

Berrigan LEP 2013 (Amendment No. 1) Additional Permitted Use Barooga Road, Tocumwal

Proposal Title : **Berrigan LEP 2013 (Amendment No. 1) Additional Permitted Use Barooga Road, Tocumwal**

Proposal Summary : **The planning proposal intends to include an Additional Permitted Use on land at Lot 133 DP 773957 Barooga Road, Tocumwal to allow the erection of a dwelling on the land.**

PP Number : **PP_2014_BERRI_001_00**

Dop File No : **14/16668-1**

Proposal Details

Date Planning
Proposal Received : **02-Oct-2014**

LGA covered : **Berrigan**

Region : **Western**

RPA : **Berrigan Shire Council**

State Electorate : **MURRAY DARLING**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street : **Barooga Road**

Suburb : **Tocumwal**

City :

Postcode : **2714**

Land Parcel : **Lot 133 DP 773957**

DoP Planning Officer Contact Details

Contact Name : **Jessica Holland**

Contact Number : **0268412180**

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RPA Contact Details

Contact Name : **Laurie Stevens**

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Contact Email : **mail@berriganshire.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Wayne Garnsey**

Contact Number : **0268412180**

Contact Email : **wayne.garnsey@planning.nsw.gov.au**

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

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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 : 1
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notesInternal Supporting
Notes :External Supporting
Notes :**Adequacy Assessment****Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? Yes

Comment : The planning proposal clearly states that the objective of the planning proposal is to permit the erection of a dwelling house with consent on the land at Lot 133 DP 773957, Barooga Road, Tocumwal.

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

Is an explanation of provisions provided? Yes

Comment : The expansion of provisions clearly states that the objective of the planning proposal will be achieved by amending Schedule 1 Additional Permitted Uses to permit the erection of a dwelling house on the subject land.

This is considered the most appropriate option to achieve the proposed outcome.

The additional permitted use is also to be mapped.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

3.5 Development Near Licensed Aerodromes

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

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

d) Which SEPPs have the RPA identified?

SEPP (Rural Lands) 2008

Murray REP No. 2 - Riverine Land

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

1.2 Rural Zones: The Direction is relevant to the Planning Proposal as the proposal affects land zoned RU1 Primary Production. The Planning Proposal is inconsistent with the Direction as the proposed amendment will increase the permissible density of the land. The inconsistency is considered to be of minor significance as the proposal is limited to one residential dwelling through the inclusion of the use in Schedule 1 and does not affect the minimum lot size currently applied to the land.

1.5 Rural Lands: The Ministerial Direction is relevant to the Planning Proposal as the proposal affects land within the RU1 Primary Production zone. The Planning Proposal does not seek to amend the MLS applicable to the land. The proposal has been assessed to be consistent with the Rural Planning Principles and Rural Subdivision Principles within SEPP (Rural Lands) 2008.

3.5 Development Near Licenced Aerodromes: The Ministerial Direction is relevant to the Planning Proposal as the proposal seeks to include a provision on land within 1.5km of an aerodrome. The Direction aims to ensure effective operations of aerodromes by ensuring that development does not interfere with or cause hazard to aircraft in the vicinity. The Planning Proposal states that the land is outside of the ANEF 15 contour and the proposed land use does not threaten to encroach the OLS on the site. Therefore the operation of the aerodrome will not be affected by the proposal.

4.3 Flood Prone Land: The Ministerial Direction is relevant to the Planning Proposal as the proposal seeks to include a provision to permit the erection of a dwelling on land that is partly flood prone. Council is to thoroughly address this issue prior to exhibition.

4.4 Planning for Bushfire Protection: The Ministerial Direction is relevant to the Planning Proposal as the proposal seeks to include a provision to permit the erection of a dwelling on land that is identified as bushfire prone. Council is to address this issue prior to public exhibition.

6.3 Site Specific Provisions: The Ministerial Direction is relevant to the Planning Proposal as the proposal will allow the erection of a dwelling on the subject land. The Planning Proposal allows the land use through inclusion of the matter in Schedule 1 Additional Permitted Uses and does not impose additional development standards to those already contained within the Berrigan LEP 2013. The Planning Proposal is consistent with this Direction.

SEPP (Rural Lands) 2008: This SEPP requires proper management, protection and planning of rural lands which promotes social, economic and environmental outcomes. The Planning Proposal is consistent with the Policy and provides an opportunity for housing which supports the viability of Tocumwal. The site is an appropriate location for the proposed use and will not significantly impact on existing infrastructure and services or rural land uses.

Murray REP No.2 - Riverine Land: The proposed amendment is consistent with the Planning Principles of the Murray REP No.2. The land on which the proposed land use is to be situated is predominantly flood free and located close to services and infrastructure. The development is not expected to impact on land through the process of erosion, native vegetation decline, pollution of ground or surface water, groundwater accession, salination and soil acidity, nor adverse effects on the quality of terrestrial and aquatic habitats.

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 locality maps are provided. An Additional Permitted Uses map to identify this land will be requested at Section 59.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council's proposed community consultation is acceptable. Council intends to publicly exhibit the Planning Proposal for a period of 14 days.**

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 :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Berrigan Local Environmental Plan 2013 was notified on 4 October 2013**

Assessment Criteria

Need for planning proposal : **The Planning Proposal is required to permit the development of a dwelling on the subject land. The land is currently zoned RU1 Primary Production, the minimum lot size is 120 ha (AD). The Planning Proposal seeks to include dwelling as an additional permitted use on the site through an amendment to Schedule 1 Additional Permitted Uses. This is an acceptable mechanism to achieve the objective of the Planning Proposal.**

Consistency with strategic planning framework : **The proposal seeks to provide an additional opportunity for residential development within close proximity to the urban area of Tocumwal.**

The land is identified within the urban containment boundary provided in the draft Berrigan Land Use Strategy. The draft Strategy seeks to address the appropriate provision of land for residential purposes to cater for expected continued growth of the town. Accordingly, the draft Strategy identifies land considered to be suitable for an extension of the RU5 Village zoning, currently applied to the urban area of Tocumwal. The subject site is situated within this selected area. There is enough information in the draft strategy to enable support of this Planning Proposal.

The proposal is consistent with the Planning Principles of the Murray Regional Environmental Plan No.2. The land on which the proposed land use is to be situated is predominantly flood free and located close to services and infrastructure. The development is not expected to impact on land through the process of erosion, native vegetation decline, pollution of ground or surface water, groundwater accession, salination and soil acidity, nor adverse effects on the quality of terrestrial and aquatic habitats.

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Environmental social
economic impacts :

The subject allotment is approximately 4 ha in size and is situated on the south eastern boundary of the RU5 Village zone applied to the urban area of Tocumwal. The allotment is zoned RU1 Primary Production and adjoins rural land to the south and west.

A business premises currently operates on site which provides economic benefits to Tocumwal. The proposed dwelling house that would be permitted on site as a result of the amendment would support the current use of the land.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **DG**

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 :

Council is to address Section 117 Directions in relation to Flooding and Bushfire prior to the public exhibition of the Planning Proposal.

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
planning proposal letter.pdf	Proposal Covering Letter	Yes
request for determination and the checklist.pdf	Proposal	No
planning proposal.pdf	Proposal	No

Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones**
1.3 Mining, Petroleum Production and Extractive Industries
1.5 Rural Lands
3.5 Development Near Licensed Aerodromes

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Additional Information : 1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:

(a) the planning proposal must be made publicly available for a minimum of 14 days; and
(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 & Infrastructure 2013).

2. Prior to undertaking public exhibition, Council is to amend the planning proposal to demonstrate the proposal's consistency, or justify any inconsistency with Section 117 Directions 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection.

3. Council is to prepare an Additional Permitted Uses map which is at an appropriate scale and clearly identifies the subject land for the Section 59 submission. The map shall comply with the Departments Standard technical requirements for LEP maps.

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.

Supporting Reasons : The Planning Proposal seeks to permit the erection of a dwelling on land at Lot 133 DP 773957 Barooga Road, Tocumwal by including dwelling house as an additional permitted use in Schedule 1 of the Berrigan LEP 2013.

The Planning Proposal has been justified and can be supported in this case.

Signature:



Printed Name:

Jessica Holland

Date:

30.10.14

Endorsed

Wgansley 30/10/14
TL