

MINUTES OF THE ORDINARY MEETING OF INVERELL SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATIVE CENTRE, 144 OTHO STREET, INVERELL ON TUESDAY, 17 SEPTEMBER, 2013, COMMENCING AT 3 PM.

**SECTION C
COMMITTEE REPORTS**

2. CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING MINUTES – 4 SEPTEMBER 2013 S4.11.16

125/13 RESOLVED (Baker/Girle) that:

- i) *the Minutes of the Civil & Environmental Services Committee Meeting held on Wednesday, 4 September, 2013, be received and noted; and*
- ii) *the following recommendations of the Civil & Environmental Services Committee be adopted by Council:*

1. PLANNING PROPOSAL - AMENDMENT TO INVERELL LOCAL ENVIRONMENTAL PLAN 2012 S18.6.34/05

That:

- i) *Council support the submission of a Planning Proposal to the NSW Department of Planning and Infrastructure's Gateway Panel for determination;*
- ii) *upon a positive Gateway determination being received from the NSW Department of Planning and Infrastructure, the Director Civil and Environmental Services be authorised to undertake the procedural steps associated with the progress of the planning proposal, including public exhibition; and*
- iii) *a further report be submitted in relation to this matter following public exhibition.*

MINUTES OF THE CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD IN THE COMMITTEE ROOM, 144 OTHO STREET, INVERELL ON WEDNESDAY, 4 SEPTEMBER, 2013, COMMENCING AT 8.30 AM.

**SECTION D
DESTINATION REPORTS**

1. PLANNING PROPOSAL - AMENDMENT TO INVERELL LOCAL ENVIRONMENTAL PLAN 2012 S18.6.34/05

RESOLVED (Michael/Watts) that the Committee recommend to Council that:

- i) *Council support the submission of a Planning Proposal to the NSW Department of Planning and Infrastructure's Gateway Panel for determination;*
- ii) *upon a positive Gateway determination being received from the NSW Department of Planning and Infrastructure, the Director Civil and Environmental Services be authorised to undertake the procedural steps associated with the progress of the planning proposal, including public exhibition; and*
- iii) *a further report be submitted in relation to this matter following public exhibition.*

ITEM NO:	1.	FILE NO: S18.6.34/05
DESTINATION 3:	An environment that is protected and sustained	E
SUBJECT:	PLANNING PROPOSAL - AMENDMENT TO INVERELL LOCAL ENVIRONMENTAL PLAN 2012	
PREPARED BY:	Chris Faley, Development Planner	

SUMMARY:

The purpose of this report is to seek support from the Civil and Environmental Services Committee to submit a "Planning Proposal" to the NSW Department of Planning and Infrastructure's Local Environmental Plan Gateway Panel for determination. The Planning Proposal incorporates amendments to the *Inverell Local Environmental Plan 2012* relating to rural boundary adjustments and residential subdivisions of approved dual occupancy, multi dwelling housing, residential flat buildings and semi-detached housing proposals.

COMMENTARY:

The *Inverell Local Environmental Plan 2012* (ILEP 2012) commenced on 7 December, 2012. The ILEP 2012 provides the local environmental planning provisions for the Inverell Shire.

Since the commencement of the ILEP 2012, the limitations set in relation to subdivision have meant that certain subdivisions, which were previously permissible under the provisions of the *Inverell Local Environmental Plan 1988*, can no longer occur. The purpose of the Planning Proposal is to amend the ILEP 2012 which will permit those subdivisions.

In accordance with the provisions of Section 55 of the *Environmental Planning & Assessment Act 1979*, before an environmental planning instrument (including an amendment) is made, Council is required to prepare a report that explains the intended effect of the proposed amendment and sets out the justification for making the amendment. This report is called a "Planning Proposal".

The Planning Proposal seeks to amend the ILEP 2012 with the insertion of two (2) additional subdivision provisions to improve flexibility and allow for a greater degree of assessment of subdivision proposals, where environmental and planning outcomes can be achieved.

A copy of the Draft Planning Proposal is attached as Appendix 1, D10 – D16 to this report. The Draft Planning Proposal has been prepared considering, and is consistent with, the Department of Planning and Infrastructure's *"A guide to preparing planning proposals"* – October 2012.

A summary of the proposed new subdivision provisions is provided below.

Provision Summary	Reason and Key Elements
Enable boundary adjustment subdivisions on rural land where lot sizes do not meet minimum lot size standards (or existing exceptions).	The Standard Instrument Local Environmental Plan template significantly limits the potential for boundary adjustment subdivisions in rural areas.
<i>Example 1: A circumstance where a farmer wishes to adjust a boundary to acquire adjoining land for agricultural expansion, where the lots do not meet the minimum lot</i>	Given boundary adjustment subdivision is a common form of subdivision in rural areas and has the potential to provide for improved agricultural and/or environmental outcomes,

size provisions. <i>Example 2: A circumstance where existing lots (being less than the minimum lot size) have demonstrated dwelling entitlements and the owner seeks to reconfigure the lot layout to allow for more suitable lots according to topography, environmental or access provisions.</i>	more flexibility and merit based assessment is proposed. The provision would deliver more opportunity for boundary adjustment subdivision to be considered by Council subject to a proposal not resulting in: ▪ Creation of additional lots or opportunities for dwellings; or ▪ Land use conflict. A number of other Councils have successfully submitted Planning Proposals regarding this matter.
Enable a minimum lot size of 300m² for the Torrens Title subdivision of dual occupancies, multi dwelling housing, residential flat buildings and semi-detached dwellings in the R1 General Residential zone. <i>Example 1: An attached dual occupancy (duplex) is constructed in a residential street on an allotment of 600m². The units share a common wall, but no other common property. A Torrens Title subdivision (2 equal lots of 300m²) would occur rather than Strata Title.</i>	It is permissible to construct (subject to design and merit based assessment) dual occupancies, multi dwelling housing, residential flat buildings and semi-detached dwellings on residential land of any size. These forms of development often incorporate (and require) subdivision to sell dwellings separately. The ILEP 2012 specifies a minimum lot size of 450m² in the R1 General Residential zone for Torrens Title subdivision. To create lots less than 450m², it has to be undertaken as Strata Title subdivision. Based on recent enquiries and feedback from builders, surveyors and real estate agents, Strata Title Subdivisions in Inverell are not as desirable as Torrens Title Subdivisions. Strata Subdivisions have greater on-going costs and are not in keeping with Council's historic approach to infill residential subdivisions. The provision would enable Torrens Title allotments of 300m² where the residential development is already approved and environmental impacts associated with the building/s have been considered. 300m² is consistent with the provisions contained in Council's recently adopted Development Control Plan 2013. There will still be a place for Strata Title subdivisions, particularly for development involving multi-storey residential flat buildings or residential development with common property (e.g. internal roads, parking areas, open space, etc.). This provision will replicate similar provisions applied by other Councils in NSW.

The Department of Planning and Infrastructure has informally advised Council's Manager Development Services via e-mail that Council is able to proceed with the Planning Proposal through the "Gateway Process".

The "Gateway Process" results in the Department of Planning and Infrastructure delegating the plan making powers to Council. This would allow Council to expedite the amendment to the ILEP 2012.

To facilitate the next step in the process, the Committee is asked to support the submission of the Planning Proposal to the NSW Department of Planning and Infrastructure's Gateway Panel for determination. If supported by the NSW Department of Planning and Infrastructure, the proposal will be subject to a public exhibition period prior to further consideration by Council.

RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:

Strategy: E.03 Protect, rehabilitate and manage all impacts on the built and natural environment.

Term Achievement: E.03.03 The Shire's built and natural heritage is being promoted, protected and conserved.

Operational Objective: E.03.03.01 To facilitate the protection and rehabilitation of significant examples of the built environment.

POLICY IMPLICATIONS: The proposed amendment to the *Inverell Local Environmental Plan 2012* will assist Council in the administering of its provision and the orderly development of land within the Inverell Shire.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil.

LEGAL IMPLICATIONS: The amendment to the *Inverell Local Environmental Plan 2012* will be undertaken in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

RECOMMENDATION:

That the Committee recommend to Council that:

- i) Council support the submission of a Planning Proposal to the NSW Department of Planning and Infrastructure's Gateway Panel for determination;*
- ii) upon a positive Gateway determination being received from the NSW Department of Planning and Infrastructure, the Director Civil and Environmental Services be authorised to undertake the procedural steps associated with the progress of the planning proposal, including public exhibition; and*
- iii) a further report be submitted in relation to this matter following public exhibition.*