

Amendment to the rural subdivision provisions of Tamworth Regional LEP 2010 to provide increased flexibility for rural boundary adjustments on land zoned RU1 and RU4

Proposal Title : **Amendment to the rural subdivision provisions of Tamworth Regional LEP 2010 to provide increased flexibility for rural boundary adjustments on land zoned RU1 and RU4**

Proposal Summary : **Amendment to rural subdivision provisions of Tamworth Regional LEP 2010 to provide increased flexibility for rural boundary adjustments where one or more of the lots are less than the minimum lot size shown on the lot size map.**

PP Number : **PP_2013_TAMWO_007_00** Dop File No : **13/15893**

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.4 Recreation Vehicle Areas**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 3.5 Development Near Licensed Aerodromes**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**

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

- 1. The Planning Proposal be supported;**
- 2. The Planning Proposal be exhibited for 14 days;**
- 3. The Planning Proposal be completed within 9 months;**
- 4. That the RPA consult with the Commissioner of the NSW Rural Fire Service in accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection;**
- 5. The potential unresolved inconsistency with s117 Direction 4.4 Planning for Bushfire Protection be noted;**
- 6. That an authorisation to exercise delegation be issued to Council;**
- 7. That a map showing the land to which the Planning Proposal will apply be included within the Planning Proposal prior to public exhibition; and**
- 8. The Planning Proposal be amended prior to public exhibition to clarify that its intended outcomes will be implemented through a new local LEP clause rather than by amending Clause 4.2 Rural Subdivision of Tamworth Regional LEP 2010.**

Supporting Reasons : **The Planning Proposal will amend Tamworth Regional LEP 2010 for the purpose of creating greater flexibility for landowners within the RU1 and RU4 zones with respect to boundary adjustments that do not meet the minimum lot size shown on the Lot Size Map.**

Panel Recommendation

Recommendation Date : **27-Sep-2013** Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **This planning proposal is considered minor and the Gateway determination is to be issued under delegation by the Regional Director. Therefore the planning proposal will not be considered by the panel.**

Gateway Determination

Amendment to the rural subdivision provisions of Tamworth Regional LEP 2010 to provide increased flexibility for rural boundary adjustments on land zoned RU1 and RU4

Decision Date : **27-Sep-2013** Gateway Determination : **Passed with Conditions**

Decision made by : **Regional Director, Northern Region**

Exhibition period : **14 Days**

LEP Timeframe : **9 months**

Gateway Determination : **The Planning Proposal should proceed subject to the following conditions:**

1. 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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of 14 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 2013).

2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. The NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. Prior to undertaking public exhibition, Council is to update the planning proposal to:

- a) include appropriate mapping illustrating the land affected by the proposal; and
- b) amend the explanation of provisions so that the outcomes of the planning proposal will be implemented through a new local LEP clause rather than by amending Clause 4.2 of Tamworth Regional LEP 2010.

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.

Signature:



Printed Name:

STEPHEN MURRAY

Date:

27 SEPTEMBER 2013