



Tweed Local Environmental Plan 2000 (Amendment No 45)

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*. (G03/00030/PC)

DIANE BEAMER, M.P.,

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

2004 No 166

Clause 1 Tweed Local Environmental Plan 2000 (Amendment No 45)

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1 Name of plan

This plan is *Tweed Local Environmental Plan 2000 (Amendment No 45)*.

2 Aim of plan

The aim of this plan is to allow the following development with the consent of the Tweed Shire Council:

- (a) the subdivision of an area of land within Zone 1 (a), 1 (b), 7 (d) or 7 (1) under *Tweed Local Environmental Plan 2000 (the principal plan)* to excise an allotment of at least 1 hectare for the purpose of a dwelling house, but only if the Council is satisfied that each other allotment created by the subdivision is created for a public purpose,
- (b) the erection of a dwelling house:
 - (i) on an excised allotment referred to in paragraph (a), or
 - (ii) on an allotment created by the subdivision of an area of land within Zone 1 (a), 1 (b), 7 (d) or 7 (1) pursuant to clause 19 (3) of the principal plan (being a subdivision to effect a minor boundary adjustment),

but only if the total number of dwelling houses erected on the area concerned after its subdivision is no greater than the maximum number of dwelling houses that could have been erected under proposed clause 57 (2) (existing clause 57) of the principal plan on the area immediately before its subdivision.

3 Land to which plan applies

This plan applies to land in the local government area of Tweed that is within Zone 1 (a), 1 (b), 7 (d) or 7 (1) under *Tweed Local Environmental Plan 2000*.

4 Amendment of Tweed Local Environmental Plan 2000

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

Schedule 1 Amendment

(Clause 4)

Clause 57

Omit the clause. Insert instead:

57 Protection of existing dwelling entitlement

(1) Objectives

- to protect an existing dwelling entitlement on an allotment lawfully created or the creation of which was lawfully consented to before the commencement of this plan.
- to protect an existing dwelling entitlement on an allotment lawfully created after the commencement of this plan if each other allotment created by the subdivision is created for a public purpose or if the allotment was created by a subdivision pursuant to clause 19 (3).

(2) Nothing in this plan prevents a person, with development consent, from erecting a dwelling house on an allotment lawfully created, or the creation of which was lawfully consented to, before the appointed day and on which a dwelling house could lawfully have been erected immediately before the appointed day.

(3) Neither clause 20 nor the Table to clause 11 prevents consent being granted:

- (a) to a subdivision of an area of land in Zone 1 (a), 1 (b), 7 (d) or 7 (1) to excise an allotment of at least one hectare to be used for the purpose of a dwelling house, but only if the consent authority is satisfied that each other allotment created by the subdivision is created for a public purpose, and
- (b) to the erection of a dwelling house on the excised allotment, but only if no more dwelling houses will be erected on the area after its subdivision than the greatest number of dwelling houses that could have been erected on the area in accordance with subclause (2) immediately before its subdivision.

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- (4) An allotment is created for a public purpose as referred to in subclause (3) (a) only if it is created:
- (a) for the purpose of widening or realigning a public road, or
 - (b) so the land may be classified as community land under the *Local Government Act 1993*, or
 - (c) so the land may be classified as operational land under that Act and used for public infrastructure, or
 - (d) so that land may be dedicated as a public reserve or dedicated or reserved as a nature reserve or national park (within the meaning of the *National Parks and Wildlife Act 1974*).
- (5) The Table to clause 11 does not prevent consent being granted to the erection of a dwelling-house on an allotment created by a subdivision of an area of land within Zone 1 (a), 1 (b), 7 (d) or 7 (l) pursuant to clause 19 (3), but only if no more dwelling houses will be erected on the area after its subdivision than the greatest number of dwelling houses that could have been erected on the area in accordance with subclause (2) immediately before its subdivision.