

Clarence Valley LEP 2011 – Minimum Lot Size Standards at 425 Bent Street, South Grafton

Proposal Title :	Clarence Valley LEP 2011 – Minimum Lot Size Standards at 425 Bent Street, South Grafton		
Proposal Summary :	The proposal seeks to amend the Clarence Valley LEP 2011 by introducing a 1,500m ² and 1,800m ² minimum lot size standard into the LEP and applying these development standards to part of 425 Bent Street, South Grafton (Lot 400 DP 1153969).		
PP Number :	PP_2016_CLARE_003_00	Dop File No :	16/10222

Planning Team Recommendation

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

S.117 directions:

- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies

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 Clarence Valley Local Environmental Plan 2011 to apply alternative minimum lot size standards at 425 Bent Street, South Grafton (Lot 400 DP 1153969) proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be amended as follows:
 - (a) to include digitally prepared maps that show the site, location and current and proposed lot size controls.
 - (b) to update the project timeline to reflect the requirements of the Gateway determination and include this within Part 6 of the planning proposal.

2. Consultation is required with the NSW Rural Fire Service prior to public exhibition under section 56(2)(d) of the Act, to comply with the requirements of S117 Directions 4.4 Planning for Bushfire Protection:

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.

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

(a) the planning proposal 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 & Environment 2013).

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 6 months from the week following the date of the Gateway determination.

6. Delegation to finalise the Plan should be issued to Council.

SECTION 117 DIRECTIONS

It is recommended that:

- (a) Consultation is required in relation to s117 Direction 4.4 Planning for Bushfire Protection.
- (b) The Secretary's delegate can be satisfied that the Planning Proposal is consistent with all other relevant s117 Directions.

Supporting Reasons :

The reasons for the above recommendations for the Planning Proposal are as follows:

- 1. The planning proposal is considered a 'routine' planning proposal.
- 2. Applying new lot size standards to the site is consistent with the strategic planning framework for the site.
- 3. The inconsistencies with the s117 Directions are justified by the proposal's consistency with the Regional Strategy.
- 4. Consistency with s117 Direction 4.4 Planning for Bushfire Protection is currently unresolved until consultation is undertaken.
- 5. The proposal is otherwise consistent with all relevant local and regional planning strategies, s117 Directions and SEPPs.
- 6. The recommended conditions to the Gateway are required to provide adequate consultation, accountability and progression.

Panel Recommendation

Recommendation Date : 11-Aug-2016

Gateway Recommendation : Passed with Conditions

Panel Recommendation : This matter is considered to be of local planning significance and is not considered required to be submitted to the LEP review panel.

Gateway Determination

Decision Date : 12-Aug-2016

Gateway Determination : Passed with Conditions

Decision made by : Regional Director, Northern Region

Exhibition period : 14 Days

LEP Timeframe : 6 months

Gateway

Determination :

- 1. Prior to community consultation the planning proposal is to be amended as follows:
 - (a) to include digitally prepared maps that show the site, location and current and proposed lot size controls; and
 - (b) to update the project timeline to reflect the requirements of the Gateway determination and include this within Part 6 of the planning proposal.
- 2. 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.
- 3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 14 days;
 - (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 & Environment 2013); and
 - (c) Any mapping material must meet the specification in the current Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment 2015).
- 4. A public hearing is not required to be held into the matter by any person or body under

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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 6 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Craig Diss

Date:

12 August 2016