

Lismore LEP 2012 - Subdivision provisions

Proposal Title : Lismore LEP 2012 - Subdivision provisions

Proposal Summary : The planning proposal seeks to introduce new provisions to provide greater flexibility to the Standard subdivision provisions within the Lismore LEP. The proposed provisions intend to enable: boundary adjustments; the creation of residual lots; lots for environmental purposes associated with urban subdivision; and split zoned lots; where the resulting lots are less than 90% of the minimum lot size in RU1, RU2, E2 and E3 zones and subject to specified criteria.

PP Number : PP_2013_LISMO_004_00

Dop File No :

13/09896

Planning Team Recommendation

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

S.117 directions :

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 5.3 Farmland of State and Regional Significance on the NSW Far North Coast
- 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 proceed as a 'routine' planning proposal;
2. The planning proposal is to be completed within 6 months;
3. The Council amends the planning proposal for exhibition so that it contains only a plain English explanation of the intent of the proposed clauses for the reason that there are inconsistencies in the "Objectives or Intended Outcomes" of the planning proposal and the draft clauses provided in the "Explanation of the Proposal". The drafting of the clauses will be conducted by Parliamentary Counsel's Office based on the explanation of the intent of the provisions;
4. A community consultation period of 14 days is necessary for the planning proposal;
5. The Council consult with the Commissioner of the NSW Rural Fire Services in accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection; and
6. Council does not consider it is able to use delegation due to the policy content of the planning proposal, however, the proposal is considered to be of local significance and delegation should be given to Council under these circumstances?

Supporting Reasons : The reasons for the recommendation are as follows:

1. The proposed provisions will facilitate the efficient and orderly subdivision of land; and
2. The principles of the proposed provisions are supported and are not considered to be

inconsistent with the intent of the Standard LEP.

Panel Recommendation

Recommendation Date : 20-Jun-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 clauses and instead provide a plain English explanation of the intention of the proposed provisions.
 2. 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 a minimum of 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 2013).
 3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage
 - NSW Department of Primary Industries - Agriculture
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Each public authority 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.
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 9 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Sabine Miller

Date:

26/06/2013