

Liverpool Plains LEP 2011 Amendment No 7 - Dwelling Opportunity Map

Proposal Title : **Liverpool Plains LEP 2011 Amendment No 7 - Dwelling Opportunity Map**

Proposal Summary : **This Planning Proposal seeks to amend clause 4.2A of the Liverpool Plains LEP 2011 by introducing a 'Dwelling Opportunity Map' and remove redundant clauses from the LEP as the result of a 'sunset clause' expiring.**

PP Number : **PP_2017_LPLNS_003_00** Dop File No : **17/05817**

Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones
1.5 Rural Lands
2.1 Environment Protection Zones
4.4 Planning for Bushfire Protection
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions
5.10 Implementation of Regional Plans**

Additional Information : **It is recommended that the Acting Director Regions, Northern as delegate of the Minister approve the planning proposal subject to the following conditions:**

1. Prior to consultation being undertaken the Planning Proposal is to be amended as follows:

(a) The Overview, Part 1, Part 2 and Q1 of Section A in Part 3 are to be amended to remove reference to specific clauses and replaced with a plain English explanation of the intent of the planning proposal which is to:

- **Introduce a 'Dwelling Opportunity Map' into the LEP to identify specific lots where an application for a dwelling house may be considered in addition to those provisions in clause 4.2A(3)(a)-(c); and**
- **Remove redundant provisions within the LPLEP 2011 as a result of a 'sunset' clause (4.2A(4)) expiring; and**
- **Retain or amend provisions within the LEP to continue to ensure development consent cannot be granted for the erection of a dwelling house on existing holdings (as defined in the LPLEP 2011).**

(b) reference to the draft New England North West Regional Plan 2036 is to be included in Q3 of Section B in Part 3 including addressing the consistency of this proposal with the draft Plan.

2. 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 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2016).

3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions. 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 6 months from the week following the date of the Gateway determination.

That the A/Director Regions Northern as delegate of the Secretary issues an authorisation to exercise delegation to Council.

Supporting Reasons : This proposal will introduce dwelling opportunity maps initially reinstating certain dwelling eligibilities. The removal of the redundant sunset clause in the LEP is also supported as it will improve clarity of Councils planning controls.

Panel Recommendation

Recommendation Date : 05-May-2017

Gateway Recommendation : Passed with Conditions

Panel Recommendation : The proposal is considered to deal only with matters of local significance and can be dealt with appropriately by the Director, Regions, Northern

Gateway Determination

Decision Date : 05-May-2017

Gateway Determination : Passed with Conditions

Decision made by : Regional Director, Northern Region

Exhibition period : 28 Days

LEP Timeframe : 6 months

Gateway Determination : 1. Prior to consultation being undertaken the Planning Proposal is to be amended as follows:

(a) to remove reference to specific proposed clauses and replace with a plain English explanation of the intent of the planning proposal which is to amend Liverpool Plains LEP 2011 by:

- introducing a 'Dwelling Opportunity Map' to identify specific lots where an application for a dwelling house may be considered;
 - removing redundant provisions as a result of a 'sunset' clause (4.2A(4)) expiring; and
 - retain or amend provisions within the LEP to continue to ensure development consent cannot be granted for the erection of a dwelling house on existing holdings.
- (b) reference to the draft New England North West Regional Plan 2036 is to be addressed including the consistency of this proposal with the draft Plan.

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 in A Guide to Preparing LEPs (Department of Planning and Environment 2016) and must be made publicly available for a minimum of 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2016).

3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions. 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

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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:

5/5/17

