



Tweed Local Environmental Plan 2000 (Amendment No 44)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G01/00094/PC)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2003 No 871

Clause 1 Tweed Local Environmental Plan 2000 (Amendment No 44)

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under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Tweed Local Environmental Plan 2000 (Amendment No 44)*.

2 Aims of plan

This plan aims:

- (a) to rezone part of the land to which this plan applies from Zone 2 (e) Residential Tourist to Zone 7 (a) Environmental Protection (Wetlands and Littoral Rainforests) under *Tweed Local Environmental Plan 2000 (the 2000 plan)*, and
- (b) to provide that Tweed Shire Council must not grant consent to development (other than development for the purpose of agriculture or a home business) on land within Zone 7 (a) or on land adjacent to land within that zone unless it has taken into consideration any representations made by NSW Fisheries or the Department of Environment and Conservation in respect of that development, and
- (c) to amend a provision of the 2000 plan relating to development adjoining waterbodies:
 - (i) to add an objective to that provision relating to minimising the impact on development from known biting midge and mosquito breeding areas, and
 - (ii) to provide that the Council must not grant consent to development unless it is satisfied that the development addresses the likely impact of biting midge and mosquitoes on residents and tourists and the measures to be used to ameliorate the identified impact, and
- (d) to correct a grammatical error in the provision referred to in paragraph (c).

3 Land to which plan applies

- (1) To the extent that this plan rezones land, it applies to part of Lot 156, DP 628026, Creek Street, Hastings Point, as shown distinctively coloured and lettered “7 (a)” on the map marked “Tweed Local Environmental Plan 2000 (Amendment No 44)” deposited in the office of Tweed Shire Council.
- (2) To the extent that this plan provides that the Council must not grant consent to certain development without having taken into consideration certain representations, it applies to all land within Zone 7 (a) and land adjacent to land within that zone in the local government area of Tweed under the 2000 plan.
- (3) To the extent that this plan amends a provision of the 2000 plan relating to development adjoining waterbodies, it applies to all land that adjoins the mean high-water mark (or the bank where there is no mean high-water mark) of a waterbody in the local government area of Tweed under the 2000 plan.

4 Amendment of Tweed Local Environmental Plan 2000

Tweed Local Environmental Plan 2000 is amended as set out in Schedule 1.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 25 Development in Zone 7 (a) Environmental Protection (Wetlands and Littoral Rainforests) and on adjacent land

Insert after clause 25 (3):

- (4) The consent authority must not grant consent to development (other than development for the purpose of agriculture or a home business) on land within Zone 7 (a) or on land adjacent to land within Zone 7 (a) without taking into consideration any representations made by NSW Fisheries or the Department of Environment and Conservation in respect of the development.

[2] Clause 31 Development adjoining waterbodies

Insert at the end of clause 31 (1):

- to minimise the impact on development from known biting midge and mosquito breeding areas.

[3] Clause 31 (3) (d)

Omit “it has considered”. Insert instead “the development addresses”.

[4] Clause 31 (3) (e)

Insert after clause 31 (3) (d):

- (e) the development addresses the likely impact of biting midge and mosquitoes on residents and tourists and the measures to be used to ameliorate the identified impact.

[5] Schedule 6 Maps and Zones

Insert in appropriate order in Part 2 of the Schedule:

Tweed Local Environmental Plan 2000 (Amendment No 44)

BY AUTHORITY