

Dubbo LEP 2011 - s73A Amendment - Schedule 5 and Lot Size Map Amendment

Proposal Title : **Dubbo LEP 2011 - s73A Amendment - Schedule 5 and Lot Size Map Amendment**

Proposal Summary : **This s73A amendment seeks to reinstate 2 heritage items shown on the Heritage Maps which have been inadvertently deleted from Schedule 5 as part of Amendment 4, and also to replace an incorrect Lot Size Map Sheet (LSZ_008B) which forms part of Amendment 6.**

PP Number : **PP_2015_DUBBO_002_00** Dop File No : **15/11416**

Proposal Details

Date Planning Proposal Received : **15-Jun-2015** LGA covered : **Dubbo**

Region : **Western** RPA : **Dubbo City Council**

State Electorate : **DUBBO** Section of the Act : **73A - Minor Matter**

LEP Type : **73A**

Location Details

Street : **4 Mitchell Street**

Suburb : City : **Dubbo** Postcode : **2830**

Land Parcel : **Lot 3 DP 816639**

Street : **6 Mitchell Street**

Suburb : City : **Dubbo** Postcode : **2830**

Land Parcel : **Lot 2 DP 816639**

DoP Planning Officer Contact Details

Contact Name : **Jessica Holland**

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RPA Contact Details

Contact Name : **Steven Jennings**

Contact Number : **0268014000**

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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 Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
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 : **There have been no known meetings or communications with registered lobbyists.**

Supporting notes

Internal Supporting Notes : **Dubbo LEP 2011 (DLEP) was amended by Dubbo LEP 2011 (Amendment 4) on 29 May 2015. There were two errors in DLEP Amendment 4. The first error was that two heritage items which are shown on the Heritage Maps were deleted from Schedule 5 for no known reason. The second error was that an incorrect Lot Size Map Sheet was inadvertently published.**

The purpose of the LEP amendment is to correct Schedule 5, Part 1 of the LEP to include the two heritage items. These heritage items are described as follows:

**1165 - Cottage - 4 Mitchell Street, Dubbo (local item)
1166 - Cottage - 6 Mitchell Street, Dubbo (local item)**

The purpose of the LEP amendment is also to replace the incorrect Lot Size Map Sheet (LSZ_008B) with that which should have been published. The published map sheet was intended to form part of the next sequential LEP amendment, being DLEP Amendment No. 6.

DLEP Amendment 6 is currently being drafted by Parliamentary Counsel and is imminent. DLEP Amendment 6 proposes to remove the minimum lot size for a number of lots in south-east Dubbo. As a result of the publication of the wrong Lot Size Map Sheet, these lots are incorrectly shown as already having no minimum lot size. It is obvious from viewing the planning proposal that the minimum lot size was never intended to be removed from these lots. Council always intended to remove the minimum lot size on these lots subsequently, as part of the suite of amendments proposed to be introduced via DLEP Amendment 6. The reinstatement of the minimum lot size corresponds with the maps being prepared for DLEP Amendment No. 6.

The amendments have been assessed as consistent with the Section 117 Directions, Standard Instrument (Local Environmental Plans) Order 2006 and are consistent with the intended outcomes of Amendment 4 and Amendment 6 of the DLEP.

The General Manager, Western Region has formed the opinion that the amendments do not warrant compliance with the conditions precedent for making of the instrument because it will not have any significant adverse impact on the environment or adjoining land.

The amendment to the DLEP is made by the General Manager, Western Region, as a delegate of the Minister for Planning under Section 73A(1)(c) of the Environmental Planning and Assessment Act, 1979.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **No**

Comment : **N/A**

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

Is an explanation of provisions provided? **No**

Comment : **N/A**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

Is the Director General's agreement required? **N/A**

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 :

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain : **The proposal was assessed as being consistent with the Section 117 Directions and the relative SEPP's during the assessment of Amendment 4 and Amendment 6.**

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Mapping is being prepared by POC GIS.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **No community consultation is required.**

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 :

The DLEP was notified on 11 November 2011.

Assessment Criteria

Need for planning
proposal :

The making of DLEP Amendment 4 inadvertently removed 2 heritage items from Schedule 5.

DLEP Amendment 6 has published the incorrect Lot Size Map Sheet (LSZ_008B).

The s73A Amendment is required and the most appropriate mechanism to rectify these errors.

Consistency with
strategic planning
framework :

The amendments consistency with the strategic planning framework was considered during the assessment of Amendments 4 and 6.

Environmental social
economic impacts :

N/A

Assessment Process

Proposal type : **Minor**

Community Consultation
Period : **Nil**

Timeframe to make
LEP : **0 months**

Delegation : **Nil**

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 :

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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 Team Recommendation

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

S.117 directions:

Additional Information : **The matter should proceed to be made via Section 73A(1)(c).**

No conditions are required and no community consultation is required.

Supporting Reasons : **The amendments have been assessed as consistent with the Section 117 Directions, Standard Instrument (Local Environmental Plans) Order 2006 and are consistent with the intended outcomes of Amendments 4 and 6 of DLEP.**

The General Manager, Western Region has formed the opinion that the amendments do not warrant compliance with the conditions precedent for making of the instrument because they will not have any significant adverse impact on the environment or adjoining land.

The amendment to the DLEP 2011 can be made by the General Manager, Western Region as a delegate of the Minister for Planning under Section 73A(1)(c) of the Environmental Planning and Assessment Act 1979.

Signature:



Printed Name:

Jenna Menab

Date:

27/7/15.

Endorsed
Wgarnay 27/7/15
Team leader