

Amendment to Inverell LEP 2012 to provide greater flexibility in relation to rural boundary adjustment subdivisions on land zoned RU1 and the subdivision of certain types of residential accommodation on land zoned R1

Proposal Title :	Amendment to Inverell LEP 2012 to provide greater flexibility in relation to rural boundary adjustment subdivisions on land zoned RU1 and the subdivision of certain types of residential accommodation on land zoned R1		
Proposal Summary :	The insertion of provisions into Inverell LEP 2012 that will allow for the following; * Greater flexibility for rural boundary adjustment subdivisions in the RU1 Primary Production zone, and * Greater flexibility in relation to the subdivision of certain types of residential accommodation in the R1 General Residential zone.		
PP Number :	PP_2013_INVER_001_00	Dop File No :	13/17516

Proposal Details

Date Planning Proposal Received :	16-Oct-2013	LGA covered :	Inverell
Region :	Northern	RPA :	Inverell Shire Council
State Electorate :	NORTHERN TABLELANDS	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	All land zoned RU1 Primary Production and R1 General Residential within the LGA of Inverell		

DoP Planning Officer Contact Details

Contact Name :	Gina Davis
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RPA Contact Details

Contact Name :	Chris Faley
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DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :		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 Infrastructure'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 Inverell LEP 2012.**

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

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

Comment : **The Planning Proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.**

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Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA : **4.4 Planning for Bushfire Protection**

* May need the Director General's agreement

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered : **The New England North West Strategic Regional Land Use Plan applies to the Inverell LGA.**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The Planning Proposal relates to changes to the written document only. No associated LEP mapping is required.**

A map showing where the Planning Proposal applies within the LGA (RU1 Primary Production & R1 General Residential Zones) 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 deals with matters of only local significance, it is considered appropriate that an authorisation to exercise its plan making delegations be issued to

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Council.

The RPA has provided a project time line which estimates that the LEP will be ready for submission to the Department for notification in March 2014. The submitted project time line is considered as reasonable and a 6 month time frame for completion of the proposal is recommended.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Inverell LEP 2012 was made on 7 December 2012.

Assessment Criteria

Need for planning
proposal :

The proposal to amend the LEP and introduce additional provisions for the subdivision of rural land and for the subdivision of certain types of residential accommodation, is not the subject of a specific strategic study or report.

The Planning Proposal has two main aims;

1. To create greater flexibility and certainty in relation to the subdivision of land in the RU1 Primary Production Zone. Insertion of the subject clause would enable boundary adjustments in rural areas where one or more allotments will be less than 90% of the Minimum Lot Size (MLS) to provide for improved agricultural or environmental outcomes, subject to:

- no additional lots or opportunities for additional dwellings being created; and
- there is no increase potential for land use conflict.

2. To provide greater flexibility in the R1 General Residential Zone to permit subdivision below the MLS in respect to dual occupancies, multi-dwelling housing, residential flat buildings or semi-detached dwellings.

It is noted that both types of subdivision have been historically common in the LGA under Council's former planning instrument, and that no adverse impacts from the historical application of these types of subdivision have been identified.

Council has not prepared draft clauses to implement the outcomes of the proposal. Parliamentary Counsel's Office will draft the required clauses that properly achieve the purposes of the planning proposal post exhibition.

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Consistency with strategic planning framework :

Whilst no Regional Strategies apply to the Inverell 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 Regional Land Use Plan.

The Planning Proposal is considered to be consistent with all applicable SEPPs.

In regards to the proposed RU1 zone provision in particular, it is considered that they will not be inconsistent with the Rural Subdivision Principles or Rural Planning Principles of the SEPP (Rural Lands) 2008 as the provisions will;

1. Not contribute to the unnecessary fragmentation of rural land as no additional lots are to be created;
2. Require consideration of potential land use conflict with surrounding land uses (such as agriculture);
3. Not create additional opportunities for dwellings in rural zones.

The Planning Proposal is considered to be consistent with all applicable section 117 Directions, except in relation to the following;

S117 Direction 4.4 Planning for Bushfire Protection

This Direction is relevant as the Planning Proposal will affect land that is identified as bushfire prone land. 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.

Environmental social economic impacts :

No significant adverse environmental, social or economic impact has been identified as resulting from the proposal.

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 :

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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
council report.pdf	Proposal	Yes
planning proposal.pdf	Proposal	Yes
cover letter.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions: **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;
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. That an authorisation to exercise delegation be issued to Council; and
7. Prior to public exhibition the Planning Proposal be amended to include appropriate mapping illustrating the land affected by the proposal.

Supporting Reasons : **The Planning Proposal will amend Inverell LEP 2012 for the purpose of creating greater flexibility for landowners within the RU1 with respect to boundary adjustments that do not meet the minimum lot size shown on the Lot Size Map and R1 zones with respect to the subdivision of certain types of residential accommodation.**

Signature:



Printed Name:

Craig Diss

Date:

23/10/13