



Section 3.36 Report

Details of Planning Proposal

Planning Proposal (PP_2018_001_00), Rezoning of 42-44 Nymagee Street Nyngan

Planning Proposal Summary

Proposed rezoning of 42-44 Nymagee Street Nyngan from R1 General Residential to B6 Enterprise Corridor

Date of Gateway determination

26 April 2018

1.0 Summary

The subject site contains the Australian Hotel which has been in existence on the site for many years, and prior to the establishment of any contemporary planning controls, including the Bogan Local Environmental Plan 2011 (LEP2011).

The Planning Proposal (PP) indicates the main catalyst for the proposed amendment to LEP2011 is the owners desire to allow for the future orderly development of the site for additional commercial purposes, subject to Development Consent.

The proposed amendment to LEP2011 is to change the current zoning of the subject property, which is R1 General Residential to B6 Enterprise Corridor.

In accordance with condition 1 of the Gateway determination (PP_2018_BOGAN_001_00) dated 26 April 2018 the PP was made publically available for 28 days from 9 May 2018 to 6 June 2018.

No submissions were received by Council, either in favour of the PP or expressing concerns with the PP.

2.0 Gateway Determination

The Gateway Determination (GD) was issued by the NSW Department of Planning and Environment (DPE) on 26 April 2018 with a timeframe for completion of the LEP process of 12 months from the week following the GD.

The relevant conditions of the GD, namely conditions 1 and 3 have been discharged.

3.0 Community Consultation

The PP was placed on Public exhibition for 28 days in accordance with condition 1 of the GD, with no submissions being received.

4.0 Views of Public Authorities

No consultation was held with other agencies, as it was determined that the PP has no effect on these agencies. This is consistent with the advice given as part of the GD.

5.0 Consistency with S.117 Directions and other Strategic Planning Documents

The Strategic Planning framework applicable to the proposed rezoning have been addressed in the body of the PP report (pages 5-9 inclusive) and supported by Council and DPE in the GD.

6.0 Parliamentary Counsel Opinion

Parliamentary Counsel Opinion was sought on 25 July 2018.

Parliamentary Counsel Opinion was given on 31 July 2018.

7.0 Other Relevant Matters

There have been no representations made either in favour or expressing concern regarding the PP.

Council at its meeting held on 21 June 2018 resolved to request an amendment to LEP2011 in accordance with the GD following the public exhibition period.

8.0 Mapping

The map relevant to this PP is Land Zoning Map LZN_008A in the LEP 2011. The map and associated documentation have been supplied as requested through the Government Planning Portal.

9.0 Recommendation

Council recommends that an amendment to LEP2011 be made in accordance with the PP and GD.

That Land Zoning Map LZN_008A in LEP be amended to reflect the rezoning of the subject property from R1 General Residential to B6 Enterprise Corridor.



James Boyce

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7 August 2018