ul style="list-style-type: none"> Lot 2 DP 815182, Lot 17 DP 778624 and Lots 165 and 167 DP 755696 to be zoned E2 in those areas which are subject to a trust agreement, and Lot 1 DP 122620, Lots 164, 271 and 329 DP 755701 and Lot 174 DP 755721 to be zoned E2 in those areas which are subject to an approved Property Vegetation Plan and mapped on the Biodiversity Map.
448	Submission seeks amendments to the Land Zoning Map for the following properties: Lot 1 DP 122620, Lots 164, 271 and 329 DP 755701 and Lot 174 DP 755721. RU2 Rural Landscape zone applied to these lots should be replaced with the E2 Environmental Conservation zone in those areas, which are subject to an approved property vegetation plan or mapped on the Terrestrial Biodiversity Map.	Given approved agreements between landowners and the Nature Conservation Trust of NSW, and general consistency with Section 117 Directions and State Environmental Planning Policies, the requests have merit and are supported.	
1420	Site specific request to identify future land uses for the following allotments at Tweed Coast Road in Kingscliff: Lots 1-2 DP 632211, Lot 14 DP 871062, Lot 1 DP 183425 and Lot 1 DP 312921.	<p>Submission noted. The draft Tweed LEP 2012 has been prepared to convert the current LEP 2000 into the Standard Instrument Template, common for all councils in New South Wales.</p> <p>As provided in this Report, and in the Report of 25 October 2012, the methodology for preparing the land zoning map was to convert the existing zones into zones under the Standard Instrument with zero or minimum variations.</p> <p>Any requests to rezone the land 'outside' of the standard conversion process should be subject to a separate planning proposal process.</p> <p>Council is committed to prepare a locality plan for Kingscliff. This task has been proposed for commencement in the next financial year.</p>	No amendment to the LEP. For referral to Kingscliff Locality Plan.

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Sub No	Submission Summary	Planning Response	Recommendation
651	<p>Objection to the conversion of the zones on 7060 DP 1113577 (proposed Cabarita Holiday Park Site). The conversion resulted in reduction of the area zoned RE1 Public Recreation and in increase of area zoned with the E2 Environmental Conservation zone which is inconsistent with the zone conversion methodology.</p> <p>Objection to the application of the Terrestrial Biodiversity Map and Clause over the site on the following grounds:</p> <ul style="list-style-type: none"> Vegetation on the site is highly degraded and contains substantial areas of exposed sand, grassland and exotic weeds. DCP referred to in clause 7.8 has not been developed yet, as such Council should either remove the reference or prepare and exhibit the DCP. 	<p>The Tweed LEP 2000 Land Zoning Map zones the majority of the site with a E2 Environmental Conservation zone with a small section zoned RE1 Public Recreation zone (circled in red).</p>  <p>Under the draft Tweed LEP 2012 it was proposed to amend the western boundary of the E2 zone in line with cadastre boundary, as shown on image below.</p>  <p>This resulted in a small reduction of area zoned RE1 and in an increase of the E2 zone over the site. This outcome is not consistent with the methodology of converting the LEP 2000 Land Zoning Map into the Standard Instrument and should be corrected to provide an exact translation of the two zones.</p>	<p>Request supported. The Land Zoning Map for Lot 7060 DP 1113577 at proposed Cabarita Holiday Park site to be amended to provide accurate translation of zone boundaries.</p>
1510	Request to amend the land use table of the	The purpose of this amendment is to trigger provisions of clause 20B	

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Sub No	Submission Summary	Planning Response	Recommendation
	following zones: RU1 Primary Production, RU2 Rural Landscape and IN1 General Industrial to list telecommunication facilities as permissible with consent.	of the State Environmental Planning Policy (Infrastructure) 2007 which consider development of telecommunication facilities as 'complying' development under a zone if specifically listed in the land use table of this zone under a local environmental plan/	
1509	<p>Submission makes a number of comments in relation to flood planning provisions of both the draft LEP and the draft Tweed Valley Floodplain Risk Management Plan.</p> <p>Objection to the wording of the Floodplain Risk Management clause and Flood Planning Map: term probable maximum flood is vague, the better definition was provided under 1986 edition of NSW Government's "Floodplain Development Manual".</p> <p>Sea level rise – global warming and is another area of science where consensus does not exist. Councils have been given flexibility in planning for sea level rise in the context of their local circumstances. The IPCC had developed a range of sea level rise projections, one of them was a continuation of the current rate of observed sea level rise. This basis should be adopted by Tweed Shire Council based on actual data from the existing ocean gauge.</p>	<p>Both the Flood Planning and Floodplain Risk Management clauses are the "model local provisions" prepared by DP&I and recommended for inclusion in LEPs across the State. Councils have limited ability to amend wording of these clauses. Council may send a formal request to DP&I to review and amend, if necessary, wording of these clauses, as suggested in the submission.</p> <p>Other comments – for referral to Coastal Hazard DCP review.</p>	No amendments to the LEP.

Sub No	Submission Summary	Planning Response	Recommendation
317	<p>Submission seeks assurance that shop top housing will be retained in the B5 Business Development zone as proposed in the exhibited draft.</p> <p>Instead of prohibiting residential accommodation, a more efficient early warning system should be investigated to enable people to make a rational decision regarding evacuation.</p>	<p>Under LEP 2000, there are various restrictions on dwellings in business zones. In the current LEP 2000 3(c) Commerce and Trade Zone dwelling houses are only permissible if a "caretakers dwelling", and multi-dwelling housing is not permissible. The 3(c) zone applies to business areas in South Murwillumbah (Prospero Street, Tweed Valley Way etc), and Tweed Heads South (Minjungbal Drive, Machinery Drive, Greenway Drive etc).</p> <p>Under the draft LEP 2012, multi dwelling housing remains prohibited in business zones, however shop top housing was proposed to be made</p>	Shop top housing to be made a prohibited use under the B5 Business Development zone.

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Sub No	Submission Summary	Planning Response	Recommendation
	The draft LEP does little to stimulate economic development of Murwillumbah	<p>permissible with consent. The B5 - Business Development zone has been used as the "best fit conversion" for 3(c) zoned land under the draft, and hence applies to South Murwillumbah and Tweed Heads South.</p> <p>The Tweed Valley Floodplain Risk Management Study (draft) confirms that the areas of South Murwillumbah and Tweed Heads South have significant evacuation constraints, and hence the policy should apply. It is also noted that the South Murwillumbah Business & Owners Group made a submission (No 317) supporting shop top housing within the B5 zone.</p> <p>The DLEP is prepared, as far as possible, to be a translation of the current LEP provisions and should not contravene other policies and Council. Prohibiting "shop top housing" within the B5 Business Development zone is consistent with the Tweed LEP 2000.</p> <p>Other comments: for referral to Economic Development Strategy and the Tweed Valley Floodplain Risk Management Study.</p>	
542	Submission expresses concerns about the proposed wording for clauses 7.6 Flood Planning and 7.6 Floodplain Risk Management. Wording of this clause may result in prohibition of development of residential allotments affected by the extent of the Flood Planning Map. The clause & map may result in land devaluation and be used by insurers to refuse claims made against loss including floods. The wording of the draft LEP does not explain how 'the safe occupation and evacuation from land' will be assessed at the development consent stage.	<p>The flood planning and floodplain risk management clauses do not aim to prohibit development but to minimise the flood risk to life and property. It is acknowledged that the majority of residential allotments affected by the Flood Planning Map already have dwelling houses.</p> <p>Whether proposing to replace an existing or construct a new dwelling, each applicant needs to address clauses 7.6 and 7.7 and Section A3 Development of Flood Liable Land of the Tweed Development Control Plan 2008. Part E Flooding Requirements of</p> <p>There have been a small proportion of allotments from across the Local Government Area affected by flooding in the past that have been unable to obtain consent for the erection of a dwelling. Most, however, have been able to provide a suitable location for a dwelling and safe wading if necessary that does not unduly provide a risk to residents or rescue personnel.</p>	No amendment to the LEP.
186	The submission requests rezoning the established residential area of Parkes Lane, Trutes Lane, Dobbys Crescent and Terranora	Submission noted. The draft Tweed LEP 2012 has been prepared to convert the current LEP 2000 into the Standard Instrument Template, common for all councils in New South Wales.	No amendments to the LEP.


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Sub No	Submission Summary	Planning Response	Recommendation
	Road to R1 or R2, instead of proposed R5 Large Lot Residential zone.	<p>As provided in this Report, and in the Report of 25 October 2012, the methodology for preparing the land zoning map was to convert the existing zones into zones under the Standard Instrument with zero or minimum variations. The area in subject has been zoned R5 Large Lot Residential, which is a conversion of the current zone 1(c) Rural Living.</p> <p>Any requests to rezone the land 'outside' of the standard conversion process should be subject to a separate planning proposal process.</p>	
1446	<p>Horticulture land use should be permissible with consent under the R5 Large Lot Residential zone.</p> <p>Group homes should be prohibited in the R5 zone</p> <p>Terranora sub-station should be zoned with an environmental protection zone.</p> <p>R1 General Residential zone within Area E should be changed to R2 Low Density Residential.</p> <p>Unstable map for Area E urban release should be amended to show a real extent of unstable land.</p>	<p>The R5 Large Lot Residential is a conversion of the 1(c) Rural Living zone of LEP 2000. While the land use of the R5 zone has been tailored to match the land use of the current zone, it needs to be acknowledged that the R5 zone is part of residential zones, while the previous one belonged to the rural zones. This change is reflected in the new land use table by restricted ability to use the land for farming purposes.</p> <p>The request to allow horticulture with consent is however supported, given the current zone and land use table, and minimum impacts of this land use.</p> <p>Terranora sub-station has been zoned in accordance with DP&I requirements to apply an adjoining zone for minor infrastructure sites.</p> <p>Zone R1 has been applied for land within Area E Urban Release Area in line with the methodology of converting the current zones into the Standard Instrument zones. According to this methodology, all undeveloped areas zoned 2(c) Urban Expansion have been zoned R1 General Residential.</p>	Amend the land use table for the R5 Large Lot Residential zone to permit horticulture with consent.
6	<p>Submission requests to permit development of Dual Occupancies and Secondary Dwellings in the RU5 Village Zone.</p> <p>Submission also seeks amendments to the land use table of the RU5 Village zone to allow for restaurants with consent.</p>	Dual occupancies, secondary dwellings and restaurants are already permitted (with consent) in the RU5 Village zone.	No amendment to the LEP.
1378	Submission seeks an alternative option to development of Lot 156 DP 628026 at	The methodology of the current process of converting the LEP 2000 into the Standard Instrument Template is based on a 'best fit'	The DLEP Land Zoning Map to be amended to zone road

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Sub No	Submission Summary	Planning Response	Recommendation
	<p>Hastings Point. The submission recommends that instead of approving this development, steps should be taken by State and Local Government to rezone the property and remediate the site to reduce the current flood hazard risk, given the site's unlawful history which caused this condition and the need to protect and improve the existing natural and built environment.</p> 	<p>conversion of the Land Zoning Map with zero or minimum variations (where no compatible zones were provided). Council is committed to prepare an LEP amendment with recommendations of the Hastings Point Locality Plan. The matter of identifying optimal zone for this site will be assessed at that stage.</p> <p>A mapping anomaly on the Land Zoning Map has been identified while analysing this submission. The road reserve adjacent to the subject site has been zoned 7(l) under the current LEP, but that zoning was changed to R1 General Residential under the draft. This change of the Land Zoning Map is not consistent with the methodology of zone conversion and should be corrected.</p>	<p>reserve adjacent to Lot 6 DP 1117326 with the E3 Environmental Management zone, consistently with the extent of the 7(l) zone over this reserve on the LEP 2000 Land Zoning Map</p>
3, 1451	<p>Submission requests additional public presentation of the draft Tweed LEP 2012 to be held for Tweed Heads residents. The submission also seeks amendments to the Height of Buildings Map in line with Obstacle Limitation Surface Map of the Gold Coast Airport Masterplan. Objection to reverting the Land Zoning Map from what was proposed in the draft Tweed LEP 2010 back to the LEP 2000</p>	<p>Additional public presentation for Tweed Heads was held on 16 January 2013.</p> <p>Consistency of any proposed development with the Obstacle Limitation Surface Map of the Gold Coast Airport Master Plan 2011 is being assessed under clause 7.4 <i>Airspace operations</i>.</p> <p>Please refer to Table 2 of this attachment for a detailed response to concerns regarding environmental protection.</p>	<p>No amendment to the LEP.</p>
1458	<p>Issues raised in the submission are limited to the Kingscliff area, although the submission also articulates strong expectation for the Koala Plan of Management and the Environmental Strategy. Submission seeks changes to the Land Zoning Map to zone all farmland areas bordered by the Tweed Coast Rd, Cudgen Ck, Cudgen Rd</p>	<p>Submission noted. The draft Tweed LEP 2012 has been prepared to convert the current LEP 2000 into the Standard Instrument Template, common for all councils in New South Wales.</p> <p>As provided in this Report, and in the Report of 25 October 2012, the methodology for preparing the land zoning map was to convert the existing zones into zones under the Standard Instrument with zero or minimum variations.</p>	<p>Amend the Biodiversity Map to reflect the bushland extent in the Seaside City area. Submission for referral to Kingscliff Locality Plan.</p>

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	<p>and where the Tweed Coast Rd joins Casuarina with the RU1 Primary Production zone.</p> <p>Height of buildings limit should be lowered from 13.6 m to 13 m and from 10 m to 9 m along Cudgen Creek.</p> <p>There is a lack of consistency on Biodiversity Map: seaward side of the Seaside City is not mapped as biodiversity.</p> <p>Submission expresses concern that Council may still be allowing some owners to build in known flood zones.</p>	<p>Any requests to rezone the land 'outside' of the standard conversion process should be subject to a separate planning proposal process.</p> <p>Council is committed to prepare a locality plan for Kingscliff. This task has been proposed for commencement in the next financial year.</p> <p>Areas to the east and west of seaside city have been overlooked.</p>	
1451	<p>Crown Reserve 59360 at Cobaki Broadwater should be zoned with an environmental protection zone.</p>	<p>The Land Zoning Map of the draft Tweed LEP 2012 is a conversion of the LEP 2000 Land Zoning Map. Any amendments to this map should be supported by an adopted Strategy or subject to a planning proposal stage.</p>	<p>No amendments to the LEP. For referral to Revised Environmental Strategy</p>
1421	<p>Site specific objection to the application of the R1 General Residential zone and relevant development controls for certain areas in Seabreeze estate. Enquiry about lack of minimum lot size controls for the R3 Medium Density Residential zone. Objection to proposed floor space ratio controls for Seabreeze areas zoned R1.</p> <p>Objection to proposed maximum height of buildings of 13.6 m proposed to Seabreeze estate areas zoned R1. Objection to Hob of 10 metres for public recreation areas RE1.</p> <p>Three levels of coastal risk should be incorporated into mapping on Coastal Risk Planning Map. All land identified on Biodiversity Overlay Map should be given adequate protection through the land zoning map.</p> <p>CSG should be listed as prohibited land use.</p>	<p>Comments noted.</p> <p>The Land Zoning Map of the draft Tweed LEP 2012 is a conversion of the LEP 2000 Land Zoning Map. The 2(c) Urban Expansion zone has been converted to corresponding R1 General Residential zone. Any request to change this zone should be subject to a planning proposal stage.</p> <p>Development controls such as floor space ratio, heights of buildings and lot sizes have been based on the Tweed DCP A1.</p> <p>There is no minimum lot size for land zoned R3 Medium Density Residential. This approach is in line with objectives of this zone, which are to provide a variety of housing types within a medium density residential environment. The Lot Size Map is not a compulsory component of the Standard Instrument LEP, and does not have to be applicable on the Shire-wide basis.</p> <p>The Coastal Risk Planning Map and the Coastal Risk Planning clause</p>	<p>No amendments to the LEP.</p>

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	<p>Other concerns and objections raised in this submission in relation to environment protection have been addressed and responded to in Table 2.</p>	<p>are based on a model local provision prepared by DP&I for implementation in LEPs. Councils have had a very limited ability to modify this clause and map.</p> <p>The Coastal Hazard DCP is scheduled for amendment which will result in an update to the Coastal Risk Planning Maps. The request to provide three levels of protection will be addressed as part of this review.</p> <p>Matters related with environmental protection have been addressed under Table 2 of this attachment.</p> <p>Permissibility of mining activities under the draft LEP needs to be considered in conjunction with the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries), referred to as "The Mining SEPP". The Mining SEPP provides that mining activities may be carried out on land where development for the purposes of agriculture or industry is permitted with or without development consent. According to the hierarchy of planning documents (environmental planning instruments, EPI) in New South Wales, local environmental plans must not be inconsistent with State EPI.</p> <p>The purpose of the Biodiversity Map is to provide additional consideration at the development assessment stage. Council is committed to undertake a Shire-wide review of environmental zones (through implementation of the Revised Environmental Strategy) which will result in appropriate environmental zones applied where necessary.</p>	
51	<p>Site specific objection to the land zoning map: Lot 5 DP 1178620 in Council ownership should be zoned E2.</p>	<p>The draft Tweed LEP 2012 has been prepared to convert the current LEP 2000 into the Standard Instrument Template, common for all councils in New South Wales. As provided in this Report, and in the Report of 25 October 2012, the methodology for preparing the land zoning map was to convert the existing zones into zones under the Standard Instrument with zero or minimum variations. Council is preparing a revised Environmental Strategy which provides recommendations to update the land zoning map (particularly rural and</p>	<p>For referral to the Revised Environmental Strategy.</p>
656	<p>Site specific objection to the land zoning map: Lot 5 DP 1178620 in Council ownership should be zoned E2.</p>		

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		environmental zones) in line with mapping developed under the Tweed Vegetation Management Strategy 2004. Council is committed to implement those recommendations, although this process is now delayed due to the review of environmental zones commenced by the Department of Planning & Infrastructure in October 2012.	
600	<p>Clause 5.9 8a(i) of the draft Tweed LEP 2012 should be amended to provide an expiry' of the exemption for Tree Preservation Order when a development consent exists.</p> <p>The draft Tweed LEP 2012 provides the same colour coding for E2 and E3 zones.</p> <p>Three levels of coastal risk should be incorporated into mapping on Coastal Risk Planning Map.</p> <p>Other concerns and objections raised in this submission in relation to environment protection have been addressed and responded to in Table 2.</p>	<p>Comments noted.</p> <p>The draft Tweed LEP 2012 Land Zoning Map has been prepared in accordance with the Standard Technical Requirements for LEP Maps. These requirements have been prepared by the DP&I and are standard for all councils in NSW. Councils do not have the ability to amend colours of zones on the Land Zoning Map.</p> <p>The current TPOs will be repealed upon gazettal of the Standard Instrument LEP and replaced by section of the DCP: <i>Trees And Vegetation Preservation Code</i>.</p> <p>The request to provide an 'expiry date' for clearing exemptions where development consent exists appears to be inconsistent with <i>Division 7 Post-consent provisions</i> of Part 4 of the EP&A Act, in particular with Section 95 Lapsing of consent.</p> <p>The Coastal Risk Planning Map and the Coastal Risk Planning clause are based on a model local provision prepared by DP&I for implementation in LEPs. Councils have had a very limited ability to modify this clause and map.</p> <p>The Coastal Hazard DCP is scheduled for amendment which will result in an update to the Coastal Risk Planning Maps. The request to provide three levels of protection will be addressed as part of this review.</p> <p>Matters related with environmental protection have been addressed under Table 2 of this attachment.</p>	<p>No amendment to the LEP. For referral to the Coastal Hazard DCP review.</p>
518	<p>Clause 5.9 8a(i) of the draft Tweed LEP 2012 should be amended to provide an "expiry date" of the exemption for Tree Preservation Order</p>	<p>The draft Tweed LEP 2012 Land Zoning Map has been prepared in accordance with the Standard Technical Requirements for LEP Maps. These requirements have been prepared by the DP&I and are</p>	<p>No amendment to the LEP. For referral to the Revised Environmental Strategy.</p>

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	<p>when a development consent exists. The draft Tweed LEP 2012 provides the same colour coding for E2 and E3 zones. Other concerns and objections raised in this submission in relation to environment protection have been addressed and responded to under Table 2 of Attachment 1 of the Report.</p>	<p>standard for all councils in NSW. Councils do not have the ability to amend colours of zones on the Land Zoning Map.</p> <p>The request to provide an 'expiry date' for clearing exemptions where development consent exists appears to be inconsistent with <i>Division 7 Post-consent provisions</i> of Part 4 of the EP&A Act, in particular with Section 95 Lapsing of consent.</p> <p>Matters related with environmental protection have been addressed under Table 2 of this attachment.</p>	
587	<p>Submission objects to the application of E3 and R1 zones on the Land Zoning Map for Lot 6 DP 1117326 and seeks amendments to apply the E2 zone for bushland on the site.</p>	<p>The draft Tweed LEP 2012 has been prepared to convert the current LEP 2000 into the Standard Instrument Template, common for all councils in New South Wales. As provided in this Report, and in the Report of 25 October 2012, the methodology for preparing the land zoning map was to convert the existing zones into zones under the Standard Instrument with zero or minimum variations.</p> <p>Council is preparing a revised Environmental Strategy which provides recommendations to update the land zoning map (particularly rural and environmental zones) in line with mapping developed under the Tweed Vegetation Management Strategy 2004. Council is committed to implement those recommendations, although this process is now delayed due to the review of environmental zones commenced by the Department of Planning & Infrastructure in October 2012.</p>	<p>No amendments to the LEP.</p>
2, 199	<p>Submission seeks to restore vehicular access to the property described as Lot 88 DP 755715, at Upper Crystal Creek</p>	<p>This matter is outside the scope of this planning process. Submission No 2 has been forwarded to Engineering & Operations Division for action.</p>	<p>No amendments to the LEP.</p>
196	<p>Landowner informed about his intention to lodge a planning proposal to facilitate development of a waste disposal facility.</p>	<p>Submission noted. Preliminary meeting to be arranged with the landowner to discuss options for proceeding with the planning proposal.</p>	<p>No amendments to the LEP.</p>
368	<p>Landowner informed about his intention to lodge a planning proposal to rezone the site at Chinderah Bay Drive to facilitate development of a marina.</p>	<p>Submission noted. Preliminary meeting to be arranged with the landowner to discuss options for proceeding with the planning proposal.</p>	<p>No amendments to the LEP.</p>
619	<p>The submission raised a few issues: The new LEP should not be based on the LEP 2000 but should include work and consultation involved to produce the LEP 2010. Public exhibition was not adequately</p>	<p>The current LEP has been prepared in response to NSW State Government request for all Councils to convert their LEPs into a single format under the Standard Instrument template. Council's methodology for this conversion has been based on two principles: conversion of the current zones with minimum variations and local</p>	<p>No amendments to the LEP.</p>

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	<p>advertised. The standard LEP template does not fit to Tweed. The Association requested to consider submission sent in relation to the Tweed LEP 2010 exhibition, when the following concerns were raised: Building heights in M'bah should be kept on reasonable levels to protect the local character, concern about buffers to National and State Parks which were lost in 2010 version of the Land Zoning Map, accuracy of the Bushland Map, request to maintain dual consent for vegetation clearing.</p>	<p>context based on adopted policies and strategies. Council is committed to undertake a Shire-wide update of the Land Zoning Map on the basis of the Revised Environmental Strategy. The Strategy has been prepared to link the Standard Instrument LEP with the Tweed Vegetation Management Strategy 2004. The implementation of the Revised Strategy has been delayed due to the review of environmental zones commenced by the Department of Planning & Infrastructure. The Strategy will be updated to correspond with the outcomes of the review and will be implemented through an LEP amendment process. The draft LEP exhibition was advertised in two editions of Tweed Link and on Council's website. Response to the 2010 submission: the draft Tweed LEP 2012 is implementing the Community Based Heritage Study which includes Murwillumbah CBD as a heritage conservation area with additional controls imposed to protect its character. The building height limits are maintaining the current standards defined under the LEP 2000. The Bushland Map (now Terrestrial Biodiversity Map) has been updated on the basis of the 2009 Aerial Photography. Request to maintain the dual Council approval for vegetation clearing in its current form, cannot be supported. Under the planning system, the native vegetation clearing is managed under the Native Vegetation Act. This Act provides certain exemptions to carry out clearing in rural areas. In these circumstances, the best method to protect areas with native vegetation is by applying an environmental zone. This is proposed to be implemented as a separate LEP amendments to be undertaken on the basis of the Koala Plan of Management (which is in a draft form) and the Revised Environmental Strategy (delayed due to ongoing review of the environmental zones in the Northern Rivers Region).</p>	
1467	<p>Objection to the process, in particular exhibition during the holiday season and lack of environmental details in the proposed planning documents, in particular the Revised Environmental Strategy. Request to rezone land with the E2 Environmental Conservation zone. Objection to allow extractive industries and</p>	<p>Matters related with the methodology behind the application of environmental zones, and options for further amendments to the LEP has been addressed under Section 3.4 of this Report. The draft Tweed LEP 2012 prohibits open cut mining and extractive industries in the residential zones R1, R2 and R3. Permissibility of mining activities under the draft LEP needs to be considered in conjunction with the State Environmental Planning Policy</p>	<p>No amendments to the LEP. Site-specific requests to amend the Land Zoning Map for referral to Revised Environmental Strategy.</p>

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	<p>open cut mining in the R1, R2 and R3 zones. Objection to any change to the existing building height and number of storey currently allowed.</p> <p>Request to delay the LEP until the Revised Environmental Strategy and Koala Plan of Management are finalised.</p> <p>Request to include National Trust classification of Fingal Head Coastal Conservation Area in Schedule 5 Environmental Heritage.</p> <p>Matters related with Significant Tree Register will be addressed under a separate report on DCP A16 Trees and Vegetation Preservation Code.</p>	<p>(Mining, Petroleum Production and Extractive Industries), referred to as "The Mining SEPP". The Mining SEPP provides that mining activities may be carried out on land where development for the purposes of agriculture or industry is permitted with or without development consent. According to the hierarchy of planning documents (environmental planning instruments, EPI) in New South Wales, local environmental plans must not be inconsistent with State EPI.</p> <p>The land use table of the draft Tweed LEP 2012 has been prepared as a conversion of the current LEP 2000. Open cut mining and extractive industries have been permitted land uses since the first LEP gazetted in 1987.</p> <p>The draft LEP 2012 does not change the maximum height of buildings. It provides maximum height in metres. Maximum heights have been determined on the basis of the current LEP 2000 Height of Building overlay, the Tweed Development Control Plan 2008 and standards and guidelines provided by the Department of Planning & Infrastructure.</p> <p>Site-specific requests to amend the Land Zoning Map of the draft Tweed LEP will be referred to the Revised Environmental Strategy for implementation through a separate planning proposal amendment.</p> <p>The request to nominate Fingal Head Coastal Conservation Area for listing under Environmental Heritage schedule will be discussed with the Office of Environment and Heritage NSW.</p>	
1384	<p>Objection to the approach towards environmental protection zones and vegetation clearing controls in the draft Tweed LEP 2012. Objection to the community consultation process and timing, Objection to extractive industries and open cut mining land uses permissible with consent under RU1, RU2 and RU3 zones.</p> <p>Number of site-specific recommendations to increase the application of environmental zones. Request to include National Trust classification of Fingal Head Coastal</p>	<p>Matters related with the methodology behind the application of environmental zones, and options for further amendments to the LEP has been addressed under Section 3.4 of this Report.</p> <p>Permissibility of mining activities under the draft LEP needs to be considered in conjunction with the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries), referred to as "The Mining SEPP". The Mining SEPP provides that mining activities may be carried out on land where development for the purposes of agriculture or industry is permitted with or without development consent. According to the hierarchy of planning documents (environmental planning instruments, EPI) in New</p>	<p>No amendments to the LEP. Site-specific requests to amend the Land Zoning Map for referral to Revised Environmental Strategy.</p>

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	<p>Conservation Area in Schedule 5 Environmental Heritage.</p> <p>Matters related with Significant Tree Register will be addressed under a separate report on DCP A16 Trees and Vegetation Preservation Code.</p>	<p>South Wales, local environmental plans must not be inconsistent with State EPI.</p> <p>The land use table of the draft Tweed LEP 2012 has been prepared as a conversion of the current LEP 2000. Open cut mining and extractive industries have been permitted land uses since the first LEP gazetted in 1987.</p> <p>The draft LEP 2012 does not change the maximum height of buildings. It provides maximum height in metres. Maximum heights have been determined on the basis of the current LEP 2000 Height of Building overlay, the Tweed Development Control Plan 2008 and standards and guidelines provided by the Department of Planning & Infrastructure.</p> <p>Site-specific requests to amend the Land Zoning Map of the draft Tweed LEP will be referred to the Revised Environmental Strategy for implementation through a separate planning proposal amendment.</p> <p>The request to nominate Fingal Head Coastal Conservation Area for listing under Environmental Heritage schedule will be discussed with the Office of Environment and Heritage NSW.</p>	

Table 5

Submissions made in relation to the heritage register or heritage controls

Sub No	Submission Summary	Planning Response	Recommendation
650	<p>Outlines the aims, objectives and role of the TBLALC. Reinforce their role as both advocating for the community on Aboriginal and heritage matters and as a land owner. Anticipates that engagement on community projects, such as affordable housing strategies and strengthening of Aboriginal cultural heritage will continue beyond the scope of the LEP submission.</p> <p>Support the use of greater spatial information for development controls, such as floor space</p>	<p>The role, aims and objectives of the Tweed Byron Local Aboriginal Land Council (TBLALC) are noted.</p> <p>Council commenced the preparation of an Aboriginal Cultural Heritage Management Plan (ACHMP) in January 2012. This plan is guided by the Memorandum of Understanding signed by the members of the Aboriginal Advisory Committee, TSC and our consultants, Converge Heritage + Community. The MOU outline the roles and responsibilities of the parties and the manner information may be shared or used. The ACHMP project is a major step forward in developing an ongoing</p>	No amendment to the DLEP.

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	<p>ratio, building height. Support the linkages between the existing Tree Preservation order and the vegetation management responsibilities such as hazard management.</p> <p><u>Zoning and development control</u> TBLALC undertakes land management for 26 properties in the TSC. The zonings reflect the uses and are not changing. Requests that TBLALC be notified of zonings upon gazettal of the LEP.</p> <p>Community concern about having to lodge a development application to undertake “weed” removal as it is considered “forestry” as this may impact on land management, rehabilitation and revegetation. Suggests that further consultation with Office of Environment and Heritage be undertaken to address appropriate wording to meet the multiple vegetation management objectives of indigenous communities.</p> <p><u>Ecological and landscape planning</u> Much of the known high value archaeological sites are associated with estuarine and beach areas. Requests that future consultation in relation to climate change and impacts of proposed development assessment controls omitted from the LEP and adjacent lands that may be subject to high hazard for coastal erosion, include consideration of planning protection and management options for such heritage sites on a locality and cultural landscape basis. TBLALC coastal holdings may be subject to climate change / erosion processes. Need to manage multiple hazards. There is some</p>	<p>engagement with the Aboriginal community on planning matters.</p> <p>Comments regarding the zoning and development controls are noted.</p> <p>Land that is the subject of “forestry activities” as defined in the LEP will continue to operate and relate to such things as logging and harvesting of timber. Weed removal should not be captured by the “forestry” definition. Weed removal is more suitably considered as “environmental protection works”, which is permitted without consent in most zones.</p> <p>Comments in relation to the Coastal Risk Planning map are noted. With regards to the inconsistencies between the Clause 7.16 and associated mapping between TSC and Byron Council, and in the absence of State lead policy, each Council is at different stages in their coastal planning and subject to the decisions of their respective Council’s in how coastal risk is managed. Clause 7.16 is based on the DP&I model clause for coastal risk planning and the mapping is based on the adopted coastal hazard area identified in the DCP B25 Coastal Hazard Guidelines. Given that Council has adopted the Coastal Hazard DCP (currently under review) and the management strategy for such land, it is appropriate that this be included in the DLEP.</p>	

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	<p>concern regarding inconsistency of the Coastal Risk clause 7.16 and maps with adjoining Byron Lands, where some areas have been deferred. Suggest consistency be sought and that some areas may need to be omitted from the LEP until this can be demonstrated across LGAs.</p> <p><u>Heritage Protection</u> Suggested that a cultural landscapes mapping is a desirable project. TBLALC acknowledges the project underway as it facilitates awareness and sensitivity towards Aboriginal heritage. Consultation with the TBLALC will permit input into the design of these projects, which meet multiple agency objectives within the context of the importance of these projects.</p>		
1257	<p>Request that the property at 238 Tumbulgum Road, Tygalgah NOT be listed on the State heritage register.</p> <p>Land acquired in 1880s and dwelling built in 1921. The same family have resided here since then.</p> <p>Concerned about the public interest that could be generated by heritage listing and implications for the family, such as requests to visit, taking of photographs, information about the property for public dissemination and promotion as part of heritage tourism.</p> <p>Residence has been extensively renovated and modified since 1960s, both internally and externally and considers heritage significance has diminished.</p> <p>Notes that the listing refers to three parcels;</p>	<p>Submission is a copy of previously submitted in 2007 to the original community based heritage study. Whilst all heritage items, once gazetted, appear on the State Heritage Inventory (SHI), the property is proposed to be listed as a local heritage item not a State item, therefore with less restriction than state listing.</p> <p>Concern regarding the public interest and potential implications of photography, heritage tourism and publicity of information are noted.</p> <p>Heritage listing of a property does not imply or result in any loss of privacy. As with any privately owned property, heritage listing does not allow the general public to visit your property, nor are you required to make your property accessible to the public. A site card is maintained on the heritage database which is used as the summary of the property history and significance details.</p> <p>Similarly heritage listing is not limited to exemplary examples of architecture or condition. Heritage registers aim to select a broad range of examples for inclusion on the heritage register and also aim to include a sample of buildings representing all eras, styles and</p>	<p>The property to remain on Schedule 5 – Environmental Heritage as a heritage item. No amendment to the DLEP.</p>

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	<p>Lot 1 DP 308105 contains the house; Lot 1 DP 117073 and Lot 2 DP 557660 are both farmland, mostly under cane. These two lots should not be listed regardless of whether the dwelling is listed or not.</p>	<p>materials. Those selected are not necessarily the 'best' or 'grandest' examples, but represent well a type of building characteristic to an area at a certain time or local association.</p> <p>The current best practice with regards heritage listing is to allow an item to be adaptively reused and renovated, subject to heritage assessment of the suitability of the development and impact on the significant fabric.</p> <p>The Community Based Heritage Study (CBHS) and inventory site card identifies significance based on associated significance with the family, pioneering history and demonstrating aesthetic characteristics of a c.1890's brick federation home. The site card assessment does list all three lots.</p> <p>Whilst the dwelling is on Lot 1 DP 308105, the other lots contain associated outbuildings significant to the family's settlement.</p> <p>Heritage listing will not hinder the continued framing of the property; however, it does recognise the historic significance of the family's settlement and the brick federation dwelling. Council has previously considered the listing of this property in 2007 and in 2012 and has consistently resolved to proceed with listing as a heritage item.</p>	
1413	<p>TSC have deliberately exhibited a false draft LEP and misused public funds.</p> <p>Reiterated previous submission:</p> <p>Disputes the "official" Tweed history and the term Bundjalung.</p> <p>Disputes being acknowledged as a contributor to the Community Based Heritage Study.</p> <p>The name Wollumbin is stolen and is a false name for Mount Warning.</p>	<p>Comments with regard to process are noted.</p> <p>The documented history issues raised in this submission are outside the scope of the DLEP 2012.</p> <p>Council resolved the list of heritage items and areas for inclusion in the DLEP in August 2012. This resolution is the basis of the inclusion of these items and areas.</p>	No amendment to the DLEP.

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188	<p>Initial submission on behalf of the Tyalgum Community Hall Association Inc (8/01/13). Aware that Council has endorsed the Community Based Heritage Study and this is incorporated into the DLEP 2012. Original position is that the Association has no objection, based on discussion at the meeting of 8 February 2012. It was suggested that the Tyalgum Hall may be suitable for State listing and TSC may facilitate this process. It was assumed this would include much need financial assistance.</p> <p>Now consider that there is no such funding forthcoming and the Association will be required to fund a Statement of Heritage Impact (SOHI). There is no precedence for reimbursement of SOHI costs. Told that works will require a DA and SOHI. Association finds the list to have excessive impacts on their financial situation to maintain the hall. The Heritage Act authorises Council to make an Interim Heritage Order where there is likely to be harm, but it is considered that the hall is not likely to be "harmed". Request that the Tyalgum Community Hall be withdrawn as a heritage item on the DLEP 2012.</p>	<p>A meeting was held with the interested parties at Tyalgum on 6 February 2013 in order to address the community's concerns. This was followed up with a detailed letter dated 12 February 2013 and acceptance of late submissions.</p> <p>In summary, a small heritage assistance fund will become available subject to a successful Office of Environment and Heritage grant application and setup of the fund and Heritage advisor. Typically the LHAF is administered by the Heritage Advisor as follows:</p> <ul style="list-style-type: none"> • Grants are approved PRIOR to works commencing NOT upon completion; • Applications are called for annually and are supported by a number of quotes; • Grants are towards works to improve the state and repair of heritage items NOT towards alterations, extensions and the like or the preparation of statements of heritage impact; • Grants typically range between several hundred dollars to a couple thousand, depending on the nature and scale of the works, the significance of the item and the number of applications received that year. <p>An interim heritage order is emergency legislation specifically to protect items, which have not been assessed for significance or listed as an item, from imminent threat. This is not applicable in this context as the items/areas have been assessed and the subject of Council resolution to be listed.</p>	<p>The LEP Schedule 5 and mapping layer is amended to correct the listing for item 2520497, the Willis Residence, to be accurately identified as 5 Coodgie Street, Tyalgum.</p>
203	<p>On behalf of the Tyalgum District Community Association Inc. States that it is clear that public consultation about aspects of the LEP have not been adequate. Comments on Council undertaking additional public meeting on 17 January, the day before the submissions are due. Feels the information session at Tyalgum in February 2012 is outdated, requests Council staff attend a</p>	<p>With regards item 2520497 the Willis Residence, it has been confirmed that the site card description and photographs are of 5 Coodgie Street and the item has been incorrectly labelled as 7 Coodgie Street. Information on the proposed heritage listing was forwarded to the owners of 5 Coodgie Street advising of the error, followed with a meeting to raise their awareness and discuss the implications of correctly identifying the Willis Residence as 5 Coodgie Street.</p> <p>The owners advise that given they have not been aware of the heritage listing of this property, they object at this time. Given the address has</p>	

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591	<p>meeting at Tyalgum to clarify the LEP matters, and seeks an extension of the submission period.</p> <p>First preliminary submission on behalf of the Tyalgum District Community Association Inc. (TDCA) (18/01/13).</p> <p>Has not adopted a formal position on the LEP on the grounds that they have not yet received sufficient information.</p> <p>Concerns raised included: Item 1107 appears to be misidentified as they suggest this should be 5 NOT 7 Coodgee Street.</p> <p>Query as to why the Tyalgum hotel has been removed from the heritage list: on what grounds; if other owners advise they do not want to be listed is this sufficient; what is the process to have the listing removed.</p> <p>Query what document sets out the criteria/specifications for listing. Query does heritage listing apply to all "structures".</p> <p>Query when is a Statement of Heritage Impact (SOHI) required. Considers there is the chance that an officer will refuse maintenance or restoration works and that this may be an abuse of process. Considers there is the potential for a conflict of interest when a heritage person is the Council Heritage Adviser and also doing heritage work in the LGA. Concerned there is no mechanism for appeal.</p> <p>Query what is the process for determining</p>	<p>been listed incorrectly, consultation on the listing of this property has not been adequate and it is recommended that this item be removed from the heritage list, subject to assessment, review and consultation on the correct property in a subsequent heritage study.</p> <p>The Tyalgum hotel was removed from the heritage list by Council in 2007 and therefore was not included in the 2010-2012 review of the Community Based Heritage Study and subsequent adoption by Council. Explanation of the listing process was provided in the letter to the TDCA.</p> <p>All development must be consistent with the requirements of the applicable LEP. With specific regard to heritage items there are two distinct issues being asked: when is development consent required; and when is a Statement of Heritage Impact (SOHI) required?</p> <p>Development consent is required under the provisions Clause 5.10 (2) of the DLEP, which outlines what development requires consent. With regard to a heritage item, heritage significance applies to the identified site unless specifically defined. Where development consent is required the consent authority is required to take into consideration the effect of the proposed development on the heritage significance before granting consent through Clause 5.10 (4) of the DLEP 2012 (and also required by Clause 42(3) of the current LEP 2000) . This consideration of the impact on heritage is a SOHI, and therefore is required for all development requiring development consent.</p> <p>Notwithstanding DLEP Clause 5.10 (2), Clause 5.10 (3) also makes provision for minor or maintenance works, which do not require development consent and therefore do not require a SOHI. "Maintenance" is defined in the DLEP 2012. This process is outlined in the <i>"Guide for Heritage Owners"</i>, which is a support document to assist in understanding the requirements of heritage owners.</p> <p>In addition some works may be undertaken under the Exempt and Complying Code SEPP.</p>	

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	<p>when consent is not required.</p> <p>Query will Council provide a template describing the character of Tyalgum so that owners can renovate without the need for a SOHI.</p> <p>LEP 5.10 (4) seems to allow Council to make decisions in the absence of a Management Plan and this seems procedurally unfair.</p> <p>Seek clarity about when a DA and a SOHI is required. It is imperative to clearly set out the criteria in the LEP. LEP 5.10(5) says Council may require a SOHI. The guidelines says a SOHI is required.</p> <p>Definitions about what can be done in relation to maintenance and restoration should be the same in the LEP and guideline.</p> <p>Query does the LEP allow for safety to override heritage matters.</p> <p>With regard to the Tyalgum Conservation Area it is agreed that support should be provided through incentives for restoration. However, Council lacks funds to assist with restoration and Council should be sympathetic towards owners carrying out their restoration works.</p>	<p>The requirements for a DA and a SOHI are legislated by the prevailing LEP. Council is not “forcing” these requirements, rather heritage management is about complying with relevant legislative requirements, in order to determine where there is the potential for impact and finding ways to manage that impact. Similarly, where a SOHI is required under the LEP, development applications will be required to include a SOHI. This is not an abuse of the process, as suggested in the submission; rather it represents Council adhering to the required legislation.</p> <p>A Heritage Advisor cannot play a dual role of reviewing development applications / SOHIs and preparing these for Council as suggested. The guideline “<i>How to Establish a Heritage Advisor</i>” places clear restrictions on other paid work due to potential conflict of interest. While employed as an advisor this person or other persons or firms with which they have a formal and/or financial association, may not undertake other paid work in the local government area.</p> <p>A “Heritage Conservation Management Plan (CMP)” is called up by the heritage provisions of the LEP (draft 2012 under the template) clause 5.10 (6) – whereby Council MAY require a CMP before granting consent.</p> <p>This is generally used for very intact or significant items (exceptional, high type levels of significance) such as the court house complex, station complex etc or where significant alterations or additions may be proposed. The NSW Heritage Office “<i>Statements of Heritage Impact</i>” guideline also provides guidance on when a CMP would be required.</p> <p>It is noted that there is no legal requirement for Council to prepare a CMP for every item or area. This is a requirement of an owner/development when proposing works that call up the need for a CMP.</p> <p>Under the draft LEP 2012 granting of development must consider the effect of the proposed development on the significance of the heritage item or area, through a SOHI (unless Exempt development or under</p>	

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		<p>clause 5.10 (3)). However, granting of development consent does not routinely require the preparation of a more detailed CMP for all development, only development called up by way of Clause 5.10 (6), as this is a much more thorough and detailed plan than a SOHI.</p> <p>Council has previously resolved to prepare a Heritage DCP to support the CBHS, which is programmed for the 2013-14 year. The Heritage DCP will provide the development guidelines for heritage items and conservation areas as well as outlining the significance of the conservation areas to guide appropriate development within these areas.</p> <p>Safety and security may be considered as “minor or maintenance”. Similarly some works may, subject to meeting development standards, be permitted under the housing (and commercial/industrial) Code SEPP.</p> <p>Notwithstanding, access ramps, fire escapes etc still need to be designed sensitively to address the significance of the item/area. It is always best to seek advice from Council first.</p> <p>Council resolved in December 2012 to adopt the management recommendations for appointment of a Heritage Advisor and commencement of a local heritage assistance fund (LHAF) and to seek grant funding for this.</p> <p>Typically the LHAF is administered by the Heritage Advisor as follows:</p> <ul style="list-style-type: none"> • Grants are approved PRIOR to works commencing NOT upon completion; • Applications are called for annually and are supported by a number of quotes; • Grants are towards works to improve the state and repair of heritage items NOT towards alterations, extensions and the like or the preparation of statements of heritage impact; • Grants typically range between several hundred dollars to a couple thousand, depending on the nature and scale of the works, the significance of the item and the number of applications 	

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		<p>received that year.</p> <p>At this stage the timeframe for commencement is unknown and dependent upon Local Government Heritage Grants opening, anticipated soon. Typically grants commence at the start of the financial year.</p> <p>Council has previously resolved to include the Tyalgum village as a conservation area, supported by the assessment in the CBHS. The assessment finds that the Tyalgum Conservation Area meets assessment criteria a) Historic, d) Aesthetic and g) Representativeness leading to it's listing within the LEP.</p> <p>The community have expressed both concern about what is perceived as inappropriate development occurring within Tyalgum and concern about the higher restrictions and possible costs placed on residents as a result of the conservation area. Notwithstanding a heritage conservation area affords the best mechanism for retaining the village character of Tyalgum.</p>	
493	<p>RE: Flutterbies Cottage Café 23-25 Coolman Street Tyalgum with the support of the owner. Consider there has been insufficient information presented on the financial implications of upkeep. Consider the consultation process has not given ratepayers adequate notice of the proposals and the timetable.</p> <p>Understands written notice was sent out to property owners on 7 December 2011, however cannot recall receiving this. Learnt that there is a closing date for submission of 18 January and expecting that this would be picked up from public notices is procedurally unfair. Acknowledge the effort that Council has made with public meetings so far but feel they have not been provided with sufficient information.</p> <p>To call a meeting one day before closing of submission does not provide sufficient time to</p>	<p>The owners of 23-25 Coolman Street, Tyalgum were provided direct mail notification, including the <i>Heritage Fact Sheet</i> and "<i>Guide for Heritage Owners</i>" during the public exhibition of the CBHS in December 2011.</p> <p>The submitter also attended the meeting with the interested parties at Tyalgum on 6 February 2013 and received follow up correspondence on the queries raised and acceptance of late submissions.</p> <p>As noted above Council has resolved to adopt the management recommendations for appointment of a Heritage Advisor and commencement of a local heritage assistance fund (LHAF) and to seek grant funding for this. This will provide a small fund to assist owners with the maintenance and repair of heritage items. Whilst this will not cover the cost of a Statement of Heritage Impact (SOHI) interested Tyalgum residents (attending the meeting) have been provided with information to clarify when a DA and when a SOHI will be required and how this may be done</p> <p>Council has previously resolved to include 23-25 Coolman Street as a</p>	23-25 Coolman Street remains in Schedule 5 – Environmental Heritage as a heritage item.

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	<p>understand the issues and provide a written response.</p> <p>Information suggest there will not be significant financial implications and that grant aid will be available, however, there will be extra consultant costs even before taking into account using traditional materials etc to meet heritage requirements.</p> <p>For these reasons oppose the heritage proposal and do not want our buildings listed.</p>	<p>heritage item, supported by the assessment in the CBHS.</p>	
1459	<p>Re: Bungalora</p> <p>Object to the listing of the property. Copy of previous submission to the Community Based Heritage Study provided.</p> <p>The previous review of the listing has not addressed their objection to the legislated process or the asserted connection to Caleb Marks. There is limited historical reference to Caleb Marks. Bungalora is not accessible to the public and cannot be seen from the public roads. The dwelling has been significantly altered over time and is not at risk of development or deterioration.</p> <p>Object to the listing based on no benefit to the owners. There will be limited resources and grant funding with homeowners left to bear the burden of additional costs. Insurance providers will no longer insure once the property is heritage listed. Consider there are sufficient planning regulations to ensure the property is protected from unsympathetic development.</p> <p>Request Bungalora not be listed on the heritage schedule.</p>	<p>Heritage registers aim to select a broad range of private residences for inclusion on the heritage register – from grand homesteads through to workers cottages, and also aim to include a sample of buildings representing all eras, styles and materials. Those selected are not necessarily the ‘best’ or ‘grandest’ examples, but represent well a type of building characteristic to an area at a certain time”.</p> <p>The CBHS report finds that “Bungalora” “fulfils this function as a representative example of a late nineteenth century timber farmhouse whose location on the crest of a hill and detailing demonstrate the social importance of its original owners and historic connections.</p> <p>The assessment finds that “Bungalora” meets assessment criteria b) Associative, d) Aesthetic and g) Representativeness and Council has previously resolved to include “Bungalora” as a heritage item, supported by the assessment in the CBHS.</p> <p>With regards home insurance, the Heritage Branch provides guidelines and advice as to insurers who do not discriminate against heritage listing and provide insurance at a competitive rate.</p> <p>As noted above Council has resolved to adopt the management recommendations for appointment of a Heritage Advisor and commencement of a local heritage assistance fund (LHAF) and to seek grant funding for this. This will provide a small fund to assist owners with the maintenance and repair of heritage items</p>	<p>“Bungalora” at 858 Terranora Road, Terranora remains in Schedule 5 – Environmental Heritage as a heritage item.</p>

Table Six

Submissions made by Government Agencies

Sub No	Registration	Name	Address	Suburb	Submission Summary	Planning Response	Recommendation
1508	63980478	NSW Department of Trade & Investment, Resources & Energy Division	PO Box 344 Hunter Region Mail Centre NSW 2310	Newcastle	<p>The Minerals Resource Branch (MRB) submission reiterates that maintaining a supply of sand and coarse aggregate is imperative to the increasing demand for construction materials and declining resource base is a major concern in the Tweed. A minerals resource audit (MRA) has been undertaken. The MRB raises concern that the E3 zone prohibits open cut mining and extractive industries by omission and expansion of the E3 zone is a concern for the MRB. In addition the E3 zones do not permit agriculture or industry and therefore open cut mining is prohibited under the Mining SEPP. Some examples of this impact are the quarry site at McAuleys Road (F Raye) and significant identified resource area included in the Mineral Resource Audit 2011: Bilambil Potential Resource Area and Round Mountain Deposit.</p> <p>MRB raised concern that in certain areas the land zoning map is incompatible with the adjacent resource areas identified in the MRA "transition area". These areas identify where proposed developments and land uses changes may impact on mineral and extractive operation or resources. The MRB identifies issues with: McAuleys Road – F Raye; Tweed Quarry – Holcim Pty Ltd; Round Mt Depot; Duroby – Tweed Shire Council; and Cudgen Lakes – Gales Projects Pty Ltd. Brims Quarry and Wardrop Valley Quarry are located within IN1 and the "transition area" transects section of SP2 (infrastructure – Airport)</p> <p>The submission requests that the Dodds Island and Chinderah (Action Sands Pty Ltd) sand dredging operations areas should be zoned W3 not W as extractive industries are prohibited in the W2 zone. Both sites are included in the 2004 Section 117 Ministerial Directions advice as identified resources (with an associated buffer).</p> <p>The Uki Quarry (Hardings Earth moving Pty Ltd) is located in the R5 zone and the transition area transects R5, RU2, RE1, SP2 and W1 zones. MRB has concerns regarding further subdivision and development in proximity to the quarry.</p>	<p>Boundaries of environmental zones as exhibited are a direct translation of the LEP 2000 environmental zones, there has been no expansion of environmental zone boundaries.</p> <p>Currently operating approved activities would continue to operate under existing use rights; however, for land identified to contain potential mineral resources, should extraction of resources be proposed and the zone is inappropriate, a planning proposal to rezone would be required. Such rezoning would include matters relating to buffers and the transition areas discussed in the submission.</p> <p>With respect to the Dodds Island and Chinderah (Action Sands Pty Ltd) sand dredging operations, it is acknowledged that the proposed re-zoning will present some future limitations at the subject site. However, it is also noted that a lawful development consent to extract sand at the subject location is current. Provided that a valid development consent is maintained, the ongoing extraction of sand at this location would be lawful.</p> <p>With respect to transition areas and potential of development in proximity to quarries; it is not the role of this planning process to implement new buffer areas between potentially incompatible landuses. Future subdivision proposals for adjoining land will be notified to all neighbours, at which time opportunity will exist for such concerns to be raised.</p>	That the author of the submission be advised that a response to issues raised in their submission will be available in the report to Council.
17	60552377	QLD Department of Transport and Main Roads Dep. of Property Acquisitions	GPO Box 1412	Brisbane Queensland 4001	Owner of the land adjoining the Tugun Bypass. Objection to translating Lots 103 and 105 on DP 1127593 from 1(a) Rural to RU2 Rural Landscape. Request to zone these properties as IN1 General Industrial.	<p>The proposed RU2 Rural Landscape zone is a direct translation of the current 1(a) Rural zone and as such, the request for an alternative zone is outside the scope of this planning process and requires a separate rezoning process.</p> <p>Any rezoning outside the methodology applied for</p>	That the author of the submission be advised that a response to issues raised in their submission will be available in the report to Council.

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		and Disposals				LEP conversion should be subject to a separate planning proposal.	
31	61381406	NSW Department of Primary Industries, Office of Water	PO Box 550	Tamworth NSW 2340	<p>Office has no comment on the Draft DCP Trees and Vegetation Preservation Code.</p> <p>Supports the protection of key water features through separate zoning, additional local provisions and related overlay maps (clauses 7.1, 7.6, 7.9, 7.11 and 7.14), however has some concerns regarding uses permitted with consent in environmental zones.</p> <p>Recommends mapping watercourses and riparian lands as separate zones (E and W).</p> <p>Concern about impact of the following land uses in the E2 zone: business identification signs, home businesses, home based child care and roads. Refers to Practice Note 09-002.</p> <p>Requests additional clause should be included to protect identified coastal sand aquifers from contamination and saline intrusion for vulnerable groundwater sources.</p> <p>Requests an additional clause and overlay should be included for Coastal Wetlands.</p>	<p>The draft Tweed LEP 2012 has been prepared in response to the NSW Government requirement for all councils to review their LEPs and implement a common template referred to as "The Standard Instrument" (SI), part of a wider, ongoing reform of the NSW planning system. The methodology for implementing this requirement has been based on translation of the current LEP with limited changes and addition of local context based on adopted policies and strategies.</p> <p>Following exhibition of the LEP in 2010, amendments to the recommendations of the Tweed Vegetation Management Strategy (TVMS), and a new approach to the Land Zoning Map with the E3 Environmental Management zone resulted in a "Revised Environmental Strategy" being developed to link the TVMS 2004 and the Standard Instrument LEP. This document has not been publicly exhibited.</p> <p>Due to ongoing pressure from State Government to finalise the SI implementation process, Council decided to place the draft Tweed LEP 2012 on public exhibition with the intention to implement certain recommendations of the TVMS and to implement the remainder through a separate LEP amendment process (subject to separate public consultations).</p> <p>The following recommendations of the TVMS are recommended for implementation through a separate LEP amendment process:</p> <ul style="list-style-type: none"> • A refined E2 Environmental Conservation zone focussing mostly on the Tweed Coast, public lands and areas already protected. • A new but flexible E3 Environmental Management zone, • Revised Waterways zones which more closely reflect existing waterway character and uses. • A new riparian land overlay map and revised clause, • A revised approach to tree preservation. <p>Matters raised in this submission will be referred to Council's Natural Resource Management Unit for consideration during the review of the TVMS as discussed above.</p> <p>Coastal Wetlands are currently protected SEPP 14 Coastal Wetlands, and SEPP 71 Coastal Protection.</p> <p>Coastal aquifers are in part protected under separate the <i>Water Management Act 2000</i>, and <i>Water Act 1912</i> and the NSW Groundwater Protection Policy 1998, through agencies such as</p>	<p>That the author of the submission be advised that a response to issues raised in their submission will be available in the report to Council.</p> <p>That this submission be referred to the Coordinator Natural Resource Management Unit for further action pending completion of the revised Vegetation Management Strategy and Department of Planning and Infrastructure review of environmental zones in the Far North Coast.</p> <p>That this submission be referred to the Coordinator Planning Reform Unit for further action in relation to groundwater protection.</p>

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						the Office of Water under the Office of Environment and Heritage. Council and the Environment Protection Authority are also involved, through the <i>Protection of the Environment Operations Act 1997</i> . Notwithstanding this, the opportunity exists for Council to undertake more detailed investigations into protection of vulnerable groundwater systems through the landuse planning process.	
998	62906229	NSW Rural Fire Service	PO Box 203	Urunga NSW 2455	<p>Where Council zones land for development (rural, residential, commercial or industrial), vegetation management including clearing may be required to enable compliance with the requirements of Planning for Bush Fire Protection 2006 and any other RFS bush fire planning standards.</p> <p>Other comments provided by NSW Rural Fire Service were not directly related to the provisions of the draft Tweed LEP 2012. Comments focused on development application and planning proposal procedures:</p> <ol style="list-style-type: none"> 1. All future planning proposals on land mapped bush fire prone will need to demonstrate compliance with Planning for Bush Fire Protection 2006 and any additional RFS documents. 2. All future development applications will need to satisfy the requirements of Planning for Bush Fire Protection 2006. 3. Australian Standard AS 3959-2009 Construction of buildings in bushfire-prone areas includes grasslands as a hazardous vegetation category. 4. There is a lack of correspondence between AS 3959-2009 and Planning for Bushfire Protection in relation to provisions for asset protection zones. 	<p>The comments provided are noted and while not directly related to the current LEP process are relevant to the day-to-day operations of Council's development assessment Unit, and as such, these comments will be forwarded to that Unit for their consideration and implementation as appropriate.</p>	<p>That the author of the submission be advised that a response to issues raised in their submission will be available in the report to Council.</p> <p>That this submission be referred to the Coordinator Development Assessment Unit for further action as required.</p>
1454	63283184	NSW Land & Housing Corporation	Locked Bag 4001	Ashfield BC 1800	<p>Submission represents the interests of both NSW Land and Housing Corporation (LAHC) and Housing NSW.</p> <p>Social housing assets on land between Cunningham Street, Lloyd Street, Sullivan Street and Oxley Street, Tweed Heads South be zoned R3 Medium Density Residential rather than the proposed R2. Requests that the building height be increased to 13.6m and the minimum lot size removed, consistent with other R3 zones.</p>	<p>The area is current zoned 2(a) Low Density Residential, and consistent with the methodology for preparation of the Draft LEP, has been translated to the corresponding R2 Low Density Residential. Rezoning of land is outside the scope of the Draft LEP process and is more appropriately undertaken as a planning proposal under the requirements of the EP&A Act, whereby all potential impacts may be considered and appropriate community consultation undertaken.</p>	No amendments to the DLEP.
1418	63284282	NSW Trade & Investments Crowns Land	PO Box 272	Grafton NSW 2460	<p>Crown Land seeks to maintain 'open zones' that facilitate multiple-use of Crown land and favour adaptable merit-based development proposals. Notes that there are some constraints to permitted uses in the RE1 zone, as below:</p> <ol style="list-style-type: none"> 1. Tourist and visitor accommodation, function centre and dwelling houses should be included as permissible with consent in the RE1 zone at venues such as showgrounds and sporting grounds. 2. E2 zone for Crown Lands is not supported unless justified by an appropriate environmental 	<p>Practice Note PN 09-006 <i>Providing for tourism in Standard Instrument local environmental plans</i> recommends camping ground, caravan park and eco-tourism provides guidance on the provision of tourism opportunities in principle LEPs; the uses as listed in this submission are consistent with the mandatory zone objectives and mandatory zone uses.</p> <p>However, with respect to matters raised relating to environmental zones, until such time as the revised Vegetation Management Strategy, and the</p>	<p>That the author of the submission be advised that a response to issues raised in their submission will be available in the report to Council.</p> <p>That this submission be referred to the Coordinator Natural Resource Management Unit for further action pending completion of the revised Vegetation Management Strategy and Department of Planning and Infrastructure review of environmental zones in the Far North Coast.</p> <p>That reserves at Lot 7023 DP 1054058 and Lot</p>

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					<p>study. Extensive application of E2 is not appropriate where recreation is the predominant purpose. Suggests instead E3.</p> <ol style="list-style-type: none"> 3. Zoning of Lots 222 and 223 on DP 877868 (Burringbar Recreation Reserve) should allow 'registered clubs' with consent as the Burringbar District Sports Club is the current use. 4. Reserve at Byangum Bridge, Lot 4 DP 1060253, should be rezoned from RU1 to RE1. 5. Lots 466 and 467 DP 755701 at Cabarita Gardens should be zoned RE1 not RE2. 6. E2 zone over various sections of beach and coastline is not supported. 7. W1 zone along the foreshore inside Foysters Wharf is not supported. W3 is a more appropriate zone. 8. Reserves for public recreation at Kungar should be rezoned RE1: Lot 7005 DP 1045349, Lots 1 & 2 Section 5 DP 758588, Lots 2-5 Section 9 DP 758588 9. Reserves at Limpinwood should be zoned RE1 not part RU1 and RU2: Lot 7004 DP 1053480, Lot 7006 DP 1053479, 10. Reserves at Piggabeen should be zoned RE1 not RU1: Lot 398 DP 755740, Lot 204 DP 755740, 11. Reserves at Pottsville are proposed to be zoned part E2 and Part R3 – the land is currently 2(c) and should be zoned R3: Lot 7338 DP 1159863 and Lot 347 DP 755701 12. Reserves at Uki zoned RU5 should be RE1: Lot 203 DP 755730 and Lot 5 DP 1024230 13. Reserves at Tweed Heads for dock site should be zoned RE1 not RE2: Lot 7023 DP 1054058 and Lot 7039 DP 92898 14. Reserves at Tyalgum 15. Reserve for caravan & camping park at Tyalgum: Lot 105 DP 728111 should be zoned RE1 or the RU5 zone permit "caravan parks". 16. Reserve at Tyalgum for public recreation & preservation of native flora and fauna: Lots 102-104 DP 727788, Lots 1-7 Section 2 DP 759012 should be zoned RE1 not part RU5 17. Reserve for quarantine at Tyalgum should be RE1 not RU5: Lot 106 DP 728111 18. Reserve at Tyalgum should be RE1 not RU5: Lot 107 DP 728117 	<p>Department of Planning and Infrastructure provide advice on the outcome of their review of environmental zones in the Far North Coast, Council is not in a position make a decision on the matters raised in this submission.</p> <p>Landuse zones applied in the Draft LEP represent a translation and 'best fit' of current zones into the Standard Instrument LEP format; and while existing use rights could apply, any request for inclusion of additional permitted uses, or change of zoning should be pursued through the lodgement of a planning proposal.</p> <p>Land currently zoned 6(a) Recreation, and where the land and facilities are of a predominantly public benefit, it is proposed to zoned the land RE1 Public Recreation. Regarding Reserves at Tweed Heads for dock site should be zoned RE1 not RE2: Lot 7023 DP 1054058 and Lot 7039 DP 92898, it is agreed that the proposed zoning should be changed to RE1 Public Recreation as the site is a public wharf.</p> <p>It is also agreed that Lots 466 and 467 DP 755701 at Cabarita Gardens should be zoned RE1 not RE2.</p>	<p>7039 DP 92898, be changed to RE1 Public Recreation.</p> <p>That Lots 466 and 467 DP 755701 at Cabarita Gardens should be zoned RE1 not RE2.</p>
505	61081586	NSW Transport, Roads & Maritime Services (Regional Office)	Locked Bag 928	North Sydney NSW 2059	<ol style="list-style-type: none"> 1. State Roads, such as the Pacific Highway should be zoned SP2 2. Roads should be made permissible without consent under the SP2 zone. 3. The LEP should make provisions for developer funding of required road/transport infrastructure improvements that may be a result of future development. 4. For safety reasons child care centres should be prohibited within any zones where the subject property has a direct frontage to a classified 	<p>The Pacific Highway has been zoned SP2 Infrastructure in the Draft Exhibited LEP.</p> <p>Roads by definition covers an extremely broad array of standards from small private 'tracks' to major local and regional transport links. Due to the potential significant impact of road construction on the environment and community, no change to permitted with consent uses is proposed in the SP2 Infrastructure zone.</p>	<p>That the author of the submission be advised that a response to issues raised in their submission will be available in the report to Council.</p>

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					<p>road.</p> <p>5. Council should consider the definition of "permissible development" in rural zones – for example prohibiting educational facilities in rural zones with direct frontage to classified roads in rural zones.</p> <p>6. Highway Service Centres are prohibited in all zones. It is requested Council permit highway service centres in a zoning to allow for these facilities as identified under Section 117.</p> <p>7. No direct vehicular access should be permitted via individual properties to/from classified roads.</p> <p>8. The key design consideration defined under the Premiers Council for Active Living "<i>Designing Places for Active Living</i>" should be taken into account in the preparation of the new LEPs or major rezonings.</p> <p>9. Further development should be designed such that the road traffic noise from classified roads is mitigated in accordance with the Department of Environment and Conservation's criteria for new developments <i>Environmental Criteria for Road Traffic Noise (ECRTN)</i>.</p>	<p>Section 94 contributions make provision provide the opportunity to levy funds for future works.</p> <p>Applications for the construction of childcare facilities and educational facilities triggers a range of assessment requirements which would include proximity to classified roads and is not appropriate to be located and duplicated within the LEP.</p> <p>The Far North Coast Regional Strategy notes that s117 Ministerial Directions are the likely mechanism through which LEPs will be required to be consistent with the Strategy; and makes provision for the location of Highway Service Centres along to Pacific Highway. S117 Ministerial Direction 5.4 Commercial and Retail Development along the Pacific Highway, North Coast specifies requirements that must be complied with when considering a planning proposal, rather than by incorporation within an LEP.</p> <p>Other advice is noted and is considered at the subdivision and development assessment stages.</p>	
729 & 444	62689848 & 62906230	NSW Transport, Roads & Maritime Services	Locked Bag 928	North Sydney NSW 2059	<p>Highway Service Centres are prohibited in all zones. Highway service centres are need for travellers and should be suitably spaced along the Pacific highway. The DLEP is inconsistent with the S117 Ministerial Directions. It is requested Council permit highway service centres in a zoning to allow for these facilities as identified under Section 117.</p> <p>Under the Tweed LEP 200 service stations are permitted in the 4(a) industrial zone and highway service centres were proposed to be permitted under the DLEP 2010 in the IN1 zone.</p>	<p>S117 Ministerial Direction makes special provision for the location of Highway Service Centres, such as Chinderah which is already in existence.</p> <p>Landuse zones applied in the Draft LEP represent a translation and 'best fit' of current zones into the Standard Instrument LEP format; and while existing use rights could apply, any request for inclusion of additional permitted uses, or change of zoning should be pursued through the lodgement of a planning proposal.</p>	That the author of the submission be advised that a response to issues raised in their submission will be available in the report to Council.
586	62449174	Office of Environment and Heritage	Locked Bag 914	Coffs Harbour NSW 2450	<p><u>Aboriginal cultural heritage</u></p> <p>The Tweed LGA is significant to the local Aboriginal community given the number of registered Aboriginal places of heritage significance (APHS). It is noted that the APHS have not been included on the heritage map.</p> <p>OEH recommends that an Aboriginal Heritage Study is prepared for the Tweed LGA in consultation with the Aboriginal Community and places included on the Heritage Map.</p> <p>OEH also recommends that Council lists and describes AHIMS Aboriginal Place locations in Schedule 5 of the draft LEP following consultation with the Aboriginal community.</p> <p>OEH considers that Aboriginal cultural heritage is inadequately addressed in the DLEP. Reference is made to the Ministerial Direction 117(2) 2.3 Heritage Conservation.</p>	<p>Council commenced the preparation of an Aboriginal Cultural Heritage Management Plan (ACHMP) in January 2012. This plan is guided by the Memorandum of Understanding signed by the members of the Aboriginal Advisory Committee, TSC and our consultants, Converge Heritage + Community. The MOU outline the roles and responsibilities of the parties and the manner information may be shared or used. The plan is being developed through close consultation with the Aboriginal community.</p> <p>As part of the ACHMP the AHIMS sites are being audited and ground truthed. The ACHMP intends to identify ACH by landscapes rather than by point data. This is more acceptable to the Aboriginal community and better reflects the relationship of sites and landscapes.</p> <p>Once the ACHMP has been endorsed by the Aboriginal community, publicly exhibited and adopted by Council, the findings will be incorporated</p>	No amendment to the DLEP.

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						<p>into amendments to the LEP.</p> <p>At this stage the information is not yet sufficiently advance to include in the finalisation of the DLEP 2012.</p> <p>In the meantime, sites registered under AHIMS are afforded the same level of protection and the ACH legislative requirements still must be met.</p>	
586	62449174	Office of Environment and Heritage	Locked Bag 914	Coffs Harbour NSW 2450	<p>Environmental and other Council is commended for the inclusion of Clauses 7.8 and 7.9. OEH provides detail and explanation behind the following list of recommendations:</p> <ol style="list-style-type: none"> All rural, business, residential, industrial and infrastructure zones should have an additional zone objective: to protect and enhance the native flora, fauna and biodiversity links. Agriculture and environmental facilities in RU1 and RU2 zones should be permitted only with consent. Extractive industry and open cut mining should be prohibited in the RU2 zone. Environmental facilities should be made permissible with consent in RU5, W1, W2, W3, R1, R2, R3 and R5 zones. Forestry should be prohibited under RE1 and RE2 zones. Additional clause on development near E1, E2 and E3 zones should be included into the plan. Roads, emergency services facilities, community facilities, environmental facilities, research stations and sewerage systems should be made prohibited in the E2 zone. Environmental protection works should be made permissible with consent in the E2 zone. Environmental facilities should be made permissible with consent in the E3 zone. Tweed Development Control Plan should provide controls managing development within the E3 zone. Health consulting rooms, helipads and veterinary hospitals should be prohibited in the E3 zone. Aquaculture, community facilities, emergency services facilities, research stations and roads should be prohibited in the W1 zone. Riparian and watercourse clause should be included in the LEP. An additional objective should be included in the Clause 4.1 similar to subclause 4.1(1)(b) of the draft Byron LEP 2012 to ensure lot sizes are compatible with local environmental values and constraints. An additional provision should be incorporated into Clause 4.1B to ensure that future subdivision of land with split zones will result in continued protection and long term maintenance 	<p>While the benefit of protecting and enhancing native flora, fauna and biodiversity links is acknowledged, the addition of a local subclause in the exhibited version of the Draft LEP to the Aims of the Plan which reads "to conserve and enhance the biological diversity, scenic quality and ecological integrity of the Tweed is considered sufficient to ensure that the requirements of this request are satisfied.</p> <p>Zones and landuses, as listed in the Landuse Table of the Draft LEP represent a translation and 'best fit' of current zones into the Standard Instrument LEP format; and while existing use rights could apply, any request for inclusion of additional permitted uses, or change of zoning should be pursued through the lodgement of a planning proposal.</p> <p>The inclusion of Forestry in the RE 1 and RE2 zones is only permitted with consent, making development application assessment an appropriate safeguard against inappropriate development or activity I this case.</p> <p>However, with respect to matters raised relating to environmental zones, until such time as the revised Vegetation Management Strategy, and the Department of Planning and Infrastructure provide advice on the outcome of their review of environmental zones in the Far North Coast, Council is not in a position make a decision on the matters raised in this submission, this will apply to watercourses and riparian zones as well.</p> <p>The adjustment of lot sizes without a supporting strategy is not supported by the Department of Planning and Infrastructure; however, a Rural Land Strategy is being prepared which will be looking in to the appropriateness of existing lot sizes in relation to current and potential future rural land uses.</p> <p>With respect to Acid Sulfate Soil mapping, only part of the Shire is covered by mapping and the mapping as exhibited was generated from data provided by the Department; however, should a new approach to mapping be required by the Department, a formal letter and amended mapping should be provided to Council advising of changes and the use of the 5m contour to delineate the cut-off for Class 5 ASS.</p>	<p>That the author of the submission be advised that a response to issues raised in their submission will be available in the report to Council.</p> <p>That the Office of environment and Heritage be requested to provide formal advice on amendments to mapping previously provided to Council.</p>

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					<p>of high conservation value (refer sub clause 4.1A(4) of the draft Coffs Harbour LEP 2012).</p> <p>16. Clause 5.5 Development within the coastal zone and 7.16 Coastal risk planning should be reworded to ensure that a planning horizon is defined and adopted by the consent authority for coastal hazard assessment of development on land with 'coastal risk'.</p> <p>17. Council should liaise with the DP&I in relation to subclause 7.16(3)(f) to ascertain its relevance, given that the use of the NSW sea level rise benchmarks has been withdrawn as such this government policy is no longer applicable.</p> <p>18. 5m contour should be used for Class 5 potential ASS, rather than mapping the entire LGA that is not 1-4.</p> <p>19. Additional local provisions similar to clause 6.12 Riparian land and water courses and Clause 6.13 Development near the E2 and E1 zone, of the draft Byron LEP 2012, should be included in the draft LEP to afford additional protection to high conservation value land, and a water courses map should be prepared to accompany such clause.</p> <p>20. The following controls should be included in the Tweed DCP in relation to land for which Clause 7.8 applies <i>"where impacts to HCV land cannot be avoided, offsets should be provided in accordance with the Offset Principles endorsed by the State Government and may be calculated via the use of the NSW BioBanking Assessment Methodology or via alternative methodologies based on the value of such habitat to be removed and/or impacted."</i></p> <p>21. Further investigation should be undertaken by Council in relation to the land gazetted under the National Parks and Wildlife Act 1974 and the E1 zone be applied accordingly.</p> <p>22. Further investigation should be undertaken in relation to the HCV land within Crown Reserve Number 59360 and the E2 zone should be applied to the E3 areas.</p> <p>23. The DCP Trees and Vegetation Preservation Code should be amended so that similar provisions as per the E2 zone are applied to the E3 zone.</p> <p>24. References to the RU5 zone in the heading group for the rural zones in clause 1.7 of the draft DCP should be deleted.</p> <p>25. The draft DCP should be referenced "endangered ecological communities" as opposed to ecological communities.</p> <p>26. The text in the third and fourth paragraph for Clause 2.3 Vegetation removal consideration, should read "unless it is satisfied".</p> <p>27. The draft DCP should include additional controls (or footnotes) to address Subclause 5.9(7) of the DLEP and to ensure that proponents are aware</p>		

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					of the requirements in relation to cultural heritage (including where development consent may be required).		
7	60361328	NSW Heritage Council	Locked Bag 5020	Parramatta NSW 2150	<p><u>Compulsory heritage provisions</u> These have been adopted in the draft LEP and the Heritage Branch raises no objections. Additional local provisions Clause 1.9A relates to the suspension of covenants and specifies in what instances the suspension does not apply. The Heritage Act 1977 provides for the creation of heritage agreements pursuant to Part 3B of the Act. The Heritage Branch requests Clause 1.19A be amended to include: <i>1.9A (2)(h) to any heritage agreement within the meaning of Part 3B of the Heritage Act, 1977.</i> Heritage provisions in Clause 7.3 are supported.</p> <p>Clause 7.11 relates to earthworks, however, does not include consideration of detrimental impacts on heritage. The Heritage Branch requests inserting the following: <i>7.11(3)(f) The proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.</i> The heritage branch raises no objection to the proposed local provisions of Parts 6 and 7.</p> <p><u>Exempt and complying development</u> The Heritage Branch believes that the provision of “signage” as an additional matter of exempt development has the potential to impact on heritage items and their fabric and recommends that heritage items be exempted from these provisions.</p> <p>Concern is also raised with “lighting” and activities associated with this ie conduits, which may have the potential to impact on heritage items and their fabric and recommends that heritage items be exempted from these provisions.</p> <p>“Hit-up-walls” and “tennis courts” as additional complying matters may have the potential to impact on heritage items and their fabric and recommends that heritage items be exempted from these provisions.</p> <p><u>Schedule of heritage items</u> Schedule 5 is generally in accordance with the guidelines, however, a review of the State Heritage Register identifies 2 items and 1 archaeological site as State significance, this should be 2 items. Heritage Branch requests the following changes: <i>“High Conservation Old Growth Forest” (SHR No 01487) traverses multiple LGAs and should be State heritage significance;</i> <i>The “Remains of the Condong Sugar Mill” (proposed item No I15) is identified as having local</i></p>	<p>Clause 1.9A is drafted consistent with the Department of Planning and Infrastructure’s (DP&I) required model clause for the suspension of covenants. The request of the Heritage Council is better directed to the DP&I for consideration in the state wide review of the Standard Instrument and model clauses. Notwithstanding, the request for the consideration of prohibiting the suspension of a Heritage Agreement prepared under the Heritage Act Part 3B is similar to that of a bio-banking agreement (1.9A(2)(f) and is considered an appropriate inclusion. Council may consider the inclusion of the suggested sub clause as the basis of negotiation with the DP&I for its inclusion.</p> <p>The DP&I have prepared a new draft model Clause 7.11 Earthworks. The objectives of the new draft clause state (1) <i>The objective of this clause is to ensure earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding environment.</i></p> <p>Whilst it is noted that the model clause is does not specifically include heritage as a criteria and that the request of the Heritage Council is better directed to the DP&I for consideration in the state wide review of the Standard Instrument and model clauses, the request for consideration of potential impacts on heritage items is reasonable. The consideration of heritage may be picked up by the introduction of the new draft objective as above and the inclusion of the suggested 7.11(3)(f).</p> <p>Exempt Schedule 2 allows signage as exempt development. Whilst there may be some impacts of signage on heritage items or conservation areas, temporary real estate signage (6), directional signage (5), temporary signage (8) and school signage (9) generally conform to set standards and generally do not require assessment as part of a DA.</p> <p>Business and advertising signage (1), (2), (3), (4) and (7) however, may have the potential to impact on heritage items and potentially within a conservation area. The current Exempt and Complying DCP A10 excludes business signage in Commercial zones and advertising signage from heritage items. The Heritage Branch request to that heritage items be exempted from these provisions is considered reasonable and appropriate as it allows</p>	<p>Council include the suggested inclusion in Clause 1.9A as follows, as the basis for negotiation with the DP&I: <i>1.9A (2)(h) to any heritage agreement within the meaning of Part 3B of the Heritage Act, 1977.</i></p> <p>Council replace Clause 7.11(1) with the new draft model clause objective for earthworks as follows: (1) <i>The objective of this clause is to ensure earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding environment.</i></p> <p>Council include the suggested inclusion in Clause 7.11 (3)(f) as follows, as the basis for negotiation with the DP&I. <i>7.11(3)(f) The proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.</i></p> <p><u>Exempt and Complying Development</u> Schedule 2 Exempt development Signage in subclauses (1), (2), (3), (4) and (7) to be amended to include and additional development standard: (a) <i>Must not be on a heritage item.</i></p> <p>Hit up walls and tennis courts are not currently in the TSC DCP A10 Exempt and Complying Development. <u>Schedule 5 Environmental Heritage</u> <i>Item I15 - Remains of the Condong Sugar Mill Rail Line to be changed as local item</i></p> <p>The area identified as <i>High Conservation Old Growth Forest” (SHR No 01487) to be identified on the Heritage Map and listed within Schedule 5 Environmental Heritage as State heritage items.</i></p>

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					<p><i>significance. Items can be nominated for inclusion on the State Heritage Register, however, they must be local until nomination is endorsed.</i></p> <p>All items in the current Tweed LEP should be included in the DLEP 2012. In principle the Heritage Branch has no objections.</p> <p><u>Dictionary</u> Definitions should be consistent with the Standard Instrument.</p> <p><u>Proposed Principle Development Standards</u> Any proposed changes to existing principle development standards applying to a heritage item or within the vicinity should ensure the standards are appropriate for retaining and enhancing the heritage significance. Specifically ensure visual buffer to protect views to and from heritage items; ensure appropriate transition of the scale of development so as not to visually impact on heritage items; ensure zoning will both allow and restrict certain uses to compliment the character of the heritage item.</p>	<p>assessment of any potential impact as part of a DA and reflects the current exempt development provisions.</p> <p>Signage development within a conservation area will be considered as part of the Heritage DCP when developed and future amendments to the Exempt provisions may result at this stage.</p> <p>Exempt Schedule 2 allows lighting with limited restriction or development standards. Notwithstanding the impacts of lighting are generally minimal. It is recommended that no additional heritage restrictions be applied.</p> <p><i>Schedule 3 Complying Development allows "hit-up-walls" and "tennis courts" where associated with a dwelling house. These are not currently listed in the Complying development provisions of the DCP A10 Exempt and Complying Development. In addition Tennis courts are permitted as exempt development in rural and large lot residential land.</i></p> <p><i>Corrections for Schedule 5 Environmental Heritage are noted. The Condong Sugar Mill remains have been incorrectly identified as a State item and is to be amended to local.</i></p> <p><i>The High Conservation Old Growth Forest" (SHR No 01487) is not currently listed in the LEP 2000 and covers multiple National Parks and Nature Reserves across 15 local government areas. Within the Tweed these include parts of: Border Ranges NP; Mebbin NP; Mount Jerusalem NP; Mt Warning NP; Nightcap NP; Limpinwood NR; Cudgen NR; Couchy Creek NR.</i></p> <p>Definitions in the DLEP are consistent with the Standard LEP instrument.</p> <p>Concerns regarding development standards are noted. Essentially the DLEP is prepared as a translation of the current provisions into the format of the Standard LEP template.</p>	
266	63284282	Gold Coast Airport	PO Box 112	Coolangatta Qld 4225	<p>The inclusion of model Clause 7.4 addresses the previous major issues of concern regarding airspace protection and is now comprehensive, strict and enforceable.</p> <p>Heading of Clause 7.4 – the heading of this clause "airspace operations" does not properly reflect the purpose or content of the clause; the heading should be changed to "protection of airspace".</p> <p>Wording of Clause 7.4 should be amended to require consultations with the "airport operator" or "Commonwealth Department" instead of "relevant Commonwealth body".</p>	<p>While the use of the suggested heading of Protection of Airspace as an alternative heading is appreciated, Clause 7.4 has been generated from the Department of Planning and Infrastructures Model Local Clauses and as such, the heading and content remain unchanged.</p> <p>Comments made relating to terminology and content of clauses is acknowledged and appreciated. A formal response to the content of this submission should be sought from the Department of Planning and Infrastructure.</p> <p>LEP Practice Note PN11-002 states that land that is</p>	

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					<p>“Limitation or Operations Surface” term should be replaced with OLS (defined as the Obstacle Limitation Surface for Gold Coast Airport) or PANS-OPS (defined as the Procedures for Air Navigation Services - Aircraft Operations for Gold Coast Airport) as the exhibited term is unnecessary and confusing.</p> <p>Similarly, Clause 7.5 – definition of ANEF contour should be simplified as follows: “ANEF contour means a noise exposure contour shown on the current approved ANEF mapping for Gold Coast Airport”.</p> <p>Land zoning map – all land owned by Gold Coast Airport, including within Cobaki Broadwater, should be zoned as SP1 Special Activities – Airport. E2 zone applied to the Cobaki foreshore does not accurately represent the tenure or land uses status of the land. The airport is regulated by Part 5 of the Commonwealth Airports Act and the SEPP (Infrastructure) 2007 is not applicable to the GC airport. The associated zoning of public infrastructure land cannot therefore affect Commonwealth Land. Considers that the differentiated zoning will inevitably create an inaccurate presumption for LEP users that the use of the land is regulated under the LEP.</p> <p>The GC Airport master plan contains an environmental strategy which among other things identifies key NSW legislation ie <i>Threatened Species Act, Fisheries Management Act, SEPPs 14, 26, 44 and 71</i> and safe guard these areas.</p> <p>The part of the Cobaki Broadwater within the boundary of the GC airport is not a recreational waterway, but forms part of the airport property.</p>	<p>highly unlikely to be used for different purposes should be zoned SP2 Infrastructure and lists airports as one such category; as such, the zoning applied to the Gold Coast Airport site is considered appropriate and in accordance with Departmental requirements.</p> <p>Matters relating to environmental zones, until such time as the revised Vegetation Management Strategy, and the Department of Planning and Infrastructure provide advice on the outcome of their review of environmental zones in the Far North Coast, Council is not in a position make a decision on the matters raised in this submission, this will apply to watercourses and riparian zones as well.</p> <p>While it is acknowledged that part of the GCAL property covers the Cobaki Broadwater, tenure does not necessarily infer changes in zoning and as such it is considered that the zoning is consistent with Departmental Practice Notes.</p>	