

Nambucca LEP 2010 Draft Amendment No 8 – Changes to provisions concerning Secondary Dwellings.

Proposal Title : Nambucca LEP 2010 Draft Amendment No 8 – Changes to provisions concerning Secondary Dwellings.

Proposal Summary : The planning proposal seeks to;

1. Amend clause 5.4(9) of the Nambucca LEP 2010 to limit the size of secondary dwellings to 50% of the total floor area of the principal dwelling, or 60m² whichever is the greater.
2. List “Secondary dwellings” as permissible with consent in zones RU1 Primary Production and RU2 Rural Landscape in the Nambucca LEP 2010.

PP Number : PP_2012_NAMBU_001_00 Dop File No : 12/01101

Planning Team Recommendation

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

S.117 directions :

- 1.2 Rural Zones
- 1.4 Oyster Aquaculture
- 1.5 Rural Lands
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements

Additional Information : It is recommended that;

1. The first component of the planning proposal, relating to the limit on the size of secondary dwellings, proceed as a ‘routine’ planning proposal.
2. The second component of the planning proposal, to permit secondary dwellings in rural zones, should not proceed.
3. The planning proposal is to be completed within 6 months.
4. That a community consultation period of 14 days is necessary for the first component of the planning proposal.
5. That 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. It is recommended that a delegate of the Director General agree that the inconsistency of that component of the planning proposal relating to the size of secondary dwellings with S117 Direction 3.1 is justified in accordance with the provisions of the direction.

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

Size of Secondary Dwellings.

1. The proposed reduction in the size of secondary dwellings will contribute to providing variety and choice of housing in the Nambucca Shire.

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2. The proposed amendment reflects Council's original intention for the size of secondary dwellings prior to the SI Amendment.
3. The proposed reduction in the size of secondary dwellings reflects the intention of the standard instrument provisions for secondary dwellings as being subordinate to and smaller than the principal dwelling.

Secondary Dwellings in Rural Zones.

1. The proposal is inconsistent with the Rural Planning Principles of SEPP (Rural Lands) 2008.
2. The proposal is inconsistent with the Mid North Coast Regional Strategy.
3. The proposal is inconsistent with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 4.1 Acid Sulfate Soils, and 5.1 Implementation of Regional Strategies and the inconsistencies have not been justified.

Panel Recommendation

Recommendation Date : 19-Jan-2012

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. 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 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. Council is to provide additional information in relation the planning proposal's consistency with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, and 5.1 Implementation of Regional Strategies in relation to the proposal to include Secondary dwellings in Rural zones. Council is required to provide additional justification for the planning proposal against these S117 Directions and to place this additional material on exhibition with the planning proposal.

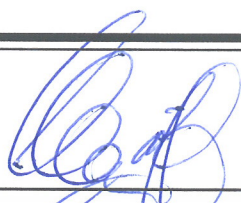
4. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

5. 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).

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

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Signature: _____



Printed Name: _____

Norm McEwen

Date: _____

24.1.12