

Dwelling Entitlement for Lot 2 DP 537488 Tickles Road, Upper Coopers Creek

Proposal Title : Dwelling Entitlement for Lot 2 DP 537488 Tickles Road, Upper Coopers Creek

Proposal Summary : The planning proposal seeks to provide a dwelling entitlement under Schedule 7 of Byron LEP 1988 for Lot 2 DP 537488, 2 Tickles Road, Upper Coopers Creek.

PP Number : PP_2011_BYRON_008_00 Dop File No : 11/18029

Planning Team Recommendation

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

S.117 directions : **4.4 Planning for Bushfire Protection**
 5.1 Implementation of Regional Strategies

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

1. The planning proposal be supported;
2. The planning proposal be exhibited for a period of 7 days;
3. The planning proposal be completed within 6 months;
4. The Director General (or delegate of the Director General) agree that the inconsistency with S117 Direction 5.1 Implementation of Regional Strategies is of minor significance;
5. The Gateway stipulate Council consult with the Commissioner of the NSW Rural Fire Service to ensure the inconsistency with S117 Direction 4.4 Planning for Bushfire Protection is justified;
6. The proponent complete a Bushfire Assessment and Site Contamination Assessment prior to exhibition. These assessments should be placed on exhibition with the planning proposal.

Supporting Reasons : The planning proposal will allow the correction of an administrative anomaly for Lot 2 DP 537488, 2 Tickles Road, Upper Coopers Creek by allowing the land's inclusion in Schedule 7 of the Byron LEP 1988, to provide the owners with the security that a dwelling entitlement is available for their land.

Panel Recommendation

Recommendation Date : **20-Oct-2011** Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The Planning Proposal should proceed subject to the following conditions:**

1. Council is to consult with the Commissioner of the NSW Rural Fire Service and to take any comments into account in the planning proposal prior to public exhibition, in order to satisfy the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
2. Council is to undertake a site contamination assessment in accordance with the provisions of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. The planning proposal is to be updated to include the site contamination assessment report for the purposes of 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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and must be made publicly available for 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

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

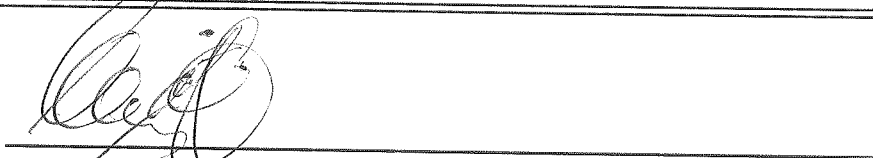
- NSW Rural Fire Service

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 6 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McGaffin

Date:

28.10.11