

Housekeeping amendment of flood clause, heritage items and various items

Proposal Title :	Housekeeping amendment of flood clause, heritage items and various items		
Proposal Summary :	Amend clause 6.2 flood Planning, include two new items and remove two other items from Schedule 5, and minor rezoning of various land.		
PP Number :	PP_2016_WALGE_001_00	Dop File No :	16/15702

Proposal Details

Date Planning Proposal Received :	02-Dec-2016	LGA covered :	Walgett
Region :	Western	RPA :	Walgett Shire Council
State Electorate :	BARWON	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	Walgett		
Suburb :	Walgett	City :	Walgett
Land Parcel :	various- see planning proposal		
Street :	Lightning Ridge		
Suburb :	Lightning Ridge	City :	Lightning Ridge
Land Parcel :	various - see planning proposal		
Street :	Collarenebri		
Suburb :	Collarenebri	City :	Collarenebri
Land Parcel :	various - see planning proposal		

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
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 :

Supporting notes

Internal Supporting Notes : **Proposal is adequate, has been justified and can be supported given it will:**

- Rationalise zone boundaries to accommodate future development- housekeeping;
- Correct omissions in the preparation of the Walgett Local Environmental Plan 2013 (LEP)- the LEP has been in force for 3 years and this is the first amendment;
- Amend wording of Clause 6.2 Flood Planning to reflect lack of flood planning level data to provide an exact 1:100 average recurrent interval flood event - this proposed change is consistent with other nearby LEP's.
- Include new identified items of local Environmental Heritage and remove items that are no longer significant - these changes are supported by Council's Heritage Advisor.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : The objectives of the planning proposal are:

Objective 1: Rationalise zone boundaries to accommodate future development and omissions in the preparation of the Walgett Local Environmental Plan 2013 (LEP)- (housekeeping).

Objective 2: Amend wording of Clause 6.2 Flood Planning of the LEP to reflect lack of flood planning level data to provide an exact 1:100 average recurrent interval flood event.

Objective 3: Include newly identified items of local Environmental Heritage and remove items that are no longer significant.

Intended outcomes include:

- Public exhibition of proposed amendments to obtain community and government feedback.
- Amendment of Clause 6.2 Flood Planning of the LEP.
- Amendment of the Walgett Local Environmental Plan 2013 Land Zoning Maps (ref: LZN_004AA, LZN_004A, LZN_004AB & LZN_005AA).
- Amendment of the Walgett Local Environmental Plan 2013 Lot Size Maps (ref: LSZ_004AA, LSZ_004A, LSZ_004AB & LSZ_005AA).
- Amendment of the Walgett Local Environmental Plan 2013 Heritage Maps (ref: HER_005, HER_005AA, HER_005B & HER_008).

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

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

Comment : The intent of the planning proposal is:

1. Amendment of Clause 6.2 Flood Planning of the Walgett LEP 2013 to remove references to a flood planning level and average recurrent interval flood events.
 - Amend clause 6.2(2) to "This clause applies to flood liable land."
 - Amend clause 6.2(5) by removing the definition subclause "In this clause, flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard)- Note this is a similar provision contained in Brewarrina, Central Darling, Cobar, Wakool and Deniliquin LEPs.
2. Amending the Walgett LEP 2013 to rezone Lot 15 DP 750313 from zone RE1 Public Recreation to zone SP2 Infrastructure to allow for construction of the new Walgett Council depot (prohibited in zone RE1 zone).
3. Amending the Walgett LEP 2013 to rezone Lot 7010 DP 1021112 and Lot 16 DP 750313 from zone R1 General Residential to zone SP2 Infrastructure to allow for construction of the new Walgett Council depot (prohibited in R1 zone).
4. Amending the Walgett LEP 2013 to rezone Lot 89 DP 997415 from zone R1 General Residential to zone IN1 General Industrial to reflect anticipated future demand to develop the lot with an industrial use now that it no longer contains a dwelling.
5. Amending the Walgett LEP 2013 to rezone Lots 1 & 2 DP 1190485, Lot 36 DP 231207 and Lot 342 DP 875558 from zone R1 General Residential to zone B2 Local Centre to reflect current commercial use.
6. Amending the Walgett LEP 2013 to rezone Lots 2-9 DP 846336 from zone SP3 Tourist to

zone R1 General Residential to provide for new residential development. This land is not required for tourism.

7. Amending the Walgett LEP 2013 to rezone Lots 1-20 Section 18 DP 759036 from zone R1 General Residential to zone SP2 Infrastructure to reflect current use as Water Supply System and stormwater detention pond.

8. Amending the Walgett LEP 2013 to make minor boundary adjustments to the Lightning Ridge zone SP1 Special Activities zone to align with cadastral boundaries.

9. Amending the Walgett LEP 2013 Land Use Table to make Waste or Resource Management Facilities permissible with consent in zone RU1 Primary Production and zone SP1 Special Activities zones. Note- this change is not required as this land use is permissible under SEPP (Infrastructure) 2007 in zones RU1 & SP1 as prescribed under Division 23 of the SEPP.

10. Amending the Walgett LEP 2013 Schedule 5 Environmental Heritage to include:

- The Collarenebri Aboriginal Cemetery (Lot 100 DP 1162159, Lots 63, 64, 65 DP 46643).
- The Collarenebri Racecourse Grandstand (Lot 2 DP 1106775).

11. Amending the Walgett LEP 2013 Schedule 5 Environmental Heritage to remove:

- The Collarenebri Old Bakery Complex (Item I 25, Lot 3 Section 4 DP 758262 and. House in Walgett (Item I 80, Lot 22 DP 579731).

These changes are supported by Council's Heritage Advisor.

12. Amending the Walgett LEP 2013 to rezone part Lot 511 DP 1201786 from zone SP1 Special Activities to zone SP2 Infrastructure to provide for a 100 metre extension to the Lightning Ridge airport.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

1.2 Rural Zones

1.5 Rural Lands

2.3 Heritage Conservation

3.1 Residential Zones

3.5 Development Near Licensed Aerodromes

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP (Infrastructure) 2007

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

s 117 Directions - 4.3 Floodprone land

6.2 Rezoning land for public purposes

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

1.2 Rural Zones & 1.5 Rural Lands: The Ministerial Direction is relevant to the planning proposal as the proposal affects land within existing rural zones. The Direction requires a planning proposal must not rezone land from a rural zone to a residential zone or contain provisions that will increase the permissible density of land within a rural zone. The planning proposal is inconsistent with the Direction, as it proposes to amend the RU1 Primary Production land use zone. It has been satisfactorily justified that the loss of rural land is minor in this case. The small parcels of land which are proposed to be rezoned are of negligible agricultural value, and it is considered appropriate to amend the zone boundaries slightly to align with cadastral boundaries. The Secretary's

delegate can be satisfied that the proposed changes are of minor significance and no further work is required.

SEPP (Rural Lands) 2008: The SEPP is relevant as the planning proposal affect rural land. The planning proposal is consistent with the rural planning and rural subdivision principles of the SEPP.

2.3 Heritage Conservation: This Ministerial Direction is relevant given there is the proposed addition and removal of local heritage items. The planning proposal is consistent with this direction given it retains provisions that facilitate the conservation of appropriate items of heritage significance.

The changes are supported by Council's Heritage Advisor. The Secretary's delegate can be satisfied that the proposed changes are of minor significance and no further work is required.

3.1 Residential Zones: The Ministerial Direction is relevant given the planning proposal intends to amend residential land zoning. The proposals to increase the net provision of residential zoned land. The reduction of residential zoned land has been justified as being minor as the change from residential to industry will reflect existing land uses and justifiable minor boundary changes. The Secretary's delegate can be satisfied that the proposed changes are of minor significance and no further work is required.

4.3 Floodprone land: It is proposed to change the wording in the model flooding clause from 'flood planning area' to 'flood liable land' consistent with nearby LEP's. The proposed change will not reduce consideration of flood assessment provisions and is consistent with the Floodplain Development Manual. The proposed change is also supported by the Walgett DCP 2016 provisions. There is no flood study or mapping available for Walgett Shire Council local government area. The Secretary's delegate can be satisfied that the proposed changes are of minor significance in this case and no further work is required.

6.2 Rezoning land for public purposes: Council is proposing to make minor amendments to change zones RE1 & SP. The changes are considered minor and have been justified by Council. The Secretary's delegate can approve and be satisfied that the proposed changes are of minor significance and can be approved in this case. No further work is required.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Adequate land identification maps have been provided for community consultation purposes. The Gateway determination will be conditioned to require final LEP maps to be produced in accordance with the technical standards with the s59 submission.

Map Sheets which will be amended to include:

- Land Zoning Maps
(ref: LZN_004AA, LZN_004A, LZN_004AB & LZN_005AA).
- Lot Size Maps
(ref: LSZ_004AA, LSZ_004A, LSZ_004AB & LSZ_005AA).
- Heritage Maps
(ref: HER_005, HER_005AA, HER_005B & HER_008).

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council's proposed community consultation is acceptable. Council is to publicly exhibit the planning proposal for a period of 28 days as per the Gateway determination.

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 Walgett LEP 2013 was notified on 5 July 2013**

Assessment Criteria

Need for planning proposal : **The planning proposal is required to amend the LEP instrument and the maps.**

Consistency with strategic planning framework : **The planning proposal is generally consistent with the strategic planning frame work. The proposal is inconsistent with the endorsed Walgett Shire Growth Management Study and Strategy in 2010 in that it is proposed to reduce a small portion of land zoned for Tourism. This inconsistency has been satisfactorily justified as being minor.**

Environmental social economic impacts : **The proposed amendments will not adversely affect known threatened species, populations, or endangered ecological communities.**

There are no significant environmental, social or economic outcomes identified.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 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 :

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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

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.5 Development Near Licensed Aerodromes**
- 6.1 Approval and Referral Requirements**
- 6.3 Site Specific Provisions**

Additional Information :

- 1. Prior to undertaking community consultation, Council is to submit to the Department of Planning and Environment for approval an amended planning proposal to omit Item 9 – relating to the insertion of Waste or Resource Management Facilities in the land use table for RU1 – Primary Production and SP1 Special Activities zones as this use is permissible under Division 23 of State Environmental Planning Policy (Infrastructure) 2007.**

- 2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act, 1979 Act as follows:**
 - (a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).**

- (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 LEPs.**

- 3. Consultation is required with the following State Agencies under Section 56 (2)(d) of the Environmental Planning and Assessment Act, 1979:**
 - (a) Office of Environment and Heritage, and**
 - (b) Civil Aviation Safety Authority.**

Each public authority/organisation is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

- 4. 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**

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hearing (for example, in response to a submission or if reclassifying land).

5. Prior to submission of the planning proposal under section 59 of the Environmental Planning and Assessment Act 1979, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

7. Council be authorised to exercise delegation.

Supporting Reasons :

The Walgett LEP has been in force since July 2013. This the first planning proposal. The planning proposal is a housekeeping amendment that will correct omissions, errors and anomalies. The planning proposal also makes provision for some additional land uses such as the extension of the Walgett airport. The proposed changes have been justified by Council. The Director Regions, Western is able to support this planning proposal subject to the conditional Gateway determination.

Signature: _____

Printed Name: _____

Tim Collins

Date: _____

Endorsed
Wagmans 22/12/2016
TLWR