

Planning and Assessment

IRF19/6949

Gateway determination report

LGA	Narrandera
PPA	Narrandera Shire Council
NAME	Clause 4.2C - Amendment to include RU4 Primary Production Small Lots
NUMBER	PP_NARRN_2019_001_00
LEP TO BE AMENDED	Narrandera LEP 2013 (NLEP 2013)
ADDRESS	Various
DESCRIPTION	Various
RECEIVED	29 October 2019
FILE NO.	IRF19/6949
POLITICAL DONATIONS	There are no known donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no known meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal will amend clause 4.2C of NLEP 2013 so the clause applies to land zoned RU4 Primary Production Small Lots.

Clause 4.2C sets out matters for consideration in the determination of development applications for dwelling houses on land to which the clause applies.

The planning proposal corrects an error introduced during the drafting and finalisation of NLEP 2013.

1.2 Site description

The planning proposal applies to all land zoned RU4 Primary Production Small Lots.

1.3 Existing planning controls

Clause 4.2C of NLEP 2013 currently only applies to land zoned RU1 Primary Production.

1.4 Summary of recommendation

The proposal as submitted is supported.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objectives of the planning proposal are clear and do not require amendment prior to community consultation.

2.2 Explanation of provisions

The proposal will add RU4 Primary Production Small Lots as an additional zone to which clause 4.2C applies. The explanation of provisions is clear and does not require amendment prior to community consultation.

2.3 Mapping

The proposal does not include amendments to LEP maps.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal identifies that when exhibited the NLEP 2013 included the RU4 zone as a zone to which clause 4.2C applied. During final drafting an error was made and RU4 was excluded from clause 4.2C.

The amendment is needed because the error potentially causes unintended consequences for erection of dwelling houses on land zoned RU4.

Council requested the amendment be made as an erratum or an expedited amendment under section 3.22 of the *Environmental Planning and Assessment Act, 1979*.

The Department considered Council's request and confirmed that these options are not available in this case. A planning proposal is required to make the amendment.

The amendment is required and a planning proposal is the best means of achieving the intended outcome.

4. STRATEGIC ASSESSMENT

4.1 State

The planning proposal is consistent with the state strategic planning framework.

4.2 Regional / District

The planning proposal is consistent with the Riverina Murray Regional Plan 2036.

4.3 Local

There is no inconsistency with Council's local strategic planning framework.

4.4 Section 9.1 Ministerial Directions

The planning proposal is consistent with all relevant Directions except for Direction 4.4 Planning for Bushfire Protection which is unresolved.

As the proposal applies to bushfire prone land, Direction 4.4 requires consultation with the NSW Rural Fire Service.

4.5 State environmental planning policies (SEPPs)

The proposal is consistent with all relevant SEPPs.

5. SITE-SPECIFIC ASSESSMENT

The proposal has positive social and economic impacts as it corrects an error that has potentially unintended consequences to the development of land in the RU4 zone.

The proposal has no specific environmental impact and leads to no infrastructure requirements.

6. CONSULTATION

6.1 Community

Council proposes a 14 day community consultation period and this is supported.

6.2 Agencies

Consultation with NSW Rural Fire Service is proposed to address s.9.1 Direction 4.4. This is appropriate and no additional agencies should be consulted.

7. TIME FRAME

Council proposes a six (6) month time frame to complete the planning proposal. This is supported as a maximum but Council should endeavour to finalise the proposal earlier.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan-making authority. Council should be authorised to be the local plan-making authority as this will streamline finalisation of the amendment.

9. CONCLUSION

Preparation of the planning proposal is supported to proceed with conditions concerning agency and community consultation, timeframes and delegation.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. note that the consistency with section 9.1 Directions 4.4 Planning for Bushfire Protection is unresolved and will require consultation with the NSW Rural Fire Service.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 14 days.
2. Consultation is required with the NSW Rural Fire Service.
3. The time frame for completing the LEP is to be 6 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.



31.10.19

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31.10.19

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