

10 INFRASTRUCTURE & DEVELOPMENT REPORTS**10.1 BALRANALD LOCAL ENVIRONMENTAL PLAN 2010 – HOUSEKEEPING AMENDMENT**

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Operational Plan Objective: Pillar 4: Our Culture – A community that respects and celebrates its diverse cultures, heritage and arts.

OFFICER RECOMMENDATION

That Council:

1. Support Planning Proposal – Balranald LEP Housekeeping Amendment to amend the *Balranald Local Environmental Plan 2010*.
2. Submit the Planning Proposal to the NSW Department of Planning and Environment for Gateway Determination seeking public exhibition of the proposed amendments.
3. Receive a further report after the public exhibition period addressing any submissions made in respect of the Planning Proposal.

PURPOSE OF REPORT

To recommend that Council proceed with a Planning Proposal to amend the *Balranald Local Environmental Plan 2010* that achieves the following outcomes:

- Correction of a number of mapping anomalies as they relate to the Land Zoning, Minimum Lot Size, Natural Resources Sensitivity – Biodiversity and Riparian Land, Waterways and Groundwater Vulnerability Maps.
- Update Schedule 5 and the Heritage Maps of the LEP to implement the recommendations of the Balranald Shire Community Heritage Study.
- Introduction of a new local provision regarding boundary adjustments in certain rural and environmental zones.
- Deletion of the Additional Permitted Uses Map to reflect the fact that Schedule 1 of the LEP is blank

REPORT*Background*

The *Balranald Local Environmental Plan 2010* (“LEP”) was gazetted on 9 July 2010 and is the principal planning instrument affecting land use in the Balranald Local Government Area.

Since the introduction of the LEP, a number of mapping anomalies have been identified that need correcting in the Land Zoning, Minimum Lot Size, Natural Resources Sensitivity – Biodiversity and Riparian Land, as well as the Waterways and Groundwater Vulnerability Maps. These primarily relate to mapping errors contained on the biodiversity maps that currently apply to land that contains no environmental features.

Furthermore, Council have previously prepared the *Balranald Shire Community Heritage Study 2006-2007* and the *Balranald Shire Heritage Review 2013*. The purpose of these studies is to

provide a comprehensive identification of places of heritage significance based upon community interest.

To implement the recommendations of the study, Schedule 5 and the Heritage Maps of the LEP need to be amended. It is noted that the amendment seeks to list 32 items within Council's heritage schedule in addition to the 8 items already listed.

Lastly, during the operation of the LEP it was discovered that much of the Balranald Shire LGA consists of fragmented land parcels contained across the rural and conservation (environmental) zones of the Shire. Whilst a large number of these undersized lots are held within the same ownership (landholding), opportunities to undertake boundary adjustments between these lots is severely restricted as the 'resultant lots' cannot achieve the minimum lot size requirement of Clause 4.1 of the LEP.

Therefore, the introduction of a new local provision, which allows for flexibility in the minimum lot size requirements between certain rural and environmental zones is recommended to resolve this issue.

In order to amend the LEP as outlined above, a Planning Proposal needs to be prepared and submitted to the NSW Department of Planning and Environmental following both Council endorsement and public exhibition.

FINANCIAL IMPLICATION

Council has allocated funding to prepare the LEP amendment.

LEGISLATIVE IMPLICATION

Environmental Planning & Assessment Act 1979

Balranald Local Environmental Plan 2010

POLICY IMPLICATION

Community Strategic Plan

Far West Regional Plan 2036

Balranald Shire Community Heritage Study 2006-2007

Balranald Shire Heritage Review 2013

RISK RATING

Matters regarding the listing of individual properties as items of environmental heritage are sensitive and are often subject to objection from individual owners due to various reasons such as perceived constraints on further development, additional development costs and implications in terms of rates, insurance, re-sale and property prices.

It is noted that Council has an important role to play in the preservation and promotion of key items of historical or social importance as they provide important connections to the past. The purpose of the heritage study was to identify those places and objects that hold historical, aesthetic, social and scientific significance in accordance with the Burra Charter for the betterment of the community.

Notwithstanding the above, in response to the politically sensitive nature of listing individual properties as heritage items, the decision has been made to only list publicly/community owned buildings for heritage listing.

ATTACHMENTS

Nil