

Merriwa LEP - Administration Amendment

Proposal Title : **Merriwa LEP - Administration Amendment**

Proposal Summary : **To update the LEP to require development consent for dwellings in the Village zone.**

PP Number : **PP_2012_UPHUN_001_00**

Dop File No : **12/02592**

Proposal Details

Date Planning Proposal Received : **01-Feb-2012**

LGA covered : **Upper Hunter**

Region : **Hunter**

RPA : **Upper Hunter Shire Council**

State Electorate : **UPPER HUNTER**

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

LEP Type : **Housekeeping**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **James Shelton**

Contact Number : **0249042713**

Contact Email : **james.shelton@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Paul Smith**

Contact Number : **0265401102**

Contact Email : **psmith@upperhunter.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub Regional Strategy : **N/A**

Consistent with Strategy : **Yes**

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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 :

External Supporting

Notes :

The EPA Act was amended in 1998 requiring dwelling houses to obtain development consent. Under the Merriwa Local Environmental Plan 1992, the 2(v) Village Zone does not require development consent for dwellings. A Savings and Transitional regulation allowed the continued acceptance of development applications until July 2000. An amendment of the LEP to to incorporate this change appears to have been overlooked.

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : To correct an anomaly in the LEP that has arisen by a change in the EPA Act in 1998.

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

Is an explanation of provisions provided? Yes

Comment : Adequate - Only the village zoned land is affected by this anomaly.

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 : No

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

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

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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 : **Not required - the PP does not propose any changes to zones or other mapping provisions.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Whilst Council propose a 28 day exhibition, the proposal is considered minor and is recommended for a 14 day consultation period. No targetted consultation necessary.**

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 : **December 2012**

Comments in relation to Principal LEP : **The Principal LEP will combine three existing LEP's for the consolidated Upper Hunter Shire. Council are expected to seek s.65 Certificate in 2nd quarter of 2012.**

Assessment Criteria

Need for planning proposal : **To correct an error/anomaly. This is at odds with the rest of NSW and has implications for private certifiers.**

Consistency with strategic planning framework : **N/A**

Environmental social economic impacts : **Minimal.**

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Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 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
Council introduction letter for Admin PP.pdf	Proposal Covering Letter	Yes
Council report for Scone and Merriwa Admin PP.pdf	Proposal Covering Letter	Yes
Merriwa LEP PP Feb 2012.pdf	Proposal	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:**

1. The Planning Proposal be supported.

2. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ('EP&A' Act) as follows:

(a) the Planning Proposal be made publicly available for 14 days;

(b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 4.5 of a Guide to Preparing LEPs (Department of Planning 2009)

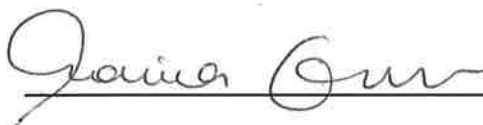
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3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.

4. The time frame for completing the LEP is 6 months from the date of the Gateway Determination.

Supporting Reasons : **Minor Administration LEP to correct an anomaly in the LEP.**

Signature:



Printed Name:

Monica Gibson

Date:

9.2.2012