

Young PP7 - Functional Amendments - including Land Use Tables and Complying Development

Proposal Title :	Young PP7 - Functional Amendments - including Land Use Tables and Complying Development		
Proposal Summary :	The planning proposal will: - Amend the Land Use Tables for various zones; - Enable the parking & storage of buses, heavy vehicles & plant machinery as Complying Development in various zones by adding this use (with relevant controls) to Schedule 3; - Amend the definition of 'Farm stay accommodation' in clause 5.4 by increasing the maximum number of bedrooms from 3 to 8; - Amend clause 6.1(3)(b) to clarify ambiguous wording which may permit dwelling houses in unintended circumstances, contrary to the intent of the clause; - Amend Schedule 1 Item 5 relating to certain land at Telegraph Rd and Murringo Rd, Young to enable 'agricultural produce industries' with consent; and - Correct a mapping error which has Keith Cullen Oval identified as R1 instead of RE1.		
PP Number :	PP_2014_YOUNG_001_00	Dop File No :	14/12439

Proposal Details

Date Planning Proposal Received :	29-Sep-2014	LGA covered :	Young
Region :	Southern	RPA :	Young Shire Council
State Electorate :	BURRINJUCK	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Various locations		

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name :	Kerry Callaghan
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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub
Regional Strategy :

Consistent with Strategy :

MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government
Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been
meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes : **The planning proposal addresses anomalies and/or issues that have arisen through the operation of the LEP over the last couple of years.**

External Supporting
Notes : **The planning proposal addresses anomalies and/or issues that Council has identified through the operation of the LEP over the last couple of years.**

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The documentation provided identifies the objectives of the planning proposal.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The documentation provided identifies the LEP provisions that will be amended as a result of the proposal.**

Issue 1 - Council has proposed to list all permissible uses and limit the use of group terms in order to provide clarity for the community. This intent is supported. However, it will be a matter for the Council, in consultation with Parliamentary Counsel (PCO) to finalise the land use tables prior to the Local Environmental Plan being made. Previously, PCO has not supported the individual listing of uses that are covered by a group term. Council has also proposed some minor amendments to the Land Use Tables.

The proposal will amend clause 5.4 Miscellaneous Permissible Uses - specifically sub-clause (5) Farm stay accommodation by increasing the maximum number of

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bedrooms from 3 to 8. Council has proposed changing the wording of the sub-clause to add the words 'in one or more buildings'. This is not supported as it would change a standard instrument clause. The Standard Instrument Order allows the number of bedrooms to be varied, but no other changes to the wording of the clause. In any case, the current wording does not specify that the bedrooms must be in one building so adding 'in one or more bedrooms' is not needed to achieve Council's intent.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **1.2 Rural Zones**

* May need the Director General's agreement **1.5 Rural Lands**

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP (Infrastructure) 2007**
SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain : **The Secretary's delegate may be satisfied that the proposal is consistent with all relevant s117 Directions; or that any inconsistency is of minor significance.**

The Secretary's delegate may be satisfied that the proposal is consistent with relevant SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **While not consistent with the technical mapping guidelines, the maps provided clearly indicate the proposed zone change and are adequate for exhibition purposes.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has not nominated a timeframe for community consultation. It is considered that a 28 day exhibition period is appropriate.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

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Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Young LEP 2010 is in operation.

Assessment Criteria

Need for planning
proposal :

The issues addressed in this proposal have been identified by Council over the last few of years of operation of the LEP.

A planning proposal is necessary to achieve the objectives of this proposal.

Consistency with
strategic planning
framework :

There is no regional or sub-regional plan applying to the Young LGA.

The proposal is not inconsistent with Council's Community Strategic Plan or the Young Shire Strategic Landuse Study Towards 2030, upon which the Young LEP 2010 was based.

Environmental social
economic impacts :

The changes proposed are relatively minor and will not have a detrimental environmental impact. There are no threatened species, populations or ecological communities affected by the proposal.

Council considers that the proposal has the potential for positive economic and social impacts as it will clarify permissible land uses, enable the storage of buses and heavy vehicles in some areas (which has been identified as needed), and increase the potential use of properties for farm-stay accommodation.

Assessment Process

Proposal type :

Routine

Community Consultation
Period :

28 Days

Timeframe to make
LEP :

12 months

Delegation :

RPA

Public Authority
Consultation - s56(2)
(d) :

Other

Is Public Hearing by the PAC required?

No

(2)(a) Should the matter proceed ?

Yes

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

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Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Letter from Council - Planning Proposal no 7 - Functional Amendments 2014 under Young LEP 2010_.pdf	Proposal Covering Letter	Yes
PP7 Council Report July 2014.pdf	Proposal Covering Letter	Yes
YOUNG PLANNING PROPOSAL NO 7.pdf	Proposal	Yes

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

Additional Information : **It is RECOMMENDED that the Acting General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Young Local Environmental Plan 2010 to:**

- Amend the Land Use Tables for various zones;
- Enable the parking & storage of buses, heavy vehicles & plant machinery as Complying Development in various zones by adding this use (with relevant controls) to Schedule 3;
- Amend the definition of 'Farm stay accommodation' by increasing the maximum number of bedrooms from 3 to 8;
- Amend clause 6.1(3)(b) to clarify ambiguous wording which may permit dwelling houses in unintended circumstances, contrary to the intent of the clause;
- Amend Schedule 1 Item 5 relating to certain land at Telegraph Rd and Murringo Rd Young to enable 'agricultural produce industries' with consent; and
- Correct a mapping error which has Keith Cullen Oval identified as R1 instead of RE1 should proceed subject to the following conditions:

1. 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 is to 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 5.5.2 of A Guide to Preparing local environmental plans (Department of Planning and Infrastructure 2013).

2. No public hearing is required to be held into the matter 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).

3. The timeframe for completing the LEP is to be 12 months from the Gateway determination.

SECTION 117 DIRECTIONS

4. The Secretary's delegate can be satisfied that the planning proposal is consistent with relevant s117 Directions, or that any inconsistencies are of minor significance.

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Supporting Reasons : **The proposal addresses operational issues identified by Council since the LEP has been in place.**

Signature:

Graham Towers

Printed Name:

Graham Towers

Date:

2/10/14.