

Amend Temora LEP 2010 - Reclassify and rezone land Apollo Place Temora

Proposal Title : **Amend Temora LEP 2010 - Reclassify and rezone land Apollo Place Temora**

Proposal Summary : **Council seek to amend Temora LEP 2010 to**
- reclassify Lots 15, 16 and 17 DP 247721 Apollo Place Temora from Community Land to
Operation Land, and
- rezone Lots 20, 21 and 22 DP 247721 Apollo Place from RE1 Public Recreation Zone to R1
General Residential Zone with 750 m2 minimum lot size.

PP Number : **PP_2015_TEMOR_001_00** Dop File No : **15/11466**

Proposal Details

Date Planning Proposal Received : **24-Jul-2015** LGA covered : **Temora**

Region : **Southern** RPA : **Temora Shire Council**

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

LEP Type : **Reclassification**

Location Details

Street : **Apolo Place**

Suburb : City : **Temora** Postcode : **2666**

Land Parcel : **Lots 15, 16, 17, 20, 21 and 22 DP 247721**

DoP Planning Officer Contact Details

Contact Name : **Graham Judge**

Contact Number : **62297906**

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RPA Contact Details

Contact Name : **Claire Golder**

Contact Number : **6980110898**

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DoP Project Manager Contact Details

Contact Name : **George Curtis**

Contact Number : **42249450**

Contact Email : **george.curtis@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

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

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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) :	6
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 :

External Supporting Notes :

1. Lots 20, 21 and 22 DP 247721 are privately owned lots that were inadvertently rezoned from residential to RE1 Public Open Space under Temora LEP 2010.
2. Council seeks to reclassify Lots 15, 16 and 17 DP 247721 to Operational Land to enable the land to be developed for housing by the Department of Family and Community Services, Land and Housing Corporation.
3. Council has indicated that Lots 15, 16 and 17 DP 247721 are vacant, small and are inaccessible to residential areas. Other existing parks cater for local recreation needs therefore these lots are not required for public open space.

Adequacy Assessment

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

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

Comment :

The planning proposal specifically states that Council seeks to amend Temora LEP 2010 to

- reclassify Lots 15, 16 and 17 DP 247721 Apollo Place Temora from Community Land to Operation Land, and
- rezone Lots 20, 21 and 22 DP 247721 Apollo Place from RE1 Public Recreation Zone to R1 General Residential Zone with 750 m2 minimum lot size.

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

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

Comment :

- The Land Zoning Map and Lot Size Map are to be amended to rezone Lots 20, 21 and 22 DP 247721 Apollo Place from RE1 Public Recreation Zone to R1 General Residential Zone with 750 m2 minimum lot size.
- The instrument will be amended to reclassify Lots 15, 16 and 17 DP 247721 Apollo Place Temora from Community Land to Operation Land. The title of the land identifies these lots as 'Public Reserve' therefore the lots will be inserted under Part 2 of Schedule 4 (Interests changed) of Temora LEP 2010 to enable the sale of the land for development.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

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 :

SECRETARY'S REQUIREMENT

The planning proposal seeks to extinguish the interest of Reserve (Public Recreation) from Lots 15, 16 and 17 DP 247721 Apollo Place, Temora. An explanation is required for the reclassification of land that seeks to extinguish any interests in the land.

Comment

1. Council seeks to reclassify Lots 15, 16 and 17 DP 247721 to Operational Land to enable the land to be developed for housing by the Department of Family and Community Services, Land and Housing Corporation.

2. Council has indicated that Lots 15, 16 and 17 DP 247721 are vacant, small and are inaccessible to residential areas. Other existing parks cater for local recreation needs therefore these lots are not required for public open space.

Recommendation: That the Secretary's delegate approve the reclassification of Lots 15, 16 and 17 DP 247721 to Operational Land that includes extinguishing the interest of Reserve (Public Recreation) from Lots 15, 16 and 17 DP 247721 Apollo Place, Temora.

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

If No, explain :

SECTION 117 DIRECTION 6.2 RESERVING LAND FOR PUBLIC PURPOSES

The PP seeks to;

- extinguish the interest of Reserve (Public Recreation) from Lots 15, 16 and 17 DP 247721 Apollo Place, Temora,

- rezone Lots 20, 21 and 22 DP 247721 Apollo Place from RE1 Public Recreation Zone to R1 General Residential Zone with a 750 m2 minimum lot size.

The planning proposal is therefore inconsistent with s117 Direction 6.2 because it alters and reduces zonings or reservation of land for public purposes.

Comment

Council has adequately justified the inconsistencies as follows:

1. Lots 20, 21 and 22 DP 247721 are privately owned lots that were inadvertently rezoned from residential to RE1 Public Open Space under Temora LEP 2010.

2. Council seeks to reclassify Lots 15, 16 and 17 DP 247721 to Operational Land to enable the land to be developed for housing by the Department of Family and Community Services, Land and Housing Corporation.

3. Council has indicated that Lots 15, 16 and 17 DP 247721 are vacant, small and are inaccessible to residential areas. Other existing parks cater for local recreation needs therefore these lots are not required for public open space.

Recommendation

That:

1. the Secretary's delegate approve the inconsistency with s117 Direction 6.2 Reserving Land for Public Purposes because the inconsistency is of minor significance.

2. the Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that s117 Directions do not apply to the PP; and

3. no further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

SEPPs

Council has indicated that no SEPPs apply to the PP.

Recommendation

That no further consultation or referral is required in relation SEPPs while the planning proposal remains in its current form.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The PP includes diagrams that identify the land to be reclassified and rezoned.

The PP however does not include a map illustrating the proposed zone and lot size for lots 20, 21 and 22 DP 247721 Apollo Place, Temora.

Recommendation: That the PP be revised prior to community consultation to include a map showing the proposed zones and lot size for Lots 20, 21 and 22 Apollo place Temora.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has recommended community consultation for 28 days.

Recommendation:

That community consultation be undertaken for 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **SECRETARY'S ADDITIONAL REQUIREMENT - RECLASSIFICATION OF LAND**

The planning proposal seeks to extinguish the interest of Reserve (Public Recreation) from Lots 15, 16 and 17 DP 247721 Apollo Place, Temora. An explanation is required for the reclassification of land that seeks to extinguish any interests in the land.

Comment

1. Council seeks to reclassify Lots 15, 16 and 17 DP 247721 to Operational Land to enable the land to be developed for housing by the Department of Family and Community Services, Land and Housing Corporation.

2. Council has indicated that Lots 15, 16 and 17 DP 247721 are vacant, small and are inaccessible to residential areas. Other existing parks cater for local recreation needs therefore these lots are not required for public open space.

Recommendation: That the Secretary's delegate approve the reclassification of Lots 15, 16 and 17 DP 247721 to Operational Land that includes extinguishing the interest of

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Reserve (Public Recreation) from Lots 15, 16 and 17 DP 247721 Apollo Place, Temora.

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 :

Temora SI LEP 2010 was notified in 2010.

Assessment Criteria

Need for planning
proposal :

Council has adequately justified the need for the PP as follows:

1. Lots 20, 21 and 22 DP 247721 are privately owned lots that were inadvertently rezoned from residential to RE1 Public Open Space under Temora LEP 2010.

2. Council seeks to reclassify Lots 15, 16 and 17 DP 247721 to Operational Land to enable the land to be developed for housing by the Department of Family and Community Services, Land and Housing Corporation.

3. Council has indicated that Lots 15, 16 and 17 DP 247721 are vacant, small and are inaccessible to residential areas. Other existing parks cater for local recreation needs therefore these lots are not required for public open space.

Recommendation: That the Secretary's delegate issue a Gateway Determination for the PP.

Consistency with
strategic planning
framework :

This PP is not in direct response to a land use strategy but seeks to correct a zone anomaly and to reclassify land to Operational Land. The PP is consistent with applicable SEPPs and Section 117 Directions, with exception of Direction 117 6.2 Reserving Land for Public Purposes, where the inconsistency is considered of minor significance.

Environmental social
economic impacts :

There is unlikely to be any adverse environmental, social or economic impacts as a result of the PP. The PP identifies that it will have a positive social and economic impact as a result of the use of the land for housing.

Recommendation: That the Secretary's delegate issue a Gateway Determination for the PP.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
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Timeframe to make LEP :	12 months	Delegation :	Nil
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Public Authority Consultation - 56(2) (d) :	Department of Family and Community Services
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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **Recommend that the matter proceed.**

Note: The Department cannot issue an Authority to Council to use its Delegation for Plan Making because the Governor's approval is required to extinguish interests and the PP seeks to reclassify land that will extinguish interests.

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No further studies required

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
Temora Shire Council_24-07-2015_Planning Proposal - Apollo Place Temora_.pdf	Proposal	Yes
Locality Apollo PI Temora.pdf	Map	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones
3.4 Integrating Land Use and Transport
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes**

Additional Information : **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 Temora Local Environmental Plan 2010 to;**

A. reclassify Lot 15, 16 and 17 DP 24771 Apollo Place Temora from Community Land to Operational Land; and

B. Rezone Lots 20, 21 and 22 DP 247721 to R1 General Residential Zone (750 m2 MLS);

should proceed subject to the following conditions:

1. The planning Proposal is to be revised to include a map showing the proposed zone and minimum lot size for Lots 20, 21 and 22 DP 247721 Apollo Place Temora.

2. 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**

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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).

3. consultation is required with the Department of Family and Community Services under section 56(2)(d) of the EP&A Act:

4. 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).

5. The time frame for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

S117 DIRECTIONS AND SEPPS

6. That the Secretary's delegate approve the inconsistency with s117 Direction 6.2 Reserving Land for Public Purposes because the inconsistency is of minor significance.

7. The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that s117 Directions do not apply to the PP; and

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

9. No consultation or referral is required in relation SEPPs while the planning proposal remains in its current form.

Supporting Reasons :

1. The PP should include a diagram clearly showing changes to the Land Zoning Map and Lot Size Map.

2. The Department of Family and Community Services has an interest in the PP and should be consulted.

Signature:

 A/ Team Leader

Printed Name:

George Curtis

Date:

29/7/15

