

1.1.1 Caerleon – Environmental Planning & Assessment Act 1979 s73A Amendment

REPORT BY THE MANAGER STRATEGIC PLANNING TO 4 SEPTEMBER 2013 COUNCIL MEETING
S73 A Amendment Caerleon
GOV400029, A0100056, A0420238

RECOMMENDATION

That:

1. **the report by the Manager Strategic Planning on the Caerleon - Environmental Planning & Assessment Act 1979 s73A Amendment be received;**
2. **Council prepare an amendment to Local Environmental Plan 2012 to fix the mapping error in relation to the Caerleon site.**

Executive summary

Council undertook to rezone land to facilitate the Caerleon residential development. The re-zoning was generally consistent with the earlier Development Control Plan (DCP) adopted by Council. The DCP refers to the distance from the railway corridor to the residential zone as being 40m measured from the middle of the track, however, the published LEP Map shows the distance as measured from the boundary of the railway corridor.

This was an error in drafting the mapping for the LEP. The proponent is seeking to use section 73A of the Environmental Planning and Assessment Act to rectify this error and has lodged a Planning Proposal on that basis. The supporting documentation is attached to the end of the business paper.

Detailed report

Following is an extract from the Planning Proposal prepared by Elton Consulting on behalf of the proponent.

This Planning Proposal seeks approval for a housekeeping amendment to the Mid Western Regional Local Environmental Plan 2012 (LEP 2012) to amend the Land Zoning Maps, Minimum Lot Size Maps and Height of Building Maps for part of the 'Caerleon' site (part lot 1, DP 1146227). It is submitted to Mid-Western Regional Council (the Council) by Elton Consulting on behalf of Caerleon Mudgee Pty Ltd ATF Caerleon Mudgee Trust.

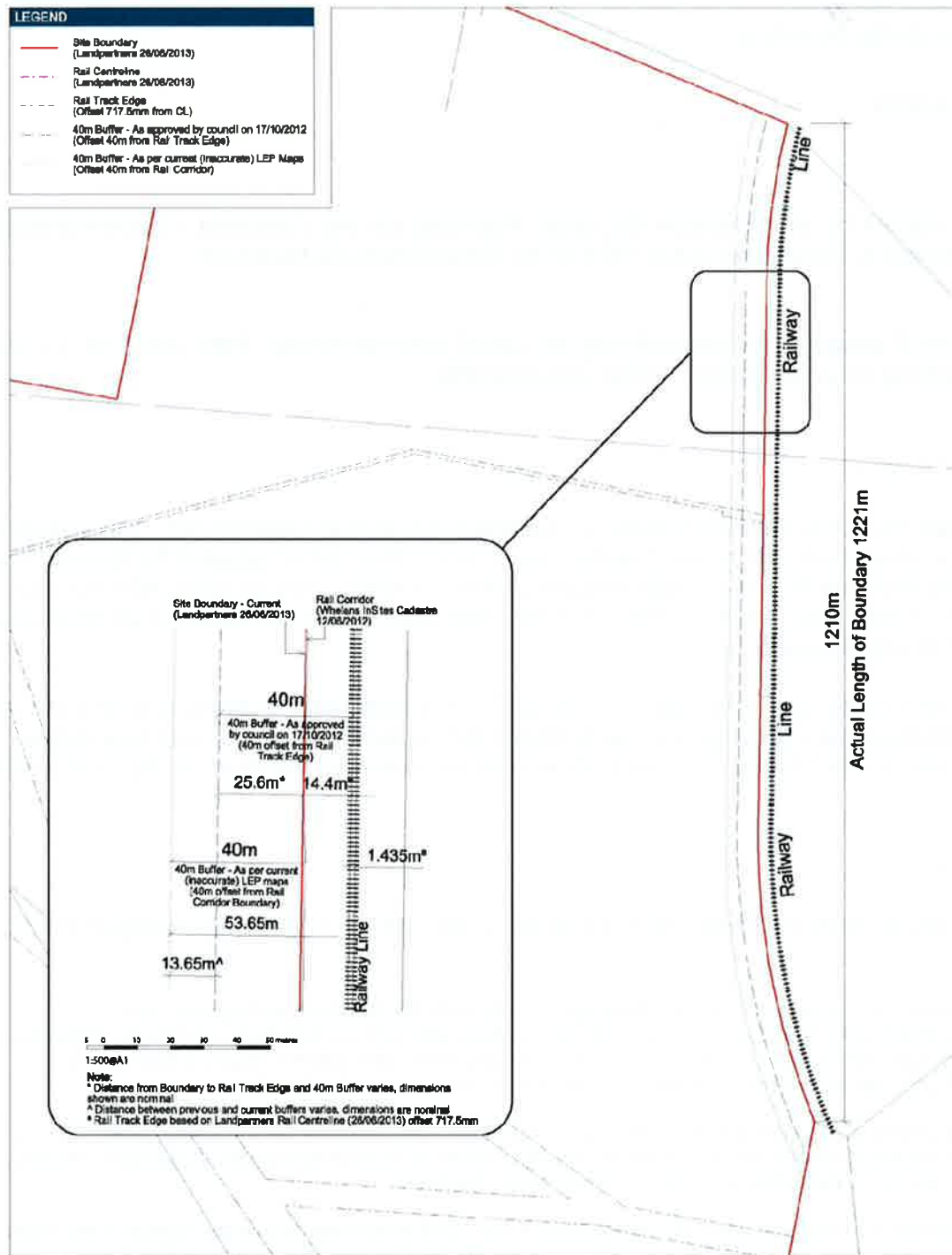
The land that is the subject of this Planning Proposal consists of a strip of land between the Gwabegar railway line and the residential land in Caerleon which was previously rezoned for residential development under Mid Western Regional LEP 2012 (Amendment No. 3 published on Legislation website on 15/3/2013).

Specifically, the land that is the subject of this Planning Proposal is a 13.65 metre wide strip on the outside of the correct 40 metres buffer line when measured west from the railway line (i.e. the land between the green and blue lines in Figure 1a / the land highlighted in blue in Figure 1b). As part of the preparation of Amendment No. 3, this land was incorrectly mapped as RE1 Public Recreation.

Although the Gwabegar railway line is not in use, one objective of the Planning Proposal associated with Amendment No. 3 ('original Planning Proposal') was to provide an appropriate buffer between the railway line and future residential development within Caerleon. The developers agreed to apply a 40 metre buffer between the railway line and residential lots, to protect the amenity of future housing and provide an opportunity for open space/landscaping.

The purpose of this Planning Proposal is to correct a mapping error/map formatting error by correctly applying a 40 metre buffer to the railway line. Currently, the LEP Maps provide a buffer of approximately 53 metres from the railway line, greater than that which was approved by Council on 17 October 2012.

It is also proposed to request the Minister to expedite this Amendment under the provision of section 73A of the Environmental Planning & Assessment Act 1979 (EP&A Act). Section 73A allows an LEP Amendment to be made by dispensing with the community and public consultation requirements under section 57, but only if the amendment is to correct an obvious error or misdescription in a map and/or matters that are minor in nature.



Railway Buffer Comparison

CAERLEON - MUDGEE

PLAN NO. BLAMJ-5-021 | SHEET NO. 01 | REV 5.0N C
DATE: 19/07/2013 SCALE 1:2000@A1

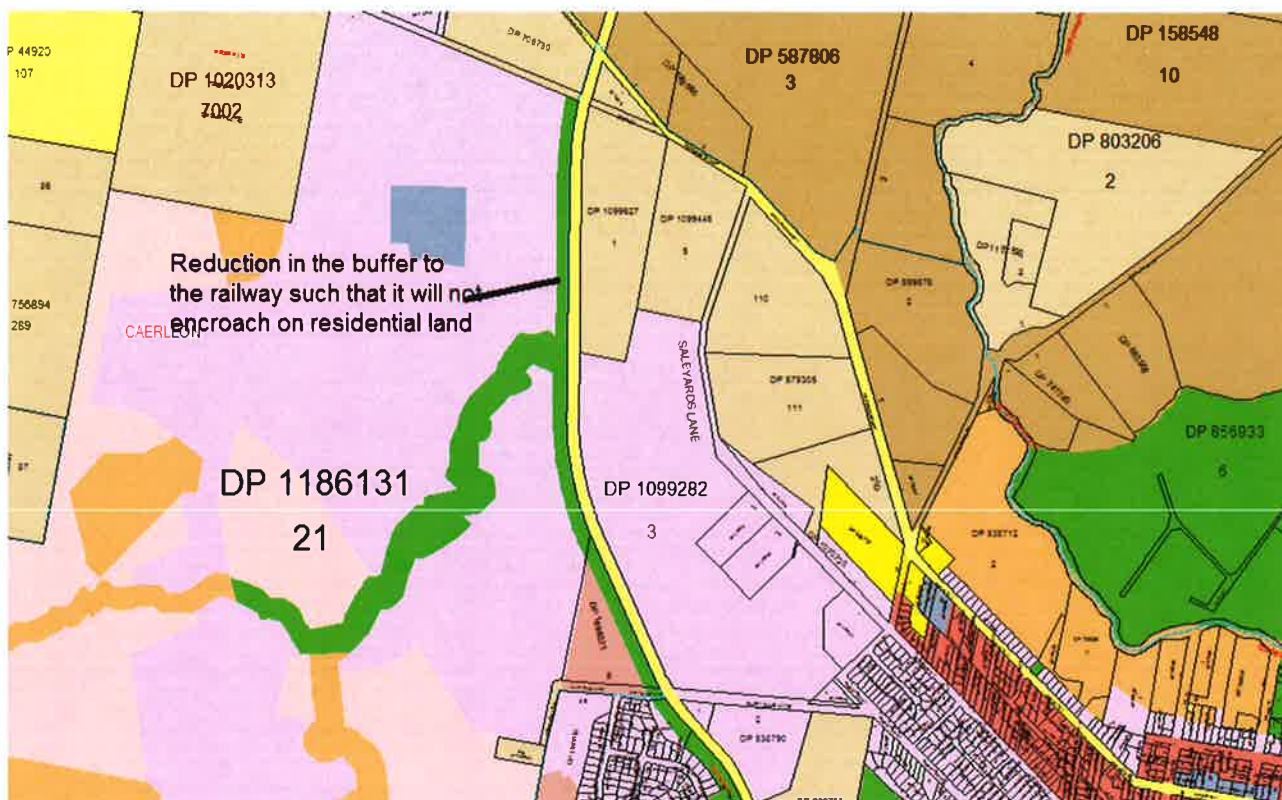


0 20 40 60 80 100 120 140 160 180 200 metres



Build 001, 01 Overview B
19/07/2013
19/07/2013
19/07/2013

Note: All areas and dimensions subject to detailed survey.



The Council has supported the concept plan for the Caerleon site and endorsed the DCP based on the buffer distance being measured from the centreline of the railway corridor and concur with the proponent that there has been an error in translating the concept plan into the LEP Maps.

Not applicable.

The amendment will be an amendment to the LEP2012 to be consistent with the Development Control Plan and the development concept plan.

ELIZABETH DENSLEY
MANAGER STRATEGIC PLANNING

22 August 2013

APPROVED FOR SUBMISSION:

WARWICK L BENNETT
GENERAL MANAGER

