



New South Wales

Tweed Local Environmental Plan 2014 (Amendment No 20)

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*.

STEPHEN MURRAY
As delegate for the Minister for Planning

Tweed Local Environmental Plan 2014 (Amendment No 20)

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1 Name of Plan

This Plan is *Tweed Local Environmental Plan 2014 (Amendment No 20)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to land to which *Tweed Local Environmental Plan 2014* applies.

4 Maps

The maps adopted by *Tweed Local Environmental Plan 2014* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

Schedule 1 Amendment of Tweed Local Environmental Plan 2014

[1] Clause 4.1C

Insert after clause 4.1B:

4.1C Exceptions to minimum subdivision lot size for boundary adjustments

- (1) The objective of this clause is to permit boundary adjustments between 2 or more lots where one or more of the resulting lots would be less than the minimum lot size shown on the Lot Size Map in relation to that land.
- (2) This clause applies to land in the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone R5 Large Lot Residential.
- (3) Despite clause 4.1, development consent may be granted for the subdivision of land by way of an adjustment of boundaries between adjoining lots where the size of one or more of the lots resulting from the subdivision would be less than the minimum lot size shown on the Lot Size Map in relation to the land if the consent authority is satisfied that the subdivision will not result in:
 - (a) an increase in the number of lots, or
 - (b) an increase in the number of dwellings or opportunities for dwellings on each lot, or
 - (c) an increase in the possibility of land use conflict, or
 - (d) an adverse impact on the environmental values or agricultural viability of the land.
- (4) In determining whether to grant development consent for the subdivision of land under this clause, the consent authority must consider the following:
 - (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
 - (b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
 - (c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
 - (d) whether or not the subdivision is likely to be incompatible with a use of land in any adjoining zone,
 - (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),
 - (f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land.
- (5) This clause does not apply in relation to a subdivision under the *Community Land Development Act 1989* or the *Strata Schemes Development Act 2015*.

[2] Clause 7.3 Flood planning

Omit clause 7.3 (2).

[3] Clause 7.3 (3)

Omit “to which this clause applies”. Insert instead “at or below the flood planning level”.

[4] Clause 7.4 Floodplain risk management

Omit clause 7.4 (2). Insert instead:

- (2) This clause applies to:
 - (a) land between the flood planning level and the level of the probable maximum flood, and
 - (b) land at or below the flood planning level,but does not apply to land subject to the discharge of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

[5] Clause 7.4 (4)

Omit the definition of *flood planning area*. Insert in alphabetical order:

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

[6] Clause 7.9 Development in areas subject to aircraft noise

Omit “AS 2021—2000” and “*AS 2021—2000*” wherever occurring in clause 7.9 (3) and (4).

Insert instead “AS 2021:2015” and “*AS 2021:2015*”, respectively.

[7] Clause 7.16

Insert after clause 7.15:

7.16 Development at Wulffs Lane, Kielvale

- (1) This clause applies to Lot 3, DP 877860, Wulffs Lane, Kielvale, but only the part of that land that was in Zone RU5 Village immediately before the commencement of *Tweed Local Environmental Plan 2014 (Amendment No 20)*.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land to which this clause applies as if:
 - (a) the land had not been rezoned by *Tweed Local Environmental Plan 2014 (Amendment No 20)*, and
 - (b) the development standards specified by the Lot Size Map, Height of Buildings Map, Floor Space Ratio Map and Flood Planning Map, and clauses 7.3 and 7.4, as in force immediately before the commencement of *Tweed Local Environmental Plan 2014 (Amendment No 20)*, continue to be in force.
- (3) This clause ceases to have effect 2 years after the commencement of *Tweed Local Environmental Plan 2014 (Amendment No 20)*.

[8] Schedule 1 Additional permitted uses

Insert at the end of the Schedule, with appropriate clause numbering:

Use of certain land at 100 Altona Road, Chinderah

- (1) This clause applies to land at 100 Altona Road, Chinderah, being Lot 20, DP 1082482, identified as “17” on the Additional Permitted Uses Map.

- (2) Development for the purpose of extensive agriculture is permitted without development consent.

Use of certain land at 165 Smiths Creek Road, Smiths Creek

- (1) This clause applies to land at 165 Smiths Creek Road, Smiths Creek, being Lot 2, DP 550508, identified as “18” on the Additional Permitted Uses Map.
- (2) Development for the purpose of recreation facilities (outdoor) is permitted with development consent.

[9] Schedule 5 Environmental heritage

Omit “Lot 17” from the matter relating to item no 15 in Part 1.
Insert instead “Lots 17 and 21”.

[10] Schedule 5, Part 1, item no 67

Omit “38 Murwillumbah”. Insert instead “36–42 Murwillumbah”.

[11] Schedule 5, Part 1, item no 80

Omit “Part Lot 1, DP 863854”. Insert instead “Lot 1, DP 863851”.

[12] Dictionary

Omit the definition of *Flood Planning Map*.