

Council Reference: GT1/LEP/2006
Your Reference:

27 November 2009

Regional Director – Northern Region
Department of Planning
Locked Bag 9022
Grafton NSW 2460

Attention: Steve Murray

Tweed City Centre Plan

On 6 October 2004, Council resolved to prepare draft Tweed Local Environmental Plan 2000, Amendment No 64 – Tweed Heads Masterplan. The draft LEP amendment investigates the land zonings, building height and development standards of land located within the Tweed City Centre (as displayed on Land Application Map in Appendix A).

The preparation of the draft LEP amendment was undertaken externally by NSW Department of Planning's Centres & Urban Renewal team, including the preparation of a Vision document (also prepared by DoP) and complimenting Development Controls (prepared by JBA Urban Planning on behalf of Tweed Shire Council as an amendment to Council's existing DCP) to further inform the recommendations of the LEP amendment sought.

On 1 July 2009, Part 3 (Plan-making) of the EP&A Act was substantially amended making way for a new and different plan making process. In accordance with the Savings and Transitional Provisions, this draft LEP, which has reached Section 54 Stage, has a time limitation of 18 months within which it is to be made.

Section 62 consultation was undertaken on 20 February 2009. In addition, a 'Reference Panel' was formed for the project including a number of State and community representatives and met on numerous occasions throughout the plan preparation of the project.

Section 64 of the Environmental Planning and Assessment Act 1979, as it relates to this amendment, requires as follows:

64 Submission of copy of draft local environmental plan to Department

When a draft local environmental plan has been prepared, the council shall submit a copy of the draft plan to the Director-General, together with a statement specifying the names of the public authorities, bodies and other persons the council has consulted with pursuant to section 62.

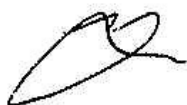
In accordance with the above requirements, please find attached an electronic copy of the draft Plan on the CDs attached. Please note that the written instrument will need to be amended by the Department to reference 'Tweed City Centre Local Environmental Plan 2010' as Council does not possess an editable copy of the instrument. Please also note that the relevant maps have been amended to include Council's new corporate logo, the mapping and datasets are also attached electronically.

In addition, the table within Appendix A identifies the public authorities, bodies and other persons the Council consulted with pursuant to Section 62 of the Environmental Planning and Assessment Act 1979, as it relates to this amendment. Full copies of the submissions received are also attached with Appendix A.

With the provisions of Section 64 of the Environmental Planning and Assessment Act 1979, as it relates to this amendment, fulfilled, Council formally requests issue of a Section 65 Certificate to enable the draft Plan to be publicly exhibited.

Should you have any queries relating to this matter please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Iain Lonsdale', written in a cursive style.

Iain Lonsdale
COORDINATOR PLANNING REFORM

Appendix A
Section 62 Consultation



Authority/Body/Other Persons	Issues	Response
Department of Primary Industries	No formal response or comments received	
NSW Heritage Office	Advised they would provide comment upon receipt of copies of the LEP and DCP.	It is noted that no Heritage sites are identified within the City Centre study area and in addition, further shirewide heritage review is presently being undertaken by Council as part of a separate study.
Country Energy	No formal response or comments received	
NSW Rural Fire Service	The RFS raises no concerns, however advises that future re-development of bushfire prone land may be subject to the requirements of Section 100B of the Rural Fires act 1997 and Section 79BA of the Environmental Planning and Assessment Act 1979.	No specific action required, future DAs will be subject to compliance with the specified legislation.
Rail Infrastructure Corporation	No formal response or comments received	
Department of Water and Energy	Requests that Council considers: <ul style="list-style-type: none"> o The Departments 'Guidelines for Controlled Activities: Riparian Zones (2008)', namely buffer requirements o Existing and proposed water supply demands o Highlights the presence of Acid Sulphate Soils in it's development controls o Considers the impact of new development on water quality o Ensure there is appropriate infrastructure to cater for waste management, alternative/renewable energy sources, stormwater management etc. 	Council has considered the referred matters and regards the City Centre LEP, married with the more specific design controls within the Development Control component, satisfactory.
Department of Planning	No formal response or comments received	
Department of Environment and Climate Change	Requests that Council: <ul style="list-style-type: none"> o Consider the potential for impacts on biodiversity and DECC estate in drafting development controls within its LEP. o Retain and enhance riparian areas o Proactively incorporate local objective, controls and guidelines that addresses stormwater management o Require archaeological and Aboriginal cultural heritage assessments be undertaken by all development proposals. o Supports the use of public transport, bike and pedestrian transport modes to make progress on greenhouse gas reductions. 	Council has considered the referred matters and regards the City Centre LEP, married with the more specific design controls within the Development Control component, satisfactory.
Tweed Byron Aboriginal Land	No formal response or comments received	

Council		
Lismore City Council	No formal response or comments received	
NSW Roads and Traffic Authority	<p>General recommendations in the following matters:</p> <ul style="list-style-type: none"> ○ Inclusion of Clause 30 – Classified Roads ○ Consistent with the requirements of SEPP (Infrastructure) 2007 ○ Ensuring permissibility of ‘Roads’ in all zones ○ Ensure that Child Care centres are prohibited within any zones where the subject property(s) have a direct frontage to a classified road. ○ No direct vehicular access should be permitted via individual properties to/from classified roads. ○ Facilitate the NSW Government – Premiers Council for Active Living (PCAL) through urban design considerations. ○ Future developments should be designed such that the road traffic noise from classified roads is mitigated, in accordance with the DEC criteria for new developments (Environmental Criteria for Road Traffic Noise). <p>Rezoning:</p> <ul style="list-style-type: none"> ○ A detailed traffic study(s) shall be prepared in accordance with the RTA’s Guide to Traffic Generating Developments, to investigate the impacts of proposed rezonings in the study area on the road network in consultation with the RTA. ○ The traffic study(s) should be utilised to identify the necessary road and transport infrastructure improvements required as a direct result of future development. 	<p>The draft Tweed City Centre LEP has already been extensively reviewed by DoPs Legal branch and Parliamentary Counsel to ensure consistency with the SEPP (Infrastructure) 2007.</p> <p>Within the City Centre study area, no ‘Classified Roads’ are identified as present.</p> <p>The LEP, married with the more specific design controls within the Development Control component actively seeks to promote alternate travel methods and a traffic analysis has been undertaken as part of the plan preparation.</p>
Kyogle Council	No formal response or comments received	
Gold Coast City Council	Raised concerns regarding the interface of building heights at the State border and that further exacerbating the disparity in building height would diminish the seamless transition of the built form along the border.	<p>This issue has been reviewed by Council and DoPs project team. Whilst a large disparity in building heights is present along the State border, a number of natural and built features already provides a clear distinction between Tweed Heads and Coolangatta.</p> <p>Coupled with both the State and local objectives targeting consolidation of urban areas where appropriate, and the</p>

		<p>need to respect and integrate Climate Change and Sea Level Rise impacts in forward planning, greater opportunities are afforded along the State borderline.</p> <p>Accordingly, it is considered appropriate to proceed at this point with the draft building heights proposed.</p>
Department of Lands	Department of Lands provided an itinerary of sites in their ownership and desired zonings for this land, in accordance with the Standard Instrument Order 2006	The DoL's zoning requests has been reviewed and discussed with DoP's project team. Council is satisfied that the draft LEP has appropriate regard to DoLs ambitions and desire for their sites.
Byron Shire Council	No formal response or comments received	
State Emergency Services	No formal response or comments received, however SES were a key stakeholder within Climate Change and Risk Management workshops held with NSW DoP, DECCW and Tweed Shire Council	