



Section 73A EP&A Act submission

Part A. Council to complete

Subject:

Corowa LEP 2012 Amendment 7 (Insert name of amending LEP)

Report requesting the making of amending local environmental plan under section 70 and section 73A.

Background:

Corowa Shire (Insert name of council) resolved on 16 December 2014

to amend Corowa LEP 2012 (Insert name of LEP) and to request that the Minister for Planning make the plan under section 70 and section 73A of the *Environmental Planning and Assessment Act 1979*.

The draft amending plan is attached. (Attach copy of resolution.)

The land to which this amendment applies is Lot 2 DP 539336
69 Long Street, Mulwala

(Specify area. Attach map if appropriate)

Why there is a need for the amendment:

To enable the river front building line of
69 Long Street, Mulwala (Lot 2 DP 539336) to be
determined

(Please attach a separate sheet if necessary)

What the amendment does:

Amends River Front Building Line Map - Sheet RBL_003BA
by inserting the number 35.49m on the western
boundary of 69 Long Street, Mulwala

(Please attach a separate sheet if necessary)

Why the amending plan is suitable to be made in accordance with section 73A:

As the amendment is to correct an obviously
missing single figure omission from a map
adopted by the instrument ie Corowa LEP 2012

(Please attach a separate sheet if necessary)

The council requests that the Minister agree to make draft amendment N: 7 (Name of amending LEP)

Signed: Bob Parr

Date: 22 December 2014

Name: Bob PARR

Position: Dir Environmental & Planning Services

On behalf of: Corowa Shire

(Name of council)



Section 73A EP&A Act submission

Part B. Department of Planning use only

Date of referral to LEP Review Panel: (Insert date)

Department position:

The draft LEP amendment has been considered by the Department and it is satisfied that the amendment can be considered as a minor amendment under section 73A (see advice tagged 'A').

Parliamentary Counsel opinion:

The Parliamentary Counsel has provided an opinion indicating that the plan may legally be made (tagged 'B').

Recommendation:

It is recommended that the Minister:

- (a) under sections 70(1)(a) and (8) and section 73A of the *Environmental Planning and Assessment Act 1979* maketagged 'B')
(Name of LEP)
- (b) authorise the Department to advise council of the Minister's decision.

Date:

Signed: Name:

Position:
for Director-General

Request for Initial Gateway Determination

Instructions to Users

When forwarding a planning proposal to the Minister under section 56(1), the relevant planning authority must provide the information specified on this form. This form and the required information should be sent to your local Regional Office. Please note one (1) electronic copy and two (2) hard copies of the completed Planning Proposal must be sent to your local Regional Office.

Relevant Planning Authority Details

Name of Relevant Planning Authority:

Corowa Shire Council

Contact Person:

Bob PARR

Contact Phone Number and Email Address:

*(02) 6033 8921 0407 698 789
bob.parr@corowa.nsw.gov.au*

Planning Proposal Details - Attachments

1. **LAND INVOLVED** (If relevant - e.g. Street Address and Lot and Deposited Plan):

*Lot 2 DP 539336
69 Long Street, Mulwala*

Attached/Completed ☒

2. **MAPS** (If applicable – 1 electronic and 2 hard copy) ☒

- o Location map showing the land affected by the proposed draft plan in the context of the LGA (tagged 'location map').
- o Existing zoning map showing the existing zoning of the site and surrounding land and proposed zoning change for the site/s (tagged 'comparative existing/proposed zoning')

3. **PHOTOS and other visual material (if applicable)** ☒

- o Aerial photos of land affected by the Planning Proposal
- o Photos of land involved and surrounding land uses

4. **COMPLETE PLANNING PROPOSAL (1 electronic and 2 hard copy)** ☒

- o All matters to be addressed in a planning proposal – including Director-General's requirements for the justification of all planning proposals (other than those that solely reclassify public land) in accordance with a 'Guide to preparing a planning proposal' are completed prior to forwarding to the Regional Office in the first instance. See attached pro-forma.

4. **PLANNING PROPOSAL HAS BEEN SUPPORTED BY COUNCIL** ☒

- o Council has considered the written planning proposal before it is sent to the Department of Planning.
- o Attached is Council's resolution to send the written planning proposal to the Department of Planning.

Signed for and on behalf of the Relevant Planning Authority

DATE: DD/MM/YY

Bob PARR
Director Environmental & Planning Services



**Corowa Local
Environmental
Plan 2012**

**River Front Building Line Map -
Sheet RBL_003BA**

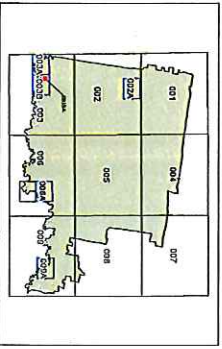
Legend

River Front Area - Refer to Clause 7.6

River Front Building Line

Cadastre

Cadastre 12/11/2010 @ NSW LPMIA



Projection: GDA 1984

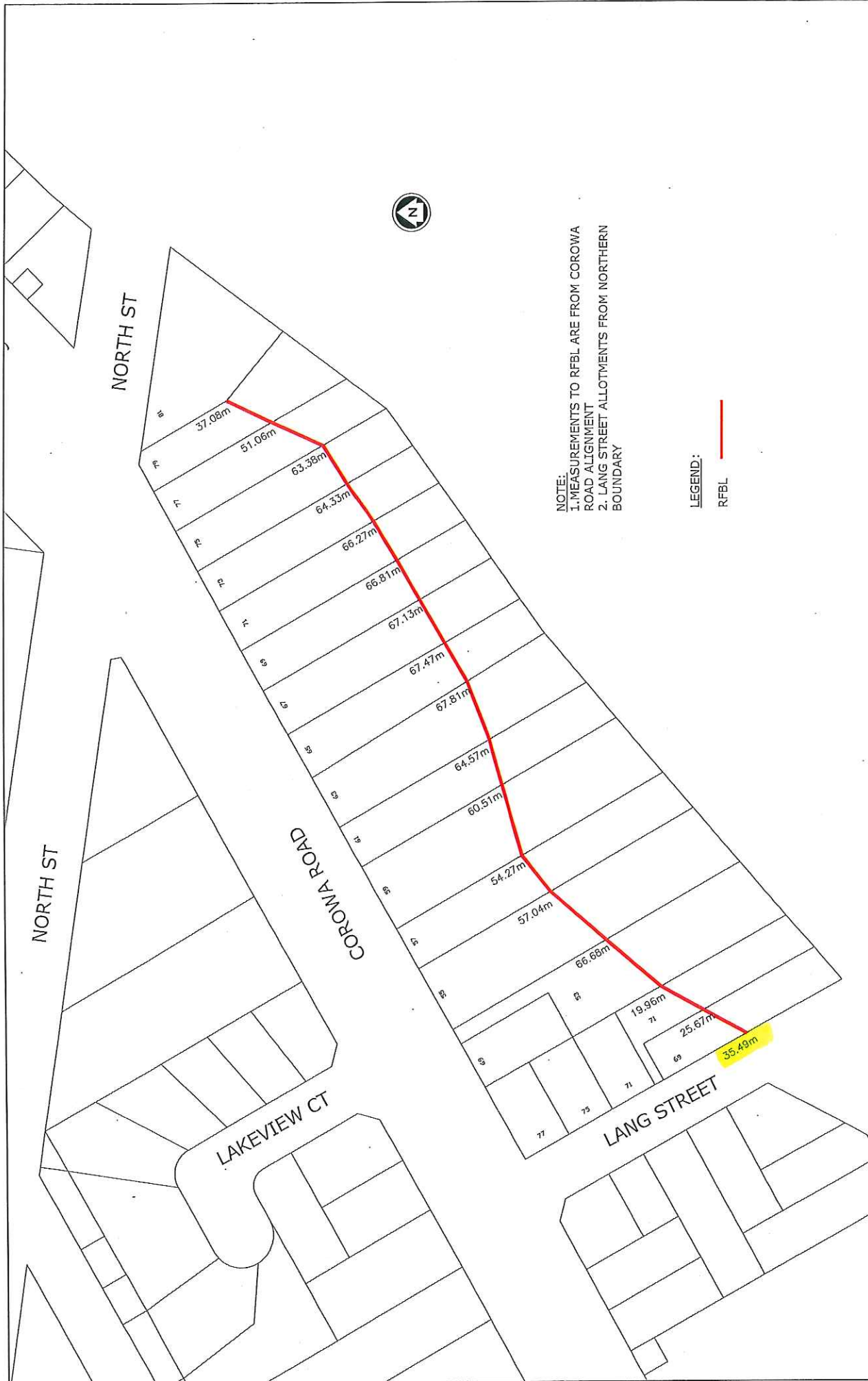
MGA Zone 55

Scale: 1:2,000 @ A3

Map identification number:

2100_C004_RBL_003BA_002_20140905

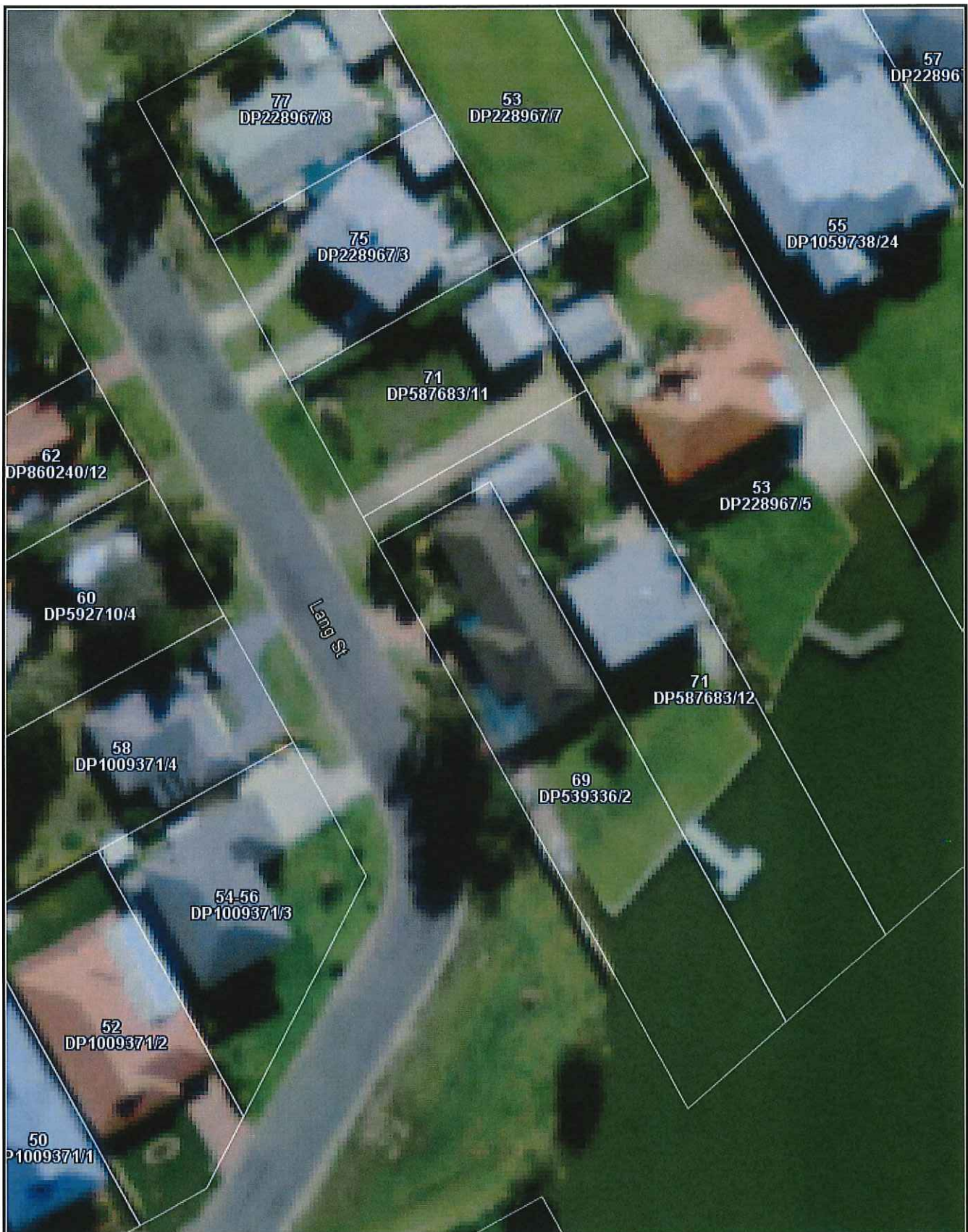




NOTE:
 1. MEASUREMENTS TO RFBL ARE FROM COROWA ROAD ALIGNMENT
 2. LANG STREET ALLOTMENTS FROM NORTHERN BOUNDARY

LEGEND:
 RFBL

Scale		Datum Note: H&V2 5m Vert. V&V2 1m		Rev.	Description	Approved	Date	COROWA SHIRE COUNCIL 100 Edward Street, Ball Park PO Box 177 Corowa NSW 2646 Tel: (02) 6033 8999 Fax: (02) 6033 3317 E-Mail: council@corowa.nsw.gov.au		RIVER FRONT BUILDING LINE		File Path: H:\Random\pos\river front building line.dwg Plot Date: 20 May 2014 - 4:14 PM Draw No. Rev. A
Design Drawn Checked Approved								Date				
A1 Surveyor:												
Original drawing signed by persons named in adjacent block.												



Important Notice

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.

This information has been prepared for Council's internal purposes and for no other purpose. While every care is taken to ensure the accuracy of this data, neither the Corowa Shire Council nor the LPI makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence).

Date: 19/12/2014 4:38 PM
Scale: 1:608 at A4
Projection: GDA94 / MGA zone 55

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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?;	y			
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?	y			
(NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(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.

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:

Corowa Shire Council

Name of draft LEP:

Corowa Shire Local Environmental
Plan 2012 - Amendment N° 7

Address of Land (if applicable):

Lot 2 DP 539336
69 Long Street, Mulwala

Intent of draft LEP:

Correct a mapping error in Corow LEP
amendment 4 - Sheet RBL_003BA
Figure 35-49m omitted from map

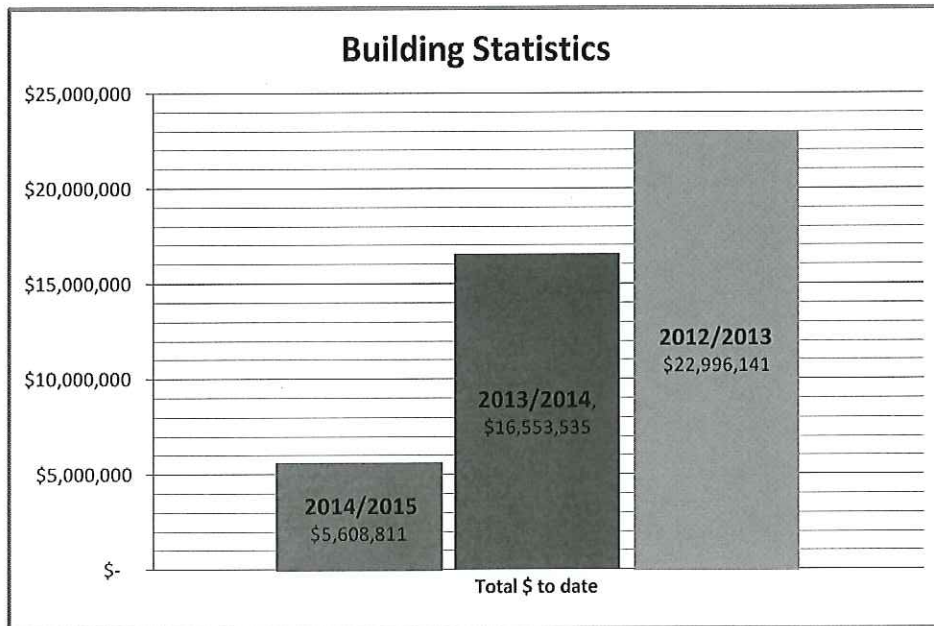
Additional Supporting Points/Information:

Without the inclusion of this Figure
River Front Building Line cannot be
determined at 69 Long Street.



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?				
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?				
Are appropriate maps included to identify the location of the site and the intent of the amendment?				
Does the planning proposal contain details related to proposed consultation?				
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?				
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 Rezonings	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?;	x			
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?	x			
(NOTE - the Minister (or Delegate) will need to form an Opinion under section 73(A(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.				



**2. COROWA LOCAL ENVIRONMENTAL PLAN 2012 – AMENDMENT NO. 4
RIVER FRONT BUILDING LINE – COROWA ROAD, MULWALA BETWEEN LANG AND
NORTH STREETS**

The notification of Amendment No. 4 was published on the NSW Legislation website on Friday 14 November 2014.

The purpose of this amendment was to alter the River Front Building Line that was applicable to properties in Corowa Road, Mulwala between Lang and North Street.

Owners of the impacted properties have been advised of the notification and a copy of the new LEP maps forwarded.

For Council's information.

**3. PLANNING PROPOSAL NO. 7 – MINOR AMENDMENT TO COROWA LOCAL
ENVIRONMENTAL PLAN 2012
SECTION 73A ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
CORRECTION OF MAPPING ERROR**

This Planning Proposal seeks to correct a mapping error of Corowa Local Environmental Plan 2012 - Amendment No. 4 and in particular River Front Building Line Map – Sheet RBL_003BA. The river front building line measurement applicable to the western boundary of 69 Lang Street, Mulwala has been omitted from the map i.e. 35.49m (see Schedule No. 1 and 2 attached).

Section 73A of the Environmental Planning and Assessment Act 1979 (EP & A Act) may be used to prepare a LEP to amend or repeal another LEP to:

- (a) Correct an obvious error in the principal instrument such as 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, or
- (b) Address matters in the principal instrument that are of consequential, transitional machinery or other minor nature.

DIRECTOR ENVIRONMENTAL AND PLANNING SERVICES' REPORT AS SUBMITTED TO AN ORDINARY MEETING OF THE COROWA SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, COROWA ON 16 DECEMBER 2014.

MAYOR _____

GENERAL MANAGER _____

Under section 73A a reference to an amendment of an instrument includes a reference to the amendment or replacement of a map adopted by an instrument.

If utilising section 73A of the EP&A Act and Council considers it appropriate Council does not have to comply with normal requirements such as:

- Formal notification of the Director General of the Council's decision to make the LEP under section 54 of the EP&A Act.
- Public exhibition of the draft LEP under section 65 of the EP&A Act.

RECOMMENDED that Council resolves to prepare a Local Environmental Plan amendment in accordance with Section 73A of the Environmental Planning and Assessment Act 1979 to:

- To enable the river front building line at 69 Lang Street, Mulwala (Lot 2 DP 539336) to be determined;
- Inserting the figure 35.49m on the western boundary of 69 Lang Street, Mulwala;
- By amending River Front Building Line Map – Sheet RBL_003BA by inserting the number 35.49m on the western boundary of 69 Lang Street, Mulwala; and
- The proposed amendment is suitable to be made in accordance with section 73A as the amendment is to correct an obviously missing single figure omission from a map adopted by the instrument.

4. DEVELOPMENT APPLICATIONS.

Since the last Council meeting the following development applications have been determined under delegated authority by the granting of consent subject to conditions.

DEVELOPMENT APPLICATION REGISTERED NO. 2014/187

Application for a liquor licence and deck on commercial land being Lot 1; DP 86158; 145 Sanger Street, Corowa.

DEVELOPMENT APPLICATION REGISTERED NO. 2014/221

Application for home industry on residential land being Lot 16; DP 36157; 8 Armour Street, Corowa.

DEVELOPMENT APPLICATION REGISTERED NO. 2014/227

Application for a 35 lot subdivision on residential land being Lots 1, 11, 12 ; DP 803212; 90-92 Read Street Howlong, 175-189 Golf Club Drive Howlong and 171 Golf Club Drive Howlong.

B PARR

DIRECTOR ENVIRONMENTAL AND PLANNING SERVICES

DIRECTOR ENVIRONMENTAL AND PLANNING SERVICES' REPORT AS SUBMITTED TO AN ORDINARY MEETING OF THE COROWA SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, COROWA ON 16 DECEMBER 2014.

MAYOR _____

GENERAL MANAGER _____

DIRECTOR ENVIRONMENTAL AND PLANNING SERVICES' REPORT.

351/14 RESOLVED on the motion of Councillors Law and Bruinsma that the Environmental and Planning Services Report be dealt with.

3. PLANNING PROPOSAL NO. 7 - MINOR AMENDMENT TO COROWA LOCAL ENVIRONMENTAL PLAN 2012
SECTION 73A ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
CORRECTION OF MAPPING ERROR

352/14 RESOLVED on the motion of Councillors Miegel and Davey that Council resolves to prepare a Local Environmental Plan amendment in accordance with Section 73A of the Environmental Planning and Assessment Act 1979 to:

- To enable the river front building line at 69 Lang Street, Mulwala (Lot 2 DP 539336) to be determined;
- Inserting the figure 35.49m on the western boundary of 69 Lang Street, Mulwala;
- By amending River Front Building Line Map – Sheet RBL_003BA by inserting the number 35.49m on the western boundary of 69 Lang Street, Mulwala; and
- The proposed amendment is suitable to be made in accordance with section 73A as the amendment is to correct an obviously missing single figure omission from a map adopted by the instrument.

Voting

For: Councillors Law, Davey, Miegel, Palmer, Shields, Bruinsma, Wales and Longmrie.

Against: Nil.

ADOPTION OF DIRECTOR ENVIRONMENTAL AND PLANNING SERVICES' REPORT.

353/14 RESOLVED on the motion of Councillors Law and Shields that the balance of the Director Environmental and Planning Services' Report be adopted inclusive of :-

1. BUILDINGS.

CC2014/223	37 Heather Circuit, Mulwala	Shed
CC2014/224	128 Hume Street, Mulwala	Pergola
CC2014/228	116 Hume Street, Mulwala	Wading Pool
CDC2014/103	1 Heather Circuit, Mulwala	Swimming Pool
CC2014/215	2 Lindsay Street, Corowa	Shed
CC2014/229	6 Cameron Court, Mulwala	Pergola
CC2014/230	107 Pell Street, Howlong	Garage
CC2014/231	2899 Spring Drive, Mulwala	Dwelling
CC2014/232	19 Wanani Road, Mulwala	Carport
CC2014/233	326 Telephone Lane, Savernake	Swimming Pool
CC2014/238	92 Banksia Way, Mulwala	Dual Occupancy Dwelling
CC2014/239	26-42 Waratah Road, Mulwala	Shed
CC2014/241	2 Heather Circuit, Mulwala	Shed

DEVELOPMENT APPLICATIONS.

The following development applications have been determined under delegated authority by the granting of consent subject to conditions.