

Clarence Valley LEP 2011 - Boundary Adjustment and Split Zoning Subdivision Provisions

Proposal Title : Clarence Valley LEP 2011 - Boundary Adjustment and Split Zoning Subdivision Provisions

Proposal Summary : The Planning Proposal seeks to amend Clarence Valley LEP 2011 to introduce provisions relating to the following:

- * enable boundary adjustments between existing lots that do not meet the MLS in relation to that land and which are currently not permissible under the LEP or the Codes SEPP. This would apply to RU1 Primary Production, RU2 Rural Landscape, R5 Large Lot Residential, E2 Environmental Conservation and E3 Environmental Management zoned land; and
- * enable the subdivision of split zoned lots containing land in an urban zone (residential, business or industrial) as well as land in a rural or environmental zone where the rural or environmental zoned land is below the MLS for the land.

PP Number : PP_2016_CLARE_005_00 **Dop File No :** 16/11386

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.4 Oyster Aquaculture
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements

Additional Information : It is recommended that:

1. The Planning Proposal be supported;
2. The Planning Proposal be exhibited for 14 days;
3. The Planning Proposal be completed within 9 months;
4. The Planning Proposal is to be updated prior to exhibition to amend:
 - Part 2 'Explanation of Provisions' to include only a plain English explanation of the intent of the proposed clauses; and
 - Part 3 'Project Timeline' to address all the additional steps to be completed by Council due to an authorisation to exercise delegation being issued.
5. That the Secretary (or her delegate) agree that the inconsistencies with section 117 Direction 2.2 Coastal Protection, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land is of minor significance;
6. That the Secretary (or her delegate) note the current inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection;
7. That the RPA consult with the Commissioner of the NSW Rural Fire Service in accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection; and
8. A written authorisation to exercise delegation be issued to Clarence Valley Council in this instance.

Supporting Reasons : The Planning Proposal will insert provision into Clarence Valley LEP 2011 that will create

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greater flexibility with respect to the subdivision of rural, environmental and urban zoned land. It is anticipated that such provisions will help to facilitate the efficient and orderly subdivision of land whilst having no detrimental impact on the future value and use of rural and environmental zoned land. As a result, the proposed provisions are supported and are not considered to be inconsistent with the intent of the Standard LEP.

Panel Recommendation

Recommendation Date : 07-Sep-2016

Gateway Recommendation : Passed with Conditions

Panel Recommendation : The proposal is considered to be of local significance and can be appropriately determined by the Director Regions, Northern.

Gateway Determination

Decision Date : 07-Sep-2016

Gateway Determination : Passed with Conditions

Decision made by : Regional Director, Northern Region

Exhibition period : 14 Days

LEP Timeframe : 9 months

Gateway Determination : 1. Prior to public exhibition, the planning proposal shall be amended to include:

- a. only a plain English explanation of the intent of the proposed clauses in the Explanation of Provisions; and
- b. a detailed project timeline addressing all the steps to be completed by Council in the processing of the proposal.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- a. the planning proposal is classified as low impact as described bed in A Guide to Preparing LEPs (Department of Planning and Environment 2016) 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 and Infrastructure 2013).

3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the Act. The NSW Rural Fire Service 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.

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

Signature:



Printed Name:

Craig Diss

Date:

7/9/16