

Housekeeping amendments to Richmond Valley LEP 2012

Proposal Title : Housekeeping amendments to Richmond Valley LEP 2012

Proposal Summary : To undertake "housekeeping" amendments of further corrections and refinements to Richmond Valley LEP 2012. The proposal involves nine amendments to:

- (1) Extend the Land Application Area to include an area inadvertently omitted from the Richmond Valley LEP 2012;
- (2) Exclude the Minimum Lot Size (MLS) applying to certain subdivisions creating residue lots;
- (3) Rezone the Casino Drill Hall site for residential development - 1.275 hectares;
- (4) Amend the Lot Size Map on fringe of Casino (potential for 3 lots);
- (5) Amend the Dwelling Opportunity Map to recognise opportunities for lots meeting the Minimum Lot Size (MLS) - 58 dwelling opportunities;
- (6) Amend the Dwelling Opportunity Map to recognise opportunities that were marginally below MLS - 6 dwelling opportunities;
- (7) Amend Land Zoning, Lot Size and Dwelling Opportunity Maps as they apply to certain land at Busbys Flat - one additional dwelling opportunity;
- (8) Correct errors in the drafting of Clause 4.1C – Exceptions to MLS for dual occupancies; and
- (9) Amend Schedule 2 Exempt Development - standards applicable to garage and signage development types.

PP Number : PP_2013_RICHM_004_00 Dop File No : 13/04699

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
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

Additional Information : It is recommended that:

- 1) The planning proposal be supported subject to conditions;
- 2) The planning proposal be exhibited for a period of 28 days;
- 3) that the following agencies be consulted during community consultation :
NSW Rural Fire Service;
Office of Environment and Heritage (Biodiversity);
Office of Environment and Heritage (Flooding); and
Environmental Protection Authority
Clarence Valley Council
Local Aboriginal Land Council
- 4) The following assessments should be prepared to augment the planning proposal for the Drill Hall, Casino at the time of public exhibition:
the Contaminated Land Assessment and Management Plan and a heritage assessment that includes a recommended curtilage around the Drill Hall.
- 5) The planning proposal should be completed within 9 months;
- 6) The Director General (or an officer nominated by the Director General) agree that the inconsistencies with s117 Directions 1.2, 1.5, 2.3, 5.1, and 6.2 are justified as matters of

minor significance;

7) The Director General (or an officer nominated by the Director General) agree that the inconsistencies with s117 Directions 2.3 (heritage assessment) 4.3 (flooding) and 4.4 (bushfire) remain outstanding and will require justification following completion of consultation with the relevant Government agencies; and

8) Delegation is to be given to Council for plan making providing any inconsistencies with the 117 Directions are of minor significance and there are no outstanding Government agency objections.

Supporting Reasons :

The recommended conditions to the Gateway determination are required to provide adequate protection, where appropriate, for the issues outlined above.

The corrections and refinements are considered to be important in permitting the LEP to operate effectively and accurately.

Panel Recommendation

Recommendation Date : 21-Mar-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 update the planning proposal to include additional information on heritage, which recommends an appropriate curtilage around the Drill Hall. This additional information will demonstrate the proposal's consistency or justify any inconsistency with S117 Direction 2.3 Heritage Conservation.

2. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to place on public exhibition the Land Assessment and Management Plan in relation to the contamination of land at Lennox Street, Casino.

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 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 2012).

4. 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:

- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Office of Environmental Heritage (regarding biodiversity and flooding)
- Environmental Protection Authority
- Local Aboriginal Land Council
- Clarence Valley Council to confirm that land comprising of and adjacent to the Bundjalung National Park, which is proposed to be included in the Richmond Valley LEP 2012 is not currently zoned under Clarence Valley LEP 2011.

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.

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.

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Signature:

M. Selman

Printed Name:

NEIL SELMAN

Date:

27/3/2013