

Planning Services

IRF18/6852

Gateway determination report

LGA	Griffith
PPA	Griffith City Council
NAME	Additional Permitted Use for 8 Pedley Road, Hanwood (0 homes, 45 jobs)
NUMBER	PP_2018_GRIFF_002_00
LEP TO BE AMENDED	Griffith Local Environmental Plan 2014
ADDRESS	8 Pedley Road, Hanwood
DESCRIPTION	Lot 2 DP1098689
RECEIVED	01 November 2018
FILE NO.	IRF18/6852
POLITICAL DONATIONS	There are no known donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no known meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of planning proposal

The planning proposal requests for an amendment to Schedule 1 of the Griffith Local Environmental Plan (LEP) 2014 to list 'vehicle sales or hire premises' as an Additional Permitted Use (APU) at Lot 2 DP1098689, 8 Pedley Road Hanwood.

Site description

The subject site is approximately 3km south of Griffith CBD and 1km north of Hanwood. The subject site is a cleared 10ha lot and has been historically used as an orchard (**Figure 1**).

Existing planning controls

The subject site is located within RU6 Transition zone (**Figure 2**). The objectives of this zone are to maintain a transition between rural and other land uses to prevent land use conflicts and, enable development which requires frontage to Kidman Way. The proposal is to develop a John Deere repair and retail facility, which requires 'vehicle sales or hire premises' as an APU in Schedule 1 to permit the development.

Surrounding area

The Hanwood subject site is surrounded by horticulture and associated dwellings, with ancillary businesses such as transport depots and produce packaging facilities. Bunnings and other retail premises are more frequent with proximity to Griffith. The Kidman Way connects Griffith to Hanwood. This corridor is zoned B6 Enterprise Corridor north of the subject site and RU6 Transition to the south. RU1 Primary Production land, which is primarily used for horticulture is to the east and west of the subject site (**Figure 2**).

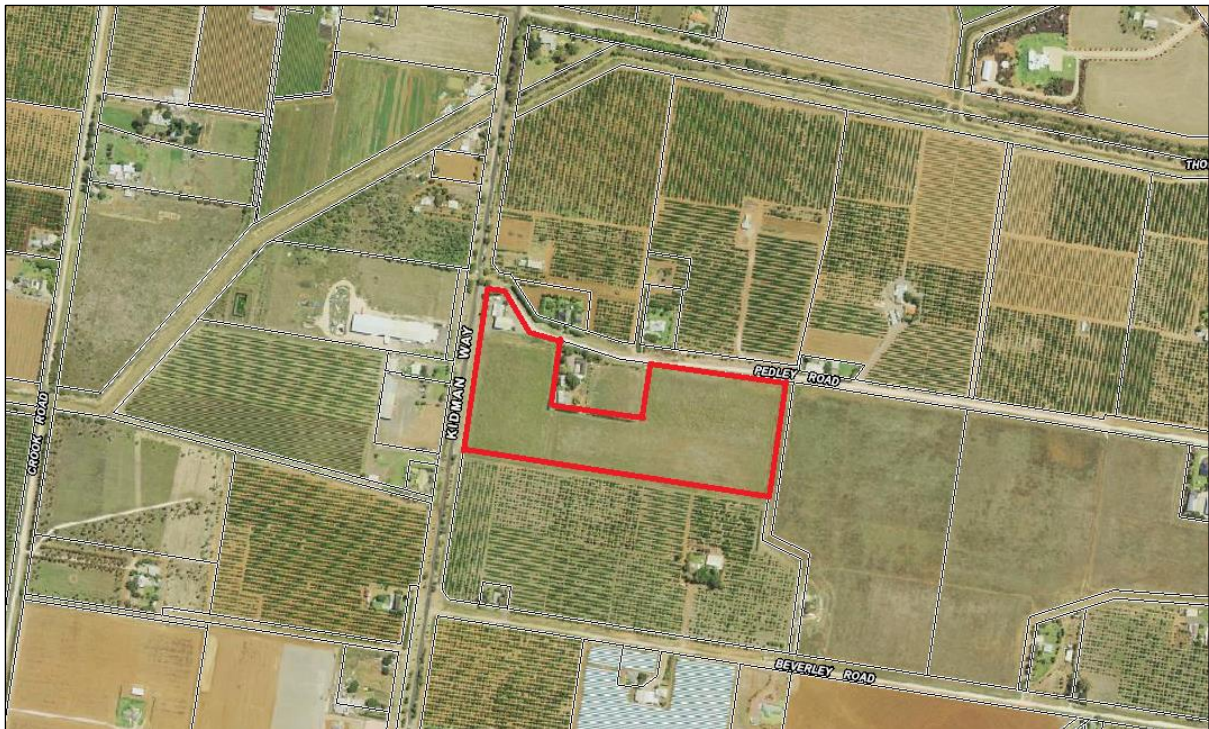


Figure 1: The subject site and immediate surrounds.

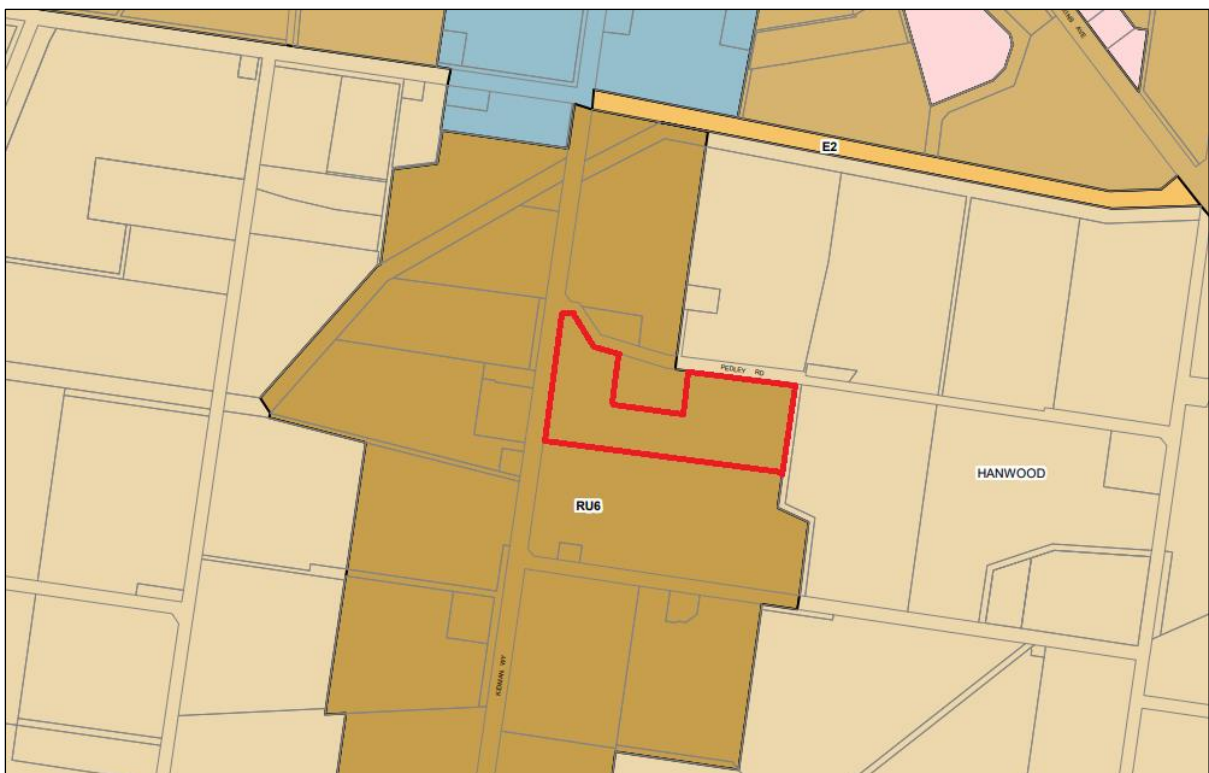


Figure 2: Land zoning of the subject site.

Summary of recommendation

Proceed with condition – It is recommended for an APU to be granted if there is a time limit or 'sunset clause' provision on developing the land for this use. This enables the development to proceed without allowing 'vehicle sales or hire premises' to occur throughout all land of this zone. A time limit of two years is suggested as this is considered ample time to establish the development and allow for continual use provisions to permit the use once the APU expires.

PROPOSAL

Objectives or intended outcomes

To amend Schedule 1 of the Griffith LEP 2014 to list 'vehicle sales or hire premises' as an APU at Lot 2 DP1098689, 8 Pedley Road Hanwood. This will allow for the display and sale of agricultural machinery at a proposed John Deere repair centre.

Explanation of provisions

Schedule 1 of the Griffith LEP 2014 already contains three APUs on certain land. Another planning proposal, which is yet to be notified, will add another APU at 161 Remembrance Drive, Griffith.

The proposal will amend Schedule 1 to allow for 'vehicle sales or hire premises' to be a land use which is permitted with development consent at Lot 2 DP1098689.

Mapping

The planning proposal will require creation of map sheet APU_004A to show the APU boundary on Lot 2 DP1098689.

NEED FOR THE PLANNING PROPOSAL

The planning proposal indicates Council is unwilling to allow 'vehicle sales or hire premises' as a permitted use due to the potential land use conflicts for other RU6 zoned land. Review of the Griffith land zone maps shows there is only one RU6 Transition zoned land in the LGA. Allowing 'vehicle sales or hire premises' as a permitted use would only affect other areas if new land is zoned RU6. If 'vehicle sales or hire premises' is perceived to cause land use conflict, then the suitability of the subject site being used for this type of development is uncertain. The Department of Planning Practice Note (PN 11-002) states the intention of the RU6 Transition zone:

"The transition zone is to be used in special circumstances only in order to provide a transition between rural land uses (including intensive agriculture, landfills, mining and extractive industries) and other areas supporting more intensive settlement or environmental sensitivities. This zone is not to be used to identify future urban land."

A 'vehicle sales or hire premises' is considered a retail use, which is not necessarily suitable for the RU6 Transition zone. Council has provided additional information of other premises within this zone including small scale horticultural farms, a winery, two transport depots and a produce packing site. Additional developments in this zone, which are yet to be finalised, include petrol stations and rural supply stores. Given the types of current and future development in the RU6 zone, Council is encouraged to undertake a strategic review of the land zoning. Council has acknowledged that this may occur with a review of the LEP in 2019 and have indicated this area may be suitable as a business corridor.

Currently only the IN1 General Industrial zone is designed to permit 'vehicle sales or hire premises'. Additional open zones, RU5 Village, R1 General Residential, B2 Local Centre, B4 Mixed Use, B6 Enterprise Corridor, B7 Business Park and IN3 Heavy Industrial could permit a 'vehicle sales or hire premises' subject to development consent. Rezoning the land to an industrial or residential zone is not considered appropriate given the adjacent horticulture and ancillary developments.

Rezoning to a business zone, similar to the northern portion of Kidman Way would be the preferred outcome to achieve the intent of this proposal.

The planning proposal is not a result of a strategic study or report. It is required to allow development approval to be issued for a 'vehicle sales or hire premises, which is currently prohibited in the RU6 Transition zone. Council are proposing to rezone the subject site and surrounding RU6 Transition land, however this outcome is not certain. A strategic review of this area is encouraged. In the interim, including 'vehicle sales or hire premises' as a time limited APU for this site is supported because:

- Council is supportive of the proposal.
- A precedent of development which is not appropriate for a RU6 zone is already established and allowing another unsuitable permissible land use across the whole zone is not supported.
- Development trends show the area is moving away from the RU6 land use and Council's intentions of strategically rezoning the whole area is encouraged to support the emerging land uses in this area.
- Supporting the planning proposal will allow for this development to occur without being delayed by a strategic review of the land zoning.
- A two year 'sunset clause' is considered sufficient time for a DA to be approved without indefinitely allowing this land use at the lot if it used for another purpose.

STRATEGIC ASSESSMENT

State

There are no relevant state strategic planning frameworks for these proposals.

Regional / District

Additional information provided on 20 November 2018 states the Hanwood proposal is consistent with the Riverina-Murray Regional Plan 2036 (RMRP) goals and key priorities for Griffith. It is worth noting, the key priorities for Griffith are not relevant to this proposal. The most relevant RMRP goals to the proposal are:

- Goal 4.2 promote specialised employment clusters and co-location of related employment generators in local plans.
- Goal 4.6 accommodate future commercial and retail activity in existing commercial centres unless there is a demonstrated need and positive social and economic benefits for the community.

While the proposal isn't strictly consistent with these goals, it is anticipated it will be in the future. The current RU6 zone is transitioning away from small lot horticulture to a business zone, as demonstrated by past and upcoming development applications. Council is intending to rezone the land to a business zone at the next LEP review (in 2019). This will formalise the Hanwood subject site as a business growth area and assist future development to be consistent with Goal 4.2 and 4.6 of the RMRP. While the proposal is not situated in an existing commercial centre there is economic benefits for the community of the RU6 zone being reviewed.

Local

The Hanwood proposal is consistent with Guiding Griffith 2030, aim six to encourage local economy to grow. There are no inconsistencies with the Strategic Land Use Plan 2030.

Section 9.1 Ministerial Directions

The Hanwood proposal is relevant to and consistent with the following directions:

- 1.2 Rural Zones – As the proposal does not rezone rural land.
- 1.5 Rural Lands – As the proposal is consistent with the objectives of the Rural Lands SEPP.
- 6.1 Approval and Referral Requirements – As the proposal does not require additional concurrence, consultation or referral for development.

Direction 3.4 Integrating Land Use and Transport

The proposal is inconsistent with this Direction as it does not consider the transport guidelines of this Direction. Consultation with Roads and Maritime Services will occur for any upgrades to Kidman Way required for access to this development at the DA stage. Permitting one APU at a single lot is of minor significance to this Direction. The delegate of the Secretary can be satisfied that any inconsistencies are justified as they are of minor significance.

Direction 5.10 Regional Plans

As previously discussed any inconsistencies with this Direction are justified as the proposal is of minor significance and does not undermine the RMRP intent. The delegate of the Secretary can be satisfied that any inconsistencies are justified. This area will be strategically reviewed.

Direction 6.3 Site Specific Provisions

The proposal is inconsistent with Direction 6.3 Site specific provisions as it will require a site specific APU. This inconsistency is considered justified as a sunset clause APU for one lot is of minor significance.

State environmental planning policies (SEPPs)

State Environmental Planning Policy No.55—Remediation of Land

The planning proposal is not relevant to SEPP 55 as it will not rezone land. The Hanwood proposal has been previously used as an orchard which is a potentially contaminating activity. Council will need to consider SEPP 55 at the DA stage.

State Environmental Planning Policy (Rural Lands) 2008

The Rural Lands SEPP applies as the planning proposal will enable an APU within the RU6 Transition zone. The planning proposal is consistent with the Rural Lands SEPP as this proposal is consistent with development in the area and does not contravene the rural planning principles.

SITE-SPECIFIC ASSESSMENT

Social

The planning proposal predicts that operation of the farm machinery repair and sales yard would create 45 local jobs. It is unclear if this is 45 new jobs or less considering

the workforce for the existing farm machinery repair shop. Regardless, job creation is seen as a positive social and economic impact to the community.

Environmental

The subject site has been cleared for agricultural use. The remaining vegetation would be cleared for construction of the farm machinery retailer; however, this is expected to have minor environmental impacts.

Economic

The planning proposal for the Hanwood site predicts that operation of the farm machinery repair and sales yard would create 45 local jobs. This is a positive social and economic impact to the community.

Infrastructure

Site access to the proposed farm machinery repair and sales yard would be via Pedley Road, not the Kidman Highway. Nevertheless, consultation with RMS will occur to assess any changes in traffic generated by this development. It is not expected any infrastructure or services will require upgrading for this development.

CONSULTATION

Community

Council has proposed a 28-day public consultation phase. This is considered appropriate as the standard consultation period is being proposed.

Agencies

Council have identified that RMS should be consulted for the proposal at the DA stage. It is recommended for consultation to occur as part of the Gateway determination as well. No other consultation requirements were identified, and no additional consultation has been specified by the Gateway determination.

TIME FRAME

Council has proposed a six month time frame for completing the LEP. A 12 month timeframe is recommended to compensate for delays over the end of year period and to undertake the required consultation.

LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan-making authority, through the additional information provided on 14 November 2018. Council does not own or have any known interest in the land and should be authorised to be the local plan-making authority.

CONCLUSION

Preparation of the planning proposal is supported to proceed with conditions. While approval of ad-hoc APUs is less desirable than strategic review of zoning or permissible uses; substantial delays to these developments are also undesirable while a strategic review is pending. Inclusion of a 'sunset clause' APU will enable these developments to occur without indefinitely allowing these land uses to occur on the lot.

RECOMMENDATION

It is recommended that the delegate of the Secretary agree that any inconsistencies with section 9.1 Directions (3.4 Integrating Land Use and Transport, 5.10 Regional Plans and 6.3 Site Specific Provisions) are minor or justified.

It is recommended that the delegate of the Minister for Planning determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - Roads and Maritime Services.
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. Prior to submission of the planning proposal under section 3.36 of the *Environmental Planning and Assessment Act 1979*, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.
6. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the *Environmental Planning and Assessment Act 1979*. 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).



19.12.18

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20.12.18

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