

8.5 Housekeeping Amendment to the Mid-Western Regional Local Environmental Plan 2012

REPORT BY THE MANAGER, STRATEGIC PLANNING
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400088, LAN900121

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Strategic Planning on the Housekeeping Amendment to the Mid-Western Regional Local Environmental Plan 2012;**
2. **provide initial support for the Housekeeping Amendment to:**
 - a) **update the property address and/or legal description of Heritage Items in Schedule 5 Environmental Heritage and remove incorrect listings;**
 - b) **include 6 Bulga Street, Gulgong (dwelling) – Lot 3 DP 570476 in Schedule 5 Environmental Heritage;**
 - c) **rezone Lot 3 DP 1172889 and part of a crown road to E1 National Parks and Nature Reserves;**
 - d) **include a dwelling entitlement for Lots 4, 5, 6 and 8 DP 271077 in Schedule 1 Additional Permitted uses;**
3. **forward the Planning Proposal to amend the *Mid-Western Regional Local Environmental Plan 2012* to the NSW Department of Planning Industry and Environment seeking a Gateway Determination, in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*; and**
4. **undertake community consultation as outlined within any approved Gateway Determination.**

Executive summary

Council has prepared a Housekeeping Amendment to the Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012).

A Housekeeping Amendment is minor in nature, is intended to correct any discrepancies and does not require any strategic land use studies to be undertaken.

A Planning Proposal is a document that explains the intended effect of an amendment to the local environmental plan. This housekeeping Planning Proposal focuses on the following four areas:

- 1) Update the property address and/or legal description of Heritage Items in Schedule 5 Environmental Heritage and remove incorrect listings. The updated Schedule 5 is provided as Appendix 2 in the attached Planning Proposal.

2) Include 6 Bulga Street, Gulgong (dwelling) – Lot 3 DP 570476 in Schedule 5 Environmental Heritage, as requested by the landowner.

3) Rezone Lot 3 DP 1172889 and part of a crown road to E1 National Parks and Nature Reserves as directed by the Office of Environment & Heritage NSW National Park & Wildlife.

4) Include a dwelling entitlement for Lots 4, 5, 6 and 8 DP 271077 in Schedule 1 additional permitted uses, as this was the intended outcome of the determination of the subdivision development application.

The Planning Proposal provided as Attachment 1 has been prepared in accordance with the structure outlined in the NSW Department of Planning Industry and Environment (DPIE) Guide to Preparing Planning Proposals. The report outlines the context, intended outcomes, explanation of provisions and justification for the Planning Proposal.

The staff recommendation is to provide initial support for the Planning Proposal and to send to the Department of Planning Industry and Environment (DPIE) for a Gateway Determination. If the staff recommendation is supported, the Planning Proposal along with the Council resolution will be forwarded to DPIE for Gateway Determination.

Disclosure of Interest

Nil.

Detailed report

Planning Proposals

Planning Proposal is a term used to describe the process of rezoning or making an amendment to a Local Environmental Plan (LEP). A Planning Proposal application is a document that explains the intended effect of the LEP amendment and provides a strategic justification for doing so. DPIE has issued A Guide to Preparing Planning Proposals, to provide guidance and information on the process for preparing planning proposals.

The Gateway Process

DPIE is responsible for assessing Planning Proposals through the Gateway Process. Details of the Gateway Process are outlined in DPIE’s A Guide to Preparing Local Environmental Plans.

Gateway Timeline

The following table summarises the key components of making an amendment to the Mid-Western Regional Local Environmental Plan and the progress of the current Planning Proposal through the various stages. The below table demonstrates the Planning Proposal is within the initial stage of the process.

Stage	Completed	Comment
Preparation of a Planning Proposal		
Planning Proposal prepared by Staff	✓	August/September 2021.
Council Decision to Support Proposal	✓	The Planning Proposal is being reported to 15 September 2021 meeting.
Issue of Gateway Determination		
Council Requests Gateway Determination		
DP&E Issues Gateway Determination		
Gateway Conditions Satisfied		
Consultation		
Consultation with Relevant Agencies		
Public Exhibition		

Post-Exhibition Report to Council		
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

PROPOSED / INTENDED OBJECTIVE & OUTCOMES

Part 1 of the attached Planning Proposal, details the background and reasoning for the housekeeping amendments to the MWRLEP 2012. Below is a summary of the proposed amendments, the land to which the amendments apply and what the objective/outcome of the amendments.

Proposed Amendment	Land to which it applies	Objective/Outcome
1. Update the property address and/or legal description of Heritage Items in Schedule 5 Environmental Heritage and remove incorrect listings.	Heritage items listed in Schedule 5 Environmental Heritage.	To accurately identify heritage items.
2. Heritage listing of three properties	6 Bulga Street, Gulgong - Lot 3 DP 570476	The assist in the conservation of the properties significance.
3. Rezoning of Lot 3 DP 1172889 and part of a crown road.	Lot 3 DP 1172889 and part of a crown road.	To undertake rezoning as directed by the Office of Environment & Heritage, NSW National Parks & Wildlife Service.
4. Dwelling entitlement for Lots 4, 5, 6 and 8 DP 271077 included in Schedule 1 Additional permitted uses.	Lots 4, 5, 6 and 8 DP 271077.	To facilitate development consent for dwellings on the subject lots.

EXPLANATION OF PROVISIONS

The objectives and intended outcomes as described above will be achieved by the following:

Proposed amendment	Explanation of Provisions
1. Update the property address and/or legal description of Heritage Items in Schedule 5 Environmental Heritage and remove incorrect listings.	Schedule 5 Environmental Heritage will be updated with Attachment 1
2. Heritage listing of three properties	Assign an item number and include in Schedule 5: 6 Bulga Street, Gulgong - Lot 3 DP 570476.
3. Rezoning of Lot 3 DP 1172889 and part of a crown road.	Update Map LZN 009, Map Sheet ID Number 5270_COM_LZN_009_160_20120619 with Rezoning of Lot 3 DP 1172889 and part of a crown road.
4. Dwelling entitlement for Lots 4, 5, 6 and 8 DP 271077 included in Schedule 1 Additional permitted uses.	Include item 5. Use of certain land at 166, 174, 180 and 200 Lesters Lane, Piambong - Lots 4, 5, 6 and 8 DP 271077, development for a dwelling house is permitted with development consent.

JUSTIFICATION

The justification for the housekeeping Planning Proposal is outlined in Part 3 of the attached Planning Proposal.

NEXT STEP

If Council supports the staff recommendation, the next step would involve forwarding the Planning Proposal and a Council resolution of initial support to DPIE seeking a Gateway Determination.

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Respect and enhance the historic character of our Region and heritage value of our towns

Strategic implications

Council Strategies

Mid-Western Regional Local Strategic Planning Statement, Our Place 2040.
Mid-Western Regional Comprehensive Land Use Strategy, August 2010.

Council Policies

The forwarding of the Planning Proposal will not require any change to relevant policies.

Legislation

The Planning Proposal has been considered in accordance with Division 3.4 Environmental Planning Instruments - LEPs (previously Division 4) Local Environmental Plans of the *Environmental Planning and Assessment Act 1979* and the *Mid-Western Regional Local Environmental Plan 2012*.

Financial implications

Nil

Associated Risks

If Council does not wish to provide initial support for the Planning Proposal, Council may resolve not to proceed with the Planning Proposal.

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

15 July 2021

Attachments: 1. Planning Proposal. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER