

PLANNING PROPOSAL
Tamworth Regional Local Environmental Plan (TRLEP) 2010
Rural Dwelling Entitlements

- ❖ **Amendment of Part 4 of the Tamworth Regional Local Environmental Plan (TRLEP) 2010 to reinstate dwelling entitlements in rural areas of the Tamworth Regional Council Local Government Area that existed on several grounds immediately prior to the publication of the TRLEP 2010 on 21 January 2011.**

Part 1 – Objectives or Intended Outcomes

The objective of this proposal is to reinstate dwelling entitlements that have been removed in the *RU1 – Primary Production* and *RU4 – Primary Production Small Lots* zones by the publication of the *Tamworth Regional Local Environmental Plan (TRLEP) 2010*. The planning proposal addresses circumstances where dwelling permissibility/entitlement has been limited by; reduced lot size, existing holding and concessional allotment provisions.

(Refer to **attachment 1** – Locality Map – Regional).

The proposal aims to address the concerns of rural property owners relating to the change of planning provisions implemented by the publication of the *TRLEP 2010*. The effect of the changes was that a significant number of rural properties lost dwelling entitlements. The intended outcome is to provide the opportunity for affected landowners to act on dwelling entitlements that existed immediately prior to the publication of the *TRLEP 2010*. The proposal does not provide for amendment to the *TRLEP 2010* Lot Size Maps and so does not affect the subdivision potential of rural lands in the Tamworth Regional Council (TRC) Local Government Area (LGA).

Part 2 – Explanation of Provisions

When the *TRLEP 2010* was published, lot size provisions were adjusted upward for much of the rural zoned land in the local government area. The quantum of the increase was generally from a minimum lot size (MLS) of 200ha to 400ha or 800ha. There was also an increase in MLS from 400ha to 800ha across a significant area in the former Parry Shire. These increased lot size provisions limited potential dwelling construction on these rural lands.

The potential to erect a dwelling on 'existing holdings' as defined in the LEP was limited to a 'sunset' period of two (2) years from the date of publication of the *TRLEP 2010*. This period will expire on 21 January 2013. The provisions of the LEP resulted in the potential to erect a dwelling on 'concessional allotments' being removed altogether.

Council is in receipt of submissions from rural landholders seeking the reinstatement of dwelling entitlements lost by the application of increased lot size provisions and other provisions of the *TRLEP 2010*. Owners are concerned about reduced property value and marketability as well as compromised land management and lifestyle opportunity.

It is proposed that clause 4.2B of the *TRLEP 2010* be amended to provide for dwelling entitlements to be returned where holdings met the lot size, existing holding and concessional allotment requirements of the environmental planning instruments in place immediately prior to the *TRLEP 2010* being published by the Minister for Planning and Infrastructure on 21 January 2011. It is proposed to remove the 'sunset' provision relating to existing holdings.

To achieve the intent of the planning proposal it is considered that Clause 4.2B (4) may be replaced by a clause such as:

4.2B (4) Development consent must not be granted for the erection of a dwelling house on land in a zone to which this clause applies, and on which no dwelling house has been erected, unless the land is;

- (a) a lot that met the minimum lot size provisions of the Barraba Local Environmental Plan 1990, or*
- (b) a lot that met the minimum lot size provisions of the Manilla Local Environmental Plan 1988, or*
- (c) a lot that met the minimum lot size provisions of the Nundle Local Environmental Plan 2000, or*
- (d) a lot that met the minimum lot size provisions of the Parry Local Environmental Plan 1987, or*
- (e) a concessional allotment.*

The planning proposal does not affect land within the former Tamworth City Council LGA.

It is not proposed to provide for subdivision potential even where such potential existed under the previous environmental planning instrument. Nor is it proposed to provide for a dwelling entitlement where one did not exist under the previous planning instrument relating to a holding.

It is acknowledged that the Department of Planning and Infrastructure and Planning (DoP&I) may identify alternative mechanisms to facilitate the reinstatement of dwelling entitlements to achieve the objectives of the planning proposal.

Part 3 – Justification

Section A – Need for the planning proposal.

A1. Is this planning proposal a result of any strategic study or report?

The planning proposal is supported by extensive strategic planning including the *Tamworth Regional Development Strategy (RDS) 2008* which directly informed the development of the *TRLEP 2010* and states:

Table 6.3 **Summary of break-even farm areas for each sector**

<u>Sector</u>	<u>Break-even area (hectares)</u>
A. Cropping	200
B. Grazing	400

(Tamworth Regional Development Strategy 2008: Page 21)

6.2 Supporting and Protecting Rural Futures

6. Maintain viable farm sizes, the capacity to continue farming practices, minimise the fragmentation of the agricultural land resource and encourage the consolidation of small holdings.

(Tamworth Regional Development Strategy 2008: Page 23)

12.6 Implementation: Short Term Priorities

Supporting and Protecting Rural Futures

Encourage a wide variety of agricultural activities within the agricultural zones.

(*Tamworth Regional Development Strategy 2008: Page 67*)

This strategic planning recognises the importance of maintaining holding sizes while encouraging a range of agricultural activities to continue or be developed as the opportunity arises.

The strategic analysis acknowledges that the existing land use pattern needs to be supported to sustain and strengthen the viability of rural lands to achieve land management outcomes and support agricultural operations of different types including family-run businesses. Family businesses provide a balance to corporate agricultural businesses which appear to be on the increase.

A2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the only legal method of amending the *TRLEP 2010* to reinstate rural dwelling permissibility that has been lost via the publication of the LEP on 21 January 2011.

A3. Is there a net community benefit?

A notable net community benefit is identified in connection with the proposed amendments. (Refer to **attachment 2** for the analysis of net community benefit).

In summary:

- The proposed amendments recognise the benefits the continued occupancy of rural land in terms of land management outcomes and productivity.
- This provides for the support and stimulation of economic activity in the four (4) towns and eight (8) villages in Tamworth Regional Council.
- The amendments target equity and parity by providing the opportunity for dwelling entitlements to be acted upon where they existed immediately prior to the publication of the *TRLEP 2010* and generally in accordance with the lot size regimes of adjoining local government areas.

Consequently, it is considered that the resultant community benefit significantly outweighs the administrative cost of implementing the proposal.

Section B – Relationship to strategic planning framework

The planning proposal is consistent with the strategic planning direction outlined in the *Tamworth Regional Development Strategy (RDS)*, as noted above.

B1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Tamworth Regional Council (TRC) is not subject to a regional or sub-regional strategy.

B2. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The planning proposal is consistent with the TRC *Keychange Community Strategic Plan (CSP) 2022*.

The plan identifies a number of challenges for the future that are relevant to the planning proposal, including:

- Balancing the needs of city, village and rural lifestyles to ensure that each of our towns and villages retain their unique character and identity; and
- Managing the region's development in a way that respects the social and economic needs and environmental functions for the benefit of the community and future generations.

Relevant strategies prescribed in the (*Keychange CSP 2022: Pages 11&12*) include:

Theme	Objective	Strategy
A Prosperous Region	P1 A strong and diverse economic base	P1.2 Protect our agricultural industry
	P4 Sustainable growth	P4.1 Actively encourage people to relocate to the Tamworth Region
		P4.4 Encourage a diverse range of affordable housing
A Region for the Future	F1 Sustainability	F1.4 Support local supply chains e.g. live local, grow local, buy local
	F2 Council is respected by the community	F2.1 Represent and advocate community needs
	F3 Tomorrow planned for today	F3.1 Sound land-use planning to prevent and minimise land-use conflict
		F3.2 Promote ecologically sustainable development

B3. Is the planning proposal consistent with applicable state environmental planning policies (SEPPs)?

Refer to **attachment 3**.

B4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Refer to **attachment 4**.

Section C – Environmental, social and economic impact

C1. Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposal does not automatically confer a right to establish a dwelling on a rural holding and matters, including the effect on critical habitat or threatened species, population or ecological communities, or their habitats, are the subject of the development assessment process.

C2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Refer to C1 above.

C3. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal has outlined how the related social and economic effects are anticipated to have a positive impact across the Tamworth Regional Council Local Government Area (LGA), particularly the towns and villages of the region. (Refer to **attachment 2**)

Section D – State and Commonwealth interests

D1. Is there adequate public infrastructure for the planning proposal?

The subject lands are generally serviced by road, electricity and telecommunications infrastructure. As the proposal aims to recognise dwelling entitlements that existed prior to the publication of the *TRLEP 2010* it can be said that there is no ostensible increase in the demand for public infrastructure.

D2. What are the views of State and Commonwealth Public Authorities consulted in accordance with gateway determination, and have they resulted in any variations to the planning proposal.

As part of the planning process for the *TRLEP 2010*, Council implemented an extensive consultation process with a range of government agencies through the Section 62 process. An inter-agency workshop was undertaken on 17 July 2007 to address the issues surrounding rural lot sizes.

The views of State and Commonwealth Public Authorities will sought in accordance with a prospective gateway determination.

Part 4 – Mapping

Refer to attached mapping.

Part 5 – Community Consultation

As part of the planning process for the *TRLEP 2010*, Council undertook and implemented an extensive consultation strategy engaging with the community using a range of means including; media, internet, community presentations and displays at each of the Council Branches (Barraba, Manilla and Nundle), as well as the Kootingal Library/Hall.

At Ray Walsh House in Peel Street, Tamworth, a comprehensive display provided detailed information and many members of the community attended the building to discuss aspects of interest with the relevant Council planning officers. Following this process the *Draft TRLEP* was adopted by Council and forwarded to the Department and published by the Minister for Planning on 21 January 2011.

The concerns of some rural property owners were noted during the public consultation process regarding minimum lot size and other provisions which affected dwelling entitlements. Consequently in light of the submissions some amendments were made to the *Draft TRLEP* prior to publication. Further concerns have been raised with Councillors and Council officers in the period since the publication of the *TRLEP 2010*. This community interest resulted in Council proceeding to review the issues relating to rural dwelling entitlements across the TRC LGA.

An extensive community consultation strategy would be implemented in accordance with any prospective gateway determination with the aim of consulting the widest possible range and number of stakeholders connected with this issue.

Part 6 – Project timeline

The table below provides an indication of the timeline for the planning proposal.

Anticipated commencement date (date of Gateway determination)	Late-January 2013 upon receipt of Gateway Determination by Council.
Anticipated timeframe for the completion of technical information	Technical studies have not been identified as a component of the planning proposal. The Department of Planning and Infrastructure Gateway Determination may make prescriptions relating to technical information.
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	February/March 2013 Subject to the requirements of a Gateway Determination, agency consultation would occur during the public consultation phase.
Commencement and completion dates for public exhibition period	25 February to 25 March 2013
Dates for public hearing (if required)	Not identified as being required.
Timeframe for consideration of submissions	3 weeks
Timeframe for the consideration of a proposal post exhibition	6 weeks (partly in conjunction with consideration of submissions)
Date of submission to department to finalise LEP	31 May 2013 (subject to Council resolution - 28 May 2013)
Anticipated date RPA will make the plan (if delegated)	July 2013
Anticipated date RPA will forward to the department for notification	July 2013



Tamworth Regional Local Environmental Plan 2010

Rural Dwelling Entitlement Planning Proposal Regional Location Map

Subject Land

Subject Land

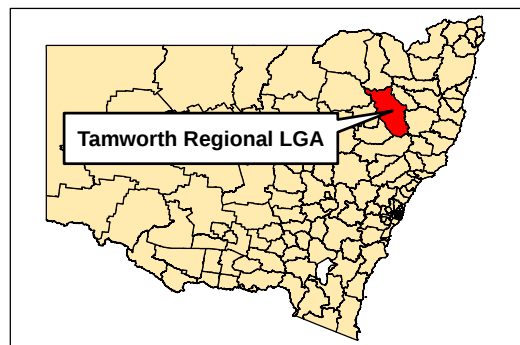
Land Zoning

RU1 - Primary Production

RU4 - Primary Production Small Lots

Cadastre

Base Data 01/10/2012 © NSW LPI

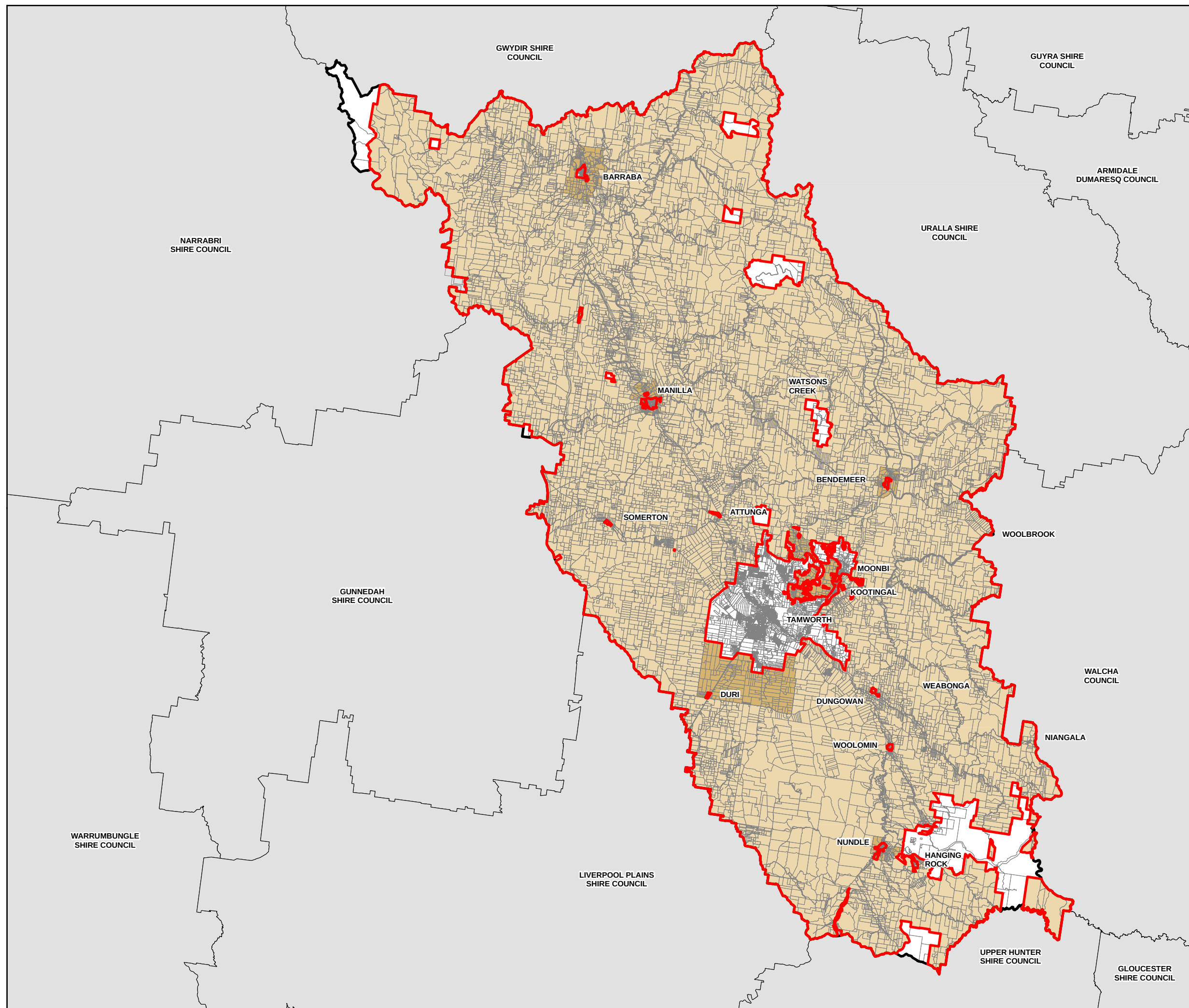


0 5 10 15 20 25 Km

Scale: 1:640,000 @ A3

Projection: GDA 1994
Zone 56

Map Identification Number:
7310_COM_LAP_001_640_20100607



**ATTACHMENT 2 – ANALYSIS OF NET COMMUNITY BENEFIT CRITERIA
RURAL DWELLING ENTITLEMENTS PLANNING PROPOSAL**

EVALUATION CRITERIA <i>YES/NO (or other comment as applicable)</i>	COMMUNITY COSTS AND BENEFITS		
	BASE CASE – CURRENT SITUATION (or COMMENT)	PLANNING PROPOSAL	COMMUNITY BENEFIT PER CRITERION
Is the planning proposal compatible with agreed State and regional strategic direction for development in the area? YES	The broad application of the lot size provisions promotes the aim of protecting valuable agricultural land by reducing the opportunity for fragmentation of holdings. However, in the process dwelling entitlements have been extinguished in some cases having a counter-productive impact on land management.	The proposed amendments would facilitate the opportunity for landowners to act on dwelling entitlement provisions that existed under the environmental planning instruments that were in effect immediately prior to the publication of the TRLEP 2010 without undermining the intent of the overall <i>Tamworth RDS 2008 and TRLEP 2010</i> .	The planning proposal promotes the continued occupation of rural holdings in the Council LGA to maintain agricultural land management outcomes and diversity of housing options. A community benefit is identified for this criterion.
Is the planning proposal located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or another regional/sub-regional strategy? NO	Not located in a specified area.	Not applicable	Not applicable
Is the proposal likely to create a precedent or create or change the expectations of the landowner or other landholders? YES	The lot size provisions under the TRLEP 2010 have resulted to the extinguishment of dwelling entitlements on rural holding in some cases.	The proposal would reinstate the expectations of rural landholders by providing the opportunity to act on dwelling entitlements that existed prior to the publication of the TRLEP 2010. However the proposal would not set the precedent of providing dwelling entitlements	While the proposal may change the expectations of landholders compared to the current situation an unacceptable precedent would not be set that would undermine the direction of the <i>TRDS 2008 and TRLEP 2010</i> . A community benefit is

		where they did not exist under the previous planning instrument.	identified for this criterion
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations? <i>N/A</i>	Planning proposals are in-train for three (3) localities in and around Tamworth City and one (1) affecting the township of Manilla. There are no proposals that affect rural land subject to this proposal.	Not applicable	Not applicable
Will the planning proposal facilitate a permanent employment generating activity? STATUS QUO	The broad application of the lot size provisions promotes the aim of protecting valuable agricultural land by reducing the opportunity for fragmentation of holdings.	The proposed amendments would recognise facilitate the opportunity for landowners to act on dwelling entitlements that existed under the LEPs that were in effect immediately prior to the publication of the <i>TRLEP 2010</i>	It is considered that the planning proposal may be benefit/cost neutral for this criterion as the amount of land available for agricultural production will be unchanged
Will the planning proposal impact upon the supply of residential land and therefore housing supply and affordability? YES - notionally	The lot size provisions under the <i>TRLEP 2010</i> have resulted to the extinguishment of dwelling entitlements on rural holdings in some cases.	The proposal would reinstate the opportunity to lodge development applications for the construction of dwellings on lot size, existing holding and concessional allotment grounds where the opportunity existed prior to the publication of the <i>TRELP 2010</i> .	While the proposal may theoretically increase the opportunity for residential outcomes, the proposal is not aimed at housing supply and affordability outcomes. It is considered that the planning proposal may be benefit/cost neutral for this criterion
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is public transport currently available or is there infrastructure capacity to support future public transport? STATUS QUO	The lot size provisions under the <i>TRLEP 2010</i> have resulted to the extinguishment of dwelling entitlements on rural holdings in some cases. Generally, public transport is not available to the subject lands.	The planning proposal does not entail a potential increase in traffic or demand for infrastructure relative to the provisions that existed under the previous LEPs.	While the proposal is designed to return the opportunity for dwellings to be constructed on the subject lands, it is not considered that undue pressure would be placed on existing infrastructure. It is considered that the planning proposal may be benefit/cost neutral for this criterion.

Will the proposal result in changes to the car distances traveled by customers, employees and suppliers? NO If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The subject lands have existing traffic attractors relating to the primary production and other uses of the land as owners generally travel from their place of residence to the property in question.	The proposal does not generally involve an increase in traffic as owners would potentially be based on the properties and travel to towns and other attractors rather than vice versa.	It is considered that the planning proposal may be benefit/cost neutral for this criteria.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? NO If so, what is the expected impact?	There are no infrastructure facilities that meet this criterion.	Not applicable	Not applicable
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors? NO	The subject lands cover a wide area of rural land with a variety of environmental attributes and constraints.	The proposal aims to reinstate opportunity to act on dwelling entitlements that existed prior to the publication of the <i>TRELP 2010</i> . However it does not confer the right to establish a dwelling and the assessment of an application would include environmental impacts and constraints.	It is considered that the planning proposal may be benefit/cost neutral for this criteria.
Will the LEP be compatible or complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve? STATUS QUO	The subject lands are dominated by a range of agricultural enterprises. Generally dwellings are established on the holdings.	The proposal aims to reinstate opportunity to act on dwelling entitlements that existed prior to the publication of the <i>TRLEP 2010</i> . While instances of conflict could arise the proposal is generally compatible with existing land uses and will not have any significant impact on amenity of the location, wider community or public domain.	It is considered that the planning proposal may be benefit/cost neutral for this criterion.

Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area? STATUS QUO	The lot size provisions under the <i>TRLEP 2010</i> have resulted to the extinguishment of dwelling entitlements on rural holding in some cases.	The proposal aims to reinstate opportunity to act on dwelling entitlements that existed prior to the publication of the <i>TRELP 2010</i> .	It is considered that the planning proposal may be benefit/cost neutral for this criteria.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future? N/A	The proposal affects the existing rural holdings of the LGA. As such it is considered that this criterion is not applicable.	Not applicable	Not applicable
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The broad application of the lot size provisions promotes the aim of protecting valuable agricultural land by reducing the opportunity for fragmentation of holdings. However, in the process dwelling entitlement have been extinguished in some cases having a counter-productive impact on land management.	The proposed amendments would facilitate the opportunity for landowners to act on dwelling entitlement provisions that existed under the environmental planning instruments that were in effect immediately prior to the publication of the <i>TRLEP 2010</i> without undermining the intent and objectives of the <i>Tamworth RDS and TRLEP2010</i> .	Implementing the proposed amendments in the short term is in the community interest in terms of economic activity and strengthening rural communities & centres in the future. A delay in implementing the amendments continues to restrict rural landholders options to pursue the best agricultural and land management outcomes for the subject lands. A community benefit is identified for this criterion.
NET COMMUNITY BENEFIT = 3 of the 10 applicable criteria above identify a clear community benefit. 7 of the 10 applicable criteria are assessed as being potentially benefit/cost neutral. 0 of the 10 applicable criteria identify a significant cost to the community. Overall, a notable net community benefit is identified in relation to this planning proposal.			

**ATTACHMENT 3: CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)
RURAL DWELLING ENTITLEMENTS PLANNING PROPOSAL**

SEPP	Applicable to TRC	Consistent / Not inconsistent	Reason for inconsistency or comment
No. 1 Development Standards	No	N/A	SEPP1 does not apply to the Local Government Area (LGA) as per Cl.1.9 of the <i>TRLEP 2010</i> .
No. 4 Development Without Consent and Miscellaneous Exempt and Complying Development	Yes (N/A Cl.6 & parts 3&4)	Yes	SEPP 4 provisions are additional to those in <i>TRLEP 2010</i> .
No. 6 Number of Storeys in a Building	Yes	N/A	Height of buildings (Cl.4.3) not adopted in <i>TRLEP 2010</i> .
No. 15 Rural Land-sharing Communities	Yes	Yes	It is not proposed to alter zoning provisions. The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
No. 21 Caravan Parks	Yes	Yes	It is not proposed to alter zoning provisions. The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
No. 22 Shops and Commercial Premises	Yes	Yes	It is not proposed to alter zoning provisions. The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
No. 30 Intensive Agriculture	Yes	Yes	It is not proposed to alter zoning provisions. The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
No. 32 Urban Land Consolidation (Redevelopment of Urban Land)	Yes	Yes	The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
No. 33 Hazardous and Offensive Development	Yes	Yes	The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
No. 36 Manufactured Home Estates	Yes	Yes	The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
No. 44 Koala Habitat Protection	No	N/A	The SEPP is not applicable to the Tamworth Regional LGA.

No. 50 Canal Estate Development	Yes	N/A	Not applicable to the subject land.
No. 55 Remediation of Land	Yes	Yes	It is not proposed to alter zoning provisions. The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
No. 62 Sustainable Aquaculture	Yes	Yes	It is not proposed to alter zoning provisions. The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
No. 64 Advertising and Signage	Yes	Yes	The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
No. 65 Design Quality of Residential Flat Development	Yes	Yes	The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
Housing for Seniors or People with a Disability 2004	Yes	Yes	The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
Building Sustainability Index: BASIX 2004	Yes	Yes	The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
Major Development 2005	Yes	N/A	The planning proposal does not affect major development sites. The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
Mining, Petroleum Production and Extractive Industries 2007	Yes	Yes	The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
Temporary Structures 2007	Yes	Yes	The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
Infrastructure 2007	Yes	Yes	The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .
Rural Lands 2008	Yes	Yes	The planning proposal is aligned with the rural planning principles specified in Part 2 of the SEPP. It is not proposed to alter zoning provisions. The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .

Exempt and Complying Development Codes 2008	Yes	Yes	The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> . Proposal does not impact the operation of the SEPP.
Affordable Rental Housing 2009	Yes	Yes	The provisions of the SEPP are additional to those in <i>TRLEP 2010</i> .

**ATTACHMENT 4: CONSIDERATION OF SECTION 117 MINISTERIAL DIRECTIONS -
ASSESSMENT RELATIVE TO THE RURAL DWELLING ENTITLEMENTS PLANNING PROPOSAL**

1. Employment and Resources

Direction	Applicable to TRC	Consistent	Reason for inconsistency or comment
1.1 Business and Industrial Zones	Yes	Not applicable	The planning proposal does not affect Business or Industrial zones.
1.2 Rural Zones	Cl.2(a) Yes Cl.2(b) No	Yes	It is not proposed amend the zoning of any land currently affected by a rural zone or provide for an increase in land density.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	Yes	The planning proposal does not propose a change of zoning that would affect the permissibility of mining on the subject lands. The SEPP (mining, petroleum production and extractive industries) prevails over the <i>TRLEP 2010</i> .
1.4 Oyster Aquaculture	No	Not applicable	Not affecting the LGA.
1.5 Rural Lands	Yes	Yes	The planning proposal is consistent with the rural planning principles specified in Part 2 of the Rural Lands SEPP. It is not proposed to alter zoning provisions. Cl.3(b) is not applicable as it is not proposed to amend the existing minimum lot size of the subject lands.

2. Environment and Heritage

Direction	Applicable	Consistent	Reason for inconsistency or comment
2.1 Environment Protection Zones	Yes	Yes	The proposal does not include any elements that would reduce environmental protection standards applying to the subject lands.
2.2 Coastal Protection	No	Not applicable	Not affecting the LGA

2.3 Heritage Conservation	Yes	No	The <i>TRLEP 2010</i> contains provisions that facilitate the conservation of heritage conservation elements. Aboriginal objects or places are protected under the National Parks and Wildlife Act 1974. No study has been undertaken to identify specific objects within the Region. It is considered that the planning proposal is justifiably inconsistent with the Direction.
2.4 Recreation Vehicle Areas	Yes	Yes	It is not proposed amend the zoning of the subject lands. The permissibility of the land-use is not increased or affected by the planning proposal.

3. Housing, Infrastructure and Urban Development

Direction	Applicable	Consistent	Reason for inconsistency or comment
3.1 Residential Zones	Yes	Not applicable	The planning proposal does not affect residential zoned land.
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	It is not proposed to alter zoning provisions. The provisions of the SEPP No.36 (Manufactured Home Estates) prevail over the <i>TRLEP 2010</i> .
3.3 Home Occupations	Yes	Yes	The land-use continues to be permissible without consent where dwelling houses are permitted.
3.4 Integrating Land Use and Transport	Yes	Yes	It is not proposed to alter zoning provisions.
3.5 Development Near Licensed Aerodromes	Yes	No	There is no proposed rezoning or amendment of lot size provisions and the planning proposal aims only to recognise dwelling entitlements that had been available until recently (21 January 2011) under previous planning instruments. The planning proposal technically alters a provision that applies to land in the vicinity of a licensed aerodrome. It is considered that that the planning proposal is justifiably inconsistent as the provisions that are inconsistent are of a minor nature.
3.6 Shooting Ranges	Yes	No	There is no proposed rezoning or amendment of lot size provisions and the planning proposal aims only to recognise dwelling entitlements that had been available until recently (21 January 2011) under previous planning instruments. The planning proposal technically alters a provision that applies to land in the vicinity of shooting

			ranges. It is considered that the planning proposal is justifiably inconsistent as the provisions that are inconsistent are of a minor nature.
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4. Hazard and Risk

Direction	Applicable	Consistent	Reason for inconsistency or comment
4.1 Acid Sulfate Soils	No	Not applicable	Not affecting LGA
4.2 Mine Subsidence and Unstable Land	No	Not applicable	Not affecting LGA
4.3 Flood Prone Land	Yes	Yes	There is no proposed rezoning or amendment of lot size provisions and the planning proposal aims only to recognise dwelling entitlements that had been available until recently (21 January 2011) under previous planning instruments. The planning proposal technically alters a provision that applies to flood prone land. The reinstatement of a dwelling entitlement does not automatically confer the right to establish a house on the holding. Issues relating to flood planning are a matter for consideration via the development assessment process and are guided by the provisions of the <i>TRLEP 2010</i> and the <i>TRDCP 2010</i> .
4.4 Planning for Bushfire Protection	Yes	Yes	There is no proposed rezoning or amendment of lot size provisions and the planning proposal aims only to recognise dwelling entitlements that had been available until recently (21 January 2011) under previous planning instruments. The planning proposal technically alters a provision that applies to bushfire prone land. The reinstatement of a dwelling entitlement does not automatically confer the right to establish a house on the holding. Issues relating to flood planning are a matter for consideration via the development assessment process and are guided by the provisions of the <i>TRLEP 2010</i> and the <i>TRDCP 2010</i> .

5. Regional Planning

Direction	Applicable	Consistent	Reason for inconsistency or comment
5.1 Implementation of Regional Strategies	No	Not applicable	Not affecting LGA
5.2 Sydney Drinking Water Catchments	No	Not applicable	Not affecting LGA
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	Not applicable	Not affecting LGA
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	Not applicable	Not affecting LGA
5.8 Second Sydney Airport: Badgerys Creek	No	Not applicable	Not affecting LGA

6. Local Plan Making

Direction	Applicable	Consistent	Reason for inconsistency or comment
6.1 Approval and Referral Requirements	Yes	Yes	The planning proposal does not entail provisions which increase approval and referral requirements as outlined in the Direction.
6.2 Reserving Land for Public Purposes	Yes	Yes	The planning proposal does not entail provisions which affect the reservation of land for public purposes.
6.3 Site Specific Provisions	Yes	Yes	The planning proposal is not prepared on the basis of allowing a particular development to be carried out. It is prepared with the objective of reinstating dwelling entitlements that had been available until recently (21 January 2011) under previous planning instruments. .

7. Metropolitan Planning

Direction	Applicable	Consistent	Reason for inconsistency or comment
7.1 Implementation of the Metropolitan Strategy	No	Not applicable	Not affecting LGA