

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**

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GENERAL MANAGER

DATE: 04 June 2008

Tweed Shire Development Control Plan

Table of Contents



1.0	INTRODUCTION	1
1.1	Name of Plan	1
1.2	Where does the Plan Apply?	1
1.3	Status of this Plan	1
1.4	Relationship to Other Plans.....	1
1.5	Purpose of this Plan	1
1.6	Application of the Plan.....	1
1.7	How to use this Plan.....	1
Part A:	Development Standards for Whole of the Shire.....	2
Part B:	Development Standards for Specific Sites	2



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)
- B19. Bogangar/Cabarita Beach Locality Plan
- B20. Uki Village
- B21. Pottsville Locality Based Development Code
- B22. Murwillumbah Town Centre
- B23. Hastings Point
- B24. Draft Area E Urban Release Development Code
- 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.



Customer Service | 1300 292 872 | (02) 6670 2400

tsc@tweed.nsw.gov.au
www.tweed.nsw.gov.au

Fax (02) 6670 2429
PO Box 816
Murwillumbah NSW 2484