

Rezoning Lot 169 DP705030 No 1 Burban Street Brewarrina from zone RE1 Public Recreation to zone RU5 Village

Proposal Title :	Rezoning Lot 169 DP705030 No 1 Burban Street Brewarrina from zone RE1 Public Recreation to zone RU5 Village		
Proposal Summary :	It is proposed to rezone Lot 169 DP705030 from RE1 Public Recreation to RU5 Village and the application of a 800m2 minimum lot size to rectify a mapping error.		
PP Number :	PP_2016_BREWA_001_00	Dop File No :	16/06936

Proposal Details

Date Planning Proposal Received :	08-Jun-2016	LGA covered :	Brewarrina
Region :	Western	RPA :	Brewarrina Shire Council
State Electorate :	BARWON	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	1 Burban Street		
Suburb :	Brewarrina	City :	Brewarrina
		Postcode :	2839
Land Parcel :	Lot 169 DP705030		

DoP Planning Officer Contact Details

Contact Name :	Tim Collins		
Contact Number :	0268412180		
Contact Email :	timothy.collins@planning.nsw.gov.au		

RPA Contact Details

Contact Name :	Kim Talbert		
Contact Number :	0268305100		
Contact Email :	mehb@brewarrina.nsw.gov.au		

DoP Project Manager Contact Details

Contact Name :	Wayne Garnsey		
Contact Number :	0268412180		
Contact Email :	wayne.garnsey@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) :	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 : Lot 169 DP705030 was zoned as Township land zone in the previous Brewarrina LEP 2000 and during the transition to the standard instrument in 7 December 2012, this zone was inadvertently converted to the surrounding RE1 Public Recreation Zone.

The correction will require the change of zone from RE1 Public Recreation to R5 Village and also the application of a minimum lot size of 800m2.

The land is privately owned and serviced by Council water and sewer connections. Council advised the land is not affected by floodwaters.

External Supporting Notes :

Adequacy Assessment

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

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

Comment : The objective of the planning proposal is to correct a mapping error on the LEP Land Zone Map for Lot 169 DP705030. The lot was incorrectly mapped as zone RE1 Public Recreation and needs to be changed to zone RU5 Village with an 800 sqm minimum lot size. The planning proposal seeks to correct the zoning, allow for dwellings to be permissible with consent on this lot and to reflect the existing land use and private ownership.

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

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

Comment : The explanation of provisions clearly states the intent of the planning proposal is to rezone lot 169 DP705030 in the Brewarrina LEP 2012 from land zone RE1 Public Recreation to be changed to zone RU5 Village with an 800 sqm minimum lot size. This will require an amendment to the Land Zone Map Sheet LZN_002A and also the Minimum Lot Size Map Sheet LSZ_002A.

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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

3.3 Home Occupations

4.3 Flood Prone Land

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

SEPP No 10—Retention of Low-Cost Rental Accommodation

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

The proposal was assessed as consistent with the Section 117 Directions and the State Environmental Planning Policies.

3.1 Residential Zones: This direction applies when a planning proposal is prepared that affects land within an existing or proposed residential zone. As the planning proposal seeks to rezone land from zone RE1 Public Recreation to zone RU5 Village, this direction applies. This direction states that a planning proposal must encourage the provision of housing that will broaden the choice of building types and locations, make more efficient use of existing infrastructure, reduce the consumption of land for housing on the urban fringe and be of good design. The planning proposal is to rezone the land to residential to permit dwellings with consent. Therefore it is considered that the planning proposal is consistent with this direction.

4.3 Flood Prone: The planning proposal is consistent with the objectives of this Section 117 Direction. All land zoned RU5 Village is protected by a levee located above the 1% flood level.

6.2 Reserving Land for Public Purpose: This direction applies as the proposal intends to alter and reduce land zoned for public purposes. The zoning of the land as RE1 Public recreation is incorrect as the land is held in private ownership and was mistakenly zoned RE1 when the Brewarrina LEP 2012 was prepared. The Secretary can be satisfied that the inconsistency is minor and can grant approval to remove the RE1 zoning in this case.

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

If No, explain :

There is no inconsistencies with the Section 117 Directions and the State Environmental Planning Policies.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Mapping of the subject site has been included in the planning proposal which is adequate for the purpose of public exhibition. The Gateway determination will include a condition requiring maps to be prepared to the Standard Instrument mapping technical standards prior to submitting the amendment for Section 59.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The planning proposal recognises that the planning proposal will need to be made available for community consultation. The gateway determination will include a condition requiring community consultation to be undertake for a period of no less than 14 days.

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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 transition of the LEP 2000 to the Principle LEP in December 2012 incorrectly mapped Lot 169 DP705030 as RE1 Public Recreation. This planning proposal intends to zone the lot to land zone RU5 Village.**

Assessment Criteria

Need for planning proposal : **The amendment to the LEP 2012 land zoning map requires a planning proposal to make the amendment. Given the lot has been erroneously mapped as RE1 Public Recreation a planning proposal is the best method to rectify this error.**

Consistency with strategic planning framework : **The planning proposal to rectify this minor mapping error is consistent with the Council's Strategic Plan.**

Environmental social economic impacts : **It is considered that the planning proposal will not have any negative environmental, social or economic impacts.**

Assessment Process

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

Timeframe to make LEP : **6 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 :

Identify any additional studies, if required. :

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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 Team Recommendation

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

S.117 directions: **3.1 Residential Zones
3.3 Home Occupations
4.3 Flood Prone Land**

Additional Information : **The planning proposal to proceed subject to the following conditions:**

1. Community Consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:

(a) the planning proposal 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 (Department of Planning & Infrastructure 2013).

2. Prior to submission of the planning proposal under section 59 of the EP&A Act, the final LEP Maps are to be prepared and be compliant with the Department's "Standard Technical Requirements for Spatial Datasets and Maps" (2015). This is to include the land zoning and lot size maps.

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 six (6) months from the week following the date of the Gateway determination.

5. Brewarrina Shire Council is authorised to exercise delegation.

Supporting Reasons : **The planning proposal seeks to correct minor mapping errors.
The proposed minimum lot size amendment will ensure a consistent minimum lot size is applicable across the the local government area for the land zone RU5 Village.**

The planning proposal can be determined by the Director Regions, Western as the planning proposal is consistent with Section 117 Directions and State Environmental Planning Policies and is minor matter.

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Signature: _____

Printed Name: _____

Tim Collins

Date: _____

9/6/16

Endorsed

W. Gamsey

10/6/16

TLWR