

Kyogle LEP 2012 – Detached Dual Occupancy and Secondary Dwelling Provisions

Proposal Title : **Kyogle LEP 2012 – Detached Dual Occupancy and Secondary Dwelling Provisions**

Proposal Summary : **The proposal seeks to amend the Kyogle Local Environmental Plan (LEP) 2012 to:**

1. Permit 'detached dual occupancies' with consent in the RU1, RU2, RU4 and R5 zones;
2. Permit 'secondary dwellings' with consent in the RU1, RU2, RU4, R1 and R5 zones; and
3. Permit the total floor area of secondary dwellings to be up to 60% of the total floor area of the principal dwelling.

PP Number : **PP_2014_KYOGL_001_00**

Dop File No :

14/04282

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**
- 3.1 Residential Zones**
- 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**

Additional Information :

The planning proposal should proceed as a "routine" planning proposal and an authorisation to exercise plan making delegations should be issued to Council.

The Director-General's delegate should agree that inconsistency with s117 Direction 4.1 Acid Sulfate Soils is of minor significance and that consistency with Direction 4.4 Planning for Bushfire Protection remains unresolved until consultation with the NSW Rural Fire Service has occurred (as recommended below).

The planning proposal should proceed subject to the following conditions:

1. Prior to undertaking exhibition, the Project Timeline under Part 6 of the planning proposal is to be updated to indicate that the matter will be finalised under Council's delegation.
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 NSW Rural Fire Service under section 56(2)(d) of the EP&A Act to comply with the requirements of S117 Direction 4.4 Planning for Bushfire Protection. The NSW Rural Fire Service 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 the relevant planning authority from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission).

Kyogle LEP 2012 – Detached Dual Occupancy and Secondary Dwelling Provisions

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

Supporting Reasons : The reasons for the above recommendations for the planning proposal are as follows:

1. Permitting detached dual occupancies and secondary dwellings in rural and rural residential areas is a matter of local significance.
2. The proposal is otherwise consistent with all the relevant local and regional planning strategies, contributing to housing choice and affordability throughout the Kyogle LGA.
3. The inconsistency with s117 Direction 4.1 Acid Sulfate Soils can be justified as of minor significance.
4. The recommended conditions to the Gateway are required to provide adequate consultation, accountability and progression.

Panel Recommendation

Recommendation Date : 12-Mar-2014

Gateway Recommendation : Passed with Conditions

Panel Recommendation : This planning proposal is considered of local significance and the Gateway Determination is to be issued under delegation by the General Manager, Northern Region. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date : 12-Mar-2014

Gateway Determination : Passed with Conditions

Decision made by : General Manager, Northern Region

Exhibition period : 28 Days

LEP Timeframe : 9 months

Gateway Determination : The Planning Proposal should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the Project Timeline under Part 6 of the planning proposal is to be updated to indicate that the matter will be finalised under Council's delegation.
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 (Planning & Infrastructure 2013).
3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. The NSW Rural Fire Service 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 be 9 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

STEPHEN MURRAY

Date:

12 March 2014