

Bathurst Regional Council - Additional Model Clauses - Temporary use of land, Drinking water catchment and Minimum lot size for certain split zones

Proposal Title :	Bathurst Regional Council - Additional Model Clauses - Temporary use of land, Drinking water catchment and Minimum lot size for certain split zones		
Proposal Summary :	Amend the Bathurst Regional Local Environmental Plan 2014 to include provisions which permit the temporary use of land (except for land within zone RU2 Rural Landscape), subdivision of lots zoned both rural and residential where land zoned rural is below the minimum lot size and to ensure development in drinking water catchments considers the likely impacts on the catchment.		
PP Number :	PP_2015_BATHU_003_00	Dop File No :	15/09022

Proposal Details

Date Planning Proposal Received :	02-Jun-2015	LGA covered :	Bathurst Regional
Region :	Western	RPA :	Bathurst Regional Council
State Electorate :	BATHURST	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :			
Suburb :		City :	Bathurst
		Postcode :	2795
Land Parcel :	Applies to Bathurst Regional local government area		

DoP Planning Officer Contact Details

Contact Name :	Jessica Holland
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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	

Bathurst Regional Council - Additional Model Clauses - Temporary use of land, Drinking water catchment and Minimum lot size for certain split zones

MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting Notes : The proposal is to insert model provisions that will provide Council with flexibility and protect water catchment.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The statement of objectives clearly states the intent of the planning proposal is to permit the temporary use of land (except on land within zone RU2 Rural Landscape, subdivision of land zoned both rural and residential where the rural land is below the minimum lot size and to ensure protection of the drinking water catchment by including a consideration of impacts in development assessment.

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

Is an explanation of provisions provided? Yes

Comment : The intent of the planning proposal is proposed to be achieved by amending the Bathurst Regional LEP 2014 to include three additional model clauses, as follows:
cl2.8 Temporary use of land
cl4.1C Minimum lot sizes for certain split zone lots
cl 7.14 Drinking water catchment

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

Bathurst Regional Council - Additional Model Clauses - Temporary use of land, Drinking water catchment and Minimum lot size for certain split 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? **SEPP (Rural Lands) 2008**

e) List any other matters that need to be considered :

1.2 Rural Zones: The Ministerial Direction is relevant as the proposal affects land within existing rural zones. The Direction requires a planning proposal must not rezone land from a rural zone to a residential zone or contain provisions that will increase the permissible density of land within a rural zone. The planning proposal is consistent with this Direction as it does not propose to amend the land use zone or permit an increase density of residential development but provides clarity and flexibility.

1.5 Rural Lands: The Ministerial Direction is relevant as the planning proposal effects land within a rural zone. The Direction required the planning proposal to be consistent with the rural planning principles and rural subdivision principles in the SEPP (Rural Lands) 2008.

The planning proposal is consistent with this Direction and supports productive sustainable economic activities by providing a mechanism which permits subdivision of certain lots which contain land in both a rural and residential zone and clarifies where dwellings are permitted. The proposal does not permit an increase in the number of dwellings permitted on rural land or the creation of additional allotments below the minimum lot size. It will not result in the fragmentation of rural land and does not impact on services and infrastructure. The model clause allows subdivision of land zoned for residential purposes while maintaining the existing provisions for rural land.

2.1 Environmental Protection Zones: The Ministerial Direction is relevant as the planning proposal affects land within environmental protection zones. The Direction requires that a planning proposal must not reduce the environmental protection standards that apply to land. the planning proposal is consistent with the Direction and provides that development will result in the continued protection and long term maintenance within environmental protection zones.

4.3 Flood Prone Land: The Ministerial Direction is relevant as the proposal will apply across the Bathurst LGA. The proposal is consistent with this Direction as it does not undermine the existing flood prone land provisions.

4.4 Planning for Bushfire Protection: The Ministerial Direction is relevant as the proposal will apply across the Bathurst LGA. The proposal is consistent with this Direction as it does not undermine the existing bushfire prone land provisions.

SEPP (Rural Lands) 2008: The SEPP is relevant as the planning proposal affects rural land. The planning proposal is consistent with the rural planning and rural subdivision principles of the SEPP.

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 seeks to include provisions that will apply to land as follows:

- Temporary use of land: All land except for land within zone RU2 Rural Landscape

- Minimum lot sizes for certain split zone lots: Land within a rural, environmental protection, residential, business or industrial zone.

- Drinking water catchment: All land identified on the Drinking Water Catchment Maps (prepared as part of this planning proposal).

Bathurst Regional Council - Additional Model Clauses - Temporary use of land, Drinking water catchment and Minimum lot size for certain split zones

Adequate draft maps (DWC_006, DWC_007, DWC_001, DWC_012, DWC_013, DWC_015 and DWC_0016) are included in the planning proposal. These maps will need to comply with the technical mapping guidelines at section 59.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council's proposed community consultation is acceptable. Council intends to publicly exhibit the planning proposal for a period of 28 days.**

Council proposed community consultation that will include notification in the local newspaper (Western Advocate), Council's website, written notification to landowners affected by the split zoned lot provision, written notification to landowners, interest groups and local biosolids disposal agency regarding the drinking water catchment provision.

Hard copies of the planning proposal will be available for viewing at Council's Administration Office.

This proposed consultation process is acceptable.

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 : **November 2014**

Comments in relation to Principal LEP : **The Bathurst Regional Local Environmental Plan 2014 was notified 19 November 2014.**

Assessment Criteria

Need for planning proposal : **The planning proposal is required to permit the temporary use of land (except on land zone RU2 Rural Landscape), subdivision of lots zoned both rural and residential where land zoned rural is below the minimum lot size and to protect the drinking water catchment by requiring development in drinking water catchments to consider the likely impacts on the catchment.**

Consistency with strategic planning framework : **The proposed drinking water catchment clause is consistent with the Australian Drinking Water Guidelines 2011 in respect of employing preventative measures for effective drinking water quality control.**

The model clauses are consistent with the objectives of the Bathurst 2036 community Strategic Plan and the endorsed Bathurst Region Strategies.

Environmental social economic impacts :

Bathurst Regional Council - Additional Model Clauses - Temporary use of land, Drinking water catchment and Minimum lot size for certain split zones

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

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

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
Bathurst initial request for gateway.pdf	Proposal	No
Bathursts Am 4 Planning Proposal requesting gateway determination.pdf	Proposal	No
Bathurst evaluation for delegation.pdf	Proposal	No
Bathurst PP covering letter dated 28 May 2015.pdf	Proposal Covering Letter	No

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
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection**

Additional Information : **1. Community Consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
a) the planning proposal must be made publicly available for a minimum of 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**

Bathurst Regional Council - Additional Model Clauses - Temporary use of land, Drinking water catchment and Minimum lot size for certain split zones

publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

2. Consultation is required with the NSW Office of Water under Section 56 (2)(d) of the EP&A Act. The NSW Office of Water is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the planning proposal prior to community consultation.

3. Consultation is required with Oberon Council and City of Lithgow Council. The local governments are to be provided with a copy of the planning proposal and any relevant supporting material.

4. 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).

5. Prior to submission of the planning proposal under section 59 of the EP&A Act the relevant LEP Maps that apply to water catchment are to be prepared compliant with the Department's 'Standard technical requirements for LEP maps'.

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

7. Bathurst Regional Council be authorised to exercise plan making delegations.

Supporting Reasons :

The proposal is to insert model clauses into the Bathurst Regional LEP 2014 which will aid clarity, flexibility and protect the water catchment.

Signature:

W Garnsey

Printed Name:

W Garnsey

Date:

5/6/15

Endorsed
A. W. W.  5-6-2015
A Albany
AM WR.