

Kyogle LEP 2012 – Rural Boundary Adjustments and split zoning subdivisions.

Proposal Title : Kyogle LEP 2012 – Rural Boundary Adjustments and split zoning subdivisions.

Proposal Summary : The planning proposal seeks to amend Kyogle LEP 2012 by;

1. Adding a clause to enable boundary adjustments of 'undersized' lots (lots which are smaller in area than the prevailing development standard) in rural zones and retain any dwelling entitlements on these lots.
2. Adding a clause to enable the creation of a split zoned lot that contains an undersized portion of rural zoned land created as a result of subdivision of land partly zoned residential or RU5 Village.

PP Number : PP_2013_KYOGL_002_00

Dop File No :

13/18988

Planning Team Recommendation

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

S.117 directions:

- 1.5 Rural Lands
- 3.1 Residential Zones
- 4.3 Flood Prone Land
- 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 : It is recommended that;

1. The planning proposal proceed as a 'routine' planning proposal.
2. Prior to undertaking community consultation, Council is to amend the 'Objectives or Intended Outcomes' or the 'Explanation of Provisions' within the planning proposal to ensure that the intended outcome of each clause is consistent with the wording of the draft clause. A plain English explanation of the intent of each clause is to be included in the 'Explanation or Provisions' section of the planning proposal.
3. A community consultation period of 14 days is necessary for the planning proposal.
4. The planning proposal is to be completed within 9 months.
5. The RPA consult with the Commissioner of the NSW Rural Fire Services in accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
6. A written authorisation to exercise delegation be issued to Kyogle Council in this instance to enable Council to make the plan.

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

1. The proposed provisions will facilitate the efficient and orderly subdivision of land.
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 :

Gateway Recommendation :

Panel Recommendation : This planning proposal is considered of local significance and the Gateway Determination is to be issued under delegation by the Regional Director. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date :	26-Nov-2013	Gateway Determination :	Passed with Conditions
Decision made by :	Regional Director, Northern Region		
Exhibition period :	14 Days	LEP Timeframe :	9 months
Gateway Determination :	The Planning Proposal should proceed subject to the following conditions; 1. Prior to undertaking community consultation, Council is to amend the 'Objectives or Intended Outcomes' or the 'Explanation of Provisions' within the planning proposal to ensure that the intended outcomes of each clause is consistent with the wording of the draft clauses. A plain English explanation of the intent of each clause is to be included in the 'Explanation of Provisions' section of the planning proposal. 2. Council is to consult with the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition. 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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of 14 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). 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:

26 NOVEMBER 2013