

Uralla LEP 2012 - Rural Boundary Adjustment Clause and Detached Dual Occupancies in Certain Rural and Environmental Zones

Proposal Title : **Uralla LEP 2012 - Rural Boundary Adjustment Clause and Detached Dual Occupancies in Certain Rural and Environmental Zones**

Proposal Summary : **The purpose of the Planning Proposal is to amend Uralla LEP 2012 to permit:**
- detached dual occupancies in the RU1 Primary Production, RU2 Rural Landscape, E3 Environmental Management and E4 Environmental Living Zones; and
- include a rural boundary adjustment clause that will apply to the RU1 Primary Production, RU2 Rural Landscape, E3 Environmental Management, E4 Environmental Living Zones and R5 Large Lot Residential Zones

PP Number : **PP_2015_URALL_002_00** Dop File No : **15/05911**

Proposal Details

Date Planning Proposal Received : **15-Apr-2015** LGA covered : **Uralla**

Region : **Northern** RPA : **Uralla Shire Council**

State Electorate : **NORTHERN TABLELANDS** Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street :
 Suburb : City : Postcode :
 Land Parcel : **Uralla LEP 2012 - RU1 Primary Production, RU2 Rural Landscape, E3 Environmental Management, E4 Environmental Living Zones and R5 Large Lot Residential Zones**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcomes of the Planning Proposal are adequately expressed for the proposed amendment to Uralla LEP 2012.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

2.1 Environment Protection Zones

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3.1 Residential Zones

4.4 Planning for Bushfire Protection

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

The New England North West Strategic Regional Land Use Plan applies to the Uralla LGA.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

The proposal is considered to be inconsistent with s117 Direction 4.3 Flood Prone Land and has not been identified by the relevant planning authority in the Planning Proposal. This matter is discussed in further detail below.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

The Planning Proposal relates to changes to the written document only. No associated LEP mapping is required.

It is recommended that a map showing where the Planning Proposal applies within the LGA (RU1 Primary Production, RU2 Rural Landscape, E3 Environmental Management, E4 Environmental Living Zones and R5 Large Lot Residential Zones) should be included in the Planning Proposal for exhibition purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The relevant planning authority has identified a 14 day exhibition period for the proposal. The Planning Proposal is considered to be a 'low impact' proposal and the proposed notification period is considered to be satisfactory.

Additional Director General's requirements

Are there any additional Director General's requirements?

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria?

If No, comment :

The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:

- 1. Providing appropriate objectives and intended outcomes;**
- 2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Outlining a proposed community consultation program; and**
- 5. Providing a project time line.**

Council is seeking an authorisation to exercise its plan making delegations. As the Planning Proposal is considered to be dealing with matters of local significance, it is appropriate that an authorisation to exercise its plan making delegations be issued to Council.

The RPA has provided a project time line which estimates that the LEP will be ready for finalisation and notification by October 2015. A 9 month time frame for completion of the

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proposal is recommended to ensure sufficient time is available to complete the proposal.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Uralla LEP 2012 was notified on 23 March 2012.

Assessment Criteria

Need for planning
proposal :

The Planning Proposal is not the result of a strategic study or report.

The need for the proposed changes, and the increased planning flexibility that will result, has been identified by Council through the operation of the current LEP since 2012.

Consistency with
strategic planning
framework :

While no Regional Strategies apply to the Uralla LGA, the New England North West Strategic Regional Land Use Plan does apply. The Planning Proposal is considered to be consistent with the provisions of the Strategic Regional Land Use Plan.

The proposal is considered not to be inconsistent with Council's local growth management strategy (New England Development Strategy) that was approved by the Director General in March 2010. While Council's local strategic planning work does not specifically address the issues of rural boundary adjustments or detached dual occupancies, the Planning Proposal is not considered to be inconsistent with the intent of the strategy (particularly in relation to detached dual occupancies as no increase in potential dwelling density will result as attached dual occupancies are already permissible in the zones).

The Planning Proposal has been identified as being consistent with all applicable SEPPs and section 117 Directions, except in relation to the following:

4.3 Flood Prone Land

While not identified by the relevant planning authority, this Direction is relevant as the Planning Proposal will affect land that is flood prone. The proposal will result in the potential for detached dual occupancies to be built in areas that are subject to flooding. Council's LEP and DCP both have controls relating to flood prone land and the inconsistency with this Direction is considered to be minor due to the development controls already in place.

4.4 Planning for Bushfire Protection

This Direction is relevant to the proposal to as it will amend and introduce new planning provisions applying to bushfire prone land. The Direction requires the RPA to consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

Environmental social
economic impacts :

No significant environmental impact has been identified as resulting from the Planning Proposal. It is considered that any site specific issues can be considered and assessed appropriately at the development stage.

The increased flexibility associated with the proposed changes are likely to have positive social and economic impacts for landowners.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies are considered necessary to support the proposal.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council Cover Letter.pdf	Proposal Covering Letter	Yes
Council Report and Resolution.pdf	Proposal	Yes
Planning Proposal.pdf	Proposal	Yes

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
3.1 Residential Zones
4.4 Planning for Bushfire Protection

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**

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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. The Secretary's delegate agree that the inconsistency with S117 Direction 4.3 Flood Prone Land is a matter of minor significance;
7. That an authorisation to exercise delegation be issued to Council; and
8. Prior to public exhibition the Planning Proposal be amended to include appropriate mapping illustrating the land affected by the proposal.

Supporting Reasons : The proposal will result provide greater to flexibility to landowners and will help address matters identified by Council through the operation of the current LEP.

Signature:



Printed Name:

Craig Diss

Date:

20/4/15