

Upper Lachlan Local Environmental Plan 2010 - Permit dwellings in Zone E2

Proposal Title : **Upper Lachlan Local Environmental Plan 2010 - Permit dwellings in Zone E2**

Proposal Summary : **Add "dwelling houses" to Zone E2 Environmental Conservation land use table as 'permitted with consent'.**

PP Number : **PP_2012_UPLAC_001_00** Dop File No : **12/05562-1**

Proposal Details

Date Planning Proposal Received : **31-May-2012** LGA covered : **Upper Lachlan**

Region : **Southern** RPA : **Upper Lachlan Shire Council**

State Electorate : **BURRINJUCK GOULBURN** Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street :
Suburb : City : Postcode :
Land Parcel : **All land zoned E2 Environmental Conservation**

DoP Planning Officer Contact Details

Contact Name : **Meredith McIntyre**
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RPA Contact Details

Contact Name : **Jacqueline Impey**
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DoP Project Manager Contact Details

Contact Name : **Mark Parker**
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Land Release Data

Growth Centre : Release Area Name :
Regional / Sub Regional Strategy : **Sydney-Canberra Corridor** Consistent with Strategy : **Yes**
Regional Strategy : **Regional Strategy**

Upper Lachlan Local Environmental Plan 2010 - Permit dwellings in Zone E2

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 Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

Have there been No

meetings or

communications with

registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

After the Principal LEP was notified in 2010, Council discovered that it inadvertently prohibited dwellings in the E2 Zone. It believes that dwellings in the E2 zone would be consistent with the Upper Lachlan Strategy Plan 2020 Vision.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : To enable dwellings to be permitted with consent in the E2 Environmental Conservation Zone.

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

Is an explanation of provisions provided? Yes

Comment : The explanation is adequate

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? Yes

b) S.117 directions identified by RPA :

* May need the Director General's agreement

Is the Director General's agreement required? N/A

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

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

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

Council believes the prohibition of dwellings in the E2 zone is an anomaly that needs correction.
Council has not listed any s117 Directions or SEPPs that apply to this planning proposal.

s117 Direction 1.5 Rural Lands applies, however, the introduction of dwellings permissible with consent is of minor significance given the large minimum lot size of 200 hectares and that Council has identified that very few new dwellings (about 40) will be possible.

s117 Direction 2.1 Environmental Protection Zones applies, however, similar to the above any inconsistency is considered of minor significance.

s117 Direction 4.4 Planning for Bushfire Protection requires consultation with the NSW Rural Fire Service prior to public consultation. If the Gateway Determines that no consultation is required, given that it was an error after consultation of the Principal LEP which would have included the RFS, this requirement can be dispensed with. Council should be required to inform the NSW RFS.

None of the E2 Zone is within the Sydney Drinking Water Catchment so s117 5.2 does not apply.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Mapping is not required as the proposal is to amend the land use table for the E2 zone only.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **Council proposed this amendment be dealt with as a s73A amendment and therefore no community consultation would be required.**

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 : **This proposal is considered of a minor nature, however the Regional Team does not concur that the matter would fit within a s73A amendment and therefore suggests it is dealt with as a planning proposal requiring no public consultation.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Council's Principal LEP was notified in 2010.**

Assessment Criteria

Need for planning proposal :

Council became aware that dwelling houses are prohibited in the E2 Zone, even though clause 6.6 Erection of dwelling houses on land in certain rural and environmental protection zones specifically lists Zone E2 Environmental Conservation. Council believes that a drafting error occurred during the LEP preparation that inadvertently didn't list

Upper Lachlan Local Environmental Plan 2010 - Permit dwellings in Zone E2

"dwelling houses" as permitted with consent in the E2 Zone, when that was Council's intention (as can be shown in clause 6.6).
Council is aware of known lots created by subdivision and registered where a dwelling was intended that are now unable to be developed for the purpose of a dwelling house. Council has not conducted a detailed investigation into exactly how many allotments may be affected by the error, but it has identified more than 40 separate land owners within the E2 Zone, some of whom would be affected by the error.

Consistency with strategic planning framework :

The proposal is not inconsistent with relevant local and regional strategic planning.

Environmental social economic impacts :

Council believes that there would not be any environmental impact from permitting dwelling houses in the E2 Zone as these developments would still need to satisfy the relevant environmental criteria in the LEP and other Council policies.
The social impact of not proceeding with this proposal is that some land owners would have their dwelling entitlements extinguished without any particular reason or benefit to the community. This would be a lack of equity and is not the intention of Council or the State Government through implementation of the Standard Instrument LEP.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **Nil**

Timeframe to make LEP : **3 Month** Delegation : **DDG**

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 :

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
Planning_Proposal.pdf	Proposal	Yes
Locality_Map.pdf	Map	Yes

Upper Lachlan Local Environmental Plan 2010 - Permit dwellings in Zone E2

Letter_from_Upper_Lachlan_Council_20120531.pdf

Proposal Covering Letter

Yes

Planning Team Recommendation

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

S.117 directions:

Additional Information : It is recommended that the delegate of the Minister for Planning and Infrastructure determine under section 56(2) of the EP&A Act, that an amendment to the Upper Lachlan LEP 2010 to permit dwelling houses with consent in the E2 Environmental Conservation Zone should proceed subject to the following conditions:

1. The matter should proceed as a Planning Proposal, not a s73A amendment.
2. Community consultation is not required under section 56(2) of the EP&A Act.
3. Consultations are not required with any State Government agency.
4. The timeframe for completing the LEP is to be 3 months from the week following the date of the Gateway Determination.
5. The Director General can be satisfied that the Planning Proposal is consistent with all relevant s117 Directions or that any inconsistencies are of minor significance.

Supporting Reasons : This is a minor proposal with sufficient merit to proceed. Council did not intentionally prohibit dwelling houses in the E2 zone during the preparation of the principal LEP and believes a drafting error occurred. It is reasonable to correct this error through a minor Planning Proposal with no consultation.

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

7th June 2012