



New South Wales

## **Tweed Local Environmental Plan 2000 (Amendment No 46)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G03/00062/PC)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

## 2005 No 2

Clause 1 Tweed Local Environmental Plan 2000 (Amendment No 46)

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## **Tweed Local Environmental Plan 2000 (Amendment No 46)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Tweed Local Environmental Plan 2000 (Amendment No 46)*.

### **2 Aims of plan**

This plan aims to amend *Tweed Local Environmental Plan 2000* so as:

- (a) to change the interpretation of building height to reflect finished ground level rather than natural ground level, and
- (b) to change the definition of *storey* so that a storey that exceeds a specified height is counted as two storeys.

### **3 Land to which plan applies**

This plan applies to all land to which *Tweed Local Environmental Plan 2000* applies.

### **4 Amendment of Tweed Local Environmental Plan 2000**

*Tweed Local Environmental Plan 2000* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 16 Height of buildings

Insert after clause 16 (2):

- (3) If an application for development consent made to the consent authority prior to the commencement of *Tweed Local Environmental Plan 2000 (Amendment No 46)* is not determined by the consent authority before that date:
  - (a) the amendments made to Schedule 1 to this plan by *Tweed Local Environmental Plan 2000 (Amendment No 46)* do not apply to the determination of the application, and
  - (b) the application is to be determined under this plan as if those amendments had not been made (that is, having regard to the definitions of *height* in relation to a building and *storey* in force under this plan immediately before that commencement).

### [2] Schedule 1 Meanings of terms

Insert in alphabetical order:

- |  |   |
|--|---|
| <p><i>finished ground level</i>, in relation to land</p> | <p>means the following (and, if more than one of the following paragraphs applies in relation to the land, whichever is the highest):</p> <ul style="list-style-type: none"><li>(a) the natural ground level of the land that was the level of the land at the appointed day, or the level of the land after such earthworks (excluding any basement excavations) as are consented to by the consent authority, whichever is the lower,</li><li>(b) the level of the land approved by the consent authority as the finished ground level of the land prior to the commencement of <i>Tweed Local Environmental Plan 2000 (Amendment No 46)</i>,</li></ul> |
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Schedule 1 Amendments

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- (c) if the land is within an area identified by the Council as flood liable land, the level of the land after filling the land in accordance with the consent of the consent authority to the adopted design flood level under *Tweed Development Control Plan No 5—Development of Flood Liable Land*, as adopted by the Council on 6 March 1996.

### [3] Schedule 1, definition of “height” in relation to a building

Omit “natural ground level”. Insert instead “finished ground level”.

### [4] Schedule 1, definition of “storey”

Omit the definition. Insert instead:

*storey*

means:

- (a) the space between two floors, or
- (b) the space between a floor and any ceiling or roof immediately above it, or
- (c) foundation areas, garages, workshops, storerooms and the like, excluding access paths to basement areas, where the height between the finished ground level and the top of the floor immediately above them exceeds 1.5 metres in height.

A storey which exceeds 4.5 metres for residential buildings is counted as two storeys.

A storey which exceeds 5 metres for commercial buildings is counted as two storeys.

For the purpose of counting the number of storeys in a building, the number is to be the maximum number of storeys of the building which may be intersected by the same vertical line, not being a line which passes through any wall of the building.

BY AUTHORITY

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