

Murray LEP 2011 Amendment 3

Proposal Title : **Murray LEP 2011 Amendment 3**

Proposal Summary : **The planning proposal is a periodic review with the objective to rectify minor issues/ errors in the Murray LEP 2011. Amendments include: land rezonings, lot size map changes, amendments to land use tables, heritage conservation changes, insertion of new additional local provisions and amendments to Schedule 2 exempt developments.**

PP Number : **PP_2014_MURRA_001_00** Dop File No : **13/04113**

Planning Team Recommendation

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

S.117 directions :

- 1.1 Business and Industrial Zones**
- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 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 : **Proposal 26 and 27 should not proceed.**

The remainder of the planning proposal should proceed subject to the following conditions:

-Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 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 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 and Infrastructure, 2012).**

- Consultation is required with public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act 1979 and/or to comply with the requirements of relevant S117 Directions.

-A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning and Assessment Act 1979. 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).

-The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons : **Changes 27 and the corresponding 26 are not supported as it is considered that there is insufficient justification to how the proposal supports the Murray REP No. 2 - Riverine Land and Ministerial Direction 2.1 and a lack of consideration to the environmental, economic and social impact. Also, there are other mechanisms to consider reduction of setbacks on a case by case basis through Clause 4.6 Exemption to development standards within the Murray LEP 2011.**

The remainder of the proposal is supported for the following reasons:

-The planning proposal is considered consistent with state policy framework and local strategy and the changes correct minor issues and errors and in general the amendment is of minor significance.

-Including the Edward River was mistakenly omitted when the Murray LEP 2011 was made.

Panel Recommendation

Recommendation Date : **06-Mar-2014**

Gateway Recommendation : **Passed with Conditions**

Panel

Recommendation :

The Planning Proposal should proceed subject to the following conditions:

1. Council is to undertake a study to identify the environmental, economic and social impacts of the proposal, including its impact on the riverine environment such as the River Red Gum Forest and flood plains. Further strategic planning justification on the proposal's inconsistency with Murray Regional Environmental Plan (REP) No. 2 - Riverine Land, the draft Murray Regional Strategy and S117 Direction 2.1 Environment Protection Zones is to be included in the planning proposal.

2. Notwithstanding Condition 1, the planning proposal may proceed without the amendment to reduce the setback to which the 'river front area' applies should Council decide to pursue this component as part of a separate future proposal. Further, Council should consider the need to prohibit recreation facilities (outdoor) in the 'river front area' as part of this amendment and revise the planning proposal accordingly.

3. The proposal to prohibit 'boarding houses' in the R2 Low Density Residential zone is not supported and is to be removed from the planning proposal, prior to it being placed on public exhibition.

4. 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 (Planning and Infrastructure 2013).

5. 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:

- Murray Local Land Services
- Office of Environment and Heritage
- Department of Primary Industries - Fishing and Aquaculture
- NSW Rural Fire Service
- Adjoining LGAs

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.

6. 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).

7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Plan making delegation

The Minister delegated his plan making powers to councils in October 2012. Council has now accepted this delegation. Council should not be issued delegation because various

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strategic matters are to be addressed by Council before the planning proposal can proceed to public exhibition.

Signature:



Printed Name:

JAMES MATTHEWS

Date:

19/3/14