

**Various corrections and refinements to Moree Plains LEP 2011 including amendments to various local clauses and land use tables, the inclusion of an additional local clause and changes to the land zoning and lot size maps.**

Proposal Title : Various corrections and refinements to Moree Plains LEP 2011 including amendments to various local clauses and land use tables, the inclusion of an additional local clause and changes to the land zoning and lot size maps.

Proposal Summary : To undertake a housekeeping amendment of various corrections and refinements to Moree Plains LEP 2011 including amendments to various local clauses and land use tables, the inclusion of an additional local clause and changes to the land zoning and lot size maps.

PP Number : PP\_2013\_MOREE\_002\_00 Dop File No : 13/15014

### 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  
3.1 Residential Zones  
4.3 Flood Prone Land  
4.4 Planning for Bushfire Protection  
6.1 Approval and Referral Requirements  
6.2 Reserving Land for Public Purposes  
6.3 Site Specific Provisions

Additional Information : It is recommended that:

- 1) The Planning Proposal be supported subject to conditions;
- 2) The Planning Proposal be exhibited for a period of 14 days;
- 3) The Planning Proposal should be completed within 9 months;
- 4) The Planning Proposal be amended prior to exhibition to:
  - contain only a plain English explanation of the intended clauses;
  - amend the proposed local clause in Item 2 - Detached Dual Occupancies in Zone RU1 to be a heads of consideration matter;
  - include maps clearly identifying and highlighting the proposed map changes for Items 4 and 7;
- 5) Consultation with the following agencies and organisations should be required prior to public exhibition:
  - NSW Rural Fire Service; and
  - NSW Office of Heritage and Environment - Floodplain Unit;
- 6) The Director General's delegate agree that the inconsistencies with s117 Directions 1.2 Rural Lands and 4.3 Flood Prone Land are justified;
- 7) The potential unresolved inconsistency with s117 Directions 4.4 Planning for Bushfire Protection be noted;
- 8) That a revised project time line (that addresses consultation with public authorities and a 9 month completion time frame) be included in the Planning Proposal prior to public exhibition; and
- 9) That an authorisation to exercise plan making delegations not be issued to Council.

Supporting Reasons : The Planning Proposal will undertake various corrections and refinements to the Moree Plains LEP 2011. These corrections and refinements are considered as important in permitting the LEP to operate effectively and accurately. The improved housing choice and support for primary production industries that will occur due to the Planning Proposal is anticipated to have positive economic and social impacts for the Moree Plains LGA.

The proposal as recommended is considered to be consistent with the strategic planning framework (or justifiably inconsistent with the relevant s117 Directions).

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#### **Panel Recommendation**

Recommendation Date : **12-Sep-2013**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **This planning proposal is considered minor and the Gateway determination is to be issued under delegation by the Regional Director. Therefore the planning proposal will not be considered by the panel.**

#### **Gateway Determination**

Decision Date : **13-Sep-2013**

Gateway Determination : **Passed with Conditions**

Decision made by : **Regional Director, Northern Region**

Exhibition period : **14 Days**

LEP Timeframe : **9 months**

Gateway Determination : **The Planning Proposal should proceed subject to the following conditions:**

**1. Prior to undertaking public exhibition, Council is to:**

- (a) amend the 'explanation of provisions' within the planning proposal to remove the proposed clauses and LEP drafting amendments and instead provide a plain English explanation of the intended provisions;
- (b) amend the 'objectives or intended outcomes' and 'explanation of provisions' within the planning proposal in relation to the proposed local clause for detached dual occupancies in Zone RU1 to be a heads of consideration matter; and
- (c) update the planning proposal to include maps clearly identifying the proposed map changes in relation to Item 4 - Mapping Anomaly and Item 7 - Lot Size Change at Ashley.

**2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:**

- (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of 14 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 publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

**3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:**

- **NSW Rural Fire Service**
- **NSW Office of Environment and Heritage - Floodplain Unit**

**Each public authority 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 proposal. If necessary, the planning proposal is to be updated to take into consideration comments made by the public authorities prior to exhibition.**

**4. Prior to undertaking public exhibition, Council is to update the project time line within the planning proposal to include a consultation time frame with public authorities in accordance with Section 2.6 Part 6 of the Guide to Preparing Planning Proposals.**

**5. 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).**

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

Various corrections and refinements to Moree Plains LEP 2011 including amendments to various local clauses and land use tables, the inclusion of an additional local clause and changes to the land zoning and lot size maps.

Signature:



Printed Name:

STEPHEN MURRAY

Date:

13 SEPTEMBER 2013