

Tamworth Regional LEP 2010 Amendment No 3

Proposal Title : **Tamworth Regional LEP 2010 Amendment No 3**

Proposal Summary : **This Planning Proposal aims to reinstate opportunities for development applications to be approved for dwellings in the RU1 Primary Production and RU4 Primary Production Small Lots zones that may have been removed by the publication of the Tamworth Regional Local Environmental Plan (TRLEP) 2010. The Planning Proposal addresses circumstances where such dwelling permissibility or 'entitlement' has been limited by changes in minimum lot sizes, existing holding provisions and /or concessional allotment provisions.**

PP Number : **PP_2013_TAMWO_001_00**

Dop File No : **12/20688**

Planning Team Recommendation

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

S.117 directions : **1.2 Rural Zones
3.5 Development Near Licensed Aerodromes
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
3.6 Shooting Ranges**

Additional Information : **The Planning Proposal should proceed subject to the following conditions:**

1. The Department supports Council's intention to reinstate opportunities for development applications to be approved for dwellings in the RU1 Primary Production and RU4 Primary Production Small Lots zones that may have been removed by the publication of the Tamworth Regional Local Environmental Plan 2010, where appropriate. However, the proposed amendment to the clause 4.2B is not supported in its current form as it does not achieve the desired outcome of the Planning Proposal. Council is to consult with the Department's Regional Team on the form and content of an appropriate mechanism to achieve the desired outcomes of the Planning Proposal and maintain the integrity of previous strategic planning work undertaken by Council and Government Agencies.

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- NSW Rural Fire Service**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

Council is to consult the Commissioner of the NSW Rural Fire Service, prior to undertaking community consultation. Council is to take into account any comments made and amend the planning proposal (if necessary) as per the requirements of S117 Direction Planning for Bushfire Protection.

3 Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and**
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).**

4. A public hearing is not required to be held into the matter by any person or body

under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

6. The Delegate of the Director General agrees that the inconsistencies with S117 Directions 1.2 Rural Zone, 3.5 Development Near Licensed Aerodromes, 3.6 Shooting Ranges, 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection are justified as being of minor significance.

Supporting Reasons : Council's intention to reinstate opportunities for development applications to be approved for dwellings in the RU1 Primary Production and RU4 Primary Production Small Lots zones that may have been removed by the publication of the Tamworth Regional Local Environmental Plan 2010 is supported where appropriate, as this will provide the community certainty for development opportunities for dwellings in rural areas.

Panel Recommendation

Recommendation Date : **17-Jan-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to amend the 'explanation of provisions' within the planning proposal to remove the draft amendment to Clause 4.2B and instead provide a plain English explanation of the intention of the proposed amendment to the Clause.

2. Council is to consult with the NSW Rural Fire Services as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, to take into consideration additional information received, prior to undertaking public exhibition.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:

N. Selman

Printed Name:

Neil Selman

Date:

30/1/2013