

**Section 73A(1)(c) Mapping Amendments Caerleon**

|                    |                                                                                                                                                                                                                                                                                                                                                                                                                    |               |          |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------|
| Proposal Title :   | Section 73A(1)(c) Mapping Amendments Caerleon                                                                                                                                                                                                                                                                                                                                                                      |               |          |
| Proposal Summary : | Council has submitted a Planning Proposal to correct a mapping error identified at a development site known as Caerleon. A strip of zone RE1 Public Recreation land running parallel to the Gwabegar railway line was incorrectly identified meaning it encroached by 13.65m into land in the adjoining R1 General Residential zone. This Planning Proposal, as a section 73A Amendment, is to rectify this issue. |               |          |
| PP Number :        | PP_2013_MIDWR_005_00                                                                                                                                                                                                                                                                                                                                                                                               | Dop File No : | 13/15137 |

**Proposal Details**

|                                   |             |                      |                              |
|-----------------------------------|-------------|----------------------|------------------------------|
| Date Planning Proposal Received : | 09-Sep-2013 | LGA covered :        | Mid-Western Regional         |
| Region :                          | Western     | RPA :                | Mid-Western Regional Council |
| State Electorate :                | ORANGE      | Section of the Act : | 73A - Minor Matter           |
| LEP Type :                        | 73A         |                      |                              |

**Location Details**

|               |                       |        |                 |
|---------------|-----------------------|--------|-----------------|
| Street :      | Caerleon              |        |                 |
| Suburb :      | Mudgee                | City : | Mudgee          |
|               |                       |        | Postcode : 2850 |
| Land Parcel : | Part Lot 21 DP1186131 |        |                 |

**DoP Planning Officer Contact Details**

|                  |                                 |  |  |
|------------------|---------------------------------|--|--|
| Contact Name :   | Megan Jones                     |  |  |
| Contact Number : | 0268412180                      |  |  |
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**RPA Contact Details**

|                  |                               |  |  |
|------------------|-------------------------------|--|--|
| Contact Name :   | Liz Densley                   |  |  |
| Contact Number : | 0263782850                    |  |  |
| Contact Email :  | council@midwestern.nsw.gov.au |  |  |

**DoP Project Manager Contact Details**

|                  |  |  |  |
|------------------|--|--|--|
| Contact Name :   |  |  |  |
| Contact Number : |  |  |  |
| Contact Email :  |  |  |  |

**Land Release Data**

|                                    |     |                            |     |
|------------------------------------|-----|----------------------------|-----|
| Growth Centre :                    | N/A | Release Area Name :        | N/A |
| Regional / Sub Regional Strategy : | N/A | Consistent with Strategy : | N/A |

## Section 73A(1)(c) Mapping Amendments Caerleon

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 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 :

**When the original maps were drafted for Mid Western Regional LEP 2012 Amendment 3 - Caerleon, the RE1 zone buffer was meant to be 40m from the adjoining railway line, however the RE1 zone was incorrectly drawn at 40m from the boundary of the railway corridor. The location of the 40m wide RE1 zone from the railway corridor rather than from the railway line results in a 13.65m encroachment into the adjoining R1 zone. The intention of the Mid Western Regional LEP 2012 Amendment 3 and as approved by the Department was that the 40m distance be measured from the railway line. This section 73A is to rectify this matter.**

External Supporting  
Notes :

## Adequacy Assessment

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

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

Comment : **Adequate**

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

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

Comment : **Adequate**

### Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

**3.1 Residential Zones**

\* May need the Director General's agreement

**6.1 Approval and Referral Requirements**

**6.3 Site Specific Provisions**

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

## Section 73A(1)(c) Mapping Amendments Caerleon

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

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

If No, explain :

### Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Adequate**

### Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **Council is requesting that community consultation requirements be dispensed with. This is supported as the amendment is minor in nature and reflects current community expectations for the site as well as being supported by section 4.1 the current Caerleon Development Control Plan.**

### 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 : **Adequate**

## Proposal Assessment

### Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Mid Western Regional LEP 2012 was notified on 10 August 2012. Mid Western Regional LEP 2012 Amendment 3 - Caerleon- which relates to this site was notified on 15 March 2013. The s73A amendment will correct the mapping error to support the outcomes of Amendment 3 in regard to the location of zone RE1 from the adjoining railway line.**

### Assessment Criteria

Need for planning proposal : **A section 73A amendment is the correct mechanism to correct this matter. A Planning Proposal is required so that delegation can be issued to Council to finalise the section 73A amendment**

Consistency with strategic planning framework : **The section 73A amendment is consistent with local and state approved land use outcomes for the subject land.**

Environmental social economic impacts : **Environmental, social and economic impacts have been adequately considered and addressed during exhibition of the Mid Western Regional LEP 2012 -Amendment 3 - Caerleon where it was agreed that the 40m buffer distance that is reflected through zone RE1 would be measured from the railway line rather than the railway corridor.**

## Section 73A(1)(c) Mapping Amendments Caerleon

### Assessment Process

Proposal type : **Minor** Community Consultation Period : **Nil**

Timeframe to make LEP : **3 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 :

If Other, provide reasons :

**N/A**

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  |
|-----------------------------------------------------|---------------------------------|------------|
| <b>MWRC covering letter s73A Caerleon.pdf</b>       | <b>Proposal Covering Letter</b> | <b>Yes</b> |
| <b>MWRC s73A submission form.pdf</b>                | <b>Proposal Covering Letter</b> | <b>Yes</b> |
| <b>MWRC s73A Caerleon Council report.pdf</b>        | <b>Proposal</b>                 | <b>Yes</b> |
| <b>MWRC s73A Caerleon proponents submission.pdf</b> | <b>Proposal</b>                 | <b>Yes</b> |

### Planning Team Recommendation

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

S.117 directions : **3.1 Residential Zones**  
**6.1 Approval and Referral Requirements**  
**6.3 Site Specific Provisions**

Additional Information : **That Council be granted authorisation to exercise delegation to make the plan.**  
**That the LEP planmaking processes up to s59 be dispensed with**  
**That the plan be finalised in 3 months**

Supporting Reasons : **This is a minor matter that meets the requirements for consideration under Part 73A(1)(c) of the Act. Council may be given authorisation to exercise delegation to make this plan.**

Section 73A(1)(c) Mapping Amendments Caerleon

Signature:



Printed Name:

Ashley Albury

Date:

19/9/2013

Endorsed Wayne Garney 19/9/2013  
Wayne Garney  
A/Team leader