

Richmond Valley LEP 2012 Minor Administrative Amendments

Proposal Title : **Richmond Valley LEP 2012 Minor Administrative Amendments**

Proposal Summary : **To undertake a "housekeeping" amendment of minor administrative corrections and refinements to Richmond Valley LEP 2012**

PP Number : **PP_2013_RICHM_003_00** Dop File No : **13/04698**

Proposal Details

Date Planning Proposal Received : **07-Mar-2013** LGA covered : **Richmond Valley**

Region : **Northern** RPA : **Richmond Valley Council**

State Electorate : **CLARENCE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street : City : Postcode :

Suburb : City : Postcode :

Land Parcel : **Richmond Valley Local Government Area**

DoP Planning Officer Contact Details

Contact Name : **Denise Wright**

Contact Number : **0266416603**

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RPA Contact Details

Contact Name : **Tony McAteer**

Contact Number : **0266600276**

Contact Email : **tony.mcateer@richmondvalley.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Jim Clark**

Contact Number : **0266416604**

Contact Email : **jim.clark@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Far North Coast Regional Strategy** Consistent with Strategy : **Yes**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment : **The Department of Planning Code of Practice in relation to communication and meetings with lobbyists has been complied with to the best of the Region's knowledge.**

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment : **Northern Region has not met any lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other Departmental officers and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **The proposal involves four minor items. Three will amend the written instrument, including several amendments to the schedule of heritage items. One involves an alteration to the Heritage Map to correctly identify land containing an item of environmental heritage.**

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcomes of the planning proposal are adequately expressed for the proposed amendment to Richmond Valley LEP 2012.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.5 Rural Lands

2.3 Heritage Conservation

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

6.1 Approval and Referral Requirements

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 30—Intensive Agriculture
SEPP No 62—Sustainable Aquaculture
SEPP (Infrastructure) 2007
SEPP (Rural Lands) 2008**

e) List any other matters that need to be considered : **The planning proposal is considered to be consistent with the Far North Coast Regional Strategy**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **Council considers that the planning proposal is consistent with the relevant S117 Directions and SEPPs listed above. However consistency with the strategic planning framework is discussed further in the assessment section of this report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Three of the proposed amendments relate to corrections to the LEP instrument. One amendment requires an alteration to the Heritage Map. The mapping that has been provided with the planning proposal identifies the land and the proposed map amendment appropriately. Standard mapping will be prepared for the amendment to the Heritage Map to allow finalisation of the planning proposal.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **Council considers the planning proposal to be a minor administrative amendment where community consultation is not warranted. Given the nature of the planning proposal, and as the planning proposal identifies no adverse impact for any person as a consequence of the changes, Council's view that no consultation be undertaken, is supported.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The planning proposal satisfies the adequacy criteria by;**

- 1. Providing appropriate objectives and intended outcomes.**
- 2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes.**
- 3. Providing an adequate justification for the proposal.**
- 4. Providing a suitable project time line**
- 5. Providing evaluation criteria for delegation to be issued to the Council to make the plan**

A project timeline of which identifies the completion of the planning proposal in July 2013 is provided by Council. Due to the minor nature of the proposal, with no public exhibition, this time frame is considered to be adequate.

Delegation of plan making functions is considered to be appropriate in this instance as the proposal involves minor housekeeping amendments relating to land descriptions

and correction of wording in the 2012 LEP.

Council's letter refers to section 73A of the Act. However the alterations proposed by the planning proposal are considered to be more extensive than contemplated by section 73A. Accordingly the proposal is being considered as a "normal" planning proposal.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation
to Principal LEP :

The Richmond Valley LEP commenced in April 2012. This planning proposal seeks an amendment to the Richmond Valley LEP 2012.

Assessment Criteria

Need for planning
proposal :

The planning proposal is needed to make minor corrections to LEP 2012 that have been identified since the LEP was made.

A total of four amendments have been identified as follows:

1. include "water supply systems" as a land use permissible with development consent in Zone RU1 Primary Production. SEPP (Infrastructure)2007 only permits "water supply systems" to be undertaken by public authorities without consent in prescribed zones. Council's view is that development of any part of a water supply system (treatment, reticulation, storage) by a non government body is prohibited in the RU1 zone. The proposal seeks to address this anomaly to facilitate water supply on rural and agricultural properties.
2. replace the word dwelling "entitlement" in LEP model Clauses 4.1A and 4.1AA with the word dwelling "opportunity" to enable consistency with the preferred term used in model clause 4.2B.
3. replace the Acid Sulfate Soils clause in the LEP (clause 6.1(6))to be consistent with the provisions of the current Model Clause which corrects a previous error.
4. amend 15 Items of Environmental Heritage included in Schedule 5 of the LEP to provide correct land description or property details, address or designation as an Item of local or State significance.
Item No 190 also involves an amendment to the Heritage Map to correctly identify the land where the item (Former Woodburn Shire Chambers building) is located.

These corrections are considered to be appropriate and required to ensure that the LEP operates effectively and accurately.

Consistency with strategic planning framework :

The three items detailed above and in the planning proposal (proposed amendments to schedule 5 Environmental Heritage), are considered to be consistent with the Far North Coast Regional Strategy, the Standard Instrument LEP Order and relevant State Environmental Planning Policies and section 117 Directions, except in relation to the following.

Section 117 Directions: Although the planning proposal states that it is consistent with all relevant S117 Directions, the following inconsistencies with Directions 4.1 Acid Sulfate Soils and 4.4 Planning for Bushfire Protection are identified.

4.1 Acid Sulfate Soils - Item 1 proposes to introduce a provision that may intensify land uses on land identified as having a probability of containing acid sulfate soils. It is considered that the acid sulfate soil provisions in the LEP are sufficient to address any issues that may arise with any development application. The inconsistency of the planning proposal with the direction is therefore considered to be of minor significance.

Direction 4.4 Planning for Bushfire Protection - Item 1 would affect land located within a bushfire area. The direction provides that the Council must consult with the Commissioner of the NSW Rural Fire Service, and must include provisions relating to bushfire control. Consultation with the RFS is required after the Gateway determination is issued and until this consultation has occurred the inconsistency of the proposal with the direction remains unresolved.

Environmental social economic impacts :

No adverse environmental, social or economic impact has been identified as resulting from the proposal.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	Nil
Timeframe to make LEP :	6 Month	Delegation :	RPA
Public Authority Consultation - 56(2)(d)			

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal - administrative amendment.pdf	Proposal	Yes
Richmond Valley Council Letter.pdf	Proposal Covering Letter	Yes
Proposed Heritage Map Alteration.pdf	Map	Yes
Delegated plan making reporting criteria.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

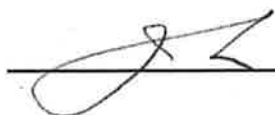
- 1.2 Rural Zones
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- 5.3 Farmland of State and Regional Significance on the NSW Far North Coast
- 6.1 Approval and Referral Requirements

Additional Information : **It is recommended that:**

1. The planning proposal should proceed as a 'minor' planning proposal;
2. The planning proposal is to be completed within 6 months;
3. Consultation with the NSW Rural Fire Service is required following receipt of the Gateway Determination and prior to completion of the planning proposal under delegation;
4. The Director General (or an officer of the Department nominated by the Director General) agree that the inconsistencies with s117 Directions 4.1 Acid Sulfate Soils, is justified;
5. The Director General note that the inconsistency with Direction 4.4 will be resolved through consultation with the NSW Rural Fire Service after the Gateway Determination is issued;
6. Community consultation is not considered necessary;
7. An Authorisation to exercise delegation to make the plan be issued to the Council for this planning proposal.

Supporting Reasons : **The reason for the conditions to the Gateway Determination is to expedite the completion of the planning proposal that involves matters of minor significance.**

Signature:



Printed Name:

JIM CLARK

Date:

13 March 2013