

Central Darling LEP 2012 Planning and Assessment

IRF20/2704

Amendments to the land use table

LGA	Central Darling
PPA	Central Darling
NAME	Amendments to the land use table
NUMBER	PP_2020_CENTR_002_00
LEP TO BE AMENDED	Central Darling LEP 2012
ADDRESS	Applies to zones RU1 Primary Production, RU5 Village, RE1 Public Recreation and R1 General Residential
DESCRIPTION	Various
RECEIVED	9 June 2020
FILE NO.	IRF20/2704
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

Amend the Central Darling Local Environmental Plan 2012 land use table to permit the following land use with consent:

- RU1 Primary Production - Waste disposal facilities.
- RU5 Village - Air transport facilities.
- RE1 Public Recreation - Education establishments and child care facilities.
- R1 General Residential - Car Parks, Commercial premises, function centres, public administration buildings, Registered clubs and water treatment facilities and tourist and visitor accommodation.

1.2 Site description

The intent of the planning proposal is to change the land use permitted with consent as specified on all land zone RU1 Primary Production, RU5 Village, RE1 Public Recreations and R1 General Residential in the Central Darling LEP 2012.

1.3 Existing planning controls

The subject land is zoned RU1 Primary Production, RU5 Village, RE1 Public Recreations and R1 General Residential in the Central Darling LEP 2012. The proposed amendment will change the land uses that are permitted with consent in these zones.

1.4 Surrounding area

The planning proposal applies to all land within the Central Darling LEP 2012 that is zoned RU1 Primary Production, RU5 Village, RE1 Public Recreations and R1 General Residential in the Central Darling LEP 2012.

1.5 Summary of recommendation

Proceed with condition – the planning proposal recognises the current and historical use of the land. The inclusion of additional land uses as permitted with consent provides certainty for current and future land use on the subject land.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the planning proposal is to recognise the historic and current land use on certain sites. Following the preparation of Crown Reserves Plan of Management Plan a number of land uses on Crown Land and Council owned land is not permitted. The provide certainty to stakeholder on the historic and future intended use of land the proposal will allow the current land use with consent, in the zone.

2.2 Explanation of provisions

Amend the Central Darling Local Environmental Plan 2012 land use table to permit the following landuse with consent:

- RU1 Primary Production - Waste disposal facilities.
- RU5 Village - Air transport facilities.
- RE1 Public Recreation - Education establishments and child care facilities.
- R1 General Residential - Car Parks, Commercial premises, function centres, public administration buildings, Registered clubs and water treatment facilities and tourist and visitor accommodation.

2.3 Mapping

No changes to mapping are required as part of this proposal.

3. NEED FOR THE PLANNING PROPOSAL

Following the preparation of Crown Reserves Plan of Management a number of land uses on Crown Land and Council owned land are not permitted. This proposal aims to resolve this issue by acknowledging and allowing the current and future intended land use of land in the Central Darling Council area. The proposal is the best way to achieve the intended outcome.

4. STRATEGIC ASSESSMENT

4.2 Regional

The Far West Regional Plan 2036 applies to the proposal. The objective of the planning proposal is not to change the existing land use in the subject zones but to recognise the current and future intended use of land in the subject zones. The proposal is consistent with the Regional Plan as it is only recognise the current land use, any future change will be permitted with consent.

4.3 Local

The proposal is as a result of the completion of the Crown Reserves Plan of Management. The outcome of the planning proposal will provide certainty to the

current and future intended land use for lots in RU1 Primary Production, RU5 Village, RE1 Public Recreation and R1 General Residential in the Central Darling LEP 2012.

4.4 Section 9.1 Ministerial Directions

The proposal is consistent with the section 9.1 Directions except for the following:

1.2 Rural Zones and 1.5 Rural Lands

This Direction applies as the amendment proposes to increase the land uses permitted with consent in RU1 Primary Production, RE1 Public Recreation and RU5 Village zones. The intent of the proposal will not change the existing use of land in these zones only recognise the current and future intended use of land. The proposed land are waste disposal facilities and air transport facilities. Any future development will be considered at Development Application stage. The proposal will not directly impact the objective of the Direction; however, the proposal will increase potential permissible land uses on rural land. The inconsistency with this Direction is considered to be of minor significance. No further work is required.

3.1 Residential Zones

This Direction applies as the amendment proposes to increase the land uses permitted with consent in R1 General Residential zone. The proposal will permit car parks, commercial premises, function centres, public administration buildings, registered clubs and water treatment facilities and tourist and visitor accommodation with consent in residential zone. This will recognise the current and future intended use of land. Any future development will be considered by Council at Development Application stage. The objective of the proposal is to encourage a variety of choice of housing types, the additional land uses are not housing land uses. The amendment is inconsistent with the objectives of the Direction; however, the inconsistency is considered to be of minor significance. No further work is required.

4.5 State environmental planning policies (SEPPs)

State Environmental Planning Policy (Primary Production and Rural Development (2019)

The amendment will increase the land uses permitted with consent on rural land. The intent of the proposal will not change the existing use of land in these zones only recognise the current and future intended use of land. The proposed land are for existing waste disposal facilities and air transport facilities. Any future development will be considered at Development Application stage.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social, Environmental and Economic

The intended outcome of the proposal will ensure the certainty of current and intended future land use of land in the Central Darling Local Government Area. The Crown Reserves Plan of Management identified a number of land uses that are not currently listed as permitted with consent on zoned land. The proposal will provide certainty on the current and future intended use of the land. The primary existing uses include waste facilities, preschool, council administration buildings and air transport facilities. The proposal makes the specified uses permissible to acknowledge existing development and allow for future expansion rather than relying on exiting use provisions.

6. CONSULTATION

6.1 Community

As identified in the planning proposal Council intend to notify land owners affected by the proposal via letter. There will also be advertisements digitally in the Barrier Daily Truth, in the Wilcannia News, and in the relevant Council branches in Menindee and Ivanhoe. Public notices will be placed on regularly used noticeboards across the Central Darling Local Government Area, (Menindee, Wilcannia, Ivanhoe, White Cliffs, Tilpa). Council intends to place the proposal on exhibition for 28 days. This is considered appropriate.

6.2 Agencies

The proposal identifies that the exhibition will include notification to the NSW Department of Primary, Industry and Environment – Crown Reserve Management Unit. It is also considered appropriate to consult with the Primary Industries Division.

7. TIME FRAME

The proposed timeframe for completing the proposal is 8 months. Given the nature of the proposal and that mapping is not required 9 months is considered a suitable period of time to complete the proposal.

8. LOCAL PLAN-MAKING AUTHORITY

Due to Council having interest in land to which the proposal relates it is recommended that Council not be the local plan-making authority.

9. CONCLUSION

The preparation of the planning proposal is supported to proceed with conditions as it will recognise the current and future intended land use within the Central Darling Shire Council area.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 1.2 Rural Zones and 1.5 Rural Lands and 3.1 Residential zones are minor and no further work is required.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - NSW Department of Planning, Industry and Environment - Crown Reserve Management Unit

- NSW Department of Planning, Industry and Environment – Primary industries Division.
3. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
 4. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.



25.6.20

Wayne Garnsey
Team Leader, Western Region



26/06/2020

Damien Pfeiffer
Director, Western Region
Local and Regional Planning

Assessment officer: Amanda Carnegie
Planning Officer, Western Region
Phone: 02 5852 6808