



Planning Proposal

This planning proposal has been prepared to correct a mapping error on the Deniliquin Local Environmental Plan 2013 Lot Size Map - Sheet LSZ_005 relating to the R5 Large Lot Residential zone.

PART 1 OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to correct a mapping error relating to the R5 Large Lot Residential zone on a lot size map under the Deniliquin Local Environmental Plan 2013 (LEP 2013).

PART 2 EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by amending LEP 2013 Lot Size Map - Sheet LSZ_005 by overlaying the blue hatching shown in the map key over the land coloured purple and marked 'Y'. The words 'Area A' is also required to be inserted in the same area as the blue hatching.

PART 3 JUSTIFICATION

Clause 4.1(4A) of LEP 2013 states:

'Despite subclause (3), the size of any lot resulting from the subdivision of land identified as "Area A" on the Lot Size Map, must not be less than 5000 square metres, if the lot is to be connected to a sewage reticulation system.'

This provision applies to all land zoned R5 Large Lot Residential and allows the minimum lot size in this zone to be decreased from 1ha to 5000 square metres where the lots are able to be connected to a sewage reticulation system.

All land in the R5 Large Lot Residential zone is identified as having a 1ha minimum lot size on the Lot Size Maps (coloured purple and marked 'Y'). In order to identify the provisions of clause 4.1(4A) of LEP 2013 on the Lot Size Map, this same area is overlayed with blue hatching and marked 'Area A'.

The LEP 2013 was made on 23 December 2013. However, the draft LEP 2013 was exhibited with this hatching on the Lot Size Map – Sheet LSZ_005. It was also on this map when Council submitted its Section 68 Report to the Department of Planning and Infrastructure for the draft LEP 2013. It appears that a mapping error has occurred prior to the LEP 2013 being made.

Appendix 1 has a copy of the Lot Size Map – Sheet LSZ_005 as it was exhibited and submitted in the Section 68 Report and Appendix 2 has a copy of the map as it was made.

Is the planning proposal a result of any strategic study or report?

The planning proposal is not the result of any strategic study or report. The planning proposal is simply to correct a mapping error.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The map can only be corrected via a planning proposal.

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

There is no regional or sub-regional strategy for the Deniliquin Local Government area.

Is the planning proposal consistent with a council local strategy or other local strategic plan?

Deniliquin Council does not have a local strategy or other local strategic plan. However, this provision in LEP 2013 is consistent with the subdivision requirements for the equivalent zone under Deniliquin Local Environmental Plan 1997 (LEP 1997) and LEP 2013 when it was exhibited and the Section 68 Report was prepared.

Is the planning proposal consistent with the applicable State Environmental Planning Policies?

There are no State Environmental Planning Policies which would apply to this planning proposal.

Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

There are no section 117 directions that would apply to this planning proposal.

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. This provision was included in the draft LEP 2013 and LEP 1997. Any impact on threatened species would be identified when a development application was submitted for a subdivision.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. This planning proposal is only to correct a mapping error.

Has the planning proposal adequately addressed any social and economic effects?

No. This planning proposal is only to correct a mapping error.

Is there adequate public infrastructure for the planning proposal?

Not applicable. This planning proposal is only to correct a mapping error.

What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Not applicable. This planning proposal is only to correct a mapping error and consultation with state and Commonwealth public authorities is not required.

PART 4 MAPPING

Lot Size Map – Sheet LSZ_005 is attached. It shows the area coloured purple and marked 'Y' and it is this area which is required to be overlayed with the blue hatching and marked 'Area A'.

PART 5 COMMUNITY CONSULTATION

No community consultation is proposed due to the minor nature of the planning proposal.

PART 6 PROJECT TIMELINE

Given the minor nature of the amendment and Council is not proposing any community consultation, Council intends to complete the planning proposal immediately.



Appendix 1

Deniliquin Local Environmental Plan 2013 Lot Size Map - Sheet LSZ_005 as exhibited and submitted by Council in the Section 68 Report.



Deniliquin Local Environmental Plan 2012

Lot Size Map - Sheet LSZ_005

Minimum Lot Size (sq m)

G 400

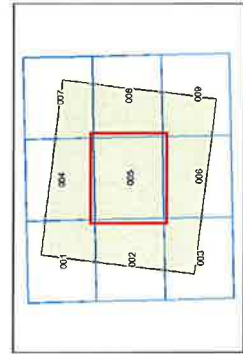
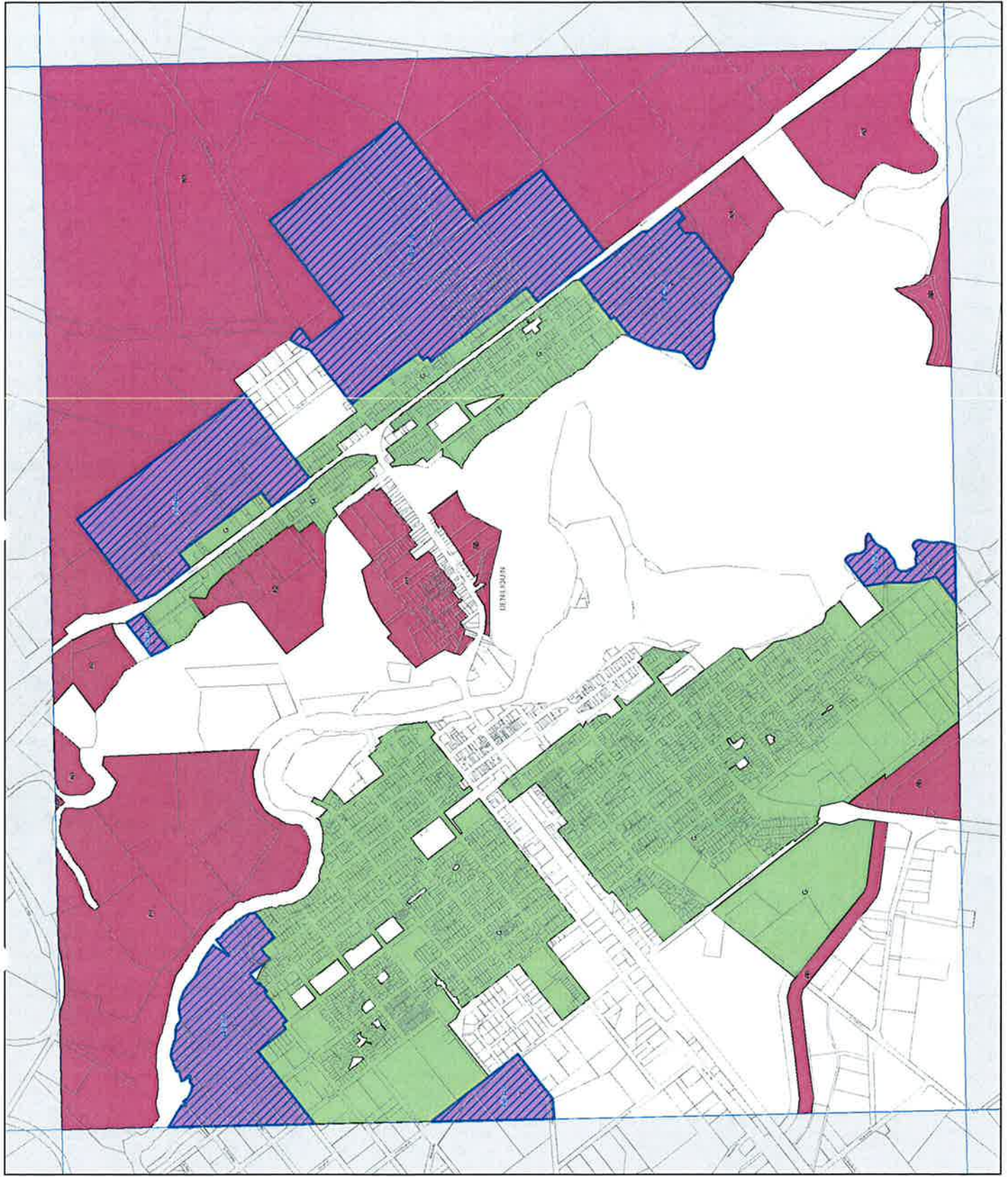
1 1 ha

40 40 ha

Refer to Clause 4.1(4A)

Cadastral

Cadastral 22/1/2010 © Land and Property Information (LPI)



Map identification number

2500_COM_LSZ_005_020_20130215



Appendix 2



Deniliquin Local Environmental Plan 2013

Lot Size Map - Sheet LSZ_005

Minimum Lot Size (sq m)

400

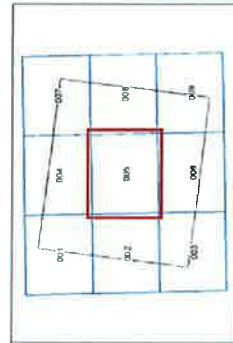
1 ha

40 ha

Refer to Clause 4.1 (4A)

Cadastral

Cadastral 22/11/2010 © Land and Property Information (LPI)
Addendum data 02/12/13 © Deniliquin Council



N
0 200 400 600 Metres
Scale 1:20,000 @ A3

Prepared: 02/12/13
WDA: 12/13/13

Map identification number: 2000_COM_LSZ_005_005_20131316

Attachment 4 - Evaluation criteria for the delegation of plan making functions

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:

Deniliquin

Name of draft LEP:

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Address of Land (if applicable):

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Intent of draft LEP:

To correct a mapping error relating to the R3 Large Lot Residential zone on a lot size map under Deniliquin LEP 2013

Additional Supporting Points/Information:

See attached planning proposal



Evaluation criteria for the issuing of an Authorisation				
(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the Intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?		✓		
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?		✓		
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?		✓		
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	Y			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		✓		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		✓		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		✓		
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		✓		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		✓		
Is the planning proposal proposed to rectify an anomaly in a classification?		✓		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		✓		
Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?		✓		

If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?	✓	
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i>?	✓	
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?	✓	
Spot Rezoning	Y/N	
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	✓	
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	✓	
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	✓	
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?	✓	
Does the planning proposal create an exception to a mapped development standard?	✓	
Section 73A matters		
Does the proposed instrument		
a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?	✓	
b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature? or	✓	
c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?	✓	
(NOTE – the Minister (or Delegate) will need to form an Opinion under section 73A(1)(c) of the Act in order for a matter in this category to proceed).		
NOTES - Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance. - Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.		

12/14 **SUBJECT: DENILQUIN LOCAL ENVIRONMENTAL PLAN 2013**

FROM: DIRECTOR TECHNICAL SERVICES
Mark Dalzell

Moved Councillor Hall

That Council note that the Denilquin Local Environmental Plan 2013 was made on 23 December 2013.

Seconded Councillor Howley

CARRIED

13/14 **SUBJECT: DENILQUIN LOCAL ENVIRONMENTAL PLAN 2013 -
PLANNING PROPOSAL**

FROM: DIRECTOR TECHNICAL SERVICES
Mark Dalzell

Moved Councillor Fogarty

That Council:

- a Prepare a planning proposal in accordance with section 55(1) of the Environmental Planning and Assessment Act 1979 to correct a mapping error on the Denilquin Local Environmental Plan 2013 Lot Size Map – Sheet LSZ_005 associated with the R5 Large Lot Residential zone.
- b Forward the planning proposal to the Minister for Planning and Infrastructure in accordance with section 56(1) of the Environmental Planning and Assessment Act 1979.
- c Request that the local planning making functions in relation to this planning proposal be delegated to Council.

Seconded Councillor Howley

CARRIED

**#. SUBJECT: DENILIQVIN LOCAL ENVIRONMENTAL PLAN 2013 –
PLANNING PROPOSAL**

**FROM: DIRECTOR TECHNICAL SERVICES
Mark Dalzell**

RECOMMENDATION:

That Council:

- a Prepare a planning proposal in accordance with section 55(1) of the Environmental Planning and Assessment Act 1979 to correct a mapping error on the Deniliquin Local Environmental Plan 2013 Lot Size Map – Sheet LSZ_005 associated with the R5 Large Lot Residential zone.
- b Forward the planning proposal to the Minister for Planning and Infrastructure in accordance with section 56(1) of the Environmental Planning and Assessment Act 1979.
- c Request that the local planning making functions in relation to this planning proposal be delegated to Council.

BACKGROUND:

The Deniliquin Local Environmental Plan 2013 (LEP 2013) was made on 23 December 2013. During the use of the LEP 2013 an error has been identified on the Lot Size Map – Sheet LSZ_005. In order to correct this error, an amendment to the LEP 2013 is required and therefore a planning proposal must be prepared. The amendment is considered to be of a minor nature and as such, will be expedited.

PLANNING PROPOSAL

Clause 4.1(4A) of LEP 2013 states:

‘Despite subclause (3), the size of any lot resulting from the subdivision of land identified as “Area A” on the Lot Size Map, must not be less than 5000 square metres, if the lot is to be connected to a sewage reticulation system.’

This provision applies to all land zoned R5 Large Lot Residential and allows the minimum lot size in this zone to be decreased from 1ha to 5000 square metres where the lots are able to be connected to a sewage reticulation system.

All land in the R5 Large Lot Residential zone is identified as having a 1ha minimum lot size on the Lot Size Maps (coloured purple and marked ‘Y’). In order to identify the provisions of clause 4.1(4A) of LEP 2013 on the Lot Size Map, this same area is overlaid with blue hatching and marked ‘Area A’.

The draft LEP 2013 was exhibited with this hatching on the Lot Size Map – Sheet LSZ_005. It was also on this map when Council submitted its Section 68 Report to the Department of Planning and Infrastructure for the draft LEP 2013. It appears that a mapping error has occurred prior to the LEP 2013 being made.

STRATEGIC IMPLICATIONS:

Nil. This is minor mapping error that needs to be corrected.

BUDGETARY IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

LEGISLATIVE IMPLICATIONS:

To amend the LEP 2013 a planning proposal must be prepared in accordance with section 55 of the Environmental Planning and Assessment Act (the Act). This planning proposal is then forwarded to the Department of Planning and Infrastructure in accordance with section 56(1) of the Act and a gateway determination is then issued in accordance with section 56(2).

Council will request that the plan making delegations functions be delegated to Council due to the minor nature of the planning proposal.

A copy of the planning proposal is attached including the relevant mapping. A copy of the request for the delegation of plan making functions to Council is also attached.

RISK ASSESSMENT:***What can happen?***

If the mapping error is not corrected then certain parts of the R5 Large Lot Residential zone will have a 1ha minimum lot size even where reticulated sewer is available.

How can it happen?

Mapping error.

What are the consequences of the event happening?

Reduced subdivision potential on some land.

What is the likelihood of the event happening?

Medium.

Adequacy of existing controls?

Error is required to be corrected.

Treatment options to mitigate the risk?

Amend LEP 2013 to correct the error.

CONCLUSION:

Council should amend LEP 2013 to correct the mapping error.

ATTACHMENTS:

1. Planning Proposal
 2. Evaluation Criteria for the Delegation of Plan Making Functions
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