

Functions Centres in RU1 and Minimum Lot Size in R1

Proposal Title : **Functions Centres in RU1 and Minimum Lot Size in R1**

Proposal Summary : **The planning proposal seeks to:**

- amend the land use table for the RU1 Primary Production Zone to move 'function centres' from Prohibited to Permissible with Consent; and

- introduce an 'enabling clause' at clause 4.1(5) of the LEP that allows Council to consider the subdivision of land for dwelling houses in the R1 General Residential Zone in Gundagai township to a minimum of 450sq.m where the applicant can demonstrate the proposal can be connected to the Council's reticulated sewer.

PP Number : **PP_2015_GUNDA_001_00**

Dop File No : **15/12326**

Proposal Details

Date Planning
Proposal Received : **11-Aug-2015**

LGA covered : **Gundagai**

Region : **Southern**

RPA : **Gundagai Shire Council**

State Electorate : **BURRINJUCK**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street :

Suburb :

City : **Gundagai**

Postcode :

Land Parcel : **RU1 Primary Production and R1 General Residential zones.**

DoP Planning Officer Contact Details

Contact Name : **Martin Brown**

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RPA Contact Details

Contact Name : **Brent Livermore**

Contact Number : **0269440200**

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DoP Project Manager Contact Details

Contact Name : **George Curtis**

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
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 : Council resolved to support the planning proposal at its Ordinary Meeting of 14 July 2015 for the purposes of introducing a number of changes to the Gundagai Local Environmental Plan 2011, notably:

- Allowing 'function centres' in the RU1 Primary Production Zone with consent. This proposed change is in response to a landholder request.
- Allowing subdivision of land that is consistent with servicing arrangements. This proposed change is a matter identified by Council during the administration of the Gundagai LEP 2011.

External Supporting Notes : Council resolved to support the planning proposal at its Ordinary Meeting of 14 July 2015 for the purposes of introducing a number of changes to the Gundagai Local Environmental Plan 2011, notably:

- Allowing 'function centres' in the RU1 Primary Production Zone with consent. This proposed change is in response to a landholder request.
- Allowing subdivision of land that is consistent with servicing arrangements. This proposed change is a matter identified by Council during the administration of the Gundagai LEP 2011.

Adequacy Assessment

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

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

Comment : The statement of objectives provided in the planning proposal is "to amend the Gundagai LEP to allow for the activity of function centres to be undertaken with consent of Council in the RU1 Primary Production Zone to allow for the activity of function centres to be undertaken with consent of Council in the RU1 Primary Production Zone and; to allow for the minimum lot size of 1500sq.m in the R1 General Residential Zone to be reduced to 450sq.m where the land can be connected to the Council reticulated sewer."

The statement of objectives is considered to be adequate.

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

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

Comment : **Council has set out how it intends to give effect to the objectives of the planning proposal by amending the existing planning scheme as follows:**

- To amend the land use table for the RU1 Primary Production zone to move 'function centres' from Prohibited to Permissible with Consent.

- To introduce an 'enabling clause' at clause 4.1(5) of the LEP that allows Council to consider the subdivision of land for dwelling houses in the R1 General Residential zone in Gundagai township to a minimum of 450sqm where the applicant can demonstrate the proposal can be connected to the Council's reticulated sewer.

The explanation of provisions is considered to be adequate.

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**

3.1 Residential Zones

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified? **N/A**

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **The planning proposal states that it is consistent with the provisions of the applicable section 117 Directions. Council's views are supported. Any inconsistencies are considered to be of minor significance only.**

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Mapping is not required for this amendment - changes to instrument only.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed 30 days for community consultation. 28 days is considered adequate for the proposal. No consultation with agencies required in this instance.**

Additional Director General's requirements

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

If Yes, reasons :

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Overall adequacy of the proposal

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

If No, comment : **Proposal is considered suitable to proceed.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Gundagai Comprehensive LEP was completed in 2011.

Assessment Criteria

Need for planning
proposal :

The planning proposal is the most suitable mechanism to facilitate an amendment to the Gundagai LEP 2011 to implement the objectives of the planning proposal.

The subdivision of residential land consistent with its servicing arrangements is considered to have merit.

The suitability of 'function centres' in the RU1 Primary Production zone is predominantly a local matter and consultation arrangements will ensure the community has an opportunity to raise any concerns.

Consistency with
strategic planning
framework :

The planning proposal is considered to be consistent with relevant SEPPs and Section 117 Directions or any inconsistency is likely to be of minor significance. It is consistent with the Standard Instrument LEP Order.

Environmental social
economic impacts :

The planning proposal will:

- facilitate a simpler assessment regime for Council when considering subdivision for land that is already serviced;**
- reduce the environmental footprint of development where services are available; and**
- allow for greater lot size and housing diversity in Gundagai township.**

Assessment Process

Proposal type :

Routine

Community Consultation
Period :

28 Days

Timeframe to make
LEP :

12 months

Delegation :

RPA

Public Authority
Consultation - 56(2)
(d) :

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 :

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Identify any additional studies, if required. :

If Other, provide reasons :

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
Council Letter 11-08-2015.pdf	Proposal Covering Letter	Yes
Gundagai Planning Proposal 20150811.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
 3.1 Residential Zones

Additional Information : **It is RECOMMENDED that the General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Gundagai Local Environmental Plan 2011 to amend the land use table for the RU1 Primary Production Zone to allow function centres with consent, and, to introduce an 'enabling clause' to allow Council to consider the subdivision of land for dwelling houses in the R1 General Residential zone in Gundagai township to a minimum of 450sqm where an applicant can demonstrate the proposal can be connected to the Council's reticulated sewer, subject 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 must 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 (Planning and Infrastructure, 2013)'.

2. Consultation is not required with the any public authorities.

3. 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).

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

5. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

6. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Secretary's delegate can be satisfied that the planning proposal is consistent with all s117 Directions or that any inconsistencies are of minor significance only; and

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(b) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

7. The planning proposal is considered to be consistent with all relevant SEPPs.

Supporting Reasons : Predominantly local planning matters only. Suitable to be delegated to the Council in this instance.

Signature:

George Curtis A / Team Leader

Printed Name:

George Curtis Date: 24/8/15

ENDORSED

Brett Whitworth

25/8/15

Brett Whitworth
General Manager
SOUTHERN REGION