



Tweed Local Environmental Plan 2000 (Amendment No 8)

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*. (G93/00504/S69)

DIANE BEAMER, M.P.,

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

2004 No 87

Clause 1 Tweed Local Environmental Plan 2000 (Amendment No 8)

Tweed Local Environmental Plan 2000 (Amendment No 8)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Tweed Local Environmental Plan 2000 (Amendment No 8)*.

2 Aims of plan

This plan aims:

- (a) to require the consideration of bushfire hazards and buffer zones when determining applications for development of land within the local government area of Tweed, and
- (b) to permit additional development of certain land at Pottsville for the purposes of sports fields, and
- (c) to rezone certain land at Pottsville to permit urban development and environmental protection on that land, and
- (d) to apply special provisions about soil and water management.

3 Land to which plan applies

- (1) To the extent that this plan deals with bushfire protection, it applies to all land within the local government area of Tweed to which the *Tweed Local Environmental Plan 2000* applies.
- (2) To the extent that this plan permits additional development of land, it applies to land at Pottsville being Part Lot 65 DP 855462.
- (3) To the extent that this plan rezones land, it applies to land at Pottsville being Part Lot 65 DP 855462 and Part Lot 1 DP 824499.
- (4) To the extent that this plan applies special provisions about soil and water management it applies to land indicated by vertical lines on the map marked "Tweed Local Environmental Plan 2000 (Amendment No 8)" deposited in the office 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.

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Schedule 1 Amendments

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(Clause 4)

[1] Clause 39A

Insert after clause 39:

39A Bushfire protection

(1) **Objective**

- to minimise bushfire risk to built assets and people and to reduce bushfire threat to ecological assets and environmental assets.

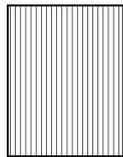
(2) In determining whether to grant consent to development in areas that, in the opinion of the consent authority, are likely to be affected by bushfire, the consent authority must take into account:

- whether the development is likely to have a significant adverse effect on the implementation of any strategies for bushfire control and fuel management adopted by the Bushfire Control Office established by the Council for the area, and
- whether a significant threat to the lives of residents, visitors or emergency services personnel may be created or increased as a result of the development (including any threat created or increased by the access arrangements to and from the development), and
- whether the increased demand for emergency services during bushfire events that is created by the development would lead to a significant decrease in the ability of the emergency services to effectively control major bushfires, and
- the adequacy of measures proposed to avoid or mitigate the threat from bushfires including:
 - the siting of the development, and
 - the design of structures and the materials used, and
 - the importance of fuel-free and fuel-reduced areas, and

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- (iv) landscaping and fire control aids such as roads, reserves, access arrangements and on-site water supplies, and
 - (e) the environmental and visual impacts of the clearing of vegetation for bushfire hazard reduction.
- (3) In taking into account the matters required by subclause (2), the consent authority must have regard to the provisions of the document entitled *Planning for Bushfire Protection*, prepared by Planning & Environment Services, NSW Rural Fire Service in co-operation with the then Department of Urban and Transport Planning, and dated December 2001, and must be satisfied that those provisions are, as much as is possible, complied with.

[2] Clause 52 Zone map overlay provisions

Insert at the end of the table to the clause:



Consent must not be granted to development unless the consent authority and the applicant have considered detailed plans of the development and for management of its consequences and made an assessment of the following matters:

- (a) the adequacy of proposed measures in a stormwater management plan for the purpose of maintaining or improving the quality of water leaving the site in both surface and ground waters, including measures to control soil erosion, sediment and stormwater run off, and release of ground water or surface water containing high acidity, nutrients or pollutants, resulting from disturbance and development of the site,

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Schedule 1 Amendments

- (b) where the development proposes the filling of land:
 - (i) whether or not the filling of land would increase the risk or severity of flooding of other land in the vicinity, and
 - (ii) the potential impact of the filling of land on groundwater quality, and
 - (iii) the likely impact of increased flooding on adjacent flora and fauna habitat, and
 - (iv) the quality, volume and source of any fill material and the likely impact associated with the sourcing and transportation of fill material, and
 - (v) the adequacy of the location and the justification of the design of environmental buffers between filled areas and environmentally sensitive land such as riparian areas, wetlands and waterways,
- (c) the adequacy of proposed drainage systems, particularly in respect of the Council's goal that post- development drainage should mimic natural (pre-development) flows by utilising such techniques as reuse, detention, retention and infiltration,
- (d) the extent to which stormwater management and control is consistent with the Tweed Urban Stormwater Management Plan.

[3] Schedule 3 Development of specific sites

Insert at the end of the Table to the Schedule:

That part of Lot 65, DP 855462, Pottsville that is within Zone No 7 (l) Environmental Protection (Habitat)	Development for the purposes of sports fields.	Maximum area of 4 hectares. (excluding water quality control ponds or drains.) The sports fields must be located as close as possible to the residential land on the eastern portion of the site, the western side of the dunal ridge and the southern boundary of the land.
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Amendments

Schedule 1

[4] Schedule 6 Maps and Zones

Insert in appropriate order in Part 2:

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