

Draft Tweed Local Environmental Plan 2010

Submissions to:

The General Manager

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By end of business 30 April 2010

Submissions should:

- State that you object to parts of the draft LEP
- Set out clearly what you object to (see over)
- Give reasons for your objection (see over)

It is also suggested that you call for an inquiry into the draft LEP under the provisions of Section 68(1) of the EPA Act as it applies to this draft LEP.

- State which matters you think should be the subject of the inquiry (some or all of the matters set out over the page or any other matters about which you may be concerned).
- State that you believe the matters are of such significance that an inquiry is warranted.

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Summary

Contrary to the claims of Tweed Shire Council, draft Tweed LEP 2010 is not merely a transcription of the current LEP into the new state government-dictated format for LEPs.

Some very significant changes are proposed in draft LEP that are not the result of the template.

What to object to

Protection for natural areas outside of national parks

- The draft LEP greatly reduces the area zoned for environmental protection.
- Even in areas that would remain zoned for environmental protection, it would effectively provide no protection for native vegetation because it does not directly control “clearing”, as the current LEP does.

Heights of buildings

- The draft LEP would increase the allowable heights of buildings in large parts of the shire from the current 3 storeys (12.2 metres) to effectively 4 storeys (13.6 metres).
- Rural villages are affected by the proposed change from 3 to 4 storeys.
- In areas currently limited to 2 storeys, the allowable height would effectively be increased to 3 storeys (9 metres).

Floor space ratio (density of development)

- The draft LEP would effectively increase the allowable density of development in most parts of the shire zoned for urban purposes.
- It is proposed to increase the effective FSR for conventional residential flat buildings from 1.2:1 to 2.0:1, which will almost certainly result in taller (4 storey) conventional residential flat buildings.
- In areas where a FSR of 2.0:1 is proposed, multi dwelling housing is likely to rise to 3 storeys from the current effective limit of 2 storeys (Note: unlike residential flat buildings, each dwelling in multi dwelling housing must have a street-level entrance).
- In areas where a FSR of 0.8:1 is proposed, this is likely to become the standard for single dwellings and attached dual occupancies, rather than the current 0.55:1.
- A FSR of 2.0:1 is proposed for rural villages.

Reasons for objection

Protection for natural areas outside of national parks

The proposed changes:

- Have not been justified.
- Are not consistent with previously exhibited changes that have been awaiting formal adoption for some years (contrary to claims in material published by council accompanying the draft LEP).
- Are contrary to state government law regarding the making or modifying of LEP provisions for the natural environment (in the Regional Environmental Plan and Section 117 directives).

Heights of Buildings and Floor Space Ratios

- Contrary to claims in exhibition materials accompanying draft LEP 2010, it contains significant proposed changes.
- There has been no policy debate with regard to these changes or opportunities for public participation in their preparation.
- There is no material accompanying the draft LEP that attempts to justify these significant changes.