

PLANNING PROPOSAL – AMENDMENT NO. 1 – INVERELL LEP 2012

FINAL VERSION

September 2013



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This is a Planning Proposal prepared under Section 55 of the *Environmental Planning and Assessment Act 1979*, in relation to a proposed amendment to *Inverell Local Environmental Plan 2012*. It will be assessed by Inverell Shire Council, the NSW Department of Planning and Infrastructure, and (depending on the Gateway Panel's determination) used for public participation on the proposed LEP amendment.

BACKGROUND

Proposal	To provide additional provisions (with no public effect) within the <i>Inverell Local Environmental Plan 2012</i> .
Property Details	The planning proposal applies to all land within the RU1 Primary Production and R1 General Residential zones.
Applicant Details	Inverell Shire Council
Land owner(s)	Various
Brief history	Planning Proposal – LEP Amendment No. 1 has been prepared in response to the identification of: ▪ The lack of a provision which allows for a greater degree of flexibility in relation to rural boundary adjustment subdivision; and ▪ The lack of a provision which allows for a greater degree of flexibility in relation to subdivision of certain types of residential accommodation, which was previously permissible under the Inverell Local Environmental Plan 1988.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is:

- (1) To provide greater flexibility and certainty in relation to subdivision of land for particular purposes through the following:
 - (a) Permitting 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 subject to the application providing for improved agricultural or environmental outcomes without creating additional opportunities for the establishment of dwelling houses; and
 - (b) Permitting subdivision below the minimum lot size within the R1 General Residential zone if development consent has been granted in respect of the subdivision for dual occupancies, multi-dwelling housing, residential flat buildings or semi-detached dwellings.

PART 2 – EXPLANATIONS OF PROVISIONS

Rural Boundary Adjustments

This planning proposal seeks to provide for greater flexibility and certainty in relation to subdivision of rural land in specific circumstances. This will include an additional provision within the *Inverell Local Environmental Plan 2012*. An explanation of this provision is provided below:

- (1) Explains the objectives of the provisions.
- (2) Defines which zone the provisions apply to being the RU1 Primary Production zone.
- (3) Indicates that despite minimum lot size provisions contained in the plan, subdivision of undersized allotments may occur where Council is satisfied that no additional dwelling entitlement would be created and potential for land use conflicts are not increased.

Subdivision of Certain Residential Accommodation

This planning proposal seeks to provide for greater flexibility and certainty in relation to subdivision of residential land in specific circumstances. This will include an additional provision within the *Inverell Local Environmental Plan 2012*. An explanation of this provision is provided below:

- (1) Indicates that despite minimum lot size provisions in the R1 General Residential zone, the minimum lot size for the subdivision of approved dual occupancies, multi-dwelling housing, residential flat buildings or semi-detached dwellings is 300 square metres.

PART 3 – JUSTIFICATION

Section A – Need for the planning proposal

(1) Is the planning proposal a result of any strategic study or report?

The planning proposal is consistent with the historic assessment of development applications within the Shire for subdivision.

(2) Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the best way to achieve the intended outcomes for rural boundary adjustments as it is based in similar provisions approved by the Department of Planning and Infrastructure and the Minister for other local government areas.

If an additional clause relating to subdivision of certain residential accommodation is not added to the *Inverell Local Environmental Plan 2012*, then it will be necessary to utilise the provisions of Clause 4.6 of the *Inverell Local Environmental Plan 2012*, which is not desirable.

(3) Is there a net community benefit?

There is a net community benefit in continuing the historic approach to logical rural boundary adjustments and subdivision of certain residential accommodation.

Section B – Relationship to strategic planning framework

(1) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The planning proposal is not inconsistent with the *New England North West Strategic Regional Land Use Plan* and the *New England North West Regional Action Plan*.

(2) Is the planning proposal consistent with Council's Strategic Plan 2009-2029?

The planning proposal is not inconsistent with Council's strategic plan.

(3) Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with all applicable state environmental planning policies.

(4) Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with all applicable Section 117 directions, with the exception of Direction 4.4 – Planning for Bush Fire Protection.

4.4 – Although inconsistent with this direction, it is not considered significant as consultation will be undertaken with the New South Wales Rural Fire Service.

Section C – Environmental, social and economic impact

(1) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

It is unlikely that the planning proposal will result in any adverse impacts to threatened species, their habitats or endangered ecological communities. However, should development applications be received under the new provisions, appropriate consideration will be given to environmental impacts including threatened species.

(2) Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

It is unlikely that the planning proposal will result in any adverse environmental impacts. However, should development applications be received under the new provisions, appropriate consideration will be given to environmental impacts.

(3) How has the planning proposal adequately addressed any social and economic effects?

The planning proposal allows for logical subdivisions to occur. Social and economic impacts can be considered during any subsequent development applications received under the new provisions.

Section D – State and Commonwealth interests

(1) Is there adequate public infrastructure for the planning proposal?

The planning proposal does not create the need for any additional public infrastructure.

(2) What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Council is yet to undertake consultation with other government agencies. It is likely the New South Wales Rural Fire Service will be consulted.

PART 4 – MAPPING

The proposed amendment relates only to the written component of the *Inverell Local Environmental Plan 2012*, as such, no mapping is proposed as part of the amendment.

PART 5 – COMMUNITY CONSULTATION

Council has not undertaken any community consultation concerning this planning proposal. It is anticipated that this will occur as part of the formal exhibition of the planning proposal or as directed through the gateway determination process.

The planning proposal is considered to be low impact and a 14 day exhibition period is proposed for the planning proposal, which includes:

- 1 notification of exhibition in the local and other regional newspapers;
- A display at Council's Administration Centre; and
- Exhibition on Council's website.

PART 6 – PROJECT TIMELINE

Task	Anticipated timeframe
Date of Gateway Determination	1 November 2013
Completion of required technical information, studies	No further studies expected.
Government agency consultation (pre exhibition as required by Gateway Determination)	5 November 2013 to 26 November 2013
Any changes made to Planning Proposal resulting from technical studies and government agency consultations. Resubmit altered Planning Proposal to Gateway panel. Revised Gateway determination issued, if required.	Not Applicable.
Commencement and completion dates for public exhibition.	29 November 2013 to 13 December 2013
Consideration of submissions, report Planning Proposal post exhibition	February 2014
Council requests a draft instrument be prepared by parliamentary counsel	February 2014
Council resolves to adopt and make draft LEP	March 2014
Formal notification of the plan	March 2014

CONCLUSION

The planning proposal is considered to be consistent with relevant statutory and policy provisions. It seeks to insert two clauses in the *Inverell Local Environmental Plan 2012* to facilitate additional subdivisions consistent with the historic assessment of development applications.

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