

Clarence Valley LEP 2011 – Amendment to the Minimum Lot Size for 4454 Lawrence Road Ilarwill.

Proposal Title :	Clarence Valley LEP 2011 – Amendment to the Minimum Lot Size for 4454 Lawrence Road Ilarwill.		
Proposal Summary :	The planning proposal seeks to amend the Minimum Lot Size Map for Lots 4 and 5 Section 9 DP 758532, 4454 Lawrence Road, Ilarwill, to enable a dwelling house to be constructed on the land.		
PP Number :	PP_2013_CLARE_004_00	Dop File No :	13/05926

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions :

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.2 Coastal Protection
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies

Additional Information :

It is recommended that the planning proposal not proceed for the following reasons;

1. The proposal is inconsistent with the Mid North Coast Regional Strategy because it enables an additional dwelling house on rural zoned land in a high flood risk area that is not identified in a Department endorsed local rural residential strategy and does not satisfy the sustainability criteria for development outside of the agreed growth area boundaries.
2. The proposal is inconsistent with S117 directions 1.5 Rural Lands, 4.3 Flood Prone Land and 5.1 Implementation of Regional Strategies.
3. The proposal will increase the potential for land use conflict with neighbouring regionally significant farmland.
4. There is adequate residential land stock located within the nearby Ilarwill village which is not flood prone to cater for the future residential demands for the locality.

If the Gateway determines that the planning proposal should proceed then it is recommended that;

1. The planning proposal should proceed as a 'routine' planning proposal.
2. Prior to undertaking public exhibition, the following studies are to be completed and included in the material to be exhibited;
 - a. A flood study;
 - b. Investigation of the potential for Aboriginal cultural heritage on the site;
 - c. A land use conflict risk assessment which includes the adjoining regionally significant farmland and the nearby quarry;
3. Council is to consider applying a minimum lot size area which will prevent subdivision of the subject land and which may be used for other land in the local government area.
4. Prior to undertaking public exhibition the Council is to prepare existing and proposed minimum lot size maps, at an appropriate scale, which clearly identify the subject site.
5. The planning proposal is to be completed within 12 months.
6. That a community consultation period of 14 days is necessary.
7. Council is to consult with the following State agencies and organisations;
 - a. the NSW Office of Environment and Heritage in relation to flooding and Aboriginal cultural heritage.
 - b. The Yaegl Local Aboriginal Land Council in relation to potential for Aboriginal cultural heritage.
8. It is recommended that a delegate of the Director General agree that the

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Supporting Reasons :

inconsistencies of the proposal with S117 Directions 1.5, 4.1, 4.3 and 5.1 are justified in accordance with the provisions of the directions.

9. That an authorisation to exercise delegation be issued to Council, and Council be required to address the potential inconsistency with S117 direction 2.3 Heritage Conservation prior to exercising this delegation.

The reasons for the recommendation are as follows;

1. The proposal is inconsistent with the Mid North Coast Regional Strategy because it enables an additional dwelling house on rural zoned land in a high flood risk area that is not identified in a Department endorsed local rural residential strategy and does not satisfy the sustainability criteria for development outside of the agreed growth area boundaries.
2. The proposal is inconsistent with S117 directions 1.5 Rural Lands, 4.3 Flood Prone Land and 5.1 Implementation of Regional Strategies.
3. The proposal will increase the potential for land use conflict with neighbouring regionally significant farmland.
4. There is adequate residential land stock located within the nearby Ilarwill village which is not flood prone to cater for the future residential demands for the locality.

Panel Recommendation

Recommendation Date : **11-Apr-2013**

Gateway Recommendation : **Rejected**

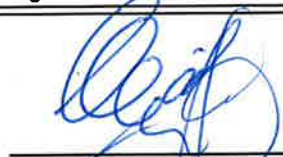
Panel

The planning proposal should not proceed for the following reasons:

Recommendation :

1. The proposal is inconsistent with the Mid North Coast Regional Strategy because it enables an additional dwelling house to be constructed on rural land in a high flood risk area, that is not identified in a department endorsed local residential strategy and does not satisfy the sustainability criteria for development outside agreed growth area boundaries.
2. The proposal is inconsistent with S117 Directions 1.5 Rural Lands, 4.3 Flood Prone Land and 5.1 Implementation of Regional Strategies as the proposal to reduce the minimum lot size applying to land zoned for rural purposes is inconsistent with the Mid North Coast Regional Strategy and is located on land below the 1 in 100 year flood level.
3. The proposal will increase the potential for land use conflict with adjoining regionally significant farmland.

Signature:



Printed Name:

Neil McGowan

Date:

18-4-13