

**Dwelling Entitlement for Lots 28 & 29 DP 755414 Botobolar Rd**

Proposal Title :	<b>Dwelling Entitlement for Lots 28 &amp; 29 DP 755414 Botobolar Rd</b>		
Proposal Summary :	<b>Council is seeking to list lots 28 and 29 DP 755414 in Schedule 1 of the Mid-Western LEP 2012 for the purpose of permitting a dwelling to be built on the land.</b>		
PP Number :	<b>PP_2013_MIDWR_008_00</b>	Dop File No :	<b>13/19749</b>

**Planning Team Recommendation**

Preparation of the planning proposal supported at this stage :	<b>Recommended with Conditions</b>
S.117 directions :	<b>1.2 Rural Zones 1.5 Rural Lands</b>
Additional Information :	<b>Proceed with conditions.</b>
	<b>28 days minimum consultation required. Specific consultation with Department of Primary Industries. 6 months to finalise LEP.</b>
	<b>Schedule 1 listing of Lots 28 &amp; 29 DP 755414 Botobolar Rd, Botobolar, for consolidation of the lots and development for the purpose of a dwelling house is permitted with consent where the dwelling is demonstrated to be ancillary to established intensive plant agricultural uses on the land.</b>
	<b>Provide Council with Written Authorisation to Exercise Delegation to finalise the LEP amendment.</b>
Supporting Reasons :	<b>A dwelling approval had been issued for the land where it was ancillary to intensive agriculture on the land (this lapsed in 2008). However, the DG endorsed Strategy maintains dwellings on land where it would have been permissible under a previous planning instrument, such is the case here.</b>

**Panel Recommendation**

Recommendation Date :	<b>19-Dec-2013</b>	Gateway Recommendation :	<b>Passed with Conditions</b>
Panel Recommendation :	<b>The planning proposal should proceed subject to the following conditions:</b>		
	<ol style="list-style-type: none"> <li><b>1. Council is to place on public exhibition with the planning proposal, the additional information provided to the Department on 12 December 2013 outlining its preference to use Schedule 1 to permit a dwelling on land at Botobola and information on consistency with Section 117 Directions and State Environmental Planning Policies. Council is to ensure the planning proposal addresses all relevant matters which are to be included in the planning proposal as specified in A Guide to Preparing Planning Proposals including a project timeline.</b></li> <li><b>2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&amp;A Act") as follows:</b> <ol style="list-style-type: none"> <li><b>(a) the planning proposal must be made publicly available for a minimum of 28 days; and</b></li> <li><b>(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 &amp; Infrastructure 2013).</b></li> </ol> </li> <li><b>3. Council is to consult with the Department of Primary Industries (DPI) - Agriculture as per the requirements of S117 Direction 1.3 Mining, Petroleum Production and Extractive</b></li> </ol>		

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Industries. The planning proposal should be updated to take into consideration any comments made. DPI 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.

4. 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).

5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has not sought delegations for this planning proposal. Council should be issued with plan making delegation because the proposal is considered to be a matter of local planning significance.

Signature:

M. Selman

Printed Name:

WEN SELMAN

Date:

20/12/13