

Item: 7.1 **Ref:** GINT/2015/02298
Title: Draft Amendment No 3 Guyra LEP 2012
Author: Planning & Regulatory Manager
Attachments: 1. Draft GUYRA LEP 2012 Amendment 3

Introduction:

A planning proposal has been prepared to amend the Guyra LEP 2012 to (i) permit boundary adjustment subdivisions in the RU1 Primary Production zone, where one or more allotments is less than 90% of the minimum lot size specified for subdivision; and (ii) to allow dual occupancy (detached) as a permissible use in the RU1 Primary Production zone.

This Report recommends that the Planning Proposal be forwarded to NSW Planning and Environment with a request for a Gateway Determination.

GENERAL MANAGER'S ADVISORY NOTE TO:

Councillors

Applicant

Persons making public submissions (written or verbal) Members of the Public

Record (Division) of Voting In accordance with Section 375A(3) of the Local Government Act 1993, a Division is required to be called whenever a motion for a planning decision is put at a meeting of the Council or a Council Committee.

Relevant Planning Application In accordance with Section 147(4) of the Environmental Planning and Assessment Act 1979, a person who makes a relevant planning application to Council is required to disclose the following reportable political donations and gifts (if any) made by a person with a financial interest in the application within the period commencing 2 years before the application is made and ending when the application is determined:

- (a) All reportable political donation made to any local councillor of the Council;
- (b) All gifts made to any local councillor or employee of the Council.

Relevant Public Submission In accordance with Section 147(5) of the Environmental Planning and Assessment Act 1979, a person who makes a relevant public submission to Council in relation to a relevant planning application made to the Council is required to disclose the following reportable political donations and gifts (if any) made by the person making the submissions or any associate of that person within the period commencing two years before the submission is made and ending when the application is determined:

- (a) All reportable political donations made to any local councillor of the Council;
- (b) All gifts to any local councillor or employee of the Council.

Disclosure of Reportable Political Donations and Gifts Planning Applications - Nil Public Submission – Nil.

Report:

The first step in amending a local environmental plan (LEP) is preparing a Planning Proposal. A Planning Proposal explains the intended effect of a proposed LEP and sets out the justification for making the amendment. Section 55(2) of the *Environmental Planning and Assessment Act 1979* (EPA Act) sets out the matters to be included in a Planning Proposal. A Planning Proposal can be prepared by a council, a landowner, developer or a third party on behalf of a landowner

or council. Irrespective of who prepares a Planning Proposal, council is responsible for the content of the Planning Proposal and quality of the information provided in support of the proposal. Council must ensure that the information is accurate, current and sufficient for issuing a Gateway determination and detailed enough for the purposes of consulting with agencies and the general community (*A Guide to Preparing Planning Proposals*, NSW Department of Planning and Infrastructure, 2012).

Purpose of Planning Proposal No. 3

Component 1

Where allotments are less than 90% of the minimum lot size specified for subdivision. Planning Proposal No. 3 is provided in Attachment 1 and has been prepared to amend the Guyra LEP 2014 to permit boundary adjustment subdivisions in the RU1 Primary Production zone, where one or more allotments is less than 90% of the minimum lot size specified for subdivision.

Component 2

Currently the Guyra LEP 2012 does not allow dual occupancy (detached) as a permissible use in the RU1 Primary Production zone. Planning Proposal No. 3 is provided in Attachment 1 and has been prepared to amend the Guyra LEP 2014 to permit dual occupancy (detached) as a permissible use in the RU1 Primary Production zone.

The draft amendment has been prepared based on similar provisions approved by NSW Planning and Environment and the Minister, for other local government areas.

Next step

Planning Proposal No. 3 may be forwarded to the NSW Planning and Environment with a request for a Gateway Determination. In doing so, Council will seek to use its local plan making delegations as the proposal satisfies the delegations outlined in *A Guide to Preparing Local Environmental Plans* (Department of Planning and Infrastructure, 2013).

Financial Implications:

No funding applications were considered.

Social and Environmental Implications:

Potential environmental and social issues associated with a rural boundary adjustment or construction of a dual occupancy (detached) will be considered at development application stage.

Policy Issues:

Not applicable.

Integrated Planning and Reporting Issues:

**Social Implications:**

Not applicable.

Risk Management Issues:

Not applicable.

Legal Issues:

Preparation of an amending LEP must be in accordance with the *Environmental Planning and Assessment Act 1979*.

RECOMMENDATION:

- (a) That the Planning Proposal for Draft Amendment No 3 to Guyra Local Environmental Plan 2012, which proposes:
- (i) to permit boundary adjustment subdivisions in the RU1 Primary Production zone, where one or more allotments is less than 90% of the minimum lot size specified for subdivision; and
 - (ii) to allow dual occupancy (detached) as a permissible use in the RU1 Primary Production zone.
- be forwarded to NSW Planning and Environment with a request for a Gateway Determination, in accordance with the *Environmental Planning and Assessment Act 1979*.
- (b) That a further report be provided to Council after a Gateway Determination is issued and following public exhibition of the Planning Proposal for Draft Amendment No 3 to Guyra Local Environmental Plan 2012.