

Housekeeping Amendment to Gloucester Local Environmental Plan 2010 - Eco-tourist facilities, clarifies development requirements in rural and environmental zones and boundary realignments

Proposal Title :	Housekeeping Amendment to Gloucester Local Environmental Plan 2010 - Eco-tourist facilities, clarifies development requirements in rural and environmental zones and boundary realignments		
Proposal Summary :	The planning proposal intends to insert new clauses into Gloucester Local Environmental Plan 2010 to: 1. permit eco-tourist facilities with consent in RU1 Primary Production zone, 2. permit residential accommodation, tourist and visitor accommodation or eco-tourist facilities in RU1 Primary Production and E3 Environmental Management zones, only where the erection of a dwelling may be granted under clause 4.2A; 3. permit boundary adjustments in RU1 Primary Production and E3 Environmental Management zones, where one or more resultant lots do not meet the minimum lot size.		
PP Number :	PP_2016_MCOAS_001_00	Dop File No :	16/10806

Proposal Details

Date Planning Proposal Received :	12-Aug-2016	LGA covered :	Mid-Coast
Region :	Hunter	RPA :	Mid-Coast Council
State Electorate :	UPPER HUNTER	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	All land covered by the		
Suburb :	Gloucester	City :	LEP 2010
Land Parcel :		Postcode :	2422

DoP Planning Officer Contact Details

Contact Name :	Susan Blake
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DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

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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 : **The planning proposal is the result of the combination of 3 separate Council reports. Council resolved at its Ordinary Meetings held on 20 April 2016 and 13 July 2016 to undertake these amendments. The Department received the combined planning proposal in mid August 2016.**

External Supporting Notes : **The proclamation of 12 May 2016 merged Gloucester Shire, Greater Taree and Great Lakes into MidCoast Council.**

Council advises that the planning proposal has strategic merit, and similar clauses exist in Great Lakes Local Environmental Plan 2014 and Greater Taree Local Environmental Plan 2010. The adoption of similar local clauses should assist MidCoast Council to prepare its consolidated local environmental plan.

The Department is also preparing an amendment to the State Environmental Planning Policy (Exempt and Complying Codes) 2008 in relation to minor boundary realignments. Should this amendment proceed, Council should decide whether it wants to proceed with this component of the planning proposal.

Adequacy Assessment

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

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

Comment : **The statement of objectives adequately outlines the intent of the planning proposal to amend the Gloucester Local Environmental Plan 2010 to permit eco-tourist facilities in the rural zone; amend provisions relating to development for purposes of residential accommodation, tourist and visitor accommodation, and eco-tourist facilities; and permit boundary adjustments between undersized lots within certain zones.**

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

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

Comment : **The planning proposal explains the objective of the amendments to the Gloucester Local Environmental Plan 2010 to:**

1. Permit with consent eco-tourist facilities in Zone RU1 Primary Production by: inserting the term 'eco-tourist facility' into the RU1 Primary Production Land Use Table; and inserting a new 'local provision' which provides objectives and development assessment requirements for an eco-tourist facility. This is consistent with the Standard Instrument Order.

2. Clarifies that development for purposes of residential accommodation, tourist and visitor accommodation or eco-tourist facilities in Zone RU1 Primary Production and Zone E3 Environmental Management is permitted but only where development consent for the erection of a dwelling house on that land may be granted, in accordance with clause 4.2A of the LEP. The amendment will not effect camping grounds or caravan parks as these land use terms are outside the tourist and visitor accommodation group term under the standard instrument.

3. Permit boundary adjustments between undersized lots in either RU1 Primary Production, and E3 Environmental Management zones, where one or more resultant lots do not meet the the minimum lot size. The proposed LEP clause provides that the subdivision will not create additional lots or the opportunity for additional dwellings, and will not create increased land use conflicts or affect the agricultural viability of the land.

The explanation of provisions is supported.

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

1.5 Rural Lands

* May need the Director General's agreement

2.1 Environment Protection Zones

3.2 Caravan Parks and Manufactured Home Estates

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

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

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 :

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **As this planning proposal relates to policy matters, mapping is not required. It will amend the Gloucester Local Environmental Plan 2010 instrument only.**

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Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes a 28 day public consultation period. The planning proposal is considered 'low impact' and only requires a 14 day consultation period in accordance with the Department's Guidelines.**

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 :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The comprehensive Gloucester LEP 2010 was published on 11 June 2010.**

Assessment Criteria

Need for planning proposal : **The planning proposal is not the result of a strategic study or report, but provides greater planning flexibility between undersized lots, and resolves a potential anomaly in relation to the permissibility of development of residential accommodation, tourist and visitor accommodation and provides greater economic opportunities by permitting eco-tourist facilities in the rural and environmental zones.**

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Consistency with strategic planning framework :

UPPER HUNTER STRATEGIC REGIONAL LAND USE PLAN

The planning proposal is considered consistent with the Upper Hunter Strategic Regional Land Use Plan.

UPPER HUNTER ECONOMIC DIVERSIFICATION REPORT

The proposal is considered consistent with the outcomes of this report which builds upon the strengths of existing industries, such as tourism to increase investment and diversify the regional economy and employment.

GLOUCESTER SHIRE COUNCIL'S COMMUNITY STRATEGIC PLAN 2014-2024

The planning proposal is consistent with the the key direction and objectives of the Plan, which are to maintain core infrastructure, protect the environment, create a strong economy, an engaged and supportive community, provide governance and partnership.

SECTION 117 PLANNING DIRECTIONS

1.2 Rural Zones

Comment: The planning proposal is consistent with this S.117 Direction because it does not increase the permissible density of land within a rural zone. The proposal clarifies where residential accommodation, tourist and visitor accommodation or eco-tourist facilities is permitted in the rural zone and permits boundary adjustments between undersized allotments where it does not create additional dwelling entitlements or potential land use conflicts.

1.5 Rural Lands

Comment: The planning proposal is inconsistent with this S.117 Direction because it permits boundary realignments between undersized rural and environmental allotments. The proposal may not be justified by a strategy which gives consideration of this Direction but Council justifies the need for boundary adjustments in the RU1 Primary Production and E3 Environmental Management zones, where one or more resultant lots do not meet the minimum lot size.

It is recommended that the Secretary's delegate approves this inconsistency as minor significance because it does not create additional lots or the opportunity for additional dwellings; there is no increased land use conflict, and the agricultural viability of the land is not affected.

2.1 Environmental Protection Zones

Comment: The planning proposal is consistent with this S.117 Direction. Any potential impacts within the environmental zone as a result of development for residential and tourism purposes, can be adequately addressed under existing provisions within the Gloucester LEP 2010, Council's Development Control Plan and policies which provide environmental protection standards to land within the local government area.

4.3 Flood Prone Land

Comment: The planning proposal is inconsistent with this S.117 Direction because it potentially permits the development of eco-tourist facilities on flood prone land.

It is recommended that the Secretary's delegate approves this inconsistency as minor significance because future development on floor prone land can be appropriately assessed in accordance with existing provisions within the Gloucester LEP 2010, Council's Development Control Plan and policies.

4.4 Planning for Bushfire Protection

As the planning proposal affects the whole local government area including bushfire prone land, consultation is required with NSW rural Fire Services to determine consistency with the S.117 Direction. Council needs to undertake this consultation before commencing community consultation to satisfy the requirements of S.117 Direction Planning for Bushfire Protection.

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The planning proposal is considered consistent with all other relevant S.117 Directions.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

Council has not identified any State Environmental Planning Policies.

SEPP No 44 — Koala Habitat Protection

The planning proposal is considered consistent with this SEPP.

SEPP (Infrastructure) 2007

The planning proposal is considered consistent with this SEPP.

SEPP (Rural Lands) 2008

The planning proposal is considered consistent with this SEPP. Although the boundary realignment clause provides some flexibility by allowing subdivision of lots under the minimum lot size in rural areas, this will not result in any additional lots or dwelling entitlements. The planning proposal is consistent with the rural planning principles.

SEPP (Exempt and Complying Codes) 2008

The Department is presently preparing an amendment to the State Environmental Planning Policy (Exempt and Complying Codes) 2008 in relation to minor boundary realignments. Should this amendment proceed, Council should decide whether it wants to proceed with this component of the planning proposal.

Planning Practice Note PN09-006

The planning proposal is also consistent with Planning Practice Note PN09-006 Provision for Tourism in Standard Template LEP's.

Agency Consultation

The Department agrees with Council's recommendation that consultation with NSW Department of Primary Industries (Agriculture) and Office of Environment and Heritage is not required in this instance. The Department has previously undertaken consultation with these agencies in terms of permitting boundary adjustments on undersized lots in rural and environmental zones. The Department has considered these agency responses, and subsequently supported the inclusion of these clauses in adjoining local environmental plans. Therefore re-consultation with these agencies is not considered necessary.

Environmental social
economic impacts :

Council has considered the environmental, social, and economic outcomes of the planning proposal, and is satisfied that the proposed amendments will create a net community benefit.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
Timeframe to make LEP :	0 months	Delegation :	
Public Authority Consultation - 56(2)(d)	NSW Rural Fire Service		

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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
Cover_Letter_requesting_Gateway_12_August_2016.pdf	Proposal Covering Letter	Yes
Amendment_No.4_Planning_Proposal_August_2016.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**
- 2.1 Environment Protection Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.4 Integrating Land Use and Transport**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**

Additional Information : **The planning proposal 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 classified as low impact as described in A Guide to Preparing LEPs (Planning & Infrastructure 2013) and 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 & Infrastructure 2013).

2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A 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.

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3. A public hearing is not required to be held into the matter by any person or body 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 6 months from the week following the date of the Gateway determination.

5. Council exercise their plan making delegations under section 59 of the EP&A Act.

Supporting Reasons :

MidCoast Council has identified the need for this amendment to meet its operational needs. The planning proposal provides flexibility for boundary realignments where it does not create any additional dwelling entitlement or result in an increased land use conflict, and clarifies Council's requirements for residential accommodation, tourist and visitor accommodation or ecotourist facilities in rural and environmental zones.

Council nominates the planning proposal completion date by January 2017, being a 5 month timeframe. A 6 month timeframe is considered suitable to enable Council to consult with agencies, and there could be slight delays over the Christmas and New year period.

The Minister delegated his plan making powers to Councils in October 2012. Council has accepted this delegation. The proposal is of local significance, and it is recommended that Council use their delegations to make the plan.

Signature:



Printed Name:

Robert Hodgkins.

Date:

2.9.2016.