

Q1. When does the Local Environmental Plan 2014 (LEP 2014) commence?

The LEP 2014 was published on the NSW Legislation website on Friday 4 April 2014. The LEP 2014 became effective as of this date.

Q2. Where does the LEP 2014 apply?

The LEP 2014 applies the whole Tweed Shire Council local government area, with the exception of:

- the area which is subject to the Tweed City LEP 2012;
- the areas mapped as “deferred matters” in the LEP 2014, to which the LEP 2000 will continue to apply; and
- Kings Forest and the Rise (Bilambil) development sites, which are subject to State Environmental Planning Policy (SEPP) Major Development 2005.

A map showing the extent of the area to which each LEP applies to land within the Tweed is included on page 8 of this document.

Q3. Does the LEP 2014 replace all of the LEP 2000?

No. Some areas of the Tweed have been deferred from the LEP 2014 and therefore, the LEP 2000 will continue to apply to those areas.

Q4. What happens if I already have a development application lodged?

The LEP 2014 includes a savings provision (Clause 1.8A), which states that a development application lodged but not yet determined before the commencement of the new LEP will be determined by the LEP under which it was lodged.

Q5. How do I find the LEP document and mapping?

The LEP 2014 is available online and is accessible from the Council website via a link to the [NSW Legislation website](#). The document can be navigated via the contents menu presented down the left hand side of the page. To access [PDF mapping](#), select the 'Maps' tab from the light blue menu presented along the top of the right hand panel.

The LEP 2014 mapping will not be available on the Council external mapping portal.

Q6. How do I find out the zoning of a particular land parcel?

The LEP 2014 mapping will be available in [PDF format](#) via the [NSW Legislation website](#). Land zoning information can be viewed under the 'Land Zoning Map' mapping layer.

Q7. Why have the environmental zones been removed and what does this mean?

New South Wales Planning and Infrastructure (NSW P&I) is currently undertaking a review of environmental zones in the North Coast region. In making the LEP the [NSW P&I](#) have advised in their letter, dated 2 April 2014, that the following changes have been made to the LEP 2014:

- A number of changes to various provisions and the land use tables to ensure consistency with the Standard Instrument LEP Order 2006;



- Deferred all land zoned *E2 Environmental Conservation* and *E3 Environmental Management* and removed the clauses on Terrestrial Biodiversity, Steep Land and Riparian Lands and Watercourses from the instrument. These amendments have been made by NSW P&I in light of the review of environmental zones on the Far North Coast, currently underway.
- Deferred land at Kings Forest which is subject to approval under SEPP (Major Development) (Part 6 Schedule 3). As the Kings Forest site involves proposed environmental zones, the land has been deferred pending the completion of the environmental zones review.
- Deferred land immediately south of the Gold Coast Airport so that consideration of activities related to the possible expansion of the airport can continue.

Land previously zoned *8(a) National Parks and Nature Reserves* under the LEP 2000 has translated to *E1 National Parks and Nature Reserves* under the LEP 2014.

Q8. What are development standards?

The LEP 2014 includes some common development standards, such as building heights, minimum lot sizes and floor space ratios, which were previously included in the Development Control Plan (DCP). These are now mapped as part of the LEP 2014 and, in some cases, inclusion of these development standards in the LEP 2014 elevates their significance in the consideration of any new development.

Q9. What are the new heritage items and conservation areas?

The LEP 2014 includes approximately 120 new heritage items and an additional four heritage conservation areas, bringing the plan's total conservation areas to six: Murwillumbah Main Street; Tumbulgum; Uki; Tyalgum; Hartigan's Hill; and Condong. Council resolved to include these items and areas in the LEP in August 2012, through its adoption of the Community Based Heritage Study 2012.

Q10. How do I know whether or not a land use is permitted?

Each zone identified by the LEP 2014 has an associated land use table which identifies the various types of development permitted without consent; development permitted with consent; or development prohibited.

Land use definitions may have a "parent" or a "child" relationship to another land use definition. When reading the land use tables, it is important to look for both parent and child definitions. For example: *residential accommodation* is a "parent" definition and may be permitted within a zone, however, *hostels* is a "child" definition and may be prohibited. In this case all *residential accommodation* is permitted with the exception of *hostels*, which are prohibited.

A table of the land uses and their parent child relationship is included on pages 4, 5 and 6 of this document.



Q11. What about planning proposals (for the rezoning of land) that are currently with Council?

Planning proposals currently with Council have been processed acknowledging both the LEP 2000 and the (former) draft LEP 2012. As such these have generally been prepared to amend both LEP versions.

Q12. How does the LEP 2014 affect exempt and complying development?

The making of the LEP 2014 repeals the application of *SEPP 4: Development without Consent and Miscellaneous Exempt and Complying Development* and *SEPP 60: Exempt and Complying Development* to the land to which the LEP 2014 applies.

Exempt and complying development is specified under the *SEPP (Exempt and Complying Development Codes) 2008* and through Schedules 2 and 3 of the LEP 2014.

The making of the LEP 2014 also removes the application of the *Tweed DCP 2008, Section A10 Exempt and Complying Development*, through *SEPP (Exempt and Complying Development Codes) 2008* Regulation Clause 1.9. *Tweed DCP 2008, Section A10* will continue to apply to the land deferred from the LEP 2014, where the LEP 2000 continues to apply.

Q13. What other SEPPs are repealed through the making of the LEP 2014?

The LEP 2014 repeals the *North Coast Regional Environmental Plan (SEPP)* as well as *SEPP 1: Development Standards* and *SEPP (Rural Lands) 2008* Clause 9 to the land to which the LEP 2014 applies. The intent of Clause 9 has been incorporated into the LEP 2014 Clause 4.2.

Q14. What does this mean for Development Control Plans (DCP)?

Following the making of the LEP 2014 and under the requirements of the *NSW Planning and Environment Act 1979* Clause 74(C)(2) only one DCP may apply in respect of the same land. The *Tweed DCP 2008* is the single DCP.

There *Tweed DCP 2008* includes a number of references to the LEP 2000 and many definitions which may longer apply or may contradict the LEP 2014. It is important to note that any provisions of the LEP 2014 will take precedence over any provisions of the *Tweed DCP 2008*. A translation table will be prepared to assist in interpreting the inconsistencies between the LEP 2014 and the *Tweed DCP 2008*.

Q15. When was the LEP 2014 advertised?

The LEP 2014 (then known as the draft LEP 2012) was publicly exhibited from 15 November 2012 to 19 January 2013.

Q16. Where can I find further information?

Should you require further information please contact Council's Planning Reforms Unit on (02) 6670 2503.



Note: 'Parent' definitions are shown in the stronger colour. 'Child' definitions are shown in the lighter colour.

agriculture
aquaculture
extensive agriculture
bee keeping
dairy (pasture based)
intensive livestock agriculture
feedlots
dairies (restricted)
intensive plant agriculture
horticulture
turf farming
viticulture
Land use terms outside agriculture group
animal boarding or training establishments
farm buildings
forestry

residential accommodation
attached dwellings
boarding houses
dual occupancies
dual occupancies (attached)
dual occupancies (detached)
dwelling houses
group homes
group homes (permanent)
group homes (transitional)
hostels
multi dwelling housing
residential flat buildings
rural worker's dwellings
secondary dwellings
semi-detached dwellings
seniors housing
residential care facilities
shop top housing
Land use terms outside res. accommodation group
home-based child care
home occupation (sex services)
home business
home occupations

commercial premises
business premises
funeral homes
office premises
retail premises
bulky goods premises
cellar door premises
food & drink premises
small bar
pubs
restaurants or cafes
take-away food & drink premises
garden centres
landscaping material supplies
markets
plant nurseries
roadside stalls
rural supplies
shops
neighbourhood shops
timber yards
vehicle sales or hire premises
kiosks
hardware & building supplies
Land use terms outside commercial premises group
entertainment facilities
function centres
amusement centres
highway service centres
industrial retail outlets
registered clubs
restricted premises
service stations
sex services premises
veterinary hospitals
wholesale supplies

tourist and visitor accommodation
backpackers' accommodation
bed & breakfast accommodation
farm stay accommodation
hotel or motel accommodation
serviced apartments
Land use terms outside tourist and visitor accommodation
camping grounds
caravan parks
eco-tourist facilities

industries
heavy industries
hazardous industry
offensive industry
light industries
high technology industries
home industry
general industries
<i>Land use terms outside industry group</i>
boat building and repair facilities
vehicle body repair workshops
vehicle repair stations

heavy industrial storage establishments
hazardous storage establishment
liquid fuel depots
offensive storage establishments

rural industries
agricultural produce industries
livestock processing industries
sawmill or log processing industries
stock & sale yards

storage premises
self storage units
<i>Land use terms outside storage premises group</i>
depots
warehouse or distribution centres

waste or resource management facilities
resource recovery facilities
waste disposal facilities
waste or resource transfer stations

water supply systems
water reticulation systems
water storage facilities
water treatment facilities

sewerage systems
biosolids treatment facilities
sewage reticulation systems
sewage treatment plants
water recycling facilities

air transport facilities
airport
heliport

<i>Land use terms outside air trans. facilities</i>
airstrip
helipad

<i>Other land use terms relating to infrastructure</i>
car parks
electricity generating works
freight transport facilities
passenger transport facilities
port facilities
roads
transport depots
truck depots
wharf or boating facilities

signage
advertising structures
building identification sign
business identification sign

educational establishments
schools

health services facilities
hospitals
medical centres
health consulting rooms

<i>Other land use terms relating to community infrastructure</i>
child care centres
community facilities
correctional centres
emergency services facilities
industrial training facilities
information and education facilities
places of public worship
public administration building
research stations
respite day care centres

<i>Land use terms relating to recreation</i>
boat launching ramps
boat sheds
charter & tourism boating facilities
environmental facilities
jetties
marinas
mooring
mooring pens
recreation areas
recreation facilities (indoor)
recreation facilities (major)
recreation facilities (outdoor)
water recreation structures

<i>Other miscellaneous land use terms</i>
cemetery
crematorium
environmental protection works
exhibition homes
exhibition villages
extractive industries
flood mitigation works
mortuaries
open cut mining

