

Removal of Minimum Lot Size Provisions over land adjacent to the Kyogle CBD in the Groom Street area to facilitate medium density residential development

Proposal Title :	Removal of Minimum Lot Size Provisions over land adjacent to the Kyogle CBD in the Groom Street area to facilitate medium density residential development		
Proposal Summary :	The proposal seeks to amend the Kyogle Local Environmental Plan (LEP) 2012 to encourage greater residential densities and housing diversity adjacent to the Kyogle CBD. This will include the removal of the 1,500m ² minimum lot size requirement from the subject land.		
PP Number :	PP_2016_KYOGL_003_00	Dop File No :	16/15175

Planning Team Recommendation

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

S.117 directions:

- 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
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 5.3 Farmland of State and Regional Significance on the NSW Far North Coast
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

Additional Information : It is **RECOMMENDED** that the Director Regions, Northern, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Kyogle Local Environmental Plan 2012 to remove the minimum lot size provisions from land adjacent to the Kyogle CBD should proceed subject to the following conditions:

1. The planning proposal is to be amended, prior to community consultation, to include:

- references to all the land zones affected by the proposal;
- a list all of the property addresses and title descriptions that are impacted by the proposal;
- maps of a suitable scale showing the current and proposed minimum lot size provisions for the land; and
- an updated timeline.

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

- (a) the Planning Proposal must be made publicly available for 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 local environmental plans (Planning and Environment, 2016)'.

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

- NSW Rural Fire Service; and
- Office of Environment and Heritage

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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.

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.

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

6. Section 117 Directions - It is recommended that:

(a) The Secretary's delegate note that the inconsistency with Direction 4.4 Planning for Bushfire Protection can not be unresolved until consultation with the NSW Rural Fire Service has occurred;

(b) The Secretary's delegate can be satisfied that the Planning Proposal's inconsistency with Direction 2.1 Environment Protection Zones, 2.3 Heritage Conservation and 4.3 Flood Prone Land are justified in accordance with the terms of the Directions; and

(c) The Secretary's delegate can be satisfied that the Planning Proposal is consistent with all other relevant s117 Directions; and

7. The Planning Proposal is considered to be consistent with all relevant SEPPs.

Supporting Reasons :

The proposal is consistent with the Strategic Planning Framework. The recommended conditions to the Gateway are required to provide adequate consultation and accountability.

Panel Recommendation

Recommendation Date : 05-Dec-2016

Gateway Recommendation : Passed with Conditions

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

Gateway Determination

Decision Date : 05-Dec-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 community consultation the planning proposal is to be amended as follows to include:

- references to all the land zones affected by the proposal;
- a list all of the property addresses and title descriptions that are impacted by the proposal;
- maps of a suitable scale showing the current and proposed minimum lot size provisions for the land; and
- an updated timeline.

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

- NSW Rural Fire Service; and
- Office of Environment and Heritage

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.

3. 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 in A Guide to Preparing

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LEPs (Department of Planning and Environment 2016) 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 (Planning and Environment 2016).

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:

5/12/16

