

## 7. LEP Zoning Recommendations

The zoning plans forming part of draft LEP identify the preferred dominant land use for Area E, while the a proposed subsequent Structure Plan and Development Control Plan will provide further detail regarding the preferred specific land use for Area E.

Section 6 of this report identified an approximate land balance based on the opportunities and constraints exhibited by Area E. The following section identifies appropriate zonings based on this land balance.

### 7.1 Environmental Protection

#### 7.1.1 Wetland protection

The major wetland area generally identified as SEPP 14 Wetland No 23 is appropriate for inclusion in Zone 7(a) Environmental Protection (Wetlands and Littoral Rainforests).

The Zone 7(a) Environmental Protection (Wetlands and Littoral Rainforests) objectives are as follows:

##### *Primary objectives*

- to identify, protect and conserve significant wetlands and littoral rainforests; and
- 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; and
- to allow other development that is compatible with the primary function of the zone.

In addition to identified wetland areas a 50m buffer is also required adjacent to wetlands to ensure protection from incompatible land uses. This buffer should also be incorporated into the 7(a) Environmental Protection (Wetlands and Littoral Rainforests).

Found along the southern boundary of the SEPP 14 wetland areas are a range of other vegetation types which together with the wetlands form part of a wider vegetation complex. While the inclusion of this adjoining vegetation in Zone 7(l) Environmental Protection (Habitat) would be theoretically the most appropriate zoning, in practical terms these associated areas are difficult to distinguish from wetland boundaries and as such these areas should be included in 7(a) Environmental Protection (Wetlands and Littoral Rainforests). The provisions of this zone including clause 25 of the current Tweed LEP 2000 are considered appropriate to control development in this area.

In addition is it proposed to include specific provisions ensuring that wetlands within Area E are rehabilitated to restore freshwater wetland values and to minimise salt march mosquito breeding habitat. To effect this requirement a new clause 25A is proposed.

### 7.1.2 Scenic/escarpment and habitat protection

This study has also identified areas of steep slopes which are generally associated with remnant vegetation, areas of scenic value and watercourses. These areas are also generally required to form part of the stormwater management system as waterway corridors and to protect flora species listed under the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999. These areas have historically been spared from clearing because of slope constraints or are regrowth on more marginal lands. The majority of these lands do not require specific protection through zoning.

One area in particular provides habitat for a number of native rainforest flora (including species identified as significant under the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999), has scenic values, water values and includes land with steep slopes. These range of characteristics warrant the area's specific protection under environmental protection zoning. This area could be included in either Zone 7(d) Environmental Protection (Scenic/ Escarpment) or Zone 7(l) Environmental Protection (Habitat). Given the multiple characteristics of these areas and the ability for Zone 7(d) to protect the values of these areas it is recommended that the areas are included in Zone 7(d) Environmental Protection (Scenic/ Escarpment)

The objectives of this zone are:

#### *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.

The provisions of this zone including clause 26 of the current Tweed LEP 2000 are considered appropriate to control development in this area.

The flora and fauna studies also identify a man-made dam as habitat for the Crested Jacana (a bird species of identified as significant under the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999). Given other suitable habitat in the locality that detention basins and artificial wetlands are likely to be required in the vicinity and the dam is likely to be required as part of the stormwater management system, no specific environmental protection zone is considered necessary for this habitat.

### 7.1.3 Water quality

In order to ensure that the water quality values of Terranora broadwater are maintained it is appropriate to ensure that detailed stormwater management controls are put in place. To achieve this a new clause relating to water quality for Area E is proposed.

### 7.1.4 Land adjoining waterbodies

The provisions of clause 31 of the current Tweed LEP 2000 relating to the control of development adjacent to waterbodies are considered appropriate to control development in this area.

### **7.1.5 Flooding**

The provisions of clause 34 of the current Tweed LEP 2000 relating to the control of development with respect to flooding are considered appropriate to control development in this area.

### **7.1.6 Acid Sulfate Soils**

The provisions of clause 35 of the current Tweed LEP 2000 relating to the control of development in areas of suspected acid sulfate soils are considered appropriate to control development in this area.

### **7.1.7 Transmission Line Corridors**

The provisions of clause 37 of the current Tweed LEP 2000 relating to the control of development in areas of suspected acid sulfate soils are considered appropriate to control development in this area.

Two potential corridors are to be delineated on the LEP amendment map.

### **7.1.8 Future road corridors**

The provisions of clause 38 of the current Tweed LEP 2000 relating to the control of development in or adjacent to future road corridors are considered appropriate to control development in this area.

The road corridor is to be delineated on the LEP amendment map.

### **7.1.9 Contaminated land**

Contaminated land is an issue that must be addressed at different stages of the development process to ensure that land is appropriate for proposed uses and will not cause ongoing risk/harm to the environment.

In addition to the requirements of clause 39 of the current LEP additional provision are proposed to ensure that contaminated land issues are addressed to an appropriate level at detail at various stages of the development process. This includes additions to clause 39 and an additional new clause relating specifically to Area E.

## **7.2 Urban Development**

Given the findings of this LES, the most appropriate zoning for the areas of the site suitable for urban development is Zone 2 (c) Urban Expansion. The primary objectives of Zone 2 (c) Urban Expansion are:

- 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 land take.

The secondary objectives of Zone 2 (c) Urban Expansion are:

- 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; and
- to enable planning flexibility to achieve the other objectives of the zone by providing detailed guidelines through development control plans.

The Zone 2 (c) Urban Expansion will facilitate the residential development of the site while allowing for the development of associated commercial and community facilities. Zone 2(c) promotes the use of Structure and Development Control plans to confer further detail to the development within the area, which is appropriate for addressing issues such as, stormwater management, cut and fill, visual amenity, protection of sensitive areas and other matters relevant to Area E.

With regard to sensitive environmental areas within the Zone 2 (c) Urban Expansion, these will be protected through appropriate Development Control Plan provisions.

With regard to Section 117(2) Directions, in particular G13 Corridors, the retention of previously identified land for special use, open space, communications or other corridor purposes is required. Based on the current Tweed LEP 2000 zoning maps, the Zone 5(a) Special Use for Lindisfarne Anglican Secondary School will be expanded to cover the whole of the parcel associated with the school.

Corridors established under Clause 37 for 'transmission line corridors' respectively, will be carried forth into the draft LEP amendment.

Given the need to provide for Mahers Lane - Fraser Drive Road corridor is appropriate to identify the road corridor on the zoning maps to allow its protection by virtue of Clause 38 of the TLEP 2000. The current corridor depicted on TLEP 2000 maps has been abandoned and it is recommended that an alternative corridor should be adopted. This alternative corridor would be in close proximity but would be relocated to maintain buffers to wetlands and avoid steep slopes. This corridor in combination with the flexibility provided by Zone 2(c) Urban Expansion will provide for the protection of this corridor.

To ensure that ad hoc development is avoided and ensure the equitable cost sharing in the provision of public amenities and services it is appropriate that development is coordinated through the preparation of a development control plan, developer contribution plans and master plan for the entire site. To achieve this a new clause relating specifically to Area E is proposed. This clause also includes provisions in relation to contaminated land.

## 7.3 Conclusions

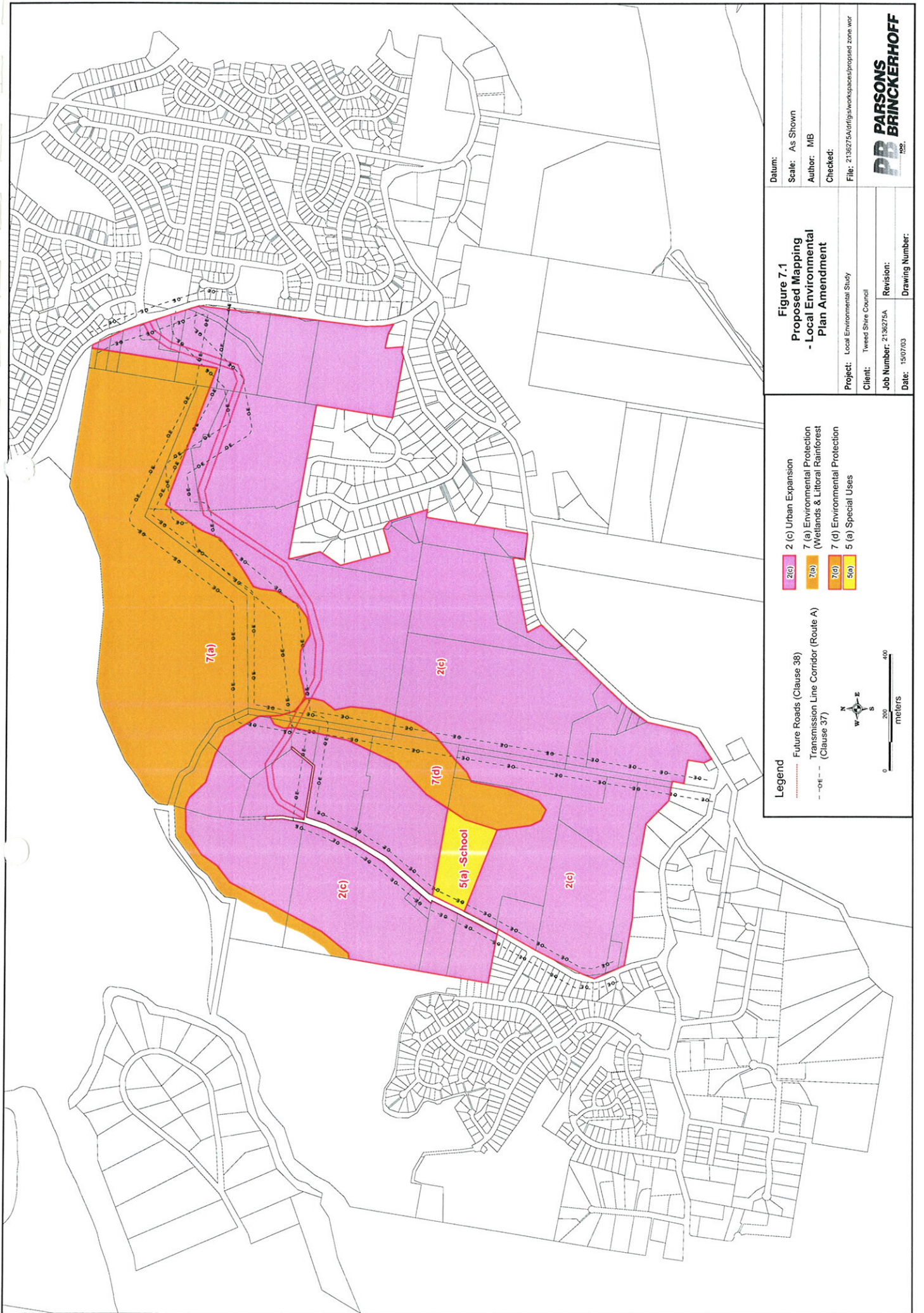
A combination of zones and other provisions are considered appropriate for Area E in order to facilitate the orderly development of this area as a logical infill of the urban areas of Banora Point – Terranora.

The recommended provisions will provide for the development of land which is physically suited for urban purposes and allow for the provision of relevant urban infrastructure such as parks, roads and services. The provisions will also provide for protection of significant natural areas and buffer areas.

The proposed zonings for the site are shown in Figure 7.1. Table 7.1 provides a breakdown of these zones and provisions. A draft Amendment to the tweed Local Environmental Plan 2000 to facilitate this rezoning is included in Appendix I.

**Table 7-1: Zoning Summary**

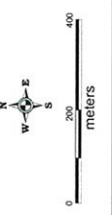
Provision	Approx Area (ha)
Zone 2 (c) Urban Expansion	205.6
Zone 5 (a) Special Uses School	4.4
Zone 7(a) Environmental Protection (Wetlands and Littoral Rainforests)	74.6
Zone 7(d) Environmental Protection (Scenic/ Escarpment)	12.6
<b>TOTAL</b>	<b>297.2</b>
Utilities (being CL37 Electricity Transmission Line Corridors and CL38 Future Road Corridors)	26.5
<i>Note these areas are not separately zoned, encumbering those zones indicated above, as depicted in Figure 7.1 of this report</i>	



**Figure 7.1**  
**Proposed Mapping**  
**- Local Environmental**  
**Plan Amendment**

- 2(c) Urban Expansion
- 7(a) Environmental Protection (Wetlands & Littoral Rainforest)
- 7(d) Environmental Protection
- 5(a) Special Uses

- Future Roads (Clause 38)
- Transmission Line Corridor (Route A) (Clause 37)



Datum:

Scale: As Shown

Author: MB

Checked:

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Project: Local Environmental Study

Client: Tweed Shire Council

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