

Section 3.36 Planning Report

Planning Proposal Details

PP_2018_RIFFI_002 to amend Griffith Local Environmental Plan 2014 – Additional Permitted Use – 8 Pedley Road, Hanwood.

Planning Proposal Summary

The purpose of the Planning Proposal is to allow an additional permitted use of a 'vehicle sales or hire premises' at Lot 2 DP 1098689, 8 Pedley Road, Hanwood. The proposed use is to be limited to a two year period to allow the development to proceed.

Date of Gateway Determination

20 December 2018

1.0 Summary

Hutcheon and Pearce (HP) is a dealer of John Deere products, largely in the agricultural sector. HP has an existing site located at 1 Irving Place in an industrial zone in Griffith. Their existing site is constrained in size and location. The proposed site at 8 Pedley Road is strategically located with access to the Kidman Way which assists the business with exposure and existing and new clients accessing the site with their machinery for servicing. The proposed site is located in the RU6 – Transition zone which permits a large range of rural, industrial and commercial uses including a 'vehicle body repair station' and a 'vehicle repair station' which are two of the uses which encapsulate their business. However, the sales component of their business is not reflected in the permissible uses of the zone, being a 'vehicle sales and hire premises'. The purpose of the Planning Proposal is to add 'vehicle hire and sales premises' as an additional permitted use on the lands to ensure the entire operations of HP are permissible. The Planning Proposal was publicly exhibited for a period of 28 days from 1 February to 1 March 2019 in accordance with the Gateway Determination notification.

2.0 Gateway Determination

Gateway determination was issued by the Department of Planning, Industry and Environment on 20 December 2018 under delegated authority (Attachment 2). The amended Local Environmental Plan (LEP) is to be finalized 12 months from the gateway determination date. A request to draft and finalise the LEP was sent to Parliamentary Counsel's Office (PCO) on 16 September 2019. An opinion and draft LEP were received from PCO on 30 September 2019. All of the conditions of the Gateway Determination have been adhered to.

3.0 Community Consultation

The Planning Proposal was publicly exhibited for a period of 28 days from 1 February to 1 March 2019 in accordance with the Gateway Determination notification.

The Public Exhibition process was carried out in accordance with section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment 2016), which included the following:

- Letters to landowners in the immediate locality;
- The display of the Planning Proposal and exhibition materials at Council's Customer Service

Centre and online;

- Advertising of the public exhibition in the Area News twice during the 28 day period; and
- Council's planning staff were available to answer enquiries during the public exhibition period in person at Council's Administrative building or by phone.

During the public exhibition period, council received two submissions, one submission from a neighbour and one submission from a government agency (former Roads and Maritime Services) (Attachment 5). Neither objected to the Planning Proposal and neither required changes to the Planning Proposal.

The public submissions and the proposed amendments to the GLEP 2014 were considered at an Ordinary Meeting of Council on 13 August 2019 in which Council endorsed the proposed amendments to the GLEP and authorised Council Staff to liaise with Parliamentary Counsel to make the plan.

4.0 Views of Public Authorities

The former Roads and Maritime Services (RMS) now Transport for New South Wales (TfNSW) were consulted during the exhibition of the Planning Proposal. TfNSW advised they would not be supportive of an access directly off of Kidman Way. The proponent amended their indicative site layout to remove a potential access from Kidman Way. The access arrangements of the potential future use of the site for HP will be assessed and reviewed as part of a future development application which must be referred to TfNSW as a traffic generating development with access in proximity to a Classified Road (Kidman Way) under State Environmental Planning Policy (Infrastructure) 2007.

5.0 Consistency with Section 9.1 Directions and other Strategic Planning Documents

Council is satisfied that the Planning Proposal titled: Additional Permitted Use (Vehicle Sales or Hire Premises) – 8 Pedley, prepared by Anthony Daintith Town Planning, dated 18 July 2018 adequately addresses the Section 9.1 Directions and other strategic planning documents including the provisions of the Riverina Murray Regional Plan (Attachment 1).

6.0 Parliamentary Counsel Opinion

A request to draft and finalise the LEP was sent to Parliamentary Counsel's Office (PCO) on 16 September 2019. An opinion and draft LEP were received from PCO on 30 September 2019.

7.0 Mapping

An updated Additional Permitted Uses Map (APU_004A) is attached at (Attachment 4)

8.0 Recommendation

Council as the local plan making authority has made the plan (Attachment 7)