

Amendment to residential Lot sizes at Maiden Smith Drive, Moama

Proposal Title : **Amendment to residential Lot sizes at Maiden Smith Drive, Moama**

Proposal Summary : **The proposal seeks to apply a lot size of 5000sqm to part of an area known as the 'Maiden Smith Drive estate' in the township of Moama.**

PP Number : **PP_2012_MURRA_001_00** Dop File No : **12/06092-1**

Planning Team Recommendation

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

S.117 directions : **2.1 Environment Protection Zones
2.3 Heritage Conservation
2.4 Recreation Vehicle Areas
3.1 Residential Zones
3.2 Caravan Parks and Manufactured Home Estates
3.3 Home Occupations
3.4 Integrating Land Use and Transport
4.4 Planning for Bushfire Protection
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes**

Additional Information : **It is recommended that Gateway determine that the Planning Proposal for amending the lot sizes applicable to the area known as 'Maiden Smith Drive estate' proceed subject to the following conditions and variations:-**

- 1. That the inconsistency with 117 Direction 3.1 Residential Zones for reducing the permissible density of residential land is justified as being of minor significance.**
- 2. That prior to placing the Planning Proposal on public exhibition, Council consider amending the Planning Proposal to apply Zone R2 Low Density Residential to the entire area known as 'Maiden Smith Drive' as originally requested by Council in its section 68 submission for the Murray LEP 2011.**
- 2. That the Planning Proposal be exhibited for a period of not less than 28 days.**
- 3. The timeframe for completing the Planning Proposal is 6 months.**

Supporting Reasons : **Progression of the Planning Proposal is supported to to achieve Council's resolution to apply a lot size of 5000sqm over land known as the 'Maiden Smith Drive estate' which will revert a change which was made to the Murray LEP 2011 by the Minister's delegate, following submission of Council's section 68 report, and prior to the Murray LEP 2011 being made.**

In making the change to the Murray LEP 2011, the Minister's delegate advised Murray Shire Council that they are able to progress a Planning Proposal as soon as possible to progress these proposed post exhibition changes. This advice has resulted in the subject Planning Proposal being progressed by Council.

Council did not resolve to revert the post-exhibition zoning changes applicable to the Maiden Smith Drive estate. It is considered a positive planning outcome to apply the same lot size to the entirety of the Maiden Smith Drive estate as Council is seeking to apply the same development outcomes in terms of density and permissible land uses in the entire estate, and it makes good planning sense for the entire estate to be within the one zone which was Council's original intention in the Murray LEP 2011.

Panel Recommendation

Recommendation Date : **12-Apr-2012**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The Planning Proposal should proceed subject to the following conditions:**

1. Council should consider zoning the R5 land to the R2 Zone to better reflect Councils intended outcome for the area. Should Council consider it appropriate to rezone the land to R2, the planning proposal is to be amended prior to the commencement of community consultation and the Department's Regional Office provided with a copy of the revised planning proposal.
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 must be made publicly available for 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 publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
4. Further to Condition 3 above, Council is to consult with the Commissioner of the NSW Rural Fire Service and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, and forward a copy of the revised planning proposal to the Department's Regional Office.
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.

Signature: _____

Printed Name: _____ Date: _____