

Correction of errors in Bombala LEP 2012

Proposal Title :	Correction of errors in Bombala LEP 2012		
Proposal Summary :	The planning proposal seeks to correct a number of minor mapping errors in the Bombala LEP 2012 relating to land zoning and minimum lot sizes applying to several properties in the vicinity of Bombala and Cathcart.		
PP Number :	PP_2013_BOMBA_001_00	Dop File No :	13/19108

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**
 - 3.1 Residential Zones**
 - 4.4 Planning for Bushfire Protection**

Additional Information : **The delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to the Bombala Local Environmental Plan 2012 to rezone:**

- lot 9 DP1065714 and lot 8 section 42 DP758129, Mahratta and Bright Streets, Bombala from IN2 Light Industrial Zone (100 m2 minimum lot size (MLS)) to R1 General Residential Zone (No MLS);
- lots 54, 109, 248, 249, 259 and 350 DP756826 in Cathcart from RU3 Forestry (No MLS) to RU1 Primary Production (40ha MLS); and
- Lot 141 DP756826 in Cathcart from RU1 Primary Production (40ha MLS) to RU3 Forestry (No MLS) should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 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. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act:

- **NSW Forestry Corporation**

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material. The public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. A public authority may request additional information or additional matters to be addressed in the planning proposal.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. 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. The time frame for completing the LEP is to be 6 months from the week following the

date of the Gateway determination.

5. Council be authorised to use its delegation of the Minister's plan making functions to complete the LEP following public consultation.

6. The Director General can be satisfied that the planning proposal is consistent with all relevant s117 Directions or that any inconsistencies are of minor significance.

7. No further referral is required in relation to s117 Directions while the planning proposal remains in its current form.

8. Council should revise 'the Bombala Land Use Strategy' to reflect the changes proposed and exhibit the revised strategy with the planning proposal. Council may also wish to consider the future zoning of the remaining IN2 zoned lands in this locality.

Supporting Reasons :

Despite Council suggesting public exhibition is not required, community consultation is considered appropriate due to the inconsistency with the DG endorsed Bombala Land Use Strategy and potential for land use conflicts with adjoining IN2 land.

Council has previously written to the Department on 23/3/2013 accepting delegations pursuant to s23 of the Act and as per PS12-116. Delegation is considered appropriate.

Panel Recommendation

Recommendation Date : **05-Dec-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to update "the Bombala Land Use Strategy" to reflect the proposed rezoning of land at Mahratta to R1 General Residential. The updated strategy is to be placed on public exhibition with the planning proposal.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and 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 LEPs (Department of Planning & Infrastructure 2013).

3. Consultation is required with the NSW Forestry Corporation under section 56(2)(d) of the EP&A Act. NSW Forestry Corporation 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 EP&A Act. 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).

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

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has not sought delegation for this planning proposal. Council should be issued with plan making delegation because the proposal is considered to be a matter of local planning significance.

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Signature:

J. Matthews

Printed Name:

JAMES MATTHEWS

Date:

10/12/13