TWEED SHIRE DEVELOPMENT CONTROL PLAN

2008
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TWEED SHIRE COUNCIL

CERTIFIED IN ACCORDANCE WITH
THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
AND REGULATIONS

GENERAL MANAGER
DATE: 04 June 2008

Tweed Shire Development Control Plan
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1.0 INTRODUCTION

1.1 Name of Plan
This plan may be sited as Tweed Shire Development Control Plan (DCP).

1.2 Where does the Plan Apply?
This DCP applies to all land in Tweed Shire.

1.3 Status of this Plan
This plan has been prepared in accordance with Section 74(C) of the Environmental Planning and Assessment Act (EP&A Act) and Part 3 of the Environmental Planning and Assessment Regulations 2000. This plan may be amended only in the manner prescribed in the Regulation. This plan came into effect on 30 April 2008 in accordance with Clause 21(4) of the Regulation.

1.4 Relationship to Other Plans
Clause 72 of the EP&A Act and Regulations require this DCP to be consistent with the LEP 2000.

This DCP is generally consistent with the provisions of the LEP and Model Provisions contained in the EP&A Act. In the event of any inconsistency, the provisions of the LEP shall prevail.

1.5 Purpose of this Plan
The DCP aims to:

1. achieve development that is consistent with the social, economic and environmental values of the shire;
2. promote ecologically sustainable development and aims to provide a safe living and working environment;
3. form part of a range of documents that provides a guide towards a more sustainable future for the Tweed Shire; and
4. provide design issues, performance criteria and standards for development both on a shire wide basis and those that relate specifically to particular development areas.

1.6 Application of the Plan
Compliance with the provisions of this plan does not necessarily imply that Council will grant consent to an application. Council must, in relation to development applications, also take into consideration those matters listed under Section 90(1) of the Environmental Planning and Assessment Act 1979.

In special circumstances, Council may consent to an application that departs from the provision of this plan.

1.7 How to use this Plan
This DCP operates in two parts to account for development standards that operate on a shire wide basis and to account for development controls that are applicable to specific sites or localities. The shire wide controls also apply to the site specific areas identified in this DCP. Each Section in this DCP is self-contained. However, a number
of Sections may apply to a particular development, and therefore each Section includes a list of other relevant Sections and Policies. The DCP is structured as follows:

**Part A: Development Standards for Whole of the Shire**

A1. Residential and Tourist Development Code  
A2. Site Access and Parking Code  
A3. Development of Flood Liable Land  
A4. Advertising Signs Code  
A5. Subdivision Manual  
A6. Biting Midge and Mosquito Control  
A7. Child Care Centres  
A8. Brothels Policy  
A9. Energy Smart Homes Policy  
A10. Exempt and Complying Development  
A11. Public Notification of Development Proposals  
A12. (Repealed 29 April 2008 – Dual Occupancy Controls)  
A13. Socio-Economic Impact Assessment  
A14. (Repealed 29 April 2008 - Cut and Fill on Residential Land)  
A15. Waste Minimisation and Management  
A16. Preservation of Trees or Vegetation  
A17. Business, Enterprise Corridor and General Industrial Zones  
A18. Heritage  
A19. Biodiversity and Habitat Management

**Part B: Development Standards for Specific Sites**

B1. Terranora  
B2. Tweed Heads  
B3. Banora Point West - Tweed Heads South  
B4. West Kingscliff  
B5. Casuarina Beach  
B6. Murwillumbah West  
B7. (Repealed 29 April 2008 – Cobaki Lakes)  
B8. Keith Compton Drive  
B9. Tweed Coast Strategy  
B10. Koala Beach  
B11. (Repealed 13 April 2016 - Seaside City)  
B12. Fraser Drive, Banora Point
B13. (Repealed 29 April 2008 – Marana Park Estate Density Controls)
B14. (Repealed 29 April 2008 – Peter (South) Residential Development Controls)
B15. Seabreeze Estate, Pottsville
B16. (Repealed 29 April 2008 - Kingscliff)
B17. Planning Controls - Friday, Island, Bogangar
B18. (Repealed 29 April 2008- Tweed Coast Building Heights)
B20. Uki Village
B21. Pottsville Locality Based Development Code
B22. Murwillumbah Town Centre
B23. Hastings Point
B25. Coastal Hazards
B27. 61 Marana Street Bilambil Heights
B28. Club Banora

Note: In considering a development there are a number of steps that should be followed:

1. Check under the Tweed LEP for the appropriate zoning and other relevant provisions to ensure the proposed development is permissible;
2. Determine the appropriate application (DA) in accordance with the Act;
3. Determine which section(s) of this DCP and any other Council policies apply to the site;
4. Work through each relevant section noting both the broad intentions of the section and the detailed considerations; and
5. Prepare the development proposal in accordance with the principles, objectives and standards of this DCP.