



New South Wales

Tweed Local Environmental Plan 2000 (Amendment No 10)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G94/00396/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2007 No 525

Clause 1 Tweed Local Environmental Plan 2000 (Amendment No 10)

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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 10)*.

2 Aims of plan

The aims of this plan are:

- (a) to rezone the land to which this plan applies to partly Zone No 2 (c) Urban Expansion, partly Zone No 5 (a) Special Uses (School), partly Zone No 7 (a) Environmental Protection (Wetlands and Littoral Rainforests) and partly Zone No 7 (d) Environmental Protection (Scenic/Escarpment) under *Tweed Local Environmental Plan 2000*, and
- (b) to provide for efficient and consolidated urban growth on that land, and
- (c) to protect the environmental and landscape values of the Terranora Broadwater and wetlands and remnant vegetation on that land, and
- (d) to protect urban development on that land from environmental hazards, and
- (e) to require satisfactory arrangements to be made for the provision of essential infrastructure, facilities and services before the subdivision of the land.

3 Land to which plan applies

This plan applies to land known as Terranora Urban Release Area (Area E), as shown edged heavy black on the map marked "Tweed Local Environmental Plan 2000 (Amendment No 10)" 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.

Schedule 1 Amendments

(Clause 4)

[1] Clause 53D

Insert after clause 53C:

53D Specific provisions for Terranora Urban Release Area E

- (1) This clause applies to the land known as Terranora Urban Release Area (Area E), as shown edged heavy black and coloured on the map marked “Tweed Local Environmental Plan 2000 (Amendment No 10)”.
- (2) The object of this clause is:
 - (a) to ensure a development control plan has been developed for the land to which this clause applies to avoid ad hoc development, and
 - (b) to ensure that issues relating to contaminated land are dealt with to a sufficient level to meet the requirements of *State Environmental Planning Policy No 55—Remediation of Land*, and
 - (c) to ensure that any wetlands in the area are restored and protected and breeding habitat for salt water mosquitoes and biting midges is minimised, and
 - (d) to ensure that the management of urban stormwater is consistent with the *Tweed Urban Stormwater Quality Management Plan* adopted by Council, and
 - (e) in respect of subclause (5), to require assistance towards the provision of the following infrastructure, facilities and services to satisfy needs that arise from development on land to which this clause applies, but only if the land is developed intensively for urban purposes:
 - (i) regional transport infrastructure,
 - (ii) education facilities and services provided by the State,
 - (iii) health facilities and services provided by the State,
 - (iv) facilities and services provided by the State for the purposes of emergency services.
- (3) The consent authority must not consent to development on land to which this clause applies unless it is satisfied that:
 - (a) a development control plan has been prepared for the land, and

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Schedule 1 Amendments

- (b) any contaminated land has been identified to the extent necessary to allow for the appropriate location of sensitive land uses, and
 - (c) any wetland on the land will be restored and managed to the consent authority's satisfaction to restore freshwater wetland values and minimise breeding habitat for saltwater mosquitoes and biting midges, and
 - (d) the development will generally comply with the *Tweed Urban Stormwater Quality Management Plan* as adopted by the Council on 19 April 2000.
- (4) The consent authority is not to consent to subdivision of land to which this clause applies or to other development on that land unless the consent authority is satisfied that:
- (a) any likely contaminants within the soil, surface water and groundwater as a result of previous land uses have been identified, and
 - (b) an effective testing regime has been implemented, that takes into account the hydrology of the land, to identify hotspots of contamination in accordance with any relevant guidelines issued by a government department or public authority, and
 - (c) appropriate thresholds and criteria have been used in the assessment of any potential contamination, and
 - (d) any contamination of the land does not pose a significant threat to human health or the environment, and
 - (e) if contamination has been identified, an adequate monitoring program will be implemented in relation to the contamination of the land.
- Note.** Clause 7 (1) of *State Environmental Planning Policy No 55—Remediation of Land* sets out other matters that must be taken into account by a consent authority.
- (5) Despite any other provision of this plan, the consent authority must not grant consent to the subdivision of land to which this clause applies, that is within Zone No 2 (c), if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the commencement of this clause, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of infrastructure, facilities and services referred to in subclause (2) (e) in relation to that lot.

- (6) Subclause (5) does not apply:
 - (a) to any lot within a special contributions area within the meaning of Division 6 of Part 4 of the Act, or
 - (b) to any lot identified in the certificate as a residue lot, or
 - (c) to any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities, or any other public purpose, or
 - (d) to a subdivision for the purpose only of rectifying an encroachment on any existing allotment.
- (7) *State Environmental Planning Policy No 1—Development Standards* does not apply to development for the purposes of subdivision on land to which this clause applies.
- (8) Nothing in this clause affects the application of *State Environmental Planning Policy No 55—Remediation of Land* to land to which this plan applies.

[2] Schedule 6 Maps and Zones

Insert in appropriate order in Part 2:

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