

Parkes Local Environmental Plan 2012 (Amendment No 3) - Housekeeping amendments

Proposal Title : **Parkes Local Environmental Plan 2012 (Amendment No 3) - Housekeeping amendments**

Proposal Summary : **To make six amendments with the objectives of resolving anomalies, improving wording in clauses and increasing permissibility in zones.**

PP Number : **PP_2014_PARKE_003_00** Dop File No : **14/12401**

Proposal Details

Date Planning Proposal Received : **24-Jul-2014** LGA covered : **Parkes**

Region : **Western** RPA : **Parkes Shire Council**

State Electorate : **DUBBO** Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street : **1-9 Molong Road**

Suburb : **Parkes** City : Postcode : **2870**

Land Parcel : **Lot 662 DP750179**

Street : **11 Molong Road**

Suburb : **Parkes** City : Postcode : **2870**

Land Parcel : **Lot 11 DP1128973**

Street : **21 Molong Road**

Suburb : **Parkes** City : Postcode : **2870**

Land Parcel : **Part of Lot 21 DP1162993**

Street : **23 Molong Road**

Suburb : **Parkes** City : Postcode : **2870**

Land Parcel : **Part of Lot 664 DP750179**

Street : **33 Molong Road**

Suburb : **Parkes** City : Postcode : **2870**

Land Parcel : **Part of Lot 665 DP750179**

Street :

Suburb : City : Postcode :

Land Parcel : **Lot 7310&7312&7313 DP1147330, Lot 550&611 DP750179, Lot 1 DP1165689**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Wayne Garnsey**
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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 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 notes

Internal Supporting Notes : **Amendment 1) Inserts the word 'hospital' in a Zone SP2 Road Infrastructure Facilities to be Hospital and Road Infrastructure Facilities to allow for ancillary development to the future Parkes Hospital development. The Zone SP2 Road Infrastructure Facilities is located between the Broken Hill Railway Line and the Newell Highway, generally through Medlyn Street Parkes. This is consistent with the Director General endorsed Parkes Land Use Strategy 2011 that identified part of this area as an "Investigation area for new Parkes Hospital".**

Amendment 2) Includes the permissibility of 'caravan park' and 'market' in Zone RE1 Public Recreation. This would extend the permissibility of these uses in an appropriate area and is consistent with PN 09-006.

Amendment 3) Includes the permissibility of 'water storage facility' in Zone RU1 Primary Production. This would extend the permissibility of these uses for private purpose in an appropriate area. Additional consent and exemption requirements for particular types of artificial waterbodies are included within the Environmental Planning and Assessment Act 1979, regulations and SEPP 52 - Farm Dams and Other Works in Land and Water Management Plan Areas.

Amendment 4) Amend Lot Size Map and Land Zone Map by rezoning land from Zone R5 Large Lot Residential to Zone R1 General Residential at some properties along Molong Road, Parkes. This would correct a mapping error that occurred during the preparation of the Parkes LEP 2012. The land was Zone 2(v) Urban or Village pursuant to the Parkes Local Environmental Plan 1990 and was recommended by the Parkes Land Use Strategy 2011 to change to general residential.

Amendment 5) Amend wording of Clause 4.2A Erection of dwelling houses, dual occupancies (attached) and secondary dwellings to delete the wording "and on which no dwelling, dual occupancy or secondary dwelling has been erected". This amendment would enhance the ease of interpreting the policy. This change has been made in a number of other regional LEPs.

Amendment 6) Amend minor typing error in Clause 4.2A to replace a reference from subclause (3) to subclause (2).

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The proposal resolves several housekeeping matters, being:**

- 1) Including the land use term of 'hospital' in a Zone SP2 Road Infrastructure Facilities Inserting located between the Broken Hill Railway Line and the Newell Highway, generally through Medlyn Street Parkes. This would become Zone SP2 Hospital and Road Infrastructure Facilities.**
- 2) Including the permissibility of 'caravan park' and 'market' in Zone RE1 Public Recreation**
- 3) Including the permissibility of 'water storage facility' in Zone RU1 Primary Production**
- 4) Correcting an omission to the Lot Size Map and Land Zone Map by rezoning land from Zone R5 Large Lot Residential to Zone R1 General Residential**
- 5) Amending wording of Clause 4.2A Erection of dwelling houses, dual occupancies (attached) and secondary dwellings.**
- 6) Amending minor typing error in Clause 4.2A**

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

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

Comment : **The amendment applies to:**

- 1) Amend the Land Zoning Map - Sheet LZN_005E by inserting the purpose of 'hospital' to provide permissibility for development that is ancillary and incidental to this purpose. This change is justified and can be supported**
- 2) Insert 'caravan park' and 'market' as a permissible land use in the Zone RE1 Public Recreation to extend the permissibility to these uses. This is consistent with PN09.006 - Providing for Tourism in Standard Instrument LEPs. This change is justified and can be supported**
- 3) Insert 'water storage facilities' as a permissible land use in the Zone RU1 Primary Production to extend the permissibility of this use that can be undertaken by a private person. This is not inconsistent with SEPP (Infrastructure) 2007 and is supported.**

- 4) Amend Land Zoning Map - LZN_005E from Zone R5 Large Lot Residential to Zone R1 General Residential for land in Molong Road Parkesto correct a mapping error. This has been justified and is supported
- 5) Delete the wording from Clause 4.2A, Part 2, being: 'and on which no dwelling house, dual occupancy (Attached) or secondary dwelling has been erected' to reduce confusion in the clause and is supported
- 6) Amend administrative error in Clause 4.2A(4)(b) by referencing subclause (2) and is supported

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

3.2 Caravan Parks and Manufactured Home Estates

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

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 :

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 :

Two necessary mapping changes would be made to LEP Map LZN_005E to insert the purpose of 'hospital' to Zone SP2 Infrastructure and to change the zone from Zone R5 Large Lot Residential to Zone R1 General Residential.

The proposed maps provided are adequate to proceed to exhibition. Final mapping must comply with the technical guidelines prior to submission to Parliamentary Counsel.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Parkes Shire Council has requested a 14 day exhibition period.

The proposed amendment is assessed as a low impact proposal as it is considered consistent with the pattern of surrounding land use zones and with the supporting strategic planning framework.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons :

In accordance with section 55(3) of the EP&A Act 1979 the Director General has issued "A guide to preparing planning proposals" and "A guide to preparing local environmental plans". The planning proposal has generally addressed the matters set out in both guidelines.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2012**

Comments in
relation to Principal
LEP :

The Parkes Local Environmental Plan 2012 was notified on 7/12/2012.

Assessment Criteria

Need for planning
proposal :

This planning proposal is the result of an internal review of the Parkes LEP 2012 following 18 months of its operation.

It is proposed to make six amendments with the objectives to make minor corrections, correct errors and increase additional permissibility of some compatible uses in zones. An amendment to the Parkes LEP 2012 is the only method to achieve the objectives of the planning proposal.

Consistency with
strategic planning
framework :

The planning proposal is consistent with the Director General endorsed Parkes Shire Land Use Strategy 2011. Amendent 1 and 4 of this proposal are identified directly in this strategy. The remaining amendments are not inconsistent with the strategy and improve the useability of the Parkes LEP 2012 by correcting minor amendments, increasing permissibility in the zones and improving wording.

Environmental social
economic impacts :

The proposal makes minor technical amendments and removes minor anomalies and therefore no environmental, social or economic effects, likely as a result of this planning proposal.

Assessment Process

Proposal type : **Routine**

Community Consultation
Period : **14 Days**

Timeframe to make
LEP : **9 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.:

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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 :

Documents

Document File Name	DocumentType Name	Is Public
Application form#2.pdf	Proposal Covering Letter	Yes
Application.pdf	Proposal Covering Letter	Yes
Housekeeping LEP Amendments#2.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones**
 3.2 Caravan Parks and Manufactured Home Estates
 6.1 Approval and Referral Requirements
 6.3 Site Specific Provisions

Additional Information : **The Planning Proposal:**
 1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 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 Local Environmental Plans' (Department of Planning and Infrastructure, 2013).
 2. No consultation is required with public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act 1979.
 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 Environmental Planning and Assessment Act 1979. 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. Prior to submission of the Planning Proposal under Section 59 of the Environmental Planning and Assessment Act 1979 the LEP maps are to be compliant with the Department's Standard technical requirements for LEP maps
 5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.
 6. Council is authorised to exercise delegation to finalise the planning proposal.

Supporting Reasons : **The proposal is supported for the following reasons:**
 - The proposals are considered consistent with state policy framework
 - The proposals are considered as minor or resolving anomalies and would improve the useability of the LEP
 - Two of the amendments are directly identified and consistent with the Director General endorsed local strategy
 - The proposal is assessed to be a low impact proposal according to section 5.5.2 of the 'A guide to Preparing Local Environmental Plans' as it is consistent with the pattern of surrounding land use zones and with the strategic planning framework.

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Signature:



Printed Name:

RYAN THOMAS

Date:

8/8/14

Endorsed

W Gurnsey
T Leader 8/8/14