

# Tweed Local Environmental Plan 2000

[2000-153]



New South Wales

## Status Information

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### Authorisation

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# Tweed Local Environmental Plan 2000



New South Wales

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# Tweed Local Environmental Plan 2000



New South Wales

## Part 1 Introduction

### 1 Name of plan

This plan is called *Tweed Local Environmental Plan 2000*.

### 2 Area covered by this plan

This plan applies to all land within the local government area of Tweed except for land shown within the heavy black line and lettered “Excluded land” on the zone map.

### 3 Relationship to other environmental planning instruments

(1) This plan repeals:

- (a) *Tweed Local Environmental Plan 1987*, and
- (b) *Tweed Local Environmental Plan No 24*, and
- (c) all other local environmental plans and deemed environmental planning instruments,

but only to the extent that they applied, immediately before the appointed day, to the land to which this plan applies.

(2) *Tweed Local Environmental Plan 1987* and *Tweed Local Environmental Plan No 24* are both amended by inserting at the end of clause 3 (Land to which plan applies) of each plan the following clause:

(2) This plan does not apply to land to which *Tweed Local Environmental Plan 2000* applies.

(3) *State Environmental Planning Policy No 4—development without consent* is amended:

- (a) by inserting at the end of Schedule 1 (Ancillary or incidental development involving acid sulfate soils excepted from clause 10) the following words:

Clause 35 of *Tweed Local Environmental Plan 2000*

- (b) by inserting in alphabetical order of local government area in Schedule 2 (Land excepted from clauses 6–10) the following words:

Tweed local government area

#### **4 Aims of this plan**

The aims of this plan are:

- (a) to give effect to the desired outcomes, strategic principles, policies and actions of the *Tweed Shire 2000+ Strategic Plan* which was adopted, after extensive community consultation, by the Council on 17 December 1996, the vision of which is:

“The management of growth so that the unique natural and developed character of the Tweed Shire is retained, and its economic vitality, ecological integrity and cultural fabric is enhanced”, and

- (b) to provide a legal basis for the making of development control plans which provide more detailed local planning policies and other provisions that provide guidance for future development and land management, such as provisions recommending the following:
- (i) that some or all development should be restricted to certain land within a zone,
  - (ii) that specific development requirements should apply to certain land in a zone or to a certain type of development,
  - (iii) that certain types or forms of development or activities should be encouraged by the provision of appropriate incentives, and
- (c) to give effect to and provide reference to the following strategies and policies adopted by the Council:

*Tweed Shire 2000+ Strategy*

*Pottsville Village Strategy*, and

- (d) to encourage sustainable economic development of the area of Tweed compatible with the area’s environmental and residential amenity qualities.

#### **5 Ecologically sustainable development**

An objective of this plan is to promote development that is consistent with the four principles of ecologically sustainable development. These are:

- (a) **the precautionary principle**

namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

- (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
- (ii) an assessment of the risk-weighted consequences of various options, and

**(b) inter-generational equity**

namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations, and

**(c) conservation of biological diversity and ecological integrity**

namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration, and

**(d) improved valuation, pricing and incentive mechanisms**

namely, that environmental factors should be included in the valuation of assets and services, such as:

- (i) polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, and
- (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and
- (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

## **6 Consent authority**

Subject to the Act, the consent authority for the purposes of this plan is Tweed Shire Council.

## **7 Interpretation**

- (1) Unless the context or subject-matter indicates otherwise, terms used in this plan have the meanings set out in the Act and Schedule 1.



- (2) In this plan, a reference to a building, place or land used for a purpose includes a reference to a building, place or land intended to be used for the purpose.
- (3) Land to which this plan applies is within a zone specified in Part 1 of Schedule 6 if it is shown on the zone map in the manner specified in that Part in relation to the zone.
- (4) A reference on the zone map to “Council Purposes” is taken to be a reference to development for the purpose of Council depots or administrative offices, or both.
- (5) A reference to a map is a reference to a map deposited in the office of the Council.
- (6) In the event of any inconsistency between the provisions of Part 2 and the provisions of any other Part of this plan, the provisions of the other Part prevail.
- (7) Any matter which appears in this plan under the heading “Note” is provided to assist understanding and does not form part of this plan.

## **8 Consent considerations**

- (1) The consent authority may grant consent to development (other than development specified in Item 3 of the Table to clause 11) only if:
  - (a) it is satisfied that the development is consistent with the primary objective of the zone within which it is located, and
  - (b) it has considered those other aims and objectives of this plan that are relevant to the development, and
  - (c) it is satisfied that the development would not have an unacceptable cumulative impact on the community, locality or catchment that will be affected by its being carried out or on the area of Tweed as a whole.
- (2) The consent authority may grant consent to development specified in Item 3 of the Table to clause 11 only if the applicant demonstrates to the satisfaction of the consent authority that:
  - (a) the development is necessary for any one of the following reasons:
    - (i) it needs to be in the locality in which it is proposed to be carried out due to the nature, function or service catchment of the development,
    - (ii) it meets an identified urgent community need,
    - (iii) it comprises a major employment generator, and
  - (b) there is no other appropriate site on which the development is permitted with consent development (other than as advertised development) in reasonable proximity, and

- (c) the development will be generally consistent with the scale and character of existing and future lawful development in the immediate area, and
  - (d) the development would be consistent with the aims of this plan and at least one of the objectives of the zone within which it is proposed to be located.
- (3) Development referred to in subclause (2) which, in the opinion of the consent authority, meets the criteria of that subclause is identified as advertised development for the purposes of the Act.

## **Part 2 Provisions applying to particular zones**

### **9 Exempt development**

- (1) Development of minimal environmental impact listed in Schedule 1 to *Tweed Development Control Plan No 40*, as adopted by the Council on 1 March 2000 is exempt development, despite any other provisions of this plan.
- (2) Despite subclause (1), development proposed to be carried out on the following land is not exempt development:
  - (a) land that is critical habitat or on which, as a result of carrying out the development, there is likely to be a significant effect on threatened species, populations or ecological communities or their habitats (within the meaning of the [Threatened Species Conservation Act 1995](#) or Part 7A of the [Fisheries Management Act 1994](#)), or
  - (b) land that is within a wilderness area (under the [Wilderness Act 1987](#)), or
  - (c) land that:
    - (i) is listed as the site of a heritage item in Schedule 2, or
    - (ii) is subject to an order under the [Heritage Act 1977](#), or
    - (iii) is an Aboriginal place under the [National Parks and Wildlife Act 1974](#), or
    - (iv) is reserved or dedicated under the [Crown Lands Act 1989](#) for the preservation of flora, fauna or geological formations or for other environmental protection purposes, or
  - (d) land in a heritage conservation area if the proposed development will be visible from a public place.

### **10 Complying development**

- (1) Development listed in Schedule 2 to *Tweed Development Control Plan No 40*, as adopted by the Council on 1 March 2000 is complying development if:

- (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it is not an existing use as defined by section 106 of the Act.
- (2) Despite subclause (1), development is complying development only if it:
- (a) meets the applicable requirements in Schedule 2 to *Tweed Development Control Plan No 40*, as adopted by the Council on 1 March 2000, and
  - (b) is not subject to a provision in Part 5, 6, 7, 8 or 11 of this plan that requires the consent authority to be satisfied as to certain matters specified in this plan before consent may be granted for it, and
  - (c) is not carried out on land that:
    - (i) is critical habitat (within the meaning of the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*), or
    - (ii) is within a wilderness area (under the *Wilderness Act 1987*), or
    - (iii) is subject to an order under the *Heritage Act 1977*, or
    - (iv) is an Aboriginal place under the *National Parks and Wildlife Act 1974*, or
    - (v) is land to which *State Environmental Planning Policy No 14—Coastal Wetlands* applies, or
    - (vi) is land to which *State Environmental Planning Policy No 26—Littoral Rainforests* applies, or
    - (vii) is listed as the site of a heritage item in Schedule 2 or is in a heritage conservation area, or
    - (viii) is identified, on a register or map kept by the Council and available for inspection at the office of the Council, as being flood liable, contaminated, within a buffer area, subject to subsidence, slip or erosion, or in an area having significant bushfire hazard risk, or
    - (ix) has previously been used as a service station, for intensive agriculture, mining or extractive industries or sheep or cattle dips, for the manufacture of chemicals, or for the storage of hazardous chemicals, or
    - (x) is within an aquatic reserve declared under the *Fisheries Management Act 1994*, or
    - (xi) is reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or for other environmental protection purposes.

- (3) A complying development certificate is subject to the conditions for the development set out in Schedule 3 to *Tweed Development Control Plan No 40*, as adopted by the Council on 1 March 2000.

## **11 The zones**

The following Table sets out the objectives of the zones and the development that is allowed without consent or only with consent, or that is prohibited, within them:

Table

### **Zone 1 (a) Rural**

#### **Zone objectives**

##### **Primary objectives**

- to enable the ecologically sustainable development of land that is suitable primarily for agricultural or natural resource utilisation purposes and associated development.
- to protect rural character and amenity.

##### **Secondary objectives**

- to enable other types of development that rely on the rural or natural values of the land such as agri- and eco-tourism.
- to provide for development that is not suitable in or near urban areas.
- to prevent the unnecessary fragmentation or development of land which may be needed for long-term urban expansion.
- to provide non-urban breaks between settlements to give a physical and community identity to each settlement.

#### **Development within the zone**

##### **In Zone 1 (a) development for the purpose of the following is:**

###### **Item 1 allowed without consent:**

- agriculture
- environmental facilities
- forestry

###### **Item 2 allowed only with consent:**

- bed and breakfast
- dwelling houses if each is on an allotment of at least 40 hectares or on an allotment referred to in clause 57

- multi-dwelling housing if:
  - (a) not more than two dwellings are involved, and
  - (b) they are attached, and
  - (c) they are on an allotment of at least 40 hectares or an allotment referred to in clause 57
- any other buildings, works, places or land uses not included in Item 1, 3 or 4

**Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2)**

- boat repair and servicing facilities
- boating facilities
- car parks
- caravan parks (other than camping grounds) if connected to a reticulated sewerage system
- child care centres
- clubs
- educational establishments
- helipads
- heliports
- hospitals
- hotels
- housing for older people or people with disabilities
- institutions
- junkyards
- light industries
- marinas
- markets
- motels
- offensive or hazardous industries
- places of assembly
- places of public worship
- public buildings
- service stations
- storage units
- transport terminals (other than airline terminals)

**Item 4 prohibited:**

- airline terminals
- boat showrooms
- bulky goods retailing
- caravan parks (other than camping grounds) if not connected to a reticulated sewerage system
- display homes
- industries (other than home industries, light industries, offensive or hazardous industries, rural industries or industries directly associated with or dependent on extractive industries)
- manufactured home estates
- multi-dwelling housing not included in Item 2
- restricted premises
- shops (other than general stores)
- boarding-houses
- brothels
- car repair stations
- commercial premises
- dwelling houses not included in Item 2
- integrated housing
- motor showrooms
- professional consulting rooms
- roadside stalls if requiring direct access to an RTA classified road

## **Zone 1 (b) Agricultural Protection**

### **Zone objectives**

#### **Primary objective**

- to protect identified prime agricultural land from fragmentation and the economic pressure of competing land uses.

#### **Secondary objective**

- to allow other development that is compatible with agricultural activities.

### **Development within the zone**

#### **In Zone 1 (b) development for the purpose of the following is:**

##### **Item 1 allowed without consent**

- agriculture

- forestry

**Item 2 allowed only with consent**

- bed and breakfast
- dwelling houses if each is on an allotment of:
  - (a) at least 10 hectares, where on land shown lettered “1 (b1)” on the zone map, or
  - (b) at least 40 hectares, where on land shown lettered “1 (b2)” on the zone map, or on an allotment referred to in clause 57
- multi-dwelling housing if:
  - (a) not more than two dwellings are involved, and
  - (b) they are attached, and
  - (c) they are on allotment of:
    - (i) at least 10 hectares, where on land shown lettered “1 (b1)” on the zone map, or
    - (ii) 40 hectares, where on land shown lettered “1 (b2)” on the zone map, or on an allotment referred to in clause 57
- any other buildings, works, places or land uses not included in Item 1, 3 or 4

**Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):**

- |                                |   |
|--------------------------------|---|
| • emergency service facilities | • extractive industries                                       |
| • generating works             | • recreation areas  |
| • retail plant nurseries       | • road transport terminals                                    |
| • stock and sale yards         | • utility installations being gas holders or generating works |

**Item 4 prohibited:**

- |                   |  |
|-------------------|--|
| • abattoirs       | • airline terminals                    |
| • boarding-houses | • boat repair and servicing facilities |
| • boat showrooms  | • boating facilities                   |

- brothels
- bulky goods retailing
- bus stations
- car parks
- caravan parks
- clubs
- community buildings
- depots
- dwelling houses not included in Item 2
- general stores
- heliports
- hotels
- industries (other than home industries or rural industries)
- integrated housing
- light industries
- manufactured home estates
- markets
- motels
- multi-dwelling housing not included in Item 2
- outdoor eating areas
- bulk stores
- bus depots
- camping grounds
- car repair stations
- child care centres
- commercial premises
- cruise craft docks
- display homes
- educational establishments
- helipads
- hospitals
- housing for older people or people with disabilities
- institutions
- junkyards
- liquid fuel depots
- marinas
- mines
- motor showrooms
- offensive or hazardous industries
- places of assembly



- places of public worship
- public buildings
- recreation establishments
- recreation vehicle areas
- respite care centres
- roadside stalls if requiring direct access to an RTA classified road
- service stations
- storage units
- tourist facilities
- transport terminals
- professional consulting rooms
- recreation areas
- recreation facilities
- refreshment rooms
- restricted premises
- sawmills
- shops (other than general stores)
- tourist accommodation
- tourist resorts
- warehouses

## **Zone 1 (c) Rural Living**

### **Zone objectives**

#### **Primary objectives**

- to enable rural residential development in selected areas possessing particular environmental and servicing attributes which do not compromise the viability of rural activities on land in the vicinity, do not detract from the quality of the rural and natural environment and do not create unreasonable or uneconomic demands, or both, for the provision or extension of public amenities or services.
- to provide rural residential development of a design integration, quality and scale compatible with, and making a positive contribution to, the character of the rural area in the vicinity.

#### **Secondary objective**

- to enable other development that is compatible with rural residential development.

### **Development within the zone**

#### **In Zone 1 (c) development for the purpose of the following is:**

##### **Item 1 allowed without consent:**

- environmental facilities

**Item 2 allowed only with consent:**

- bed and breakfast
- dwelling houses if each is on an allotment that complies with clause 21 or an allotment referred to in clause 57
- multi-dwelling housing if:
  - (a) not more than two dwellings are involved, and
  - (b) they are attached, and
  - (c) they are on an allotment that complies with clause 21 or an allotment referred to in clause 57
- educational establishments
- any other buildings, works, places or land uses not included in Item 1, 3 or 4

**Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):**

- bus depots
- bus stations
- car parks
- depots
- generating works
- helipads
- places of assembly
- places of public worship
- public buildings
- recreation establishments
- recreation facilities
- retail plant nurseries
- road transport terminals
- rural industries
- utility installations being gas holders or generating works

**Item 4 prohibited:**

- abattoirs
- airline terminals

- animal establishments
- boat repair and servicing facilities
- boating facilities
- bulk stores
- camping grounds
- caravan parks
- commercial premises
- depots
- dwelling houses not included in Item 2
- forestry
- hospitals
- housing for older people or people with disabilities
- institutions
- junkyards
- liquid fuel depots
- marinas
- mines
- motor showrooms
- offensive or hazardous industries
- professional consulting rooms
- refreshment rooms
- boarding-houses
- boat showrooms
- brothels
- bulky goods retailing
- car repair stations
- clubs
- cruise craft docks
- display homes if adjoining an RTA classified road
- extractive industries
- heliports
- hotels
- industries (other than home industries or rural industries)
- integrated housing
- light industries
- manufactured home estates
- markets
- motels
- multi-dwelling housing not included in Item 2
- outdoor eating areas
- recreation vehicle areas
- restricted premises

- road transport terminals
- rural tourist facilities
- sawmills
- shops
- storage units
- tourist facilities
- transport terminals
- roadside stalls if requiring access to an RTA classified road
- rural workers' dwellings
- service stations
- stock and sale yards
- tourist accommodation
- tourist resorts
- warehouses

## **Zone 2 (a) Low Density Residential**

### **Zone objectives**

#### **Primary objectives**

In the case of land within Zone 2 (a) between the Tweed Heads Bypass and Cobaki Bridge:

- to minimise the number of dwellings subject to unacceptable aircraft noise and to limit development within the Kennedy Drive traffic catchment so that development is compatible with Kennedy Drive traffic capacity.

In the case of all other land within Zone 2 (a):

- to provide for and maintain a low density residential environment with a predominantly detached housing character and amenity.

#### **Secondary objectives**

- to allow some diversity of housing types provided it achieves good urban design outcomes and the density, scale and height is compatible with the primary objective.
- to allow for non-residential development that is domestically based, or services the local needs of the community, and does not detract from the primary objective of the zone.

### **Development within the zone**

**In Zone 2 (a) development for the purpose of the following is:**

#### **Item 1 allowed without consent:**

- environmental facilities

**Item 2 allowed only with consent:**

- bed and breakfast
- dwelling houses if each is on an allotment of at least 450m<sup>2</sup>
- integrated housing if at a density of not greater than:
  - (a) one dwelling per 450m<sup>2</sup> of site area, or
  - (b) one dwelling per 250m<sup>2</sup> of site area where the site is within 300 metres distance of a business centre listed in Schedule 8
- multi-dwelling housing
- utility installations except gas holders or generating works
- any other buildings, works, places or land uses not included in Item 1, 3 or 4

**Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):**

- boarding-houses
- boating facilities
- cruise craft docks
- hotels
- recreation facilities
- boat repair and servicing facilities
- clubs
- helipads
- marinas
- training facilities

**Item 4 prohibited**

- abattoirs
- airline terminals
- boat showrooms
- bulk stores
- camping grounds
- caravan parks
- agriculture
- animal establishments
- brothels
- bulky goods retailing
- car repair stations
- commercial premises

- depots
- extractive industries
- heliports
- institutions
- junkyards
- liquid fuel depots
- mines
- motor showrooms
- offensive or hazardous industries
- recreation establishments
- refreshment rooms
- retail plant nurseries
- roadside stalls
- rural tourist facilities
- sawmills
- shops (other than general stores)
- storage units
- tourist facilities
- transport terminals
- warehouses
- display homes if adjoining an RTA classified road
- forestry
- industries (other than home industries)
- integrated housing not included in Item 2
- light industries
- markets
- motels
- outdoor eating areas
- recreation vehicle areas
- restricted premises
- road transport terminals
- rural industries
- rural workers' dwellings
- service stations
- stock and sale yards
- tourist accommodation
- tourist resorts
- utility installations being gas holders or generating works

## **Zone 2 (b) Medium Density Residential**

## **Zone objectives**

### **Primary objective**

- to provide for and encourage development for the purpose of medium density housing (and high density housing in proximity to the Tweed Heads sub-regional centre) that achieves good urban design outcomes.

### **Secondary objectives**

- to allow for non-residential development which supports the residential use of the locality.
- to allow for tourist accommodation that is compatible with the character of the surrounding locality.
- to discourage the under-utilisation of land for residential purposes, particularly close to the Tweed Heads sub-regional centre.

## **Development within the zone**

### **In Zone 2 (b) development for the purpose of the following is:**

#### **Item 1 allowed without consent:**

- environmental facilities

#### **Item 2 allowed only with consent:**

- bed and breakfast
- any other buildings, works, places or land uses not included in Item 1, 3 or 4

#### **Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):**

- clubs
- hospitals
- manufactured home estates
- outdoor eating areas
- road transport terminals
- tourist facilities
- cruise craft docks
- hotels
- marinas
- refreshment rooms
- tourist accommodation

#### **Item 4 prohibited:**

- abattoirs
- agriculture
- airline terminals
- animal establishments
- boat repair and servicing facilities
- boat showrooms
- boating facilities
- brothels
- bulk stores
- bulky goods retailing
- camping grounds
- car repair stations
- caravan parks
- commercial premises
- depots
- extractive industries
- forestry
- generating works
- helipads
- heliports
- industries (other than home industries)
- institutions
- junkyards
- light industries
- liquid fuel depots
- markets
- mines
- motor showrooms
- offensive or hazardous industries
- recreation establishments
- recreation facilities
- recreation vehicle areas
- restricted premises
- retail plant nurseries
- roadside stalls
- rural industries
- rural tourist facilities
- rural workers' dwellings
- sawmills
- service stations
- shops (other than general stores)
- stock and sale yards
- storage units
- tourist resorts



- transport terminals
- warehouses

## **Zone 2 (c) Urban Expansion**

### **Zone objectives**

#### **Primary objectives**

- to identify land for urban expansion (which will comprise mainly residential development focused on multi-use neighbourhood centres) and to ensure its optimum utilisation consistent with environmental constraints and the need to minimise residential landtake.

#### **Secondary objectives**

- to allow associated non-residential development which meets the recreation, shopping, commercial, employment and social needs of future residents.
- to ensure that sensitive environmental areas within and outside the zone are protected from any adverse impacts of development.
- to enable planning flexibility to achieve the other objectives of the zone by providing detailed guidelines through development control plans.

### **Development within the zone**

#### **In Zone 2 (c) development for the purpose of the following is:**

##### **Item 1 allowed without consent:**

- environmental facilities

##### **Item 2 allowed only with consent:**

- bed and breakfast
- dwelling houses if each is on an allotment of at least 450m<sup>2</sup>
- any other buildings, works, places or land uses not included in Item 1, 3 or 4

##### **Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):**

- agriculture
- extractive industries
- helipads
- liquid fuel depots
- recreation establishments
- recreation vehicle areas

- roadside stalls
- rural workers' dwellings
- road transport terminals
- utility installations being gas holders or generating works

**Item 4 prohibited:**

- abattoirs
- animal establishments
- display homes if adjoining an RTA classified road
- heliports
- institutions
- mines
- restricted premises
- rural tourist facilities
- stock and sale yards
- airline terminals
- brothels
- forestry
- industries (other than home industries or light industries)
- junkyards
- offensive or hazardous industries
- rural industries
- sawmills
- transport terminals (other than bus depots, bus stations or road transport terminals)

**Zone 2 (d) Village**

**Zone objectives**

**Primary objective**

- to provide for residential development and a full range of services and facilities traditionally associated with a rural village which is of a design and scale that makes a positive contribution to the character of the village.

**Development within the zone**

**In Zone 2 (d) development for the purpose of the following is:**

**Item 1 allowed without consent:**

- environmental facilities

**Item 2 allowed only with consent:**

- bed and breakfast
- dwelling houses if each is on an allotment of at least 450m<sup>2</sup>
- rural workers' dwellings
- any other buildings, works, places or land uses not included in Item 1, 3 or 4

**Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):**

- forestry
- sawmills
- helipads
- stock and sale yards

**Item 4 prohibited:**

- abattoirs
- animal establishments
- display homes if adjoining an RTA classified road
- heliports
- liquid fuel depots
- offensive or hazardous industries
- restricted premises
- airline terminals
- brothels
- extractive industries
- junkyards
- mines
- recreation vehicle areas
- tourist resorts

**Zone 2 (e) Residential Tourist**

**Zone objectives**

**Primary objective**

- to encourage the provision of family-oriented tourist accommodation and related facilities and services in association with residential development including a variety of forms of low and medium density housing and associated tourist facilities such as hotels, motels, refreshment rooms, holiday cabins, camping grounds, caravan parks and compatible commercial services which will provide short-term accommodation and day tourist facilities.

**Secondary objective**

- to permit other development which has an association with a residential/tourist environment and is unlikely to adversely affect the residential amenity or place demands on services beyond the level reasonably required for residential use.

### **Development within the zone**

#### **In Zone 2 (e) development for the purpose of the following is:**

##### **Item 1 allowed without consent:**

- environmental facilities

##### **Item 2 allowed only with consent:**

- bed and breakfast
- any other buildings, works, places or land uses not included in Item 1, 3 or 4

##### **Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):**

- boat repair and servicing facilities
- bus depots
- helipads
- light industries
- bulk stores
- car repair stations
- heliports
- recreation establishments

##### **Item 4 prohibited:**

- abattoirs
- animal establishments
- brothels
- depots
- extractive industries
- industries (other than home industries or light industries)
- junkyards
- agriculture
- boat showrooms
- bulky goods retailing
- dwelling houses if each is on an allotment of less than 450m<sup>2</sup>
- forestry
- institutions
- liquid fuel depots

- mines
- offensive or hazardous industries
- restricted premises
- rural industries
- rural workers' dwellings
- stock and sale yards
- transport terminals (other than bus depots or bus stations)
- motor showrooms
- recreation vehicle areas
- roadside stalls
- rural tourist facilities
- sawmills
- storage units
- warehouses

## **Zone 2 (f) Tourism**

### **Zone objectives**

#### **Primary objectives**

- to encourage integrated tourist development and uses associated with, ancillary to or supportive of the tourist development, including retailing and service facilities, where such facilities are an integral part of the tourist development and are of a scale appropriate to the needs of that development.
- to ensure that prime sites are developed for the best use and fulfil their economic and employment generating potential for the area.

#### **Secondary objective**

- to permit high quality residential development as being integral and supportive of the primary intent of this zone (tourist orientated development) in terms of design and management structure and only at a scale which enhances the proposed tourist resort character.

### **Development within the zone**

#### **In Zone 2 (f) development for the purpose of the following is:**

##### **Item 1 allowed without consent:**

- environmental facilities

##### **Item 2 allowed only with consent:**

- bed and breakfast

- dwelling house if for a caretaker
- any other buildings, works, places or land uses not included in Item 1, 3 or 4

**Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):**

- boat repair and servicing facilities
- boat showrooms
- bulk stores
- bus depots
- car repair stations
- helipads
- heliports
- liquid fuel depots

**Item 4 prohibited:**

- abattoirs
- agriculture
- animal establishments
- brothels
- bulky goods retailing
- dwelling houses (unless for caretakers)
- extractive industries
- forestry
- home industries
- industries (other than light industries)
- institutions
- junkyards
- mines
- motor showrooms
- offensive or hazardous industries
- recreation establishments
- recreation vehicle areas
- restricted premises
- retail plant nurseries
- roadside stalls
- rural industries
- rural tourist facilities
- rural workers' dwellings
- sawmills
- stock and sale yards
- transport terminals (other than bus depots or bus stations)

- warehouses

### **Zone 3 (a) Sub-regional Business**

#### **Zone objectives**

##### **Primary objective**

- to encourage the development and rejuvenation of the Tweed Heads core business area as a sub-regional centre primarily for tourist, cultural, retail and commercially orientated development, including a choice of accommodation.

##### **Secondary objective**

- to encourage upper floor residential and tourist accommodation.

#### **Development within the zone**

##### **In Zone 3 (a) development for the purpose of the following is:**

##### **Item 1 allowed without consent:**

- environmental facilities

##### **Item 2 allowed only with consent:**

- bed and breakfast
- boarding-houses if not at street level (other than the entry and the like)
- places of public worship
- tourist accommodation if not at street level (other than the foyer, non-residential facilities and the like)
- any other buildings, works, places or land uses not included in Item 1, 3 or 4

##### **Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):**

- emergency service facilities
- helipads
- heliports
- housing for older people or people with disabilities

##### **Item 4 prohibited:**

- abattoirs
- animal establishments
- boat showrooms
- bulk stores
- camping grounds
- caravan parks
- display homes (other than those erected at first floor level or above)
- extractive industries
- generating works
- industries
- integrated housing
- liquid fuel depots
- mines
- multi-dwelling housing (unless located above non-residential ground floor level development)
- professional consulting rooms
- recreation establishments
- restricted premises
- roadside stalls
- rural tourist facilities
- sawmills
- agriculture
- boat repair and servicing facilities
- brothels
- bulky goods retailing
- car repair stations
- depots
- dwelling houses
- forestry
- hospitals
- institutions
- junkyards
- manufactured home estates
- motor showrooms
- offensive or hazardous industries
- recreation areas
- recreation vehicle areas
- retail plant nurseries
- rural industries
- rural workers' dwellings
- service stations



- stock and sale yards
- storage units
- tourist resorts
- transport terminals (other than airline terminals or bus stations)
- utility installations being gas holders or generating works
- warehouses

### **Zone 3 (b) General Business**

#### **Zone objectives**

##### **Primary objectives**

- to provide business centres in which the community's shopping, business, welfare and social needs can be met.
- to provide business locations within residential areas, and to ensure that the scale and type of development is compatible with the character and amenity of the surrounding residential areas.

##### **Secondary objectives**

- to provide for tourist orientated development.
- to encourage upper floor residential or tourist accommodation.

#### **Development within the zone**

#### **In Zone 3 (b) development for the purpose of the following is:**

##### **Item 1 allowed without consent:**

- environmental facilities

##### **Item 2 allowed only with consent:**

- bed and breakfast
- boarding-houses if not at street level (other than the entry and the like)
- housing for older people or people with disabilities if not at street level (other than the entry and the like)
- tourist accommodation if not at street level (other than the entry and the like)
- any other buildings, works, places or land uses not included in Item 1, 3 or 4

##### **Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):**

- boat repair and servicing facilities
- bulky goods retailing
- educational establishments
- hospitals
- bulk stores
- car repair stations
- helipads
- warehouses

**Item 4 prohibited:**

- abattoirs
- animal establishments
- camping grounds
- depots
- dwelling houses
- forestry
- heliports
- institutions
- junkyards
- manufactured home estates
- multi-dwelling housing (unless located above non-residential ground floor level development)
- professional consulting rooms
- recreation establishments
- restricted premises
- rural industries
- agriculture
- brothels
- caravan parks
- display homes (other than those erected at first floor level or above)
- extractive industries
- generating works
- industries (other than home industries or light industries)
- integrated housing
- liquid fuel depots
- mines
- offensive or hazardous industries
- recreation areas
- recreation vehicle areas
- roadside stalls
- rural tourist facilities

- rural workers' dwellings
- stock and sale yards
- tourist resorts
- utility installations being gas holders or generating works
- sawmills
- storage units
- transport terminals (other than airline terminals or bus stations)

### **Zone 3 (c) Commerce and Trade**

#### **Zone objectives**

##### **Primary objective**

- to provide for commercial, bulky goods retailing, light industrial and trade activities which do not jeopardise the viability or function of the sub-regional or business centres.

##### **Secondary objectives**

- to provide for those retailing activities which are not suited to, or desirable in, the other business zones or which serve the needs of the other businesses in the zone.
- to allow for other development that is compatible with the primary function of the zone.

#### **Development within the zone**

##### **In Zone 3 (c) development for the purpose of the following is:**

##### **Item 1 allowed without consent:**

- environmental facilities

##### **Item 2 allowed only with consent:**

- bed and breakfast
- any other buildings, works, places or land uses not included in Item 1, 3 or 4

##### **Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):**

- educational establishments
- heliports
- helipads
- institutions

- junkyards
- liquid fuel depots
- places of assembly
- places of public worship
- shops (other than general stores)

**Item 4 prohibited:**

- abattoirs
- agriculture
- animal establishments
- boarding-houses
- brothels
- camping grounds
- caravan parks
- display homes
- dwelling houses (unless for caretakers)
- extractive industries
- forestry
- generating works
- home businesses
- housing for older people or people with disabilities
- industries (other than light industries)
- integrated housing
- manufactured home estates
- markets
- mines
- motels
- multi-dwelling housing
- offensive or hazardous industries
- professional consulting rooms
- recreation areas
- recreation establishments
- recreation vehicle areas
- restricted premises
- roadside stalls
- rural industries
- rural tourist facilities
- rural workers' dwellings
- sawmills
- stock and sale yards
- tourist accommodation

- tourist resorts
- utility installations being gas holders or generating works
- transport terminals (other than airline terminals, bus depots or bus stations)

### **Zone 3 (d) Waterfront Enterprise**

#### **Zone objectives**

##### **Primary objective**

- to encourage development related to waterfront and marine activities, recreation or tourism.

##### **Secondary objectives**

- to allow for residential development in association with waterfront, tourist or recreational uses.
- to allow for other development that is compatible with the primary function of the zone.

#### **Development within the zone**

##### **In Zone 3 (d) development for the purpose of the following is:**

##### **Item 1 allowed without consent:**

- environmental facilities

##### **Item 2 allowed only with consent:**

- bed and breakfast
- any other buildings, works, places or land uses not included in Item 1, 3 or 4

##### **Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):**

- bulky goods retailing
- educational establishments
- places of public worship

##### **Item 4 prohibited:**

- abattoirs
- agriculture
- animal establishments
- brothels

- camping grounds
- caravan parks
- forestry
- heliports
- housing for older people or people with disabilities
- institutions
- junkyards
- manufactured home estates
- motor showrooms
- offensive or hazardous industries
- restricted premises
- roadside stalls
- rural tourist facilities
- sawmills
- storage units
- tourist resorts (other than those related to water-based activities)
- utility installations being gas holders or generating works
- car repair stations
- extractive industries
- generating works
- hospitals
- industries (other than home industries or those directly associated with waterfront or tourism uses)
- integrated housing
- liquid fuel depots
- mines
- multi-dwelling housing (unless located above non-residential ground floor level development)
- recreation vehicle areas
- retail plant nurseries
- rural industries
- rural workers' dwellings
- stock and sale yards
- tourist accommodation (other than that attached to activities permitted within the zone)
- transport terminals (other than bus depots or bus stations)
- warehouses

### **Zone 3 (e) Special Tourist (Jack Evans Boatharbour)**

## **Zone objectives**

### **Primary objectives**

- to provide for tourist orientated commercial, retail, service, residential and waterfront facilities and activities and public buildings which support and are an integral part of the renewal of certain areas in the vicinity of the Jack Evans Boatharbour, but only at a scale which enhances the character of the locality.
- to provide opportunities for public access to all waterfront areas and public landscaped areas within the zone.

### **Development within the zone**

#### **In Zone 3 (e) development for the purpose of the following is:**

##### **Item 1 allowed without consent:**

- nil

##### **Item 2 allowed only with consent:**

- bed and breakfast
- any other buildings, works, places or land uses not included in Item 1, 3 or 4

##### **Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):**

- nil

##### **Item 4 prohibited:**

- abattoirs
- animal establishments
- bulk stores
- camping grounds
- caravan parks
- display homes (other than those erected above street level)
- extractive industries
- agriculture
- brothels
- bus depots
- car repair stations
- depots
- dwelling houses
- forestry

- generating works
- housing for older people or people with disabilities
- institutions
- junkyards
- liquid fuel depots
- mines
- offensive or hazardous industries
- restricted premises
- rural industries
- rural workers' dwellings
- stock and sale yards
- transport terminals (other than bus stations)
- heliports
- industries
- integrated housing
- light industries
- manufactured home estates
- multi-dwelling housing (unless located above non-residential ground floor level development)
- recreation vehicle areas
- roadside stalls
- rural tourist facilities
- sawmills
- tourist resorts
- warehouses

## **Zone 4 (a) Industrial**

### **Zone objectives**

#### **Primary objectives**

- to provide land primarily for industrial development.
- to facilitate economic activity and employment generation.

#### **Secondary objective**

- to allow non-industrial development which either provides a direct service to industrial activities and their work force, or which, due to its type, nature or scale, is inappropriate to be located in another zone.

#### **Development within the zone**

#### **In Zone 4 (a) development for the purpose of the following is:**



**Item 1 allowed without consent:**

- environmental facilities

**Item 2 allowed only with consent:**

- bed and breakfast
- any other buildings, works, places or land uses not included in Item 1, 3 or 4

**Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):**

- animal establishments
- bulky goods retailing
- helipads
- heliports
- hospitals
- hotels
- markets
- motor showrooms
- offensive or hazardous industries
- places of assembly
- places of public worship
- refreshment rooms
- retail plant nurseries

**Item 4 prohibited:**

- abattoirs
- agriculture
- airline terminals
- boarding-houses
- boat showrooms
- camping grounds
- caravan parks
- commercial premises
- dwelling houses (unless for caretakers)
- educational establishments
- forestry
- housing for older people or people with disabilities
- institutions
- integrated housing
- manufactured home estates
- mines

- motels
- outdoor eating areas
- recreation establishments
- respite care centres
- roadside stalls
- rural tourist facilities
- shops (other than general stores, takeaway food shops serving the industrial area or shops ancillary or incidental to a lawful use of the land)
- tourist facilities
- multi-dwelling housing
- professional consulting rooms
- recreation vehicle areas
- restricted premises
- rural industries
- rural workers' dwellings
- tourist accommodation
- tourist resorts

## **Zone 5 (a) Special Uses**

### **Zone objectives**

#### **Primary objective**

- to identify land which is developed or is proposed to be developed, generally by public bodies, for community facilities and services, roads, railways, utilities and similar things.

#### **Secondary objective**

- to provide flexibility in the development of the land, particularly if it is not yet or is no longer required for the relevant special use.

### **Development within the zone**

#### **In Zone 5 (a) development for the purpose of the following is:**

##### **Item 1 allowed without consent:**

- environmental facilities
- railways if on land indicated by red lettering as "Railway" on the zone map
- roads (including road widening)
- any use authorised by or under the [Forestry Act 1916](#) for the purpose of State forests if on land indicated by red lettering as "Forestry" on the zone map

**Item 2 allowed only with consent:**

- unless it is allowed without consent under Item 1, the particular use indicated by red lettering on the zone map and any development ordinarily incidental or ancillary to that use
- any use which is compatible with adjacent uses and with uses allowed (with or without consent) in adjacent zones
- public utility undertakings
- utility installations

**Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):**

- nil

**Item 4 prohibited:**

- any buildings, works, places or land uses not included in Item 1, 2 or 3

**Zone 6 (a) Open Space**

**Zone objectives**

**Primary objective**

- to identify existing public land, and land that is proposed to be acquired for public ownership, to satisfy the open space and recreational needs of local residents and visitors to the area of Tweed and to enable its development to encourage or assist their recreational use and enjoyment of the land.

**Secondary objective**

- to allow other development that is compatible with the recreational use of the land.

**Development within the zone**

**In Zone 6 (a) development for the purpose of the following is:**

**Item 1 allowed without consent:**

- any use included in Item 2 or 3 which is specifically authorised by a “plan of management” adopted by the Council under the [Local Government Act 1993](#) and which applies to the land
- beach maintenance
- environmental facilities
- recreation areas

- roads

**Item 2 allowed only with consent:**

- agriculture
- boating facilities
- bushfire hazard reduction
- car parks
- community buildings (other than child care centres)
- dwelling houses if for caretakers
- earthworks
- emergency service facilities
- forestry
- marinas
- markets
- outdoor eating areas
- public buildings
- public utility undertakings
- recreation facilities
- refreshment rooms
- tourist facilities
- urban stormwater water quality management facilities
- utility installations (other than gas holders or generating works)
- works for drainage and landfill

**Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):**

- camping grounds
- caravan parks
- child care centres
- clubs
- cruise craft docks
- helipads
- places of assembly

**Item 4 prohibited:**

- any buildings, works, places or land uses not included in Item 1, 2 or 3

**Zone 6 (b) Recreation**

## **Zone objectives**

### **Primary objective**

- to designate land, whether in public or private ownership, which is or may be used primarily for recreational purposes.

### **Secondary objective**

- to allow for other development that is compatible with the primary function of the zone.

## **Development within the zone**

### **In Zone 6 (b) development for the purpose of the following is:**

#### **Item 1 allowed without consent:**

- beach maintenance

#### **Item 2 allowed only with consent:**

- agriculture
- boating facilities
- camping grounds
- child care centres
- community buildings
- dwelling houses if for caretakers
- emergency service facilities
- forestry
- hotels
- markets
- outdoor eating areas
- public buildings
- recreation areas
- bed and breakfast
- bushfire hazard reduction
- car parks
- clubs
- cruise craft docks
- earthworks
- environmental facilities
- general stores
- marinas
- motels
- places of assembly
- public utility undertakings
- recreation establishments

- recreation facilities
- roads
- tourist facilities
- utility installations (other than gas holders or generating works)
- refreshment rooms
- tourist accommodation
- urban stormwater water quality management facilities
- works for drainage and landfill

**Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):**

- caravan parks
- helipads
- retail plant nurseries
- educational establishments
- heliports
- tourist resorts

**Item 4 prohibited:**

- any buildings, works, places or land uses not included in Item 1, 2 or 3

**Zone 7 (a) Environmental Protection (Wetlands and Littoral Rainforests)**

**Zone objectives**

**Primary objectives**

- to identify, protect and conserve significant wetlands and littoral rainforests.
- to prohibit development which could destroy or damage a wetland or littoral rainforest ecosystem.

**Secondary objectives**

- to protect the scenic values of wetlands and littoral rainforests.
- to allow other development that is compatible with the primary function of the zone.

**Development within the zone**

**In Zone 7 (a) development for the purpose of the following is:**

**Item 1 allowed without consent:**

- nil

**Item 2 allowed only with consent:**

- beach maintenance
- bushfire hazard reduction that is not exempt development
- home businesses
- real estate signs
- bed and breakfast
- environmental facilities
- noxious weed control that is not exempt development

**Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):**

- agriculture
- emergency service facilities
- roads
- utility installations (other than gas holders or generating works)
- earthworks
- public utility undertakings
- urban stormwater water quality management facilities
- works for drainage and landfill

**Item 4 prohibited:**

- any buildings, works, places or land uses not included in Item 1, 2 or 3

**Zone 7 (d) Environmental Protection (Scenic/Escarpment)**

**Zone objectives**

**Primary objectives**

- to protect and enhance those areas of particular scenic value to the area of Tweed, minimise soil erosion from escarpment areas, prevent development in geologically hazardous areas, and maintain the visual amenity of prominent ridgelines and areas.

**Secondary objective**

- to allow other development that is compatible with the primary function of the zone.

**Development within the zone**

**In Zone 7 (d) development for the purpose of the following is:**

**Item 1 allowed without consent:**

- beach maintenance

**Item 2 allowed only with consent:**

- bed and breakfast
- business identification signs
- dwelling houses if each is on an allotment of at least 40 hectares or an allotment referred to in clause 57 and if the number of dwellings does not exceed one for each 40 hectares of land contained within the allotment
- home businesses
- multi-dwelling housing if:
  - not more than two dwellings are involved, and
  - they are attached, and
  - they are on allotment of at least 40 hectares or an allotment referred to in clause 57
- real estate signs
- utility installations
- bushfire hazard reduction that is not exempt development
- camping grounds
- earthworks
- home industries
- noxious weed control that is not exempt development
- roadside stalls

**Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):**

- agriculture
- environmental facilities
- forestry
- recreation areas
- roads
- rural workers' dwellings
- emergency service facilities
- extractive industries
- public utility undertakings
- refreshment rooms
- rural tourist facilities
- telecommunications infrastructure



- urban stormwater water quality management facilities
- utility installations (other than gas holders or generating works)
- works for drainage and landfill

**Item 4 prohibited:**

- any buildings, works, places or land uses not included in Item 1, 2 or 3

**Zone 7 (f) Environmental Protection (Coastal Lands)**

**Zone objectives**

**Primary objectives**

- to identify land susceptible to coastal erosion and protect it from inappropriate development.
- to protect and enhance the scenic and environmental values of the land.

**Secondary objective**

- to allow for other development that is compatible with the primary function of the zone.

**Development within the zone**

**In Zone 7 (f) development for the purpose of the following is:**

**Item 1 allowed without consent:**

- beach maintenance
- environmental facilities

**Item 2 allowed only with consent:**

- bed and breakfast
- bushfire hazard reduction that is not exempt development
- earthworks
- emergency service facilities
- noxious weed control that is not exempt development
- public utility undertakings
- real estate signs
- recreation areas
- recreational beach activities
- roads

- urban stormwater water quality management facilities
- utility installations (other than gas holders or generating works)
- works for drainage and land fill

**Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2), but not on land at South Kingscliff (Portions 194, 301 and 312):**

- agriculture
- camping grounds
- car parks
- caravan parks
- community buildings
- mineral sand mines

**Item 4 prohibited:**

- any buildings, works, places or land uses not included in Item 1, 2 or 3

**Zone 7 (I) Environmental Protection (Habitat)**

**Zone objectives**

**Primary objectives**

- to protect areas or features which have been identified as being of particular habitat significance.
- to preserve the diversity of habitats for flora and fauna.
- to protect and enhance land that acts as a wildlife corridor.

**Secondary objectives**

- to protect areas of scenic value.
- to allow for other development that is compatible with the primary function of the zone.

**Development within the zone**

**In Zone 7 (I) development for the purpose of the following is:**

**Item 1 allowed without consent:**

- nil

**Item 2 allowed only with consent:**

- bed and breakfast
- business identification signs
- earthworks
- home businesses
- bushfire hazard reduction that is not exempt development
- dwelling houses if on an allotment of at least 40 hectares or an allotment referred to in clause 57 and if the number of dwellings does not exceed one for each 40 hectares of land contained within the allotment
- environmental facilities
- noxious weed control that is not exempt development

**Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):**

- agriculture
- emergency service facilities
- public utility undertakings
- urban stormwater water quality management facilities
- works for drainage and landfill
- camping grounds
- forestry
- roads
- utility installations (other than gas holders or generating works)

**Item 4 prohibited:**

- any buildings, works, places or land uses not included in Item 1, 2 or 3

**Zone 8 (a) National Parks and Nature Reserves**

**Zone objectives**

**Primary objectives**

- to identify land which is reserved or dedicated under the [National Parks and Wildlife Act 1974](#).
- to allow for the management and appropriate use of that land as provided by that Act.

**Development within the zone**

**In Zone 8 (a) development for the purpose of the following is:**

**Item 1 allowed without consent:**

- any use authorised by the *National Parks and Wildlife Act 1974* or any use ordinarily incidental or ancillary to such a use

**Item 2 allowed only with consent:**

- nil

**Item 3 allowed only with consent and must satisfy the provisions of clause 8 (2):**

- nil

**Item 4 prohibited:**

- any use not included in Item 1, 2 or 3

### **Part 3 General provisions**

#### **12 Temporary development of land**

**(1) Objective**

- to enable the temporary development of land for a purpose that would otherwise be prohibited in the zone.

- (2) Consent may be granted to development (other than designated development) for any purpose that is elsewhere prohibited by a provision of this plan for a maximum period of 14 days, whether consecutive or not, in any one year.

#### **13 Development of uncoloured land on the zone map**

**(1) Objectives**

- to enable the control of development on unzoned land.
- to ensure that development of unzoned land is compatible with surrounding development and zones.
- to ensure that development of certain waters takes account of environmental impacts and other users of the waters.

- (2) A person must not carry out development (other than development for the purpose of an outdoor eating area on a footpath within a road reserve or development listed in Schedule 5) on unzoned land except with consent.

- (3) In deciding whether to grant consent to development on unzoned land, the consent authority must consider:

- (a) whether the proposed development is compatible with development permissible in

the adjoining zone and the character and use of existing development in the vicinity, and

- (b) in the case of unzoned land that is below the mean high-water mark of the ocean or an estuary, bay, lake or river:
- (i) whether or not the proposed development would alienate the use of the waters of the ocean, estuary, bay, lake or river from recreational uses or from commercial fishing and, if so, whether there is sufficient area in the locality for those uses to mitigate the adverse effect of the proposed development on those uses, and
  - (ii) the provisions of any coastal, estuary or river plan of management in force from time to time that applies to the unzoned land or land in the vicinity, and
  - (iii) any impact the proposed development may have on the natural environment.

#### **14 Development near zone boundaries**

##### **(1) Objective**

- to provide flexibility where detailed investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site.

##### **(2) This clause applies to land which is:**

- (a) within 20 metres of a boundary between any two of Zones 1 (c), 2 (a), 2 (b), 2 (c), 2 (d), 2 (e), 2 (f), 3 (a), 3 (b), 3 (c), 3 (d), 3 (e), 4 (a), 5 (a), 6 (a) and 6 (b), or
- (b) within 50 metres of a boundary between Zones 1 (a) and 1 (b), or
- (c) within 50 metres of a boundary between any zone referred to in paragraph (a) and any zone referred to in paragraph (b).

##### **(3) Development that would otherwise be prohibited may, with consent, be carried out on land to which this clause applies if the development may be carried out (with or without consent) in the adjoining zone.**

##### **(4) Consent may be granted to development referred to in subclause (3) only if the consent authority is satisfied that the proposed development is more appropriate, due to planning, design, ownership, servicing or similar criteria, than the development that would otherwise be allowed.**

#### **15 Availability of essential services**

##### **(1) Objectives**

- to ensure that development does not occur without adequate measures to protect

the environment and the community's health.

- to ensure that development occurs in a coordinated and efficient manner.

(2) Consent must not be granted to the carrying out of development on any land unless:

- (a) a water supply and facilities for the removal or disposal of sewage and drainage are available for that land, or
- (b) arrangements satisfactory to the consent authority have been made for the provision of that supply and those facilities.

## **16 Height of buildings**

(1) **Objective**

- to ensure that the height and scale of development is appropriate to its location, surrounding development and the environmental characteristics of the land.

(2) Consent must not be granted to the erection of a building which exceeds the maximum height or number of storeys indicated on the Height of Buildings map in respect of the land to which the application relates.

## **17 Social impact assessment**

(1) **Objective**

- to ensure proper consideration of development that may have a significant social or economic impact.

(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 area of Tweed, the consent authority may only grant consent to the proposed development if it has considered a social impact statement in respect of the proposed development.

(3) The social impact statement must:

- (a) identify the likely future impacts of the development and the affected community, and
- (b) analyse the impacts in terms of magnitude, significance, duration, effect on current and future conditions and community services, and the like, and
- (c) determine and assess possible measures for the management or mitigation of likely impacts.

## **18 Rural workers' dwellings**

(1) **Objective**

- to enable the provision of on-farm accommodation for rural workers only where there is a genuine need for them to live on-site and there is a demonstrated capacity of the existing farm to support their employment.
- (2) Consent may be granted to the erection of a rural worker's dwelling only if the consent authority is satisfied that:
- (a) its erection will not impair the use of the land for agriculture, and
  - (b) the existing agricultural operation genuinely necessitates that rural workers reside on the farm and the operation has the economic capacity to support them, and
  - (c) the resident of the rural worker's dwelling is to be employed on that farm, and
  - (d) the erection of a rural worker's dwelling would not result in there being any more than one rural worker's dwelling on the farm, and
  - (e) the dwelling will not be built on land classified as Class 1 or 2 agricultural land by the Department of Agriculture.
- (3) Consent must not be granted to the erection of a rural worker's dwelling on an allotment of land having an area of less than 40 hectares in Zone 1 (a), 1 (b2) or 7 (d) or an allotment of less than 10 hectares in Zone 1 (b2).
- (4) For the purposes of subclause (3), land is taken to be in Zone 1 (b2) if it is shown on the zone map by the marking "1 (b2)".

## Part 4 Subdivision

### 19 General

- (1) Except as provided in this clause, a person must not subdivide land without consent.
- (2) Subdivision under the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986* may be carried out without consent if the land is within Zone 2 (a), 2 (b), 2 (c), 2 (d), 2 (e), 2 (f), 3 (a), 3 (b), 3 (c), 3 (d), 3 (e), 4 (a), 5 (a), 6 (a) or 6 (b).
- (3) A person may, with consent, carry out a minor boundary adjustment, notwithstanding that the new lots may not comply with any relevant development standards applicable to the zone in which the land is situated.
- (4) Consent is not required for a subdivision effected for the purposes of widening a public road, creating an allotment for use by a public utility undertaking, or as a public reserve or the like, notwithstanding that an allotment created by the subdivision may not comply with the minimum lot size applicable to the zone in which the land is situated.

## **20 Subdivision in Zones 1 (a), 1 (b), 7 (d) and 7 (l)**

### **(1) Objectives**

- to prevent the potential for fragmentation of ownership of rural land that would:
  - (i) adversely affect the continuance or aggregation of sustainable agricultural units, or
  - (ii) generate pressure to allow isolated residential development, and provide public amenities and services, in an uncoordinated and unsustainable manner.
- to protect the ecological or scenic values of the land.
- to protect the area of Tweed's water supply quality.

### **(2) Consent may only be granted to the subdivision of land:**

- (a) within Zone 1 (a), 1 (b2), 7 (d) or 7 (l) if the area of each allotment created is at least 40 hectares, or
- (b) within Zone 1 (b1) if the area of each allotment created is at least 10 hectares.

### **(3) Despite subclause (2), consent may be granted to the subdivision of land where an allotment to be created is less than 40 hectares, or 10 hectares in the case of Zone 1 (b1), if the consent authority is satisfied that the allotment will be used for a purpose, other than for an agricultural or residential purpose, for which consent could be granted.**

### **(4) For the purposes of subclause (3), land is taken to be within Zone 1 (b1) if it is shown on the zone map by the marking "1 (b1)".**

## **21 Subdivision in Zone 1 (c)**

### **(1) Objective**

- to ensure that the semi-rural character and environmental values of the locality are protected.

### **(2) Consent may be granted to the subdivision of land in Zone 1 (c) for residential purposes only if:**

- (a) each allotment will be connected to a reticulated water supply system, or a tank water supply will be provided to the satisfaction of the consent authority, and
- (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 a reticulated sewerage system, and
- (c) in the case of land to be connected to a 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 a reticulated sewerage system, the area of each lot created is not less than 1 hectare.

## **Part 5 Roads**

### **22 Development near designated roads**

#### **(1) Objectives**

- to protect and improve the capacity, efficiency and safety of designated roads.
- to prevent development on designated roads that would detract from the scenic attractiveness of the area of Tweed.
- to prevent or reduce the potential impact of traffic noise on development adjacent to designated roads.

#### **(2) This clause applies to land that:**

- (a) has frontage to a designated road, or
- (b) relies on a designated road for its sole means of vehicular access, or
- (c) is within Zone 1 (a), 1 (b), 1 (c), 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.

#### **(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 in red lettering on the zone map as "RTA Road":**

- (a) for a purpose for which development may be carried out on land in an adjoining zone, or
- (b) for any other purpose which is compatible with development which may be carried out on land in an adjoining zone.

#### **(4) The consent authority may grant consent to development on land to which this clause applies only if it is satisfied that:**

- (a) the development (because of its nature, appearance, cumulative effect or illumination, or the intensity or the volume or type of traffic likely to be generated, or for another similar reason) is unlikely to constitute a traffic hazard or materially reduce the capacity or efficiency of the designated road, and
- (b) the location, standard and design of access points, and on-site traffic movement and parking arrangements, would ensure that through traffic movement on the

designated road is not impeded, and

- (c) the development, or proposed access to it, will not prejudice any future improvements to, or realignment of, the designated road, and
  - (d) where the land is in Zone 1 (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
  - (e) the development is of a type that is not sensitive to traffic noise or, if it is, it is located or adequate measures are included to ameliorate any potential noise impact, and
  - (f) the development would not detract from the scenic values of the locality, particularly from the point of view of road users, and
  - (g) where practicable, access to the land is provided by a road other than the designated road, and
  - (h) in respect of any application for commercial or retail development near the Pacific Highway in Zone 1 (a), 7 (a), 7 (d), 7 (f) or 7 (l), the development:
    - (i) would not compromise the Highway's function as the North Coast's primary inter- and intra-regional road traffic route, and
    - (ii) would not contribute to the need to expend public money on the Highway to overcome the effects of ribbon development, and
    - (iii) would not compromise highway safety and efficiency, and
    - (iv) would not cause or contribute to the shifting of the retail/commercial foci of any town from the town centre to a highway-orientated site.
- (5) The RTA must take the matters listed in subclause (4) into consideration before granting concurrence to development on land to which this clause applies.

## **23 Control of access**

### **(1) Objective**

- to control access to designated roads.

- (2) A road or other means of access which forms a junction or intersection with a designated road must not be opened or formed except with development consent.

## **24 Set backs to designated roads**

### **(1) Objective**

- to control development along designated roads.

- (2) This clause applies to land within Zone No 1 (a), 1 (b), 1 (c), 7 (a), 7 (d), 7 (f) or 7 (l) or zoned 5 (a) (Forestry).
- (3) Except as provided by subclause (4), a building of a kind described in Column 1 of the following Table must not be erected on land to which this clause applies if the distance between the proposed building and any designated road would be less than the distance specified in Column 2 of the Table.

**Table**

<b>Column 1 Buildings used for:</b>	<b>Column 2 Distance in metres from designated road</b>
bulk stores, extractive industries, junkyards, liquid fuel depots, offensive or hazardous industries or transport terminals	100
caravan parks, hotels, industries (other than offensive or hazardous industries), motels or moveable dwelling parks	50
anything else	30

- (4) The consent authority may require a greater distance between the proposed building and any designated road based on consideration of matters listed in clause 22 (4).

**Part 6 Environment and resource provisions**

**25 Development in Zone 7 (a) Environmental Protection (Wetlands and Littoral Rainforests) and on adjacent land**

**(1) Objective**

- to ensure that wetlands and littoral rainforests are preserved and protected in the environmental and economic interests of the area of Tweed.
- (2) Unless it is exempt development, a person must not clear vegetation from, drain, excavate or fill land within Zone 7 (a) except with development consent.
- (3) Consent must not be granted to the carrying out of development on land within Zone 7 (a) or on land adjacent to land within Zone 7 (a) unless the consent authority has taken into consideration:
- (a) the likely effects of the development on the flora and fauna found in the wetlands or littoral rainforest, and
  - (b) the potential for disturbance of native flora and fauna as a result of intrusion by humans and domestic and feral animals, increased fire risk, rubbish dumping, weed invasion and vegetation clearing, and

- (c) a plan of management showing how any adverse effects arising from the development can be mitigated, and
- (d) the likely effects of the development on the water table, and
- (e) the effect on the wetlands or littoral rainforest of any proposed clearing, draining, excavating or filling.

## **26 Development in Zone 7 (d) Environmental Protection (Scenic/Escarpment)**

### **(1) Objective**

- to ensure that the development of land within Zone 7 (d) minimises soil erosion and will preserve or enhance the scenic quality of the land and the locality.
- (2) Unless it is exempt development, a person must not clear vegetation from, excavate or erect a building on land within Zone 7 (d) except with development consent.
- (3) Consent must not be granted to the erection of a building on land within Zone 7 (d) unless the consent authority is satisfied that:
- (a) the scale, height and location of the building, and
  - (b) the colour, type and reflectivity of materials to be used,
- will preserve or enhance the scenic quality of the land and the locality.

## **27 Development in Zone 7 (f) Environmental Protection (Coastal Lands)**

### **(1) Objectives**

- to protect land that may be susceptible to coastal erosion processes from inappropriate development.
  - to establish concurrence criteria.
- (2) In deciding whether to grant consent to development in Zone 7 (f), the consent authority must consider the provisions of any plan of management adopted by the Council under the [Local Government Act 1993](#) that is applicable to the land.
- (3) Development (other than that included in Item 1 for Zone 7 (f) in the Table to clause 11) must not be carried out within Zone 7 (f) except with the concurrence of the Director.
- (4) In determining whether to grant concurrence, the Director must take into consideration the likelihood of the proposed development:
- (a) adversely affecting the behaviour, or being adversely affected by the behaviour, of the sea or an arm of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse, and

(b) adversely affecting any beach or dune or the bed, bank, shoreline, foreshore, margin or flood plain of the sea or any bay, inlet, lagoon, lake, body of water, stream or watercourse, and

(c) adversely affecting the landscape or scenic quality of the locality.

## **28 Development in Zone 7 (I) Environmental Protection (Habitat) and on adjacent land**

### **(1) Objective**

- to protect wildlife habitat from the adverse impacts of development.
- (2) Unless it is exempt development, a person must not clear vegetation from, drain, excavate or fill land within Zone 7 (I) except with development consent.
- (3) The consent authority must not grant consent to development (other than for the purpose of agriculture, a dwelling house or a home business) on land within Zone 7 (I) without having regard to any representations made by NSW Fisheries and the National Parks and Wildlife Service.
- (4) The consent authority must not grant consent to development on or adjacent to land within Zone 7 (I) unless it has taken into consideration:
- (a) the likely effects of the development on the flora and fauna found in the locality, and
  - (b) the potential for disturbance of native flora and fauna as a result of intrusion by humans and domestic and feral animals, increased fire risk, rubbish dumping, weed invasion and vegetation clearing, and
  - (c) a plan of management showing how any adverse effects arising from the development are to be mitigated.

## **29 Development adjacent to Zone 8 (a) National Parks and Nature Reserves**

### **(1) Objective**

- to ensure that development of land adjacent to Zone 8 (a) does not have a significant impact on wildlife habitat.
- (2) The consent authority must not grant consent to development adjacent to land within Zone 8 (a) unless it has taken into consideration:
- (a) the likely effects of the development on the flora and fauna found in the locality, and
  - (b) the potential for disturbance of native flora and fauna as a result of intrusion by humans and domestic and feral animals, increased fire risk, rubbish dumping, weed invasion and vegetation clearing.

### **30 Definition of “vegetation clearing”**

For the purpose of this Part, **vegetation clearing** means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing any vegetation, or
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning vegetation, or
- (c) severing, topping or lopping branches, limbs, stems or trunks of native vegetation, or
- (d) substantially damaging or injuring native vegetation in any other way.

## **Part 7 Hazards and buffers**

### **31 Development adjoining waterbodies**

#### **(1) Objectives**

- to protect and enhance scenic quality, water quality, aquatic ecosystems, bio-diversity and wildlife habitat and corridors.
- to provide adequate public access to waterways.

- (2) This clause applies to land that adjoins the mean high-water mark (or the bank where there is no mean high-water mark) of a waterbody.
- (3) Consent must not be granted to development on land to which this clause applies, within such distance as is determined by the consent authority of the mean high-water mark or, where there is no mean high-water mark, the top of the bank or shore of a stream, creek, river, lagoon or lake unless it is satisfied that:
  - (a) the development will not have a significant adverse effect on scenic quality, water quality, marine ecosystems, or the bio-diversity of the riverine or estuarine area or its function as a wildlife corridor or habitat, and
  - (b) adequate arrangements for public access to and use of foreshore areas have been made in those cases where the consent authority considers that public access to and use of foreshore areas are appropriate and desirable requirements, and
  - (c) the development is compatible with any coastal, estuary or river plan of management adopted by the Council under the [Local Government Act 1993](#) that applies to the land or to land that may be affected by the development, and
  - (d) it has considered the impact of increased demand from domestic water supply on stream flow.
- (4) The consent authority may require as a condition of consent to any development that the following be carried out:

- (a) the rehabilitation of land adjoining the waterbed to create a vegetated riparian zone or wetland,
  - (b) works to stabilise the bank or shoreline of a waterbed.
- (5) In determining a distance for the purposes of this clause, the consent authority shall have regard to:
- (a) the preservation of the scenic quality of foreshores, and
  - (b) minimising the risk of pollution of waterways, and
  - (c) the protection of foreshore ecosystems, and
  - (d) the intended or planned use for the foreshore.

## **32 Aircraft noise**

### **(1) Objectives**

- to prevent certain noise sensitive developments from locating in proximity to Coolangatta Airport and its flight paths.
- to minimise the noise impact from the operation of Coolangatta Airport on development in its vicinity.

- (2) This clause applies to land within the 20 or higher ANEF contour.
- (3) Consent must not be granted to development for the purpose of a caravan park, child care centre, hospital or educational establishment or for residential development (including subdivision for residential purposes, but not including the erection or use of a dwelling house) within the 25 or higher ANEF contour.
- (4) The consent authority must not grant consent to the erection of a dwelling house within the 25 or higher ANEF contour unless it imposes a condition on the consent that the building is to meet the building construction requirements of Australian Standard AS 2021-1994(*Acoustics-Aircraft noise intrusion—Building siting and construction*).
- (5) When deciding whether to grant consent to development for:
- (a) the purpose of a caravan park, child care centre, hospital or educational establishment or for residential development between the 20 and 25 ANEF contours, or
  - (b) a community building, place of assembly, place of public worship or retail, commercial or light industrial purposes within the 25 or higher ANEF contour,
- the consent authority must consider Australian Standard AS 2021-1994(*Acoustics-Aircraft noise intrusion—Building siting and construction*).

### 33 Obstacles to aircraft

#### (1) Objective

- to ensure that development in the vicinity of Coolangatta and Murwillumbah Airports and en route flight paths does not increase the risk of obstacles to aircraft.
- (2) When deciding whether to grant consent to development in the vicinity of Coolangatta or Murwillumbah Airports, the consent authority must consider any current obstacle limitation surfaces plan or procedures for air navigation services—aircraft operations plan prepared by the airport operator that has been notified to the Council.
- (3) When deciding whether to grant consent to a building or structure 110 metres or more above ground level, the consent authority must further consider the requirements of the Civil Aviation Safety Authority under regulations 89Y and 89Z of the *Civil Aviation Regulations 1988* of the Commonwealth.

### 34 Flooding

#### (1) Objectives

- to minimise future potential flood damage by ensuring that only appropriate compatible development occurs on flood liable land.
  - to minimise the adverse effect of flooding on the community.
- (2) Where, in the consent authority's opinion, land is likely to be subject to flooding, then it must not grant consent to development on that land unless it has considered:
- (a) the extent and nature of the flooding hazard affecting the land, and
  - (b) whether or not the development would increase the risk or severity of flooding of other land in the vicinity, and
  - (c) whether the risk or severity of flooding affecting the development could be reasonably mitigated, and
  - (d) the impact of the development on emergency services, and
  - (e) the provisions of *Tweed Development Control Plan No 5—Development of Flood Liable Land* and any other relevant development control plan.

### 35 Acid sulfate soils

#### (1) Objectives

- to manage disturbance of acid sulfate soils to minimise impacts on water quality, ecosystems, infrastructure and agricultural and urban activities.



- to require special consideration and development consent for works, including some agricultural and infrastructure-related works, that would disturb soils or ground water levels in areas identified as having acid sulfate soils.
- to provide for a regime of self-regulation by those organisations which have demonstrated to the Council their ability to manage acid sulfate soils issues.

(2) For the purpose of this clause, **works** includes:

- (a) any landform alteration that may result in the disturbance of soil (such as occurs in carrying out agriculture, including land levelling and the like, the construction of new drains, the widening, deepening or extension of existing drains, extractive industries, dredging, the construction of artificial waterbodies (including canals, dams or detention basins), footings, road or bridgeworks, the laying of cables, pipes etc, or flood mitigation works), or
- (b) any other works which may lower ground water levels.

(3) A person must not, without development consent, carry out works on land shown as being Class 1, 2, 3, 4 or 5 land on the series of maps held in the office of the Council and marked "*Acid Sulfate Soil Planning Map*", being the works specified for the class of land in the following Table:

**Table**

<b>Class of land</b>	<b>Specified works</b>
1	Any works <ul style="list-style-type: none"> <li>• Works below the ground surface</li> </ul>
2	<ul style="list-style-type: none"> <li>• Works by which the watertable is likely to be lowered</li> <li>• Works beyond 1 metre below the natural ground surface</li> </ul>
3	<ul style="list-style-type: none"> <li>• Works by which the watertable is likely to be lowered beyond 1 metre below the natural ground surface</li> <li>• Works beyond 2 metres below the natural ground surface</li> </ul>
4	<ul style="list-style-type: none"> <li>• Works by which the watertable is likely to be lowered beyond 2 metres below the natural ground surface</li> </ul>
5	<ul style="list-style-type: none"> <li>• Works within 500 metres of Class 1, 2, 3 or 4 land which are likely to lower the watertable below 1 metre AHD in adjacent Class 1, 2, 3 or 4 land</li> </ul>

(4) The consent authority must not grant consent to works specified in subclause (3) unless it has considered:

- (a) a preliminary soil assessment to ascertain the presence or absence of acid sulfate soils within the area of proposed works, unless the applicant agrees that acid sulfate soils are present within the area of proposed works, and
  - (b) where the preliminary soil assessment ascertains (or the applicant agrees) that acid sulfate soils are present, the adequacy of an acid sulfate soils management plan prepared in accordance with guidelines, as amended from time to time, published by the Environment Protection Authority, and
  - (c) the likelihood of the proposed development resulting in the oxidation of acid sulfate soils and discharge of acid water from the area of the proposed works, and
  - (d) any comments received from any relevant public authority the Council may consult with in respect of the application.
- (5) Subclauses (3) and (4) do not apply to works carried out on land shown as Class 1, 2, 3, 4 or 5 land on the series of maps held in the Council's office and marked "*Acid Sulfate Soil Planning Map*" if the land has been lawfully filled and the proposed works do not extend beneath the depth of the fill.
- (6) Subclauses (3) and (4) do not apply to works carried out on land shown as Class 1, 2, 3, 4 or 5 land on the series of maps held in the office of the Council and marked "*Acid Sulfate Soil Planning Map*" for the purpose of agriculture (including drains, land levelling, dams, road works and the like) provided that:
- (a) a production area entitlement with the NSW Sugar Milling Co-operative Limited applies to the land at the time of carrying out the works, and
  - (b) the works are carried out in accordance with a drainage management plan lodged with and endorsed by the NSW Sugar Milling Co-operative Limited, and
  - (c) the drainage management plan has been prepared in accordance with the Sugar Industry Best Practice Guidelines, a copy of which is available at the office of the Council, and
  - (d) the Sugar Industry Best Practice Guidelines have been approved by the Director-General of the Department of Urban Affairs and Planning in consultation with the NSW Acid Sulfate Soils Management Advisory Committee (ASSMAC) and the Department of Agriculture and have been adopted by the Council, and
  - (e) the works are not carried out in respect of any major drain listed in Schedule 7, or on land within Zone 7 (a) or 7 (l), and
  - (f) the Council has not served a notice on the person carrying out or using the works, or published a notice in a newspaper circulating in the locality of the works, requiring that the carrying out or use of the works must cease or that development consent must be obtained prior to the carrying out or further use of

the works.

- (7) An annual review of drainage management plans and works to which subclause (6) relates is to be carried out by NSW Sugar Mills Co-operative Limited to a standard satisfactory to the Council and the Co-op is to provide the Council with a copy of the results of the review immediately after it has been carried out. The Council may issue a notice under subclause (6) (f) relating to any one or more of those works if either of those requirements is not complied with.

### **36 Coastal erosion outside Zone 7 (f)**

#### **(1) Objective**

- to protect land that may be subject to coastal erosion (but not within Zone 7 (f)) from inappropriate development.
- (2) In determining whether to grant consent to development involving the erection of a building or the carrying out of a work at or above the surface of the ground on land that in the consent authority's opinion may be subject to coastal erosion, the consent authority must:
- (a) notify the Department of Land and Water Conservation of the proposed development and take into account any comments received from that Department within 21 days of notification, and
- (b) consider the likelihood of the proposed development:
- (i) adversely affecting the behaviour or being adversely affected by the behaviour of the sea, or of water in an arm of the sea or any other body of water, and
  - (ii) adversely affecting any beach or dune or the bed, bank, shoreline, foreshore, margin or flood plain of the sea, any arm of the sea or any other body of water, and
  - (iii) adversely affecting the landscape or scenic quality of the locality.

### **37 Electricity transmission line corridor**

#### **(1) Objective**

- to cater for the alignment of, and development in proximity to, major transmission lines.
- (2) Development, other than exempt development and agriculture, must not be carried out on land within a transmission line corridor shown on the zone map, except with development consent.
- (3) The consent authority must not grant consent unless it has:

- (a) notified NorthPower of the proposed development, and
- (b) considered any representations received from NorthPower within 21 days of such notification.

### **38 Future road corridors**

#### **(1) Objective**

- to cater for the alignment of, and development in proximity to, future roads.
- (2) Development, other than exempt development or agriculture, must not be carried out on land in or adjoining a future road corridor shown on the zone map, except with development consent.
  - (3) The consent authority must not grant consent unless it has considered the effect of that development on the future alignment of the road corridor.

### **39 Remediation of contaminated land**

#### **(1) Objective**

- to ensure that contaminated land is adequately remediated prior to development occurring.
- (2) *State Environmental Planning Policy No 55—Remediation of Land* applies to land to which this plan applies despite any other provision of this plan.

## **Part 8 Heritage provisions**

### **40 Heritage provisions objectives**

The objectives of the heritage provisions are as follows:

- to conserve the environmental heritage of the area of Tweed.
- to ensure that any development does not adversely affect the heritage significance of heritage items and heritage conservation areas and their settings.
- to provide for public involvement in the conservation of environmental heritage.
- to integrate heritage conservation into the planning and development control processes.

### **41 Heritage items and conservation areas**

- (1) For the purposes of this Part, heritage items are those items listed in Schedule 2.
- (2) Those portions of the villages of Uki and Tumbulgum located within the broken dashed line on the zone map are heritage conservation areas.

## **42 Protection of heritage items, heritage conservation areas and relics**

- (1) The following development may be carried out only with development consent:
  - (a) demolishing, defacing, damaging or moving a heritage item or a building, work, relic, tree or place within a heritage conservation area, or
  - (b) altering a heritage item or a building, work or relic within a heritage conservation area by making structural changes to its exterior, or
  - (c) altering a heritage item or a building, work or relic within a heritage conservation area by making non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care which does not adversely affect its heritage significance, or
  - (d) moving a relic, or excavating land for the purpose of discovering, exposing or moving a relic, or
  - (e) erecting a building on, or subdividing, land on which a heritage item is located or which is within a heritage conservation area.
- (2) Development consent is not required by this clause if the consent authority is of the opinion that the proposed development would not affect the heritage significance of the heritage item or heritage conservation area.
- (3) When determining a development application required by this clause, the consent authority must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area.

## **43 Notice of certain heritage development applications**

- (1) The provisions of the Act relating to advertised development apply to an application for consent to development which involves:
  - (a) the demolishing, defacing or damaging of a heritage item or of a building, work, relic, tree or place within a heritage conservation area except if the proposed development:
    - (i) only involves the partial demolition of a heritage item or of a building or work within a heritage conservation area and such partial demolition, in the opinion of the consent authority, is of a minor nature and will not adversely affect the heritage significance of the heritage item, building or work in relation to the environmental heritage of the area of Tweed, and
    - (ii) does not relate to a heritage item listed in Schedule 2 as being of State significance, or

(b) the change of use of a building or land under the provisions of clause 46.

- (2) Before granting development consent to the demolishing, defacing or damaging of a heritage item listed in Schedule 2 as being of State or Regional significance, the consent authority must notify the Heritage Council of its intention to do so and take into consideration any comments received from the Heritage Council within 28 days after the notice is sent.

#### **44 Development of land within likely or known archaeological sites**

- (1) The consent authority may grant consent to the carrying out of development on an archaeological site that has Aboriginal heritage significance (such as a site that is the location of an Aboriginal place or a relic within the meaning of the *National Parks and Wildlife Act 1974*), or a potential archaeological site that is reasonably likely to have Aboriginal heritage significance only if:
- (a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Director-General of National Parks and Wildlife, and
  - (b) it has notified the Director-General of its intention to do so and taken into consideration any comments received from the Director-General within 28 days after the notice was sent, and
  - (c) it is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.
- (2) The consent authority may grant consent to the carrying out of development on an archaeological site that has non-Aboriginal heritage significance or a potential archaeological site that is reasonably likely to have non-Aboriginal heritage significance only if:
- (a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Heritage Council, and
  - (b) it has notified the Heritage Council of its intention to do so and taken into consideration any comments received from the Heritage Council within 28 days after the notice was sent, and
  - (c) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

#### **45 Development in the vicinity of heritage items, heritage conservation areas,**

### **archaeological sites or potential archaeological sites**

The consent authority must take into consideration the likely effect of the proposed development on the heritage significance of a heritage item, heritage conservation area, archaeological site or potential archaeological site, and on its setting, when determining an application for consent to carry out development on land in its vicinity.

#### **46 Conservation incentives**

The consent authority may consent to the use, for any purpose, of a building that is a heritage item or is within a heritage conservation area, or of the land on which the building is erected, even though the use would otherwise be prohibited by this plan, if it is satisfied that:

- (a) the proposed use would not adversely affect the heritage significance of the heritage item or heritage conservation area, and
- (b) the conservation of the building depends on the granting of the consent.

## **Part 9 Advertising signs**

#### **47 Advertising signs**

- (1) **Objective** The objective of the advertising sign provisions is to ensure that outdoor advertising:
  - (a) conveys advertisers' messages and images while complementing and conforming to both the building on which it is displayed and the character of the locality, and
  - (b) does not adversely affect the locality in terms of appearance, size, illumination or overshadowing or in any other way, and
  - (c) does not lead to visual clutter through the proliferation of signs, and
  - (d) does not detract from the rural character or scenic qualities of the area of Tweed.
- (2) **Advertisements allowed only with consent** Development for the purpose of an advertisement on land within a zone other than a rural, open space or environmental protection zone may be carried out with development consent only if it is not prohibited under subclause (4).
- (3) Development for the purpose of an advertisement on land within a rural, open space or environmental protection zone may be carried out with development consent only if it is not prohibited under subclause (4) and it is either:
  - (a) a temporary sign in Zone 7 (a), 7 (d) or 7 (l), or
  - (b) an advertisement that directs the travelling public to a specific tourist facility, lawful business or place of scientific, historic or scenic interest and the consent

authority is satisfied that:

- (i) the principal purpose of the advertisement is to direct the travelling public to that building or place, and
  - (ii) the dimensions and overall size of the advertisement are not larger than would reasonably be required to so direct the travelling public, or
  - (c) an advertisement relating to a lawful use on the land on which the advertisement is to be displayed.
- (4) **Advertisements prohibited** Development for the purpose of a roof sign, an A-frame sign on public land, a flashing sign or an animated sign (otherwise than as exempt development) is prohibited.

## Part 10 Acquisition of land

### 48 Acquisition and development of land in Zone 5 (a) (RTA Road)

#### (1) Objective

- to set out the requirements for the acquisition and interim development of land set aside for future RTA roads.

#### (2) In this clause:

**vacant land** means land on which, immediately before the day on which the notice under subclause (3) is given, there were no buildings other than fences.

#### (3) The owner of any land within Zone 5 (a) shown in red lettering on the zone map as “RTA Road” may, by notice in writing, require the RTA to acquire the land.

#### (4) On receipt of such a notice, the RTA must acquire the land if:

(a) the land is vacant, or

(b) the land is not vacant but:

- (i) the land is included in the 5-year works program of the RTA current at the time of the receipt of the notice, or
- (ii) the RTA has decided not to give concurrence under subclause (5) to an application for consent to the carrying out of development on the land, or
- (iii) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time,

but the RTA is not required to acquire the land if it might reasonably be required to be dedicated for a public road.



- (5) The consent authority must not approve an application to carry out development on land referred to in subclause (3) except with the concurrence of the RTA. In deciding whether to grant concurrence, the RTA must consider:
  - (a) the need to carry out development on the land for the purpose for which the land is zoned, and
  - (b) the imminence of the acquisition of the land by the RTA, and
  - (c) the likely additional cost to the RTA resulting from the carrying out of the proposed development.
- (6) Land acquired under this clause may be developed for any purpose, with development consent, until such time as it is required for the purpose for which it was acquired.

#### **49 Acquisition and development of certain land in Zones 5 (a) and 6 (a)**

##### **(1) Objective**

- to set out the requirements for the acquisition and interim development of land set aside for future local roads, open space and other Council purposes.

##### **(2) This clause applies to land within:**

- (a) Zone 5 (a) shown on the zone map by red lettering as “Drainage”, “Council Purposes” or “Council Road”, or
- (b) Zone 6 (a), except land held by a public authority for the purposes of public open space.

- (3) The owner of any land to which this clause applies may, by notice in writing, require the Council to acquire the land.
- (4) On the receipt of a notice referred to in subclause (3), the Council must acquire the land unless the land may be required to be provided as a condition of consent to the carrying out of development.
- (5) A person may, with development consent, carry out development for any purpose on land to which this clause applies until the land is acquired or developed for the purpose for which it is zoned.
- (6) A person must not carry out development on land to which this clause applies prior to its acquisition so as to render the land unfit for the purposes for which it is zoned.
- (7) Consent referred to in subclause (5) must not be granted unless consideration has been given to:
  - (a) the need for the proposed development on the land, and

- (b) the impact of the proposed development on the existing or likely future use of the land, and
  - (c) the need to retain the land for its existing or likely future use, and
  - (d) the effect of the proposed development on the costs of acquisition, and
  - (e) the imminence of acquisition, if the land has not yet been acquired, and
  - (f) the costs of reinstatement of the land for the purposes for which the land is to be acquired.
- (8) In granting such a consent, the consent authority may impose conditions requiring:
- (a) the removal of any building or work for which the consent is being granted, and
  - (b) the reinstatement of the land or removal of any waste materials, refuse or contaminants,
- without the payment of compensation by the consent authority.

## Part 11 Particular area provisions

### 50 Floor space ratios in Zones 3 (a) and 3 (b) at Tweed Heads

#### (1) Objective

- to control by floor space ratio the intensity of retail uses in Zone 3 (a) (the Sub-regional Business zone) and certain parts of Zone 3 (b) (the General Business zone), and encourage the consolidation of lots.

(2) This clause applies to land within Zones 3 (a) and 3 (b) at Tweed Heads.

(3) Buildings proposed to be erected on land to which this clause applies must not exceed the floor space ratios (FSRs) in the following Table:

#### Table

##### Floor space ratios

Column 1	Column 2	Column 3	Column 4
Zone	Maximum FSR for sites less than 2,000m <sup>2</sup>	Maximum FSR for sites 2,000m <sup>2</sup> or more, without bonuses	Maximum FSR for sites 2,000m <sup>2</sup> or more, with bonuses
3 (a)	2:1	2:1	4:1
3 (b)	1:1, including not more than 0.25:1 for retail or refreshment rooms	1:1, including not more than 0.25:1 for retail or refreshment rooms	2:1

- (4) In order to achieve the maximum floor space ratio contained in Column 4 of the Table, a development must provide bonuses as specified in *Development Control Plan No 18—Tweed Heads*, as in force on the appointed day.

### **51 Development in Zone 3 (e) Special Tourist (Jack Evans Boatharbour)**

#### **(1) Objective**

- to ensure that potential environmental effects of development in Zone 3 (e) are properly assessed and ameliorated and that development is consistent with a more detailed development control plan for the area.
- (2) The consent authority must not grant consent to development on land within Zone 3 (e) unless the consent authority is satisfied that:
- (a) adequate measures have been included in the proposal to treat, control and redirect stormwater and other run off, so as to maintain and enhance water quality in the boatharbour, river and ocean, and
  - (b) satisfactory availability of sunlight, particularly in winter, to all public open space and pedestrian and waterfront areas, is ensured, and the proposal will respond adequately to the micro-climate of the area, including winds, and
  - (c) adequate methods are incorporated for the disposal and filtration of de-watered material from excavated sites and to ensure stability of the site during and after construction.
- (3) The Council must not grant consent to any development within Zone 3 (e) unless it is satisfied that such development makes adequate provision for public roads and road upgrading.

### **51A Multi-dwelling housing densities in Zone 2 (a)**

#### **(1) Objective**

- to control the density of multi-dwelling housing in Zone 2 (a) (the Low Density Residential zone) by the use of a development standard.
- (2) Multi-dwelling housing proposed to be erected on land within Zone 2 (a) is to be at a density not greater than:
- (a) one dwelling per 450 square metres of site area, or
  - (b) if the site is within 300 metres of a business centre listed in Schedule 8—one dwelling per 250 square metres of site area.

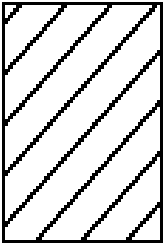
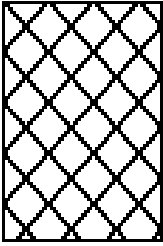
### **52 Zone map overlay provisions**

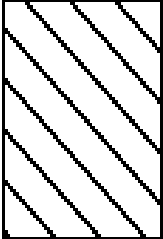
#### **(1) Objective**

- to apply special provisions relating principally to environmental protection within particular areas shown on the zone map.

(2) In relation to land shown on the zone map in the manner indicated in Column 1 of the following Table, the provisions specified opposite in Column 2 apply.

**Table**

Column 1	Column 2
<b>Shown on the zone map by:</b>	<b>Applicable provisions</b>
	<p>Consent must not be granted to development that involves the erection of a building or the carrying out of works unless:</p> <ul style="list-style-type: none"> <li>(a) the consent authority has notified the Director-General of National Parks and Wildlife of its intention to do so, and</li> <li>(b) it has taken into consideration any comments received from the Director-General within 28 days of the notice being sent.</li> </ul>
	<p>Consent must not be granted to development unless the consent authority has considered detailed plans of the development and for management of its consequences and made an assessment of the following matters:</p> <ul style="list-style-type: none"> <li>(a) the adequacy of proposed measures in a soil and water management plan for the purpose of maintaining or improving the quality of water entering Cudgera Creek, such 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, and</li> <li>(b) whether the proposed measures in a fauna and flora management plan for habitat enhancement and management along the eastern boundary of the land and adjacent to Cudgera Creek are satisfactory.</li> </ul>

	<p>(1) Consent must not be granted to development for residential purposes unless the area of each allotment, or the site area per dwelling, is not less than 1,200m<sup>2</sup>.</p> <p>(2) A person must not remove a tree or erect a building without development consent.</p> <p>(3) Consent must not be granted to the erection of a building, the removal of trees or excavation unless the consent authority has made an assessment as to whether it should impose conditions relating to:</p> <p>(a) the height and location of buildings, and</p> <p>(b) the colour of materials, and</p> <p>(c) the removal and planting of trees,</p> <p style="padding-left: 40px;">so as to ensure that the development will preserve or enhance the scenic quality of the land and surrounding land.</p>
#	<p>A person must not carry out any development (except for purposes authorised under the <i>Forestry Act 1916</i> and purposes ordinarily incidental or ancillary to such purposes) on the land that will substantially change the topographic features or landscape or the natural state of the land, except with development consent.</p>

### 53 Development of specific sites

(1) **Objective**

- to enable development for additional purposes on certain land.

(2) Nothing in this plan prevents land specified in the Table in Schedule 3 from being developed, with development consent, for the purpose specified for the land in that Table, subject to any applicable conditions so specified. The other provisions of this plan apply provided they are not inconsistent with this clause.

## Part 12 Miscellaneous provisions

### 54 Tree preservation order

(1) **Objective**

- to enable the protection of vegetation for reasons of amenity or ecology.

(2) The Council may, by resolution, make, revoke or amend a tree preservation order.

(3) A tree preservation order may:

- (a) prohibit the ringbarking, cutting down, topping, lopping, removing or wilful destruction of any tree or trees to which the order applies without development

consent, and

(b) relate to any tree or trees or to any specified class, type or description of tree on any land, with the exception of trees:

(i) in a State forest or a forest reserve within the meaning of the *Forestry Act 1916*, or

(ii) in a national park within the meaning of the *National Parks and Wildlife Act 1974*, or

(iii) required to be lopped for overhead electricity line safety.

(4) Any consent required by such an order is taken to be required by this clause.

(5) A tree preservation order, and any revocation or amendment of it, does not have effect until it has been published in a newspaper circulating in the area of Tweed.

(6) A tree preservation order made and in force immediately before the appointed day under any instrument that applied to land to which this plan applies shall be deemed to be a tree preservation order made and published by the Council under this clause and may be revoked or amended by the Council in accordance with this clause.

## **55 Classification or reclassification of public land**

### **(1) Objective**

- to enable the classification or reclassification of public land for the purposes of the *Local Government Act 1993*.

(2) The public land described in Part 1 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.

(3) The public land described in Parts 2 and 3 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to subclauses (4)-(7).

(4) Land described in Part 2 of Schedule 4:

(a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and

(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as operational land.

(5) Land described in Columns 1 and 2 of Part 3 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all

trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except those (if any) specified opposite the land in Column 3 of Part 3 of Schedule 4.

- (6) In this clause, ***the relevant amending plan***, in relation to land described in Part 3 of Schedule 4, means this plan or, if the description of the land is inserted in that Part by another local environmental plan, that plan.
- (7) Before the relevant amending plan inserted the description of land into Part 3 of Schedule 4, the Governor approved of subclause (5) applying to the land.

## **56 Suspension of covenants, agreements and similar instruments**

### **(1) Objective**

- to enable development to be carried out in accordance with this plan or a consent.
- (2) For the purpose of enabling development to be carried out in accordance with this plan or a consent granted under the Act, any covenant, agreement or similar instrument that restricts or prohibits development allowed by this plan shall not apply to the development to the extent necessary to serve that purpose.
- (3) Nothing in subclause (2) affects the rights or interests of any public authority under any registered instrument.
- (4) Pursuant to section 28 of the Act, before the making of this clause the Governor approved of subclause (2).

## **57 Protection of existing dwelling entitlement**

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 prior to the appointed day.

## **58 Savings**

Nothing in this plan is to be construed as restricting or prohibiting or enabling the consent authority to restrict or prohibit:

- (a) the carrying out of development of any description specified in Schedule 5 other than that specified in clause 2 or 11 of that Schedule in respect of land to which clause 35 applies, or
- (b) the use of existing buildings of the Crown by the Crown, or
- (c) home occupations carried on in dwelling houses.

## Schedule 1 Meanings of terms

(Clause 7 (1))

<b>Term</b>	<b>Meaning</b>
<b><i>abattoir</i></b>	a building or place where animals are slaughtered for human consumption.
<b><i>advertisement</i></b>	a display by the use of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of a work.
<b><i>agriculture</i></b>	includes horticulture and the use of land for any purpose of husbandry, including the keeping or breeding of livestock, poultry or bees, and the growing of fruit, vegetables and the like. It does not include forestry, or the use of an animal establishment or a retail plant nursery.
<b><i>AHC</i></b>	Australian Heritage Commission.
<b><i>airline terminal</i></b>	a building or place used for the assembly of passengers and goods prior to the transport of those passengers and goods either to or from an airport or an aerodrome.
<b><i>ANEF</i></b>	Australian Noise Exposure Forecast within the meaning of Australian Standard AS 2021-1994 <i>Acoustics—Aircraft noise intrusion—Building siting and construction</i> .
<b><i>ANEF contour</i></b>	a noise exposure contour shown on a plan or plans of Coolangatta Airport and surrounding areas prepared by the Coolangatta Airport operator.
<b><i>animal establishment</i></b>	a building or place used for any one or more of the purposes of intensive animal husbandry, or the boarding, training or the keeping of animals, birds, fish, crustaceans, insects or the like, generally requiring the importation of feed from outside the land on which the establishment is conducted.
<b><i>appointed day</i></b>	the day on which this plan is gazetted.
<b><i>archaeological site</i></b>	a site identified as such in Schedule 2.
<b><i>beach maintenance</i></b>	restoration works carried out to aid in the stabilisation of the beach area.
<b><i>bed and breakfast</i></b>	the use of a dwelling erected with a building approval or development consent, in addition to its use as a principal place of residence, for the provision of: <ul style="list-style-type: none"> <li>(a) accommodation for people away from their normal place of residence, and</li> <li>(b) meals and ancillary services, by the permanent resident or residents of the dwelling, for those people.</li> </ul>
<b><i>boarding-house</i></b>	includes a house let in lodgings or a hostel, but does not include a motel or a permanent or transitional group home.
<b><i>boat repair and servicing facility</i></b>	a building or place used to repair, service or restore boats.
<b><i>boat showroom</i></b>	land used for the display or sale of boats, whether or not boat accessories are sold or displayed there.



<b>boating facility</b>	land used for the purposes of recreational boating activities, and includes a marina, boat launching ramp, boat repair and servicing facility, wharf, jetty and any means of dry storage for boats.
<b>brothel</b>	a building habitually used for the purpose of prostitution being prostitution within the meaning of the <a href="#">Summary Offences Act 1988</a> .
<b>bulk store</b>	land used for the bulk storage of goods, where the goods stored or to be stored are not required for use in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership.  use of premises for the sale by retail or auction, or the hire or display, of articles which are of such a size, shape or weight as to require: (a) a large area for handling, storage or display, or  (b) direct vehicular access to the premises by members of the public for the purpose of loading articles into their vehicles after purchase.
<b>bulky goods retailing</b>	It may include: (a) plant sales and hire (which may include associated repairs and service),  (b) vehicle part and accessory sales (which may include fitting),  (c) the sale of hardware, landscape or building supplies,  (d) the sale of furniture, floor coverings, light fittings, large electrical goods, swimming pools, spas or camping equipment.  It does not include the sale of clothing or foodstuffs, or a motor showroom.
<b>bus depot</b>	land used for the servicing, repair and garaging of buses and other vehicles used for the purposes of a bus transport undertaking.
<b>bus station</b>	land used as a terminal for the assembly and dispersal of passengers travelling by bus.
<b>bushfire hazard reduction</b>	a reduction or modification (by controlled burning, chemical, mechanical or manual means) of material that constitutes a bushfire hazard.

- an advertisement that displays any or all of the following information relating to the place or premises to which it is fixed:
- (a) the identity or a description of the place or premises,
  - (b) the identity or a description of any person residing or carrying on an occupation at the place or premises,
  - (c) particulars of any occupation carried on at the place or premises,
  - (d) such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there,
  - (e) particulars or notifications required or permitted to be displayed by or under any State or Commonwealth Act,
  - (f) particulars relating to the goods, commodities or services dealt with or provided at the place or premises,
  - (g) particulars of any activities held or to be held at the place or premises,
  - (h) a reference to an affiliation with a trade, professional or other association relevant to the business conducted at the place or premises.
- business identification sign**
- camping ground** land used for the placement of tents and camper vans.
- car park** land used principally for the purpose of parking vehicles off-street whether operated for gain or not.
- land used for the purpose of carrying out repairs to motor vehicles or agricultural machinery not being:
- car repair station**
- (a) body building, or
  - (b) panel beating which involves dismantling, or
  - (c) spray painting other than of a touching-up character.
- caravan park** land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.
- land used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied:
- child care centre**
- (a) the children number 6 or more, are under 6 years of age, and do not attend a government school, or a registered non-government school, within the meaning of the [Education Act 1990](#),
  - (b) residential care is not provided on the land for any of the children (other than those related to the owner or operator).
- club** a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or of a different kind and whether or not the whole or a part of such building is the premises of a club registered under the [Registered Clubs Act 1976](#).

<b>commercial premises</b>	land used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this Schedule or a building or place used for a land use elsewhere specifically defined in this Schedule.
	a building owned, occupied or operated by the Council or another public authority and used to provide facilities comprising or relating to any one or more of the following: (a) an art and craft centre,  (b) a child care centre,  (c) a health centre,  (d) a indoor recreation centre,  (e) a information centre,  (f) a kiosk,
<b>community building</b>	(g) a library,  (h) a meeting room,  (i) a neighbourhood centre,  (j) a rest room,  (k) a senior citizens centre,  (l) a youth centre,  (m) a welfare centre,  (n) any other like place.
<b>contaminated land</b>	land in, on or under which any substance is present at a concentration above that naturally present in, on or under the land and that poses, or is likely to pose, an immediate or long-term risk to human health or the environment.
<b>cruise craft dock</b>	land used for the purpose of docking, mooring, servicing and repairing cruise craft (being aquatic vessels containing toilet accommodation), and for the purpose of embarkation and disembarkation of their passengers and crew.
<b>demolish</b> , in relation to a heritage item or a building, work, relic, tree or place within a heritage conservation area	wholly or partly destroy or dismantle the heritage item or building, work, relic, tree or place.
<b>depot</b>	land used for the storage and maintenance of plant, machinery, equipment, building materials and the like.

	includes: (a) an RTA classified road, and
<b>designated road</b>	(b) a council designated road as shown on the map marked " <i>Tweed Local Environmental Plan 1998—Designated Roads</i> ", as amended by the maps listed in Part 4 of Schedule 6.
<b>display home</b>	a dwelling used for display purposes to encourage people to buy or construct similar dwellings.
<b>dwelling</b>	a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.
<b>dwelling house</b>	a building containing one but not more than one dwelling.
<b>earthworks</b>	the addition or removal of any solid material on, to or from land, or any other work which will substantially alter the existing ground level or character of the surface of land.
<b>educational establishment</b>	<p>a building or place used for a primary or secondary school, a museum, gallery, or a tertiary education institution (being a university, a TAFE establishment or other specialist college providing formal education beyond secondary education and which is constituted by or under an Act).</p> <p>It includes:</p> <p>(a) ancillary residential accommodation and facilities for students or staff, and</p> <p>(b) the community use or development for community use of the facilities or site of the establishment, whether for gain or not.</p> <p>It does not include an institution, a training facility or a child care centre.</p>
<b>emergency service facilities</b>	facilities for air-sea rescue, surf life saving, bushfire control, ambulances or the like.
<b>environmental facility</b>	<p>a structure or work which provides for:</p> <p>(a) nature study or display facilities such as walking, board walks, observation decks, bird hides or the like, or</p> <p>(b) environmental management and restoration facilities such as bush restoration, swamp restoration, erosion and run off prevention works, dune restoration or the like.</p>
<b>extractive industry</b>	<p>means:</p> <p>(a) the winning of extractive material, or</p> <p>(b) an undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land on which it is carried on,</p> <p>but does not include earthworks or works for drainage and landfill or maintenance dredging.</p>
<b>extractive material</b>	sand, silt, gravel, clay, turf, soil, rock, stone or similar substances.
<b>floor space ratio</b>	the ratio of the total gross floor area of all buildings on a site to the area of the site.

<b>forestry</b>	includes arboriculture, silviculture, forest protection, the cutting, dressing and preparation, other than in a sawmill, of wood and other forest products and the establishment of roads required for the removal of wood and forest products and for forest protection.
<b>general store</b>	a shop used for the sale by retail of general merchandise and which may include the facilities of a post office.
<b>generating works</b>	land used for the purpose of making or generating gas, electricity or other forms of energy.
<b>gross floor area</b>	<p>the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level, excluding:</p> <ul style="list-style-type: none"><li>(a) columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall,</li><li>(b) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts,</li><li>(c) car parking needed to meet any requirements of the Council and any internal access thereto,</li><li>(d) space for the loading and unloading of goods.</li></ul>
<b>HC</b>	Heritage Council of New South Wales.
<b>health care professional</b>	<p>a person who provides professional health services to members of the public, and includes:</p> <ul style="list-style-type: none"><li>(a) a podiatrist registered under the <a href="#">Podiatrists Act 1989</a>, and</li><li>(b) a chiropractor or osteopath or chiropractor and osteopath registered under the <a href="#">Chiropractors and Osteopaths Act 1991</a>, and</li><li>(c) an optometrist registered under the <a href="#">Optometrists Act 1930</a>.</li></ul>
<b>height</b> , in relation to a building	the greatest distance measured vertically from any point on the building to the natural ground level immediately below that point.
<b>Height of Buildings map</b>	the series of maps marked " <i>Tweed Local Environmental Plan 2000—Height of Buildings</i> ", as amended by the maps listed in Part 3 of Schedule 6.
<b>helipad</b>	land not open to public use which is set apart for the taking off and landing of helicopters.
<b>heliport</b>	land open to public use which is used by helicopters and includes terminal buildings and facilities for the parking, servicing and repair of helicopters.
<b>heritage conservation area</b>	land shown on the zone map as a heritage conservation area and includes buildings, works, relics, trees and places situated on or within that land.
<b>heritage item</b>	a building, work, relic, tree or place (which may or may not be situated on or within land that is a heritage conservation area) described in Schedule 2.
<b>heritage significance</b>	historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

an activity, business or occupation carried on in a dwelling house, or in an ancillary building on the same lot as a dwelling house, by one or more of the permanent residents of the dwelling house, where:

- (a) not more than two other non-resident persons are engaged in the activity, business or occupation on the site or use the site as a base (other than electronically), and
- (b) it does not occupy more than 80 square metres of floor space, and
- (c) it does not interfere with the amenity of the neighbourhood by reason of:
  - (i) excessive vehicular traffic generation or reduction in parking availability in the vicinity of the site, or
  - (ii) the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and
- (d) no articles are displayed on, or sold or offered for sale by retail from, the land, and
- (e) the only sign, advertisement or notice on the land is one on the dwelling house to indicate the name and the activity, business, or occupation of the resident, and
- (f) it does not involve a change in the appearance of the dwelling house or land on which it is erected that is out of character with that of the surrounding area.

**home business**

It does not include a brothel, child care centre or professional consulting rooms.

an industry carried on in a building other than a dwelling under the following circumstances:

- (a) the building does not occupy a floor space exceeding 50 square metres and is erected within the curtilage of the dwelling occupied by the person carrying on the industry or on adjoining land owned by that person, and
- (b) the industry does not:
  - (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit or oil, or otherwise, or
  - (ii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter, or
  - (iii) require the provision of any essential service main of a greater capacity than that available in the locality.

**home industry**

an occupation carried on in a dwelling by the permanent residents of the dwelling which does not involve:

- (a) the registration of the building under the *Factories, Shops and Industries Act 1962*, or
- (b) the employment of persons other than those residents, or
- (c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit or oil or otherwise, or
- (d) the display of goods, whether in a window or otherwise, or
- (e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name and occupation of the resident), or
- (f) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail.

**home occupation**

a building or place (other than an institution) used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care for people with developmental disabilities, psychiatric care or counselling and services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes:

- (a) ancillary facilities for the accommodation of nurses or other health care workers, and
- (b) ancillary shops or refreshment rooms, and
- (c) ancillary accommodation for persons receiving health care or for their visitors, and
- (d) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers, and whether or not any such use is a commercial use.

**hospital**

**hotel**

premises to which a hotelier's licence granted under the *Liquor Act 1982* relates.

**housing for older people or people with disabilities**

residential accommodation which is used permanently as housing for the accommodation of older people or people with a disability which may consist of a residential care facility, a hostel or a grouping of 2 or more self-contained dwellings, or a combination of these, but does not include a hospital.

means:

- (a) any manufacturing process within the meaning of the *Factories, Shops and Industries Act 1962*, or

**industry**

- (b) the breaking up or dismantling of any goods or any article for trade or sale or gain or as ancillary to any business,

but does not include an extractive industry.

**institution**

a penal or reformatory establishment.

- includes:
- (a) the subdivision of land into 3 or more allotments, and
  - (b) the erection of a dwelling on each of the allotments to be created by that subdivision provided that the erection of the dwelling occurs prior to the issue of a subdivision certificate except where a strata management statement, or restriction as to user, prohibits any dwelling on each lot other than the dwelling approved by an integrated housing consent.
- integrated housing**
- junkyard** land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods or used for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery or for the sale of parts thereof.
- light industry** an industry, not being an offensive or hazardous industry, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.
- liquid fuel depot** land used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid.
- manufactured home** a self-contained dwelling (that is, a dwelling that contains at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:
  - (a) that comprises one or more major sections that are each constructed, and assembled, away from the manufactured home estate on which it is situated and transported to the estate for installation on the estate, and
  - (b) that is not capable of being registered under the [Road Transport \(Vehicle Registration\) Act 1997](#),and includes any associated structures that form part of the dwelling.
- manufactured home estate** land on which manufactured homes are, or are to be, erected.
- marina** a pontoon, jetty, pier or similar structure, designed or adapted to provide moorings primarily for boats used for pleasure or recreation, and includes ancillary works such as a slipway and facilities for the provision of fuel, accessories and parts for boats.
- market** a temporary outlet for the sale of local crafts and goods, a large proportion of which are not available through normal commercial outlets:
  - (a) which operates on one day of a week only, and
  - (b) which does not require the erection of permanent structures.



<b>mine</b>	<p>(a) any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef whereon, wherein or whereby any operation is carried on, for or in connection with the purpose of obtaining any metal or mineral by any mode or method, and</p> <p>(b) any place on which any product so obtained is stacked, stored, crushed or otherwise treated,</p> <p>but does not include a quarry.</p>
<b>mineral sand mine</b>	<p>a mine used for or in connection with the purpose of obtaining ilmenite, monazite, rutile, zircon or similar minerals.</p>
<b>minor boundary adjustment</b>	<p>means a subdivision of adjoining lots to create new lots none of which is significantly different in area, shape or dimensions from the corresponding former lot.</p>
<b>motel</b>	<p>a building or buildings (other than a hotel, boarding-house or dwelling used to provide bed and breakfast) substantially used for the overnight accommodation of travellers and the vehicles used by them, whether or not the building or buildings are also used in the provision of meals to those travellers or the general public.</p>
<b>motor showroom</b>	<p>land used for the display or sale of motor cycles, motor vehicles, agricultural machinery or caravans, whether or not motor vehicle accessories, agricultural machinery accessories or caravan accessories are sold or displayed therein or thereon.</p>
<b>moveable dwelling</b>	<p>includes:</p> <p>(a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or</p> <p>(b) a manufactured home.</p>
<b>multi-dwelling housing</b>	<p>more than one dwelling on an allotment, but does not include a rural worker's dwelling.</p>
<b>noxious weed control</b>	<p>the suppression or destruction of noxious weed material as authorised under the <a href="#">Noxious Weeds Act 1993</a> and the incidental and unavoidable destruction or removal of plants lying adjacent to noxious weed material that are to be suppressed or destroyed.</p>
<b>NTA</b>	<p>National Trust of Australia (New South Wales).</p>
<b>offensive or hazardous industry</b>	<p>an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings.</p>
<b>outdoor eating area</b>	<p>an area of public land used for seating in association with an adjacent restaurant, whether or not it is covered or separated from the rest of the public land.</p>
<b>place of assembly</b>	<p>a public hall, theatre, music hall, concert hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for purposes of gain or not, but does not include a place of public worship, an institution or an educational establishment.</p>

<b>place of public worship</b>	a church, chapel or other place of public worship or religious instruction or a place used for the purpose of religious training.
<b>potential archaeological site</b>	a site identified as such in Schedule 2 and includes a site known to the consent authority to have archaeological potential even if it is not so identified.
<b>professional consulting rooms</b>	a room or a number of rooms forming either the whole of or part of, attached to or within the curtilage of a dwelling house and used by not more than three legally qualified medical practitioners or by not more than three dentists within the meaning of the <i>Dentists Act 1989</i> , or by not more than three health care professionals, who practise therein the profession of medicine, dentistry or health care, respectively, and, if more than one, practise in partnership, and who employ not more than three employees in connection with that practice.
<b>public building</b>	<p>a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes.</p> <p>any of the following undertakings carried on or permitted or suffered to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:</p> <p>(a) railway, road transport, water transport, air transport, wharf or river undertakings,</p>
<b>public utility undertaking</b>	<p>(b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,</p> <p>(c) undertakings for the provision of telecommunications infrastructure.</p> <p>A reference to a person carrying on a public utility undertaking is to be construed as including a reference to a council, county council, Government Department, corporation, licensed telecommunications carrier, firm or authority carrying on the undertaking.</p>
<b>real estate sign</b>	<p>an advertisement that contains only a notice that the place or premises to which it is fixed is or are for sale or letting (together with particulars of the sale or letting), and that is not displayed for more than 14 days after the letting or completion of the sale.</p> <p>means:</p> <p>(a) a children's playground, or</p>
<b>recreation area</b>	<p>(b) an area used for sporting activities or sporting facilities, or</p> <p>(c) an area used by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community, or</p> <p>(d) an area used by a body of persons associated together for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes.</p> <p>It does not include a racecourse or a showground.</p>

<b>recreation establishment</b>	health farms, religious retreat houses, rest homes, youth camps and the like, but does not include a building or place elsewhere specifically defined in this Schedule or a building or place used or intended for use for a land use elsewhere specifically defined in this Schedule.
<b>recreation facility</b>	land used for indoor recreation, a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, fun parlour or any other building of a like character used for recreation and whether used for the purpose of gain or not, but does not include a place of assembly.
<b>recreation vehicle area</b>	has the meaning ascribed to it in the <a href="#">Recreation Vehicles Act 1983</a> .
<b>recreational beach activities</b>	<p>activities on public land which are ancillary to the recreational use of a beach, such as the sale of refreshments or the hire of umbrellas, chairs, mats or lockers, but not including the following:</p> <ul style="list-style-type: none"><li>(a) activities that make use of any structure that is not dismantled at the end of each day's use,</li><li>(b) the use or hire of motorised vehicles or equipment,</li><li>(c) activities that have the potential to degrade the coastal environment,</li><li>(d) activities that have the potential to have negative impact on the well-being and amenity of beach users,</li><li>(e) activities that are located within the frontal dune system or the vegetated dunal areas,</li><li>(f) activities that require access into the frontal dune system or vegetated dunal areas otherwise than by approved access points as contained in the Council's <i>Dune Management Plan</i> (as in force immediately before the commencement of <a href="#">Tweed Local Environmental Plan 2000 (Amendment No 18)</a>).</li></ul>
<b>refreshment room</b>	a restaurant, cafe, tea room, eating house or the like.
<b>relic</b>	<p>means:</p> <ul style="list-style-type: none"><li>(a) any deposit, object or material evidence (which may consist of human remains) relating to the use or settlement of the area of Tweed, not being Aboriginal habitation, which is more than 50 years old, or</li><li>(b) any deposit, object or material evidence (which may consist of human remains) relating to Aboriginal habitation of the area of Tweed whether before or after its occupation by persons of European extraction.</li></ul>
<b>remediation</b>	<p>means:</p> <ul style="list-style-type: none"><li>(a) removing the cause of the contamination of any land, or</li><li>(b) dispersing, destroying, reducing, mitigating or containing the contamination of any land, or</li><li>(c) eliminating or reducing any hazard arising from the contamination of any land (including preventing the entry of persons or animals onto the land).</li></ul>

<b>respite care centre</b>	land used for the provision of respite care for aged persons or people who are physically, mentally, or socially disadvantaged.
<b>restricted premises</b>	premises (other than a newsagency or pharmacy) where: (a) publications classified Category 1 restricted, Category 2 restricted or RC under the <a href="#">Classification (Publications, Films and Computer Games) Act 1995</a> of the Commonwealth are shown, exhibited, displayed, sold or otherwise made accessible or available to the public, or (b) a business to which section 578E of the <a href="#">Crimes Act 1900</a> applies is conducted.
<b>retail plant nursery</b>	land used for both the growing and retail selling of plants, whether or not ancillary products are sold therein.
<b>reticulated sewerage system</b>	a network of pipes which collects sewage from individual premises and conveys it to a point of treatment and disposal.
<b>road</b>	a road within the meaning of the <a href="#">Roads Act 1993</a> .
<b>road transport terminal</b>	land used for the principal purpose of the bulk handling of goods for transport by road, including facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles.
<b>roadside stall</b>	a building or place not exceeding 20m <sup>2</sup> in floor space or area, respectively, where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail.
<b>RTA</b>	Roads and Traffic Authority.
<b>rural industry</b>	handling, treating, processing or packing of primary products in the locality and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality.  an establishment which is designed, located and operated to principally provide educational, recreational or leisure facilities or activities related to: (a) farming or the processing of farm products, or
<b>rural tourist facility</b>	(b) appreciation of the natural environment.  It may also provide associated tourist accommodation, refreshment rooms, or exhibition or function centre facilities, if they are commensurate in scale to the principal facilities or activities.
<b>rural worker's dwelling</b>	a dwelling which is on land on which there is already erected a dwelling or dwellings and which is occupied by persons engaged in rural occupation on that land.
<b>sawmill</b>	a mill handling, cutting and processing timber from logs or baulks.

<b>service station</b>	<p>building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil and other petroleum products, whether or not the building or place is also used for any one or more of the following purposes:</p> <ul style="list-style-type: none"><li>(a) the sale by retail of spare parts and accessories for motor vehicles,</li><li>(b) washing and greasing of motor vehicles,</li><li>(c) installation of accessories,</li><li>(d) repairing and servicing of motor vehicles involving the use of hand tools (other than repairing and servicing which involves top overhaul of motors, body building, panel beating, spray painting, or suspension, transmission or chassis restoration),</li><li>(e) a general store.</li></ul>
<b>shop</b>	<p>land used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this Schedule or used for a land use elsewhere specifically defined in this Schedule.</p>
<b>site area</b>	<p>the area of land to which an application for consent under the Act relates, excluding any land on which the development to which the application relates is not permitted by or under this plan.</p>
<b>stock and sale yard</b>	<p>land used for the purpose of offering animals for sale and includes a public cattle market.</p>
<b>storage unit</b>	<p>land used for the storage of goods, merchandise or materials, whether or not they are distributed to persons engaged in the retail trade.</p> <p>means:</p> <ul style="list-style-type: none"><li>(a) the space between two floors, or</li><li>(b) the space between a floor and any ceiling or roof immediately above it, or</li><li>(c) foundation areas, garages, workshops, storerooms and the like, where the height between natural ground level and the top of the floor immediately above them is 1.5 metres or more.</li></ul>
<b>storey</b>	<p>For the purpose of counting the number of storeys in a building, the number is to be the maximum number of storeys of the building which may be intersected by the same vertical line, not being a line which passes through any wall of the building.</p>
<b>telecommunications infrastructure</b>	<p>a “facility”, “telecommunications transmission tower” or “tower” as defined in the <i>Telecommunications Code of Practice 1997</i> of the Commonwealth, but does not include a “low impact facility” as also defined in the Code.</p>

	<p>an advertisement of a temporary nature that:</p> <p>(a) announces any local level event of a religious, educational, cultural, political, social or recreational character or relates to any temporary matter in connection with such an event, and</p>
<b>temporary sign</b>	<p>(b) does not include advertising of a commercial nature except for the name of the event's sponsor.</p> <p>Temporary signs may consist of advertisements in the form of banners, bunting, posters, inflatable structures and similar things.</p>
<b>the Act</b>	the <a href="#">Environmental Planning and Assessment Act 1979</a> .
<b>the Council</b>	Tweed Shire Council.
<b>tourist accommodation</b>	a building principally used for the accommodation of tourists but does not include a building elsewhere specifically defined in this Schedule.
<b>tourist facilities</b>	<p>an establishment principally used for the recreation or enjoyment of tourists and may include an amusement park, boat shed, boating facility, cruise craft dock, tavern, marina, playground, refreshment room, shop, theme park, water sport facilities or the like or a club used in conjunction with any such activities.</p> <p>a largely self-contained holiday destination establishment which provides:</p> <p>(a) tourist accommodation, and</p>
<b>tourist resort</b>	<p>(b) on-site facilities to satisfy all, or substantially all, of the recreational, entertainment, dining and other holiday needs of its resident tourists.</p>
<b>transport terminal</b>	land used as an airline terminal, a road transport terminal, a bus station or a bus depot.
<b>unzoned land</b>	land to which this plan applies that is shown uncoloured on the zone map.
<b>urban stormwater water quality management facility</b>	a detention basin, artificial wetland or similar large facility constructed to manage the water quality of urban stormwater.
<b>utility installation</b>	a building or work used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom. It may include generating works and gasholders.
<b>warehouse</b>	land used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

means:

- (a) a lake or lagoon either naturally formed or artificially modified, or
- (b) a watercourse, whether perennial or intermittent, flowing in a natural channel with an established bed or in a natural channel artificially modifying the course of the water flow, or which has a defined bed and banks, or
- (c) tidal waters (other than the ocean) including any bay, estuary or inlet, or
- (d) a constructed waterway, canal, inlet, bay, channel or lake which connects to a waterbed specified in paragraph (a), (b) or (c),

**waterbed**

but does not include an agricultural drain or a dry detention basin or other construction that is only intended to hold water intermittently.

**wetland**

land inundated with temporary or permanent water that is usually slow moving or stationary or shallow and either fresh, brackish or saline, and where the inundation determines the type and productivity of soils and the plant and animal communities.

**works for drainage and landfill**

the removal of extractive material from land for the principal purpose of providing a method of stormwater drainage and the subsequent filling or spoiling of the extractive material on an allotment.

**zone map**

the series of maps marked "Tweed Local Environmental Plan 2000", as amended by the maps (or sheets of maps) listed in Part 2 of Schedule 6.

**Editorial note—**

For amendments to the legend on the zone map see Gazette No 105 of 18.8.2000, p 7856, paragraph 6.

## Schedule 2 Heritage items

(Clause 41, Part 8, Schedule 1)

Locality	Street & No	Property description	Item	Significance Level	Listed by
Burringbar	Broadway Street 61-63	Lot 11, DP 571794	Saint Michael's Roman Catholic Church	Local	
			Burringbar Railway Station	Regional	
Chindera	Chindera Road	Lot 493, DP 720407, Lot 49, DP 841783	Chindera Cemetery	State	
Dulguigan	Dulguigan Road	Lot 6, DP 578144	Grave site and headstone of Mr Paddy Smith	Local	
Dum Dum	Kyogle Road 973	Lot 3, DP 611094	Dum Dum Homestead	Local	

Dunbible		Near Stokers Road rail crossing	Dunbible Creek Railway Bridge	Regional	
Fingal Head	Lighthouse Road	Lot 1, DP 847751	Fingal Head Lighthouse	Local	AHC
Kynnumboon	Numinbah Road	Pt. Lot 7, DP 817563	"Lisnagar" House and Dairy	Local	AHC, NTA
Midginbil	Midginbil Road 321	Lot 74, DP 755710	Bag End Wildlife Refuge	Local	
Mooball	Wabba Road	Pt. Lot 1 & Lot 2, DP 873618	Hoskin Wildlife Refuge	Local	
Murwillumbah	Eyles Avenue 4	Lots 5 & 6, Sec 28, DP 8950	"Goldsborough"	Local	
	Murwillumbah Street 1-3	Lot 1, DP 772892	B.G.F. Building	Local	AHC, NTA
	Murwillumbah Street 38	Lot 1, DP 772600	National Australia Banking Chambers	Local	NTA
	Murwillumbah Street 61-83	Lot 4, Sec 1, DP 758739	Murwillumbah Police Station and Courthouse Group (including all trees and spaces between and in front of buildings)	Regional	AHC, NTA
	Murwillumbah Street 143	Lot 2, DP 225827	Roman Catholic Presbytery	Local	
	Queen Street 21	Lot A, DP 395020	Former Salvation Army Building	Regional	
	Queensland Road 2	Lot 1, Sec 30, DP 75839	Former Tweed Shire Council Chambers	Regional	
	Riverview Street	Lot 6, DP 820602A	Block A—Murwillumbah High School	State	
	Wollumbin Street 1	Lot 1, DP 772596	"Austral" Building	Regional	
Terragon	Palmers Road	Lot 67, DP 755754	Wollumbin Wildlife Refuge	Local	



Tweed area			Osprey nests as mapped from time to time by the National Parks and Local Wildlife Service and notified to the Council	
Uki	Kyogle Road 1468	Lot 6, DP 8107	The Old Bank	Regional
	Kyogle Road 1473	Lot 116, DP 755730	Holy Trinity Church	Regional
Wooyung	Old Coast Road	Lot 1, DP 779830	Natural area north of Brunswick Heads (Ocean Shores)	Local

### Schedule 3 Development of specific sites

(Clause 53)

#### Additional development permitted with development consent    **Conditions**

Lot 719, DP 820030, Dry Dock Road, Tweed Heads South	Development for the purpose of a place of public worship.	The building and associated car parking must be a minimum of 15 metres from the eastern boundary.
Lot 6, DP 10297, Kennedy Drive, Tweed Heads West	Development for the purpose of a car wash facility.	Vehicular access to and from Kennedy Drive must only be via a right-of-way to be provided adjacent site to the east, being Lots 1 and 2, DP 10297.

Lot 3, DP 830660 and the adjoining part of Phillip Street, Chinderah.

Development for the purpose of a “highway service centre” being an integrated development which has direct access to a controlled access road or motorway, and contains service station facilities with separate car and truck refuelling bays, a convenience shop within the service station, having a floor area of not more than 240 square metres, from which food, drinks and other convenience goods are sold, or offered for sale, to the travelling public, refreshment room facilities, including sit-down, takeaway and drive-through fast food outlets, adequate short-term parking facilities for cars, buses and trucks, toilet and washroom facilities, rest areas and playgrounds, advertising structures, and limited emergency repair facilities, with such facilities serving the needs of highway motorists and commercial users, and fuel and fast food made available 24 hours, 7 days per week.

- (1) Consent must not be granted unless the consent authority is satisfied that:
  - (a) it has considered the practicality of requiring an integrated effluent disposal system for the land, and
  - (b) the measures and systems to treat on-site and dispose of waste water meet the guidelines of the Department of Health and the Environment Protection Authority, including long-term arrangements for monitoring and maintenance of such systems, and
  - (c) suitable arrangements can be made to upgrade local roads that will be used as a result of the development.

Lot 9, DP 786563, Mt Warning Road, Mt Warning	Development for rural residential purposes of not more than 25 allotments (under the Community Land Development Act 1989) for dwelling houses.	<p>(2) Consent must not be granted unless the consent authority has considered:</p> <ul style="list-style-type: none"><li>(a) a plan of management for the rehabilitation of the land, which includes measures for native flora regeneration, habitat rehabilitation of the land, reasonable public access to parts of the land and mitigation of any adverse impact of development, and</li><li>(b) a report prepared in accordance with the requirements for a species impact statement (set out in Division 2 of Part 6 of the <i>Threatened Species Conservation Act 1995</i>) that has been prepared by a person considered by the consent authority to be suitably qualified, that addresses the impact of the proposed development on the environment of threatened species (particularly endangered species) and that has been exhibited for public comment.</li></ul> <p>(3) An application for consent made pursuant to this item must not be granted unless the application:</p> <ul style="list-style-type: none"><li>(a) is made within 2 years after the commencement of <i>Tweed Local Environmental Plan 1987 (Amendment No 58)</i>, and</li><li>(b) relates to development of all the land to which this item applies.</li></ul>
Lot 2, DP 972662, Lot 1, DP 562104, Walsh Street, Lot 22, DP 585033, Lot 12, DP 830660, Phillip Street, Lot 10, DP 830660, Ocean Drive, Chinderah	Development for the purpose of dwelling houses	Must comply with the requirements of <i>Tweed Development Control Plan No 5—Development of Flood Liable Land</i> as in force when the consent is granted.

Lot 2, DP 735226, Racecourse Road, Tyngalah	Development for the purpose of a recreation facility	(1) An application made pursuant to this item must not be granted unless the consent authority is satisfied that the development, whether or not to be carried out in stages, will include a hotel, motel or tourist resort as the primary development and the number of units/rooms in that hotel, motel or tourist resort will at all times exceed the number of dwellings or dwelling houses included in the completed development.
Lot 1, DP 727451 and Lot 6, DP 18244	Development for the purpose of commercial premises	(2) If a subdivision is proposed to create an allotment for a dwelling house as part of the proposed development then such allotment must have a minimum area of 450m <sup>2</sup> .
Portions 194, 301 and 312, Kings Beach, South Kingscliff	Development for the purpose of dwelling houses and a hotel, motel or tourist resort (or any combination of them)	<p>Consent must not be granted unless:</p> <p>(a) the development application has been exhibited for public comment, and</p> <p>(b) the consent authority is satisfied there is adequate on site car parking, and</p> <p>(c) the application is made within 2 years after the commencement of the appointed day.</p>
Lot 353, DP 755740, Fingal	Development creating 33m <sup>2</sup> of refreshment room floor area within the existing general store, bottle shop, takeaway, snacks, storeroom and toilet	Any place of assembly must be ancillary to the camping ground.
Part Lot 9, DP 786563, shown stippled on the zone map	Development for the purpose of a camping ground and place of assembly	
Lot B, Section 5, DP 174482, Nullum Street, Murwillumbah	Development for the purpose of commercial premises, being office accommodation.	

## Schedule 4 Classification or reclassification of public land

(Clause 55)

### Part 1 Community land

### Part 2 Operational land—interests not changed

#### Banora Point

Avondale Drive	Lot 633, DP 869542, as shown cross-hatched and edged heavy black on Sheet 1 of the map marked " <i>Tweed Local Environmental Plan 2000 (Amendment No 6)</i> ".
Darlington Drive	Lot 1, DP 623932, as shown cross-hatched and edged heavy black on Sheet 1 of the map marked " <i>Tweed Local Environmental Plan 2000 (Amendment No 6)</i> ".
Donegal Court	Lot 757, DP 850786, as shown cross-hatched and edged heavy black on Sheet 1 of the map marked " <i>Tweed Local Environmental Plan 2000 (Amendment No 6)</i> ".
Fraser Drive	Lots 2 and 3, DP 591548, Lot 482, DP 591546, Lot 2, DP 591547, Lot 14, DP 746154 and Lot 15, DP 846287, as shown cross-hatched and edged heavy black on Sheet 1 of the map marked " <i>Tweed Local Environmental Plan 2000 (Amendment No 6)</i> ".
Greenway Drive	Lot 128, DP 817783, as shown cross-hatched and edged heavy black on Sheet 1 of the map marked " <i>Tweed Local Environmental Plan 2000 (Amendment No 6)</i> ".

#### Bogangar

Hastings Road	Lot 2, DP 831562, as shown cross-hatched and edged heavy black on Sheet 3 of the map marked " <i>Tweed Local Environmental Plan 2000 (Amendment No 6)</i> ".
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#### Bray Park

Elouera Terrace	Lot 93, DP 621415, as shown cross-hatched and edged heavy black on Sheet 4 of the map marked " <i>Tweed Local Environmental Plan 2000 (Amendment No 6)</i> ".
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#### Byrrill Creek

Byrrill Creek Road	Lot C, DP 381297, as shown cross-hatched and edged heavy black on Sheet 5 of the map marked " <i>Tweed Local Environmental Plan 2000 (Amendment No 6)</i> ".
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#### Kingscliff

Faulks Street	Lot 113, DP 240966 and Lot 115, DP 241663, as shown cross-hatched and edged heavy black on Sheet 3 of the map marked " <i>Tweed Local Environmental Plan 2000 (Amendment No 6)</i> ".
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#### Murwillumbah

Alma Street	Lots 2 and 3, DP 779815, as shown cross-hatched and edged heavy black on Sheet 4 of the map marked " <i>Tweed Local Environmental Plan 2000 (Amendment No 6)</i> ".
Church Street	Part of Lot 1, DP 863851, as shown cross-hatched and edged heavy black on Sheet 4 of the map marked " <i>Tweed Local Environmental Plan 2000 (Amendment No 6)</i> ".

Hartigan Street Lot 1, Section 32, DP 9506, as shown cross-hatched and edged heavy black on Sheet 4 of the map marked “*Tweed Local Environmental Plan 2000 (Amendment No 6)*”.

York Street Lot 45, DP 24583, as shown cross-hatched and edged heavy black on Sheet 4 of the map marked “*Tweed Local Environmental Plan 2000 (Amendment No 6)*”.

**Pottsville**

Coast Road Lot 1, DP 589881, as shown cross-hatched and edged heavy black on Sheet 3 of the map marked “*Tweed Local Environmental Plan 2000 (Amendment No 6)*”.

**Terranora**

Eliza Fraser Court Lots 320, 326, 349 and 350, DP 860725, as shown cross-hatched and edged heavy black on Sheet 1 of the map marked “*Tweed Local Environmental Plan 2000 (Amendment No 6)*”.

**Tweed Heads South**

Chardonnay Crescent Lot 126, DP 836272, as shown cross-hatched and edged heavy black on Sheet 1 of the map marked “*Tweed Local Environmental Plan 2000 (Amendment No 6)*”.

Dry Dock Road Lot 401, DP 755740, as shown cross-hatched and edged heavy black on Sheet 2 of the map marked “*Tweed Local Environmental Plan 2000 (Amendment No 6)*”.

Vintage Lakes Drive Lot 708, DP 841011, as shown cross-hatched and edged heavy black on Sheet 1 of the map marked “*Tweed Local Environmental Plan 2000 (Amendment No 6)*”.

**Tweed Heads West**

Blue Water Crescent Lot 109, DP 238224, as shown cross-hatched and edged heavy black on Sheet 2 of the map marked “*Tweed Local Environmental Plan 2000 (Amendment No 6)*”.

Jacaranda Avenue Lot 365, DP 30960 and Lot 488, DP 30961, as shown cross-hatched and edged heavy black on Sheet 2 of the map marked “*Tweed Local Environmental Plan 2000 (Amendment No 6)*”.

Kiata Parade Lot 87, DP 866281, as shown cross-hatched and edged heavy black on Sheet 2 of the map marked “*Tweed Local Environmental Plan 2000 (Amendment No 6)*”.

Piggabeen Road Lot 1, DP 622561 and Lot 4, DP 837715, as shown cross-hatched and edged heavy black on Sheet 2 of the map marked “*Tweed Local Environmental Plan 2000 (Amendment No 6)*”.

**Part 3 Operational land—interests changed**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Trust etc not discharged</b>

## Schedule 5 Savings

(Clauses 13 (2) and 58)

- 1 The carrying out by persons carrying on the railway undertakings on land comprised in their undertakings of:
  - (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
  - (b) the erection within the limits of a railway station of buildings for any purpose,but excluding:
  - (c) the construction of new railways, railway stations and bridges over roads,
  - (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration so as materially to affect the design thereof of railway stations or bridges,
  - (e) the formation or alteration of any means of access to a road, and
  - (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.
- 2 The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings, that is to say:
  - (a) development of any description at or below the surface of the ground,
  - (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structures or erections required in connection with the station or substation,
  - (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brickworks,
  - (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
  - (e) the erection of service reservoirs on land acquired or in process of being acquired for the purposes thereof before the appointed day, provided reasonable notice of the proposed erection is given to the Council, or
  - (f) any other development except:
    - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration, so as materially to affect the design or

external appearance thereof, of buildings, or

(ii) the formation or alteration of any means of access to a road.

- 3 The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof, or
  - (b) the formation or alteration of any means of access to a road.
- 4 The carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:
- (a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect the design or external appearance thereof, or
  - (b) the formation or alteration of any means of access to a road.
- 5 The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof, or
  - (b) the formation or alteration of any means of access to a road.
- 6 The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof, or
  - (b) the formation or alteration of any means of access to a road.
- 7 The carrying out by the owner or lessee of a mine (other than a mineral sands mine), on the mine, of any development required for the purposes of a mine, except:



- (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect the design or external appearance thereof, or
  - (b) the formation or alteration of any means of access to a road.
- 8 The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.
- 9 The carrying out of any forestry work by the Forestry Commission, a School Forest Trust or Community Forest Authorities empowered under relevant Acts to undertake afforestation, roading, protection, cutting and marketing of timber, and other forestry purposes under such Acts or on any Crown land temporarily reserved from sale as a timber reserve under the [Forestry Act 1916](#).
- 10 The carrying out by a Rural Lands Protection Board of any development required for the improvement and maintenance of travelling stock and water reserves, except:
- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or purposes thereof,
  - (b) any development designed to change the use or purpose of any such reserve.
- 11 The carrying out or causing to be carried out by a council engaged in flood mitigation works or by the Department of Land and Water Conservation of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the [Water Act 1912](#), the [Irrigation Act 1912](#), the [Farm Water Supplies Act 1946](#) or the [Rivers and Foreshores Improvement Act 1948](#), except:
- (a) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof,
  - (b) the formation or alteration of any means of access to a road.

## Schedule 6 Maps and Zones

(Clause 7 (3), Schedule 1)

### Part 1 Zones

<b>Zone</b>	<b>Shown on the zone map as</b>
1 (a) Rural	light yellow and lettered "1 (a)".
1 (b) Agricultural Protection	light yellow, edged red and lettered "1 (b1)" or "1 (b2)".
1 (c) Rural Living	light yellow, edged red and lettered "1 (c)".
2 (a) Low Density Residential	scarlet and lettered "2 (a)".
2 (b) Medium Density Residential	scarlet, edged red and lettered "2 (b)".
2 (c) Urban Expansion	scarlet, edged red and lettered "2 (c)".

2 (d) Village	scarlet, edged red and lettered "2 (d)".
2 (e) Residential Tourist	scarlet, edged red and lettered "2 (e)".
2 (f) Tourism	scarlet, edged red and lettered "2 (f)".
3 (a) Sub-regional Business	light blue and lettered "3 (a)".
3 (b) General Business	light blue, edged red and lettered "3 (b)".
3 (c) Commerce and Trade	light blue, edged red and lettered "3 (c)".
3 (d) Waterfront Enterprise	light blue, edged red and lettered "3 (d)".
3 (e) Special Tourist (Jack Evans Boatharbour)	light blue, edged red and lettered "3 (e)".
4 (a) Industrial	light purple and lettered "4 (a)".
5 (a) Special Uses	yellow, edged red and lettered "5 (a)" followed by the particular purpose.
6 (a) Open Space	medium green and lettered "6 (a)".
6 (b) Recreation	light green, edged red and lettered "6 (b)".
7 (a) Environmental Protection (Wetlands and Littoral Rainforests)	orange and lettered "7 (a)".
7 (d) Environmental Protection (Scenic/ Escarpment)	orange, edged red and lettered "7 (d)".
7 (f) Environmental Protection (Coastal Lands)	orange, edged red and lettered "7 (f)".
7 (l) Environmental Protection (Habitat)	orange, edged red and lettered "7 (l)".
8 (a) National Parks and Nature Reserves	white with horizontal black lines, broad green border and lettered "8 (a)".

## **Part 2 Zone Map Amendments**

*Tweed Local Environmental Plan 2000 (Amendment No 4)*  
*Tweed Local Environmental Plan 2000 (Amendment No 5)*  
*Tweed Local Environmental Plan 2000 (Amendment No 12)*  
*Tweed Local Environmental Plan 2000 (Amendment No 16)*  
*Tweed Local Environmental Plan 2000 (Amendment No 17)*  
*Tweed Local Environmental Plan 2000 (Amendment No 24)*  
*Tweed Local Environmental Plan 2000 (Amendment No 25)*

## **Part 3 Height of Buildings Map Amendments**

## **Part 4 Designated Roads Map Amendments**

## Schedule 7 Major drains

(Clause 35)

## Schedule 8 Business centres

(Clause 11)

Banora Point	Banora Shopping Village, cnr Leisure and Darlington Drives
Bogangar	Land zoned 3 (b) between Coast and Hastings Roads
Cabarita	Land zoned 3 (b) east of Coast Road
Kingscliff	Land zoned 3 (b) in Marine Parade, Pearl Street, Seaview Street and Turnock Street
Murwillumbah	Land zoned 3 (b)
Pottsville	Land zoned 3 (b) in Village Centre
Pottsville Waters	Land zoned 3 (b) in Overall Drive
Tweed Heads	All land zoned 3 (a) or 3 (b) north of Terranora Terrace
Tweed Heads South	Land zoned 3 (b) in Minjungbal Drive
Tweed Heights	Tweed Heights Shopping Village, cnr Amaroo and Ash Drives