

DIRECTOR REGULATORY SERVICES

File:04.60.8

DRS 31/13 PREPARATION OF PLANNING PROPOSAL TO AMEND BOMBALA LEP 2012

RECOMMENDATION:

That a planning proposal to correct the following land zoning and lot size anomalies in Bombala Local Environmental Plan 2012 be forwarded to the Department of Planning and Infrastructure for a gateway determination:

- Rezone Lot 9 DP 1065714 and Lot 8 section 42 DP 758129 from IN2 Light Industrial with a minimum lot size of 100m² to R1 General Residential with no minimum lot size,
- Rezone Lots 54, 109, 248, 249, 259 and 350 DP 756826 from RU3 Forestry with no minimum lot size to RU1 Primary Production with a minimum lot size of 40 hectares, and
- Rezone Lot 141 DP 756826 from RU1 Primary Production with a minimum lot size of 40 hectares to RU3 Forestry with no minimum lot size.

BACKGROUND:

Bombala LEP 2012 was gazetted on 29 June 2012. Minor mapping errors have since been detected in the application of land zones and lot sizes to certain parcels of land. The purpose of the planning proposal is to amend Bombala LEP 2012 as follows:

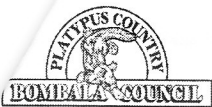
- Change Lot 9 DP 1065714 and Lot 8 section 42 DP 758129 from IN2 Light Industrial with a minimum lot size of 100m² to R1 General Residential with no minimum lot size,
- Change Lots 54, 109, 248, 249, 259 and 350 DP 756826 from RU3 Forestry with no minimum lot size to RU1 Primary Production with a minimum lot size of 40 hectares, and
- Change Lot 141 DP 756826 from RU1 Primary Production with a minimum lot size of 40 hectares to RU3 Forestry with no minimum lot size.

ISSUES:

Advice has been sought from the Department of Planning & Infrastructure as to the process for correcting minor anomalies. Firstly, a report is to be prepared to put to council to obtain a resolution to prepare a planning proposal. That report and resolution (with an explanation of the purpose of the planning proposal) is to be submitted to the Department.

The proposal would then be dealt with by the Department under section 73A of the Environmental Planning and Assessment Act 1979 as an error. A gateway determination may be issued by the Department that exempts Council from exhibition procedures and that may include authorisation for Council to process the planning proposal under delegation.

As Council does not have GIS mapping capability to amend the land zoning and lot size maps, the cartographic division of the Department will be asked to amend the LEP maps at the end of the process.



ORDINARY COUNCIL MEETING AGENDA

16 October 2013

OPTIONS:

The alternative to preparing a planning proposal is to allow individual land owners to apply to rezone their land. This would mean that each land owner would need to prepare a separate planning proposal for their respective parcels of land.

It is cost effective to carry out the amendments as a single planning proposal to correct anomalies that were not detected during exhibition of draft Bombala LEP 2012.

RELEVANT POLICY OR LEGISLATION:

Environmental Planning and Assessment Act 1979

FINANCIAL CONSIDERATIONS:

Funds are to be sourced from within current budget allocations.

ENCLOSED DOCUMENTS:

Attachment 2 Draft planning proposal and maps

Reports from Staff – Director of Regulatory Services**DRS 28/13 – Monaro Regional Weeds Committee Agreement Review**

RESOLVED: Yelds/Haslingden that Council advise the Monaro Regional Weeds Committee that some of the names of government departments need to be updated in Section 3 – Constitution of the Committee.

191/13**DRS 30/13 – Heavy Vehicle Regulation Parking Policy (05.40.15)**

RESOLVED: Yelds/Bateman that:-

In regard to policy 4.1.18;

That the special condition be amended to remove lot 6 and lot 7 DP1111311, and

That a new special condition be included as follows: That no enforcement action be undertaken on vehicles parked on the West side of Maybe Street between Caveat Street and Young Street for a trial period.

192/13**REPORT WITHDRAWN BECAUSE OF THE NEED TO CALL A DIVISION****DRS 31/13 – Preparation of Planning Proposal to Amend Bombala LEP 2012 (04.60.8)**

RESOLVED: Goodyer/Ingram:-

That a planning proposal to correct the following land zoning and lot size anomalies in Bombala Local Environmental Plan 2012 be forwarded to the Department of Planning and Infrastructure for a gateway determination:

- Rezone Lot 9 DP 1065714 and Lot 8 section 42 DP 758129 from IN2 Light Industrial with a minimum lot size of 100m² to R1 General Residential with no minimum lot size,
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- Rezone Lot 141 DP 756826 from RU1 Primary Production with a minimum lot size of 40 hectares to RU3 Forestry with no minimum lot size.

193/13**Call for a Division**

The Mayor then called for a division on this motion under Section 375A of the Local Government Act, 1993 and in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979, other than the making of an order under Division 2A of Part 6 of that Act.