

Weddin LEP 2011 - Amend Clause 4.3B relating to dwellings on rural and environmental protection zones

Proposal Title : **Weddin LEP 2011 - Amend Clause 4.3B relating to dwellings on rural and environmental protection zones**

Proposal Summary : **Proposal to amend clause 4.2B(3) of the Weddin LEP 2011 to remove ambiguity and replace with later model clause**

PP Number : **PP_2014_WEDDI_001_00** Dop File No : **14/07094**

Proposal Details

Date Planning Proposal Received : **22-Apr-2014** LGA covered : **Weddin**

Region : **Western** RPA : **Weddin Shire Council**

State Electorate : **BURRINJUCK** Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : **Applies to all land that is zone RU1 Primary Production and zone E3 Environmental Management**

DoP Planning Officer Contact Details

Contact Name : **Wayne Garnsey**

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RPA Contact Details

Contact Name : **Brendan Hayes**

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DoP Project Manager Contact Details

Contact Name : **Azaria Munro**

Contact Number : **0268412180**

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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**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	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 :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **No known meetings with registered Lobbyists**

Supporting notes

Internal Supporting Notes : **Council has received conflicting legal advice on how to interpret the current clause and as a result there is unexpected consequences and uncertainty. The issue relates to the term "...and on which no dwelling house has been erected," in Clause 4.2B(3) of the Weddin LEP 2011.**

Council has received interpretation that this term extends to where a dwelling has been erected on land at anytime in the past meaning that Clause 4.2B does not apply thus a development application can be determined on merit without reference to Clause 4.2B. This interpretation then opens up the ability to place a dwelling on all rural land that had a dwelling house thereon which is inconsistent with the intent of planning for dwellings on rural land.

The Proposal is supported as the later model clause will remove ambiguity for Council and the public.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

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

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

Comment :

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Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

2.1 Environment Protection Zones

Is the Director General's agreement required? **No**

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 :

Council proposes to use latest model clause which is supported

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

Mapping is not required for this amendment

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council proposes not to consult with the public as Council considers this a minor matter.

Because a model clause is to be changed that affects all land in zones RU1 and E3 it is therefore necessary to consult with the public for a minimum of 14 days. There is no need to consult with agencies.

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 :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The Weddin LEP 2011 (Principal Standard Instrument LEP) was notified on 5 December 2011

Assessment Criteria

Need for planning proposal :

A planning proposal is required as it is proposed to amend Clause 4.2B of the Weddin LEP 2011.

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Consistency with strategic planning framework :

The proposal is consistent with strategic planning as the current clause has unexpected consequences and is to be amended to remove ambiguity.

Environmental social economic impacts :

The proposal will have positive environmental, social and economic impacts as it clarifies where dwellings are permitted on land in zones RU1 and E3.

Assessment Process

Proposal type :

Minor

Community Consultation Period :

14 Days

Timeframe to make LEP :

6 months

Delegation :

RPA

Public Authority Consultation - 56(2)(d) :

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 :

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

Planning Team Recommendation

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

S.117 directions:

1.2 Rural Zones

1.5 Rural Lands

2.1 Environment Protection Zones

Additional Information :

Approve subject to:-

- Planning proposal be completed in 6 months

- Community consultation is to be undertaken for a minimum of 14 days

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Supporting Reasons :

- Weddin Shire Council be issued with Authorisation to use plan making delegations

The Proposal is supported as it will remove ambiguity in the interpretation of Clause 4.2B in relation to dwellings on land that is zoned RU1 and E3 for both Council and the community

Signature:



Printed Name:

W GARNSEY

Date:

24/4/14

Endorsed



Azaria Munro Dobson
A/General Manager, Western Region
Growth Planning & Delivery