



Tweed Local Environmental Plan 2000 (Amendment No 31)

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*. (G01/00177/S69)

DIANE BEAMER, M.P.,

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

2004 No 698

Clause 1 Tweed Local Environmental Plan 2000 (Amendment No 31)

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1 Name of plan

This plan is *Tweed Local Environmental Plan 2000 (Amendment No 31)*.

2 Aim of plan

The aim of this plan is to make minor amendments to correct anomalies in *Tweed Local Environmental Plan 2000*. In particular, this plan:

- (a) clarifies the exclusion of land that is potentially flood affected from a provision identifying complying development, and
- (b) provides for business centres to be shown on “Business Centre Maps”, rather than being described in Schedule 8, and
- (c) removes development for the purpose of training facilities from the development that can be carried out with consent in Zone No 2 (a) and includes training facilities within the definition of *educational establishment*, and
- (d) clarifies how the social or economic impact of proposed development will be considered, and
- (e) modifies the circumstances in which land within Zone No 1 (c) may be subdivided, and
- (f) modifies the way a provision concerning development near designated roads applies to certain land within Zone No 5 (a), and
- (g) amends the definition of *depot* so as to make it clear that it applies to land used for both storage and maintenance, and
- (h) rezones certain land at Murwillumbah and Terranora.

3 Land to which plan applies

- (1) This plan applies to all land within the local government area of Tweed.

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- (2) To the extent that this plan changes the way business centres are identified, it applies to the land shown by distinctive colouring, edging and lettering on the map marked “Tweed Local Environmental Plan 2000 (Amendment No 31)—Business Centres”, deposited in the offices of Tweed Shire Council.
 - (3) To the extent that this plan rezones land, it applies to Lots 1 and 2, DP 1044176 and Lot 971, DP 3050, Karramul Street, Murwillumbah and Lot 1, DP 218933, Terranora Road, Terranora, as shown by distinctive colouring, edging and lettering on the map marked “Tweed Local Environmental Plan 2000 (Amendment No 31)”, deposited in the offices of Tweed Shire Council.

4 Amendment of Tweed Local Environmental Plan 2000

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

Schedule 1 Amendments

(Clause 4)

[1] Clause 10 Complying development

Omit “flood liable” from clause 10 (2) (c) (viii).

Insert instead “below the 1:100 year flood level”.

[2] Clause 11 The zones

Omit “listed in Schedule 8” from the third dot point (that is, the matter relating to integrated housing) of the matter in Item 2 of the matter relating to Zone No 2 (a) in the Table to the clause.

Insert instead “as indicated on the Business Centres Map”.

[3] Clause 11, Table

Omit “• training facilities” from Item 3 of the matter relating to Zone No 2 (a).

[4] Clause 17 Social impact assessment

Omit clause 17 (2) and (3). Insert instead:

- (2) Where the consent authority considers that a proposed development is likely to have a significant social or economic impact in the locality or in the local government area of Tweed, the consent authority may grant consent to the proposed development only if it has considered a socio-economic impact statement in respect of the proposed development.
- (3) The socio-economic impact statement that the consent authority considers must do at least the following:
 - (a) identify the likely future impacts of the development on the affected community,
 - (b) analyse the impacts in terms of magnitude, significance, duration, effect on current and future conditions and community services, and the like,
 - (c) determine if the impacts will cause a loss of amenity within the locality due to a net reduction in community services and facilities,
 - (d) determine and assess possible measures for the management or mitigation of likely impacts.

[5] Clause 21 Subdivision in Zone 1 (c)

Omit clause 21 (2) (b), (c) and (d). Insert instead:

- (b) the consent authority is satisfied that each allotment created is capable of accommodating adequate facilities for the treatment and disposal of sewage or will be connected to the Council's reticulated sewerage system, and
- (c) in the case of land to be connected to the Council's reticulated sewerage system—the area of each lot created is not less than 0.4 hectare, and
- (d) in the case of land not to be connected to the Council's reticulated sewerage system—the area of each lot created is not less than 1 hectare.

[6] Clause 22 Development near designated roads

Omit clause 22 (2) (c). Insert instead:

- (c) is within Zone 1 (a), 1 (b), 1 (c), 5 (a), 7 (a), 7 (d), 7 (f) or 7 (l) and has direct access to another road at a point less than 90 metres from that road's intersection with a designated road.

[7] Clause 22 (3)

Omit the subclause. Insert instead:

- (3) A person may, with the consent of the consent authority and the concurrence of the RTA, carry out development on land within Zone 5 (a) shown by red lettering on the zone map as "Proposed Classified Road":
 - (a) for a purpose for which development may be carried out on land in an adjoining zone, or
 - (b) for any other purpose that is compatible with development that may be carried out on land in an adjoining zone.

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Schedule 1 Amendments

[8] Clause 22 (4) (d)

Omit the paragraph. Insert instead:

- (d) where the land is in Zone 1 (a), 5 (a), 7 (a), 7 (d), 7 (f), or 7 (l), the development is of a type that necessitates a location in proximity to the designated road for reasons other than only commercial advantage, and

[9] Clause 51A Multi-dwelling housing densities in Zone 2 (a)

Omit “listed in Schedule 8” from clause 51A (2) (b).

Insert instead “as indicated on the Business Centres Map”.

[10] Schedule 1 Meanings of terms

Insert in alphabetical order:

<i>Business Centres Map</i>	the series of maps marked “Tweed Local Environmental Plan 2000 (Amendment No 31)—Business Centres”, as amended by the maps listed in Part 5 of Schedule 6.
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[11] Schedule 1, definition of “depot”

Omit the definition. Insert instead:

<i>depot</i>	land used for the storage or maintenance, or both, of plant, machinery, equipment, building materials and the like.
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[12] Schedule 1, definition of “educational establishment”

Omit “, a training facility”.

[13] Schedule 6 Maps and Zones

Insert in appropriate order in Part 2:

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[14] Schedule 6, Part 5

Insert after Part 4:

Part 5 Business Centres Map Amendments

[15] Schedule 8 Business Centres

Omit the Schedule.