

Guyra LEP 2012 - Rural Boundary Adjustment Clause and Detached Dual Occupancies in the RU1 Primary Production Zone

Proposal Title : **Guyra LEP 2012 - Rural Boundary Adjustment Clause and Detached Dual Occupancies in the RU1 Primary Production Zone**

Proposal Summary : **The purpose of the Planning Proposal is to amend Guyra LEP 2012 to permit:**
- detached dual occupancies in the RU1 Primary Production Zone; and
- include a rural boundary adjustment clause that will apply to the RU1 Primary Production Zone.

PP Number : **PP_2015_GUYRA_001_00** Dop File No : **15/11867**

Proposal Details

Date Planning Proposal Received : **03-Aug-2015** LGA covered : **Guyra**

Region : **Northern** RPA : **Guyra Shire Council**

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

LEP Type : **Policy**

Location Details

Street :
 Suburb : City : Postcode :
 Land Parcel : **Guyra LEP 2012 - RU1 Primary Production Zone**

DoP Planning Officer Contact Details

Contact Name : **Craig Diss**
 Contact Number : **0267019685**
 Contact Email : **craig.diss@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Karl Bock**
 Contact Number : **0267707105**
 Contact Email : **KBock@guyra.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**
 Regional / Sub Regional Strategy : **N/A** Consistent with Strategy : **N/A**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	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 Guyra LEP 2012.**

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

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

Comment : **The Planning Proposal includes the proposed rural boundary clause within the explanation of provisions. To assist the public in understanding the proposal, and to avoid pre-empting Parliamentary Counsel's drafting of the amendment, it is considered preferable that the draft clause be removed and replaced with a plain English explanation prior to exhibition.**

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

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

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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 Guyra 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. This 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 Zone) 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? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

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 November 2015. A 6 month time frame for completion of the 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 :

Guyra LEP 2012 was notified on 30 November 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 Guyra 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 specifically 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 has 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 as it will apply to land identified as being bushfire prone. 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.

It is noted that the proposal currently states that is consistent with all applicable s117 Directions. To better inform the public, it is considered appropriate that the proposal be amended prior to public exhibition to identify the current inconsistencies with s117 Directions 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection.

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 : **6 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
Guyra Planning Proposal - Cover Letter.pdf	Proposal Covering Letter	Yes
GUYRA LEP 2012 Planning Proposal.pdf	Proposal	Yes
Council Report for Planning Proposal.pdf	Proposal	Yes
Council Minutes approving LEP Amendment 3 to proceed to Gateway Determination.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
4.3 Flood Prone Land
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 6 months;**

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4. That the RPA consult with the Commissioner of the NSW Rural Fire Service in 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;
 - identifying the current inconsistencies with s117 Directions 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection; and
 - replacing the current draft boundary adjustment clause in the explanation of provisions with a plain English explanation.

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

Signature:



Printed Name:

Craig Duss

Date:

5/8/15