

Amendment 5 - Mapping Correction - Section 73A Amendment to Orange Local Environmental Plan 2011

Proposal Title :	Amendment 5 - Mapping Correction - Section 73A Amendment to Orange Local Environmental Plan 2011		
Proposal Summary :	The section 73A seeks to amend the Orange Local Environmental Plan 2011 to change land from zone RE1 Public Recreation to zone IN1 General Industrial for part of Lot 300 DP 883628, 174 Leeds Parade Orange. (See Locality Map for extent of subject land)		
PP Number :	PP_2014_ORANG_003_00	Dop File No :	14/16291-1

Proposal Details

Date Planning Proposal Received :	25-Sep-2014	LGA covered :	Orange
Region :	Western	RPA :	Orange City Council
State Electorate :	ORANGE	Section of the Act :	73A - Minor Matter
LEP Type :	73A		

Location Details

Street :	174 Leeds Parade		
Suburb :	Orange	City :	Orange
		Postcode :	2800
Land Parcel :	Part Lot 300 DP 883628 form zone RE1 Public Recreation to zone IN1 General Industrial		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

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

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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 :

Council wishes to rezone a small section of the land from zone RE1 Public Recreation to zone IN1 General Industrial.

174 Leeds Parade was originally split-zoned under Orange LEP 2000 with the subject land in question zoned for industrial purposes. This was inadvertently converted to public recreation by the adoption of the Orange LEP 2011 whereby the mapping for this land followed the cadastre rather than the previous zone boundary.

This issue was identified after notification of the Orange LEP 2011. This land was included in Amendment 1 to change the zone to IN1 up to and including the public exhibition phase. Again this land was overlooked and still remains zone RE1.

In LEP 2011 and Amendment 1 there were no submissions in relation to this site.

Council has confirmed that this land is classified as operational under the Local Government Act. Council is seeking to dispose of this operational land as it is surplus to recreational need and is contiguous with an existing industrial area.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **To amend the Land Zoning map, sheet LZN_008C, of the Orange Local Environmental Plan 2011 to rezone an irregular shaped part of Lot 300 DP 883628 from zone RE1 Public Recreation to zone IN1 General Industrial. (see Locality Map for extent of land)**

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

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

Comment : **The explanation of provisions clearly states that the objective of the Planning Proposal will be achieved on completion of the amendment to Sheet LZN_008C of the Orange local**

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Environmental Plan 2011 Land Zone Map to identify the small section of land as zone IN1 General Industrial.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

4.3 Flood Prone Land

* May need the Director General's agreement

6.2 Reserving Land for Public Purposes

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

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

d) Which SEPPs have the RPA identified?

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

4.3 Flood Prone Land – The Ministerial Direction is relevant, as the land has been identified as flood prone by Council. Council identified that a condition of the agreement to sell the parcel of land would be that any structure erected would allow for the natural flow of surface water at times of flooding. The proposed change in zoning is consistent with this direction as it does not affect the existing local flooding provisions.

6.2 Reserving Land for Public Purposes - the Ministerial Direction is relevant because the section 73A seeks to rezone land from zone RE1 Public Recreation to zone IN1 General Industrial. The Secretary (or delegate) can approve the proposed change as it has been justified as being of minor significance as it only affects a very small proportion of RE1 Public Recreation Land.

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 :

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment :

The section 73A submission seeks to remedy an omission from the Orange LEP 2011 and Amendment 1. Council is therefore seeking authorisation under section 73A of the Environment Planning and Assessment Act 1979 to undertake an expedited amendment consistent with the publicly exhibited version of Orange LEP 2011 Amendment 1. Accordingly no additional community or agency consultation is proposed or necessary in this case.

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 :

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Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Orange LEP 2011 was notified on 24 February 2012

Assessment Criteria

Need for planning
proposal :

The the rezoning of the land is necessary to rectify an omission from Orange LEP 2011 Amendment 1 and return the land to an industrial zone as it was under Orange LEP 2000 and Amendment 1..

Consistency with
strategic planning
framework :

The proposal is not inconsistent with local strategic studies that were associated with that amendment.

Environmental social
economic impacts :

The primary social effects of the proposal are beneficial in terms of improving the trading capacity and performance of industrial zoned land, reducing the open space maintenance costs incurred by Council and realising the capital value of the land for the benefit of ratepayers.

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 :

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 :

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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: **4.3 Flood Prone Land
6.2 Reserving Land for Public Purposes**

Additional Information : **That Ministers delegate determines and supports the section 73A submission, noting the following :**

1.Community consultation is not required under sections 56(2) (c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

2.Consultation is not required with any public authorities under section 56(2) (d) of the EP&A Act.

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. Orange City Council be authorised to exercise plan making delegations in this case.

5.The timeframe for completing the LEP is to be 3 months from the week following the date of the Gateway Determination.

Supporting Reasons : **This issue was identified after notification of the OLEP 2011 and rezoning of the land was included in Amendment 1 up to, and including, the public exhibition phase. There were no submissions in relation to this site. However the matter was again overlooked and was not rezoned to general industrial and still remains public recreation. The proposal is consistent with the zoning from Orange LEP 2000.**

The General Manager, Western Region as delegate of the Minister for Planning can use delegation as this application is a minor matter to correct a mapping oversight that does not alter strategy endorsed development standards.

Signature:

Aurégil

Printed Name:

Amanda Carnegie

Date:

15/10/14

*Endorsed
W Gamsen
TL WR
15/10/14*