

Bland LEP 2011 - Rezoning of 37 Lots in Neeld Street, Wyalong from B6 to R1

Proposal Title : **Bland LEP 2011 - Rezoning of 37 Lots in Neeld Street, Wyalong from B6 to R1**

Proposal Summary : **To amend the Bland Local Environmental Plan 2011 to rezone Lots 11 - 20 Section 36 DP 759123, Lots 1 - 7 Section 37 DP 759123, Lots 1 - 10 Section 48 DP 759123 and Lots 11 - 20 Section 49 DP 759123, Neeld Street, Wyalong, from B6 - Enterprise Corridor to R1 - General Residential.**

PP Number : **PP_2013_BLAND_001_00** Dop File No : **13/20577**

Proposal Details

Date Planning Proposal Received : **16-Dec-2013** LGA covered : **Bland**

Region : **Western** RPA : **Bland Shire Council**

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

LEP Type : **Spot Rezoning**

Location Details

Street :	Neeld Street		
Suburb :		City :	Wyalong
		Postcode :	2671
Land Parcel :	Lot 11 Section 36 DP 759123		
Street :	Neeld Street		
Suburb :		City :	Wyalong
		Postcode :	2671
Land Parcel :	Lot 12 Section 36 DP 759123		
Street :	Neeld Street		
Suburb :		City :	Wyalong
		Postcode :	2671
Land Parcel :	Lot 13 Section 36 DP 759123		
Street :	Neeld Street		
Suburb :		City :	Wyalong
		Postcode :	2671
Land Parcel :	Lot 14 Section 36 DP 759123		
Street :	Neeld Street		
Suburb :		City :	Wyalong
		Postcode :	2671
Land Parcel :	Lot 15 Section 36 DP 759123		
Street :	Neeld Street		
Suburb :		City :	Wyalong
		Postcode :	2671
Land Parcel :	Lot 16 Section 36 DP 759123		
Street :	Neeld Street		
Suburb :		City :	Wyalong
		Postcode :	2671
Land Parcel :	Lot 17 Section 36 DP 759123		

Bland LEP 2011 - Rezoning of 37 Lots in Neeld Street, Wyalong from B6 to R1

Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 18 Section 36 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 19 Section 36 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 20 Section 36 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 1 Section 37 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 2 Section 37 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 3 Section 37 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 4 Section 37 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 5 Section 37 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 6 Section 37 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 7 Section 37 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 1 Section 48 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 2 Section 48 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 3 Section 48 DP 759123		

Bland LEP 2011 - Rezoning of 37 Lots in Neeld Street, Wyalong from B6 to R1

Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 4 Section 48 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 5 Section 48 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 6 Section 48 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 7 Section 48 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 8 Section 48 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 9 Section 48 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 10 Section 48 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 11 Section 49 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 12 Section 49 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 13 Section 49 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 14 Section 49 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 15 Section 49 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 16 Section 49 DP 759123		

Bland LEP 2011 - Rezoning of 37 Lots in Neeld Street, Wyalong from B6 to R1

Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 17 Section 49 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 18 Section 49 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 19 Section 49 DP 759123		
Street :	Neeld Street		
Suburb :		City : Wyalong	Postcode : 2671
Land Parcel :	Lot 20 Section 49 DP 759123		

DoP Planning Officer Contact Details

Contact Name : **Jenna McNabb**
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RPA Contact Details

Contact Name : **Guy Marchant**
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DoP Project Manager Contact Details

Contact Name : **Azaria Dobson**
Contact Number : **0268412180**
Contact Email : **azaria.dobson@planning.nsw.gov.au**

Land Release Data

Growth Centre :	Other	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :	3.75	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	37	No. of Dwellings (where relevant) :	25
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 :

Supporting notes

Internal Supporting Notes :

The Planning Proposal seeks to amend the Bland Local Environmental Plan to rezone the subject 37 allotments in Neeld Street, Wyalong from B6 - Enterprise Corridor to R1 - General Residential.

The Planning Proposal is required as the current zoning is not considered to be compatible with the existing predominant land use, which is residential.

The existing land uses currently undertaken on the allotments are:

- Dwelling Houses: 24 lots**
- Vacant Land: 7 lots**
- Vehicle Repair Station: 2 lots**
- Garden Centre: 2 lots**
- Storage Shed (ancillary to vehicle repair station): 1 lot**
- Dual Occupancy: 1 lot.**

Dwellings are prohibited within the B6 zone, and it is considered more appropriate to ensure the existing land uses are reflected in a residential zone.

The rezoning will require the amendment of the zoning map LZN_007F to reflect the R1 zone, and also the Lot Size Map LSZ_007F to amend the minimum lot size to 500m2. The subject land does not currently have a minimum lot size, due to the B6 zoning.

In a separate email (attached), Council has advised that the existing commercial uses, being the vehicle repair station, garden shed and storage shed (ancillary to the vehicle repair station) have valid development approval and will enjoy "existing use rights" following the proposed change in zoning. Council has also advised that in their opinion, the activities are near or at capacity and as such any significant increase in their activities would trigger the possible relocation to a more suitable commercial site. Due to the dispersed location of the commercial activities within the proposed residential zone it is not considered appropriate or good planning practice to allow the 5 allotments where commercial activities are carried out to remain zoned B6.

There is no land use strategy to support the proposed rezoning, and therefore it is considered in this circumstance that the panel determine the proposal.

External Supporting Notes :

Adequacy Assessment

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

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

Comment :

The statement of objectives clearly states the purpose of the planning proposal is to rezone the subject land from B6 to R1.

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

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

Comment :

The explanation of provisions clearly states that the objectives of the planning proposal will be achieved on completion of the amendment to map LZN_007F to change the zoning of the land from B6 to R1, and also the amendment to map LSZ_007F to amend the minimum lot size to 500m2.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **1.1 Business and Industrial Zones**

* May need the Director General's agreement

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified? **SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development
SEPP No 6—Number of Storeys in a Building
SEPP No 15—Rural Landsharing Communities
SEPP No 21—Caravan Parks
SEPP No 22—Shops and Commercial Premises
SEPP No 26—Littoral Rainforests
SEPP No 30—Intensive Agriculture
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 33—Hazardous and Offensive Development
SEPP No 36—Manufactured Home Estates
SEPP No 50—Canal Estate Development
SEPP No 55—Remediation of Land
SEPP No 62—Sustainable Aquaculture
SEPP No 64—Advertising and Signage
SEPP No 65—Design Quality of Residential Flat Development
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Major Projects) 2005
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP (Rural Lands) 2008
SEPP (Temporary Structures and Places of Public Entertainment) 2007**

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 : **Section 117 Direction - 1.1 Business and Industrial Zones:**

The Planning Proposal is inconsistent with this Direction as it proposes to reduce employment land, however it is considered that the inconsistency is of minor significance as the land currently contains predominantly residential land uses with minimum potential for commercial growth.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **It is proposed to publicly exhibit the planning proposal for 14 days, and also notify in writing all land owners affected by the planning proposal.**

As the planning proposal is not consistent with the strategic planning framework (there is no endorsed strategy for Bland Shire), it is considered appropriate that the exhibition period be extended to 28 days.

Additional Director General's requirements

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

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 : **December 2011**

Comments in
relation to Principal
LEP :

The Bland Local Environmental Plan was made on 8 December 2011.

Assessment Criteria

Need for planning
proposal :

The Planning Proposal is required to amend the zoning of the subject land to a more appropriate zone which is compatible with the existing uses of the land.

The Bland Local Environmental Plan 2011 rezoned the subject land from a village zone to B6, however, the predominant existing use of the land was residential. The current B6 zone will not allow for commercial growth, due to the current residential land use of 24 of the 37 allotments. The remaining allotments are vacant (7 allotments) and commercial uses (5 allotments).

Consistency with
strategic planning
framework :

There is no endorsed land use strategy for Bland Shire.

Environmental social
economic impacts :

There are no negative social or economic impacts identified as a result of the proposed zoning amendment.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
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Timeframe to make LEP :	9 months	Delegation :	RPA
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Public Authority Consultation - 56(2) (d) :	Office of Environment and Heritage Transport for NSW - Roads and Maritime Services
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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 :

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
Aerial Photo.pdf	Photograph	Yes
Cover Letter.pdf	Proposal Covering Letter	Yes
Current Land Use Analysis.pdf	Map	Yes
Current Zoning and MLS.pdf	Map	Yes
Land Subject to PP.pdf	Map	Yes
Proposed Zoning and MLS.pdf	Map	Yes
Revised Planning Proposal - rec 18 December 2013.pdf	Proposal	Yes
Confirmation of Existing Use Rights for Commerical	Proposal	No
Land Uses - rec 20 December 2013.pdf		

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**

Additional Information : **That Gateway determine and support the Planning Proposal, subject to the following conditions:**

- 1. Proceed and finalise the planning proposal within 9 months of the Gateway Determination date.**
- 2. Community and agency consultation to occur for a minimum of 28 days.**
- 3. Council is to prepare amended maps which are at an appropriate scale and clearly identify the subject land for the Section 59 submission that are compliant with the Departments Standard technical requirements for LEP maps. The following maps are to be amended:**
 - Land Zoning Map (LZN_007F); and**
 - Lot Size Map (LSZ_007F)**
- 4. Council is to request the drafting and finalisation of the amendment no later than 6 weeks prior to the projected making of the amendment date.**
- 5. Consult with Roads and Maritime Services, given the land is adjacent to the Newell**

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Highway.

6. Consult with NSW Office of Environment and Heritage.

7. Authorise Bland Shire Council to utilise delegations to finalise the Planning Proposal.

Supporting Reasons :

The proposed R1 zoning is considered more appropriate to the site which is comprises predominantly residential land uses, and the B6 zoning is not conducive to commercial growth, due to the small number of vacant allotments which could potentially be developed for commercial enterprises.

The existing commercial activities will continue to enjoy existing use rights from their current approval as a result of the change in zoning.

Signature:



Printed Name:

Azaria Dobson

Date:

20/12/13

