

CLAUSE	CL01
TITLE	Planning Proposal 3/2018 for Lot 2 DP 1098689, 8 Pedley Road, Hanwood
FROM	Steven Parisotto, Coordinator Land Use Planning & Compliance
TRIM REF	18/77642

SUMMARY

A planning proposal has been received from Hutcheon & Pearce seeking a minor change to Griffith Local Environmental Plan 2014 (LEP) that will allow an additional permitted use on Lot 2 DP 1098689. The additional permitted use is to enable use of the site as a *vehicle sales or hire premises*.

The purpose of this report is for Council to endorse the Planning Proposal (set out in Attachment "A") and, if endorsed, to delegate to Director Sustainable Development the authority to submit the Planning Proposal to the Department of Planning and Environment for a gateway determination. The gateway approval will enable Council to progress with the intended amendment to the LEP and give effect to the planning proposal.

The following is a brief summary of the process:

- **Planning Proposal** – a planning proposal has been prepared seeking amendments to Griffith Local Environmental Plan 2014.
- **Gateway Determination** – subject to Council resolution the planning proposal is referred to the Department of Planning and Environment, whereby the Minister or their delegate decides whether or not the planning proposal can proceed, either with or without variation.
- **Community Consultation** – the gateway determination will set down procedural requirements in respect to community consultation which is a minimum of 28 days. The Minister will also advise whether or not public authorities are to be consulted.
- **Assessment** – that Council will review any public submissions, including any made by a public authority. The assessment will be referred to Parliamentary Counsel for preparation of the draft LEP.
- **The making of the LEP** – that upon review of Parliamentary Counsel and subsequent approval by the Minister, the amendments to the local environmental plan are published and come into effect.

RECOMMENDATION

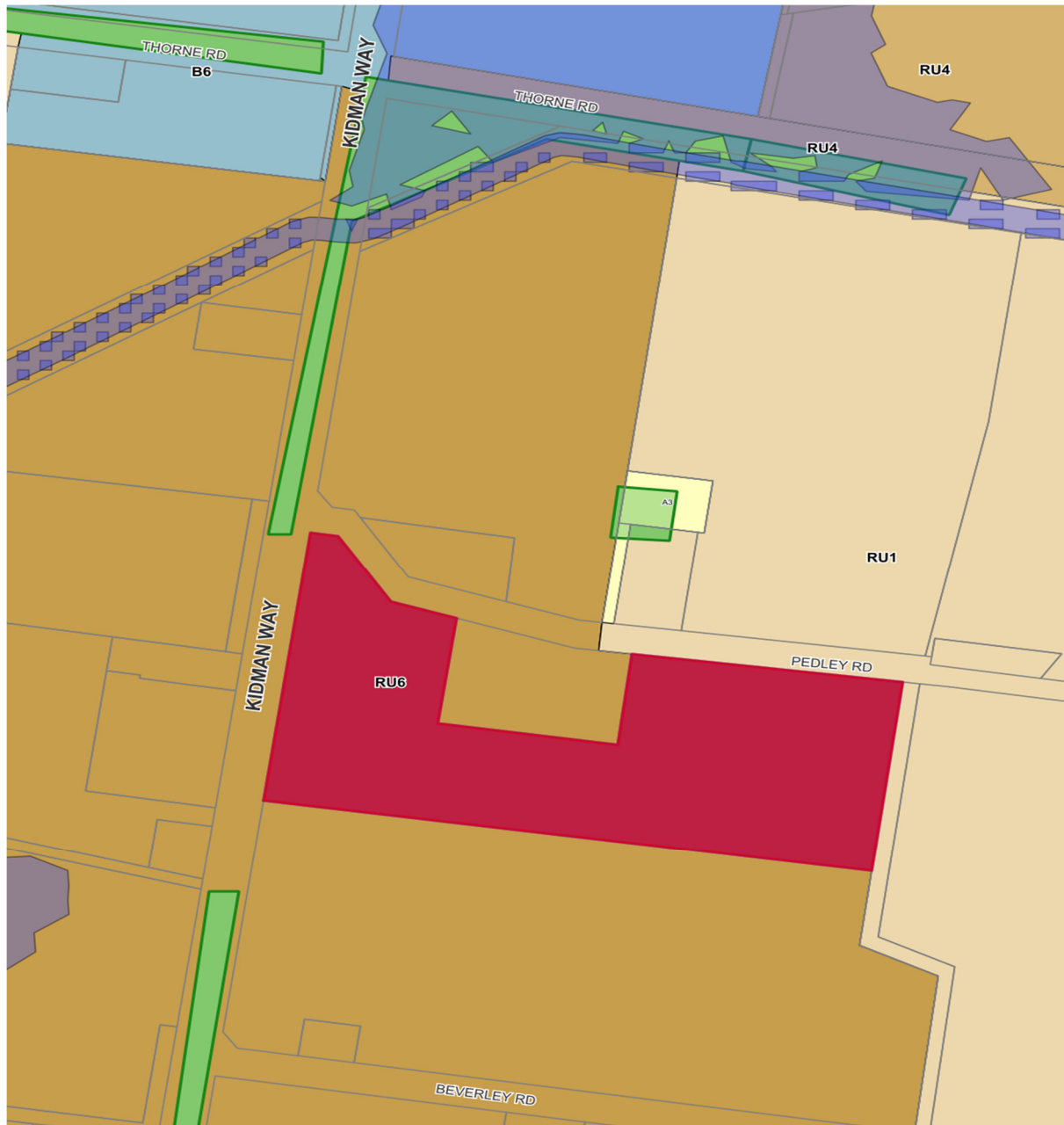
- That Council endorse Planning Proposal 3/2018 set out in Attachment A that seeks amendment to Griffith Local Environmental Plan 2014 to include an additional permitted use on Lot 2 DP1098689; and**
- That Council give delegated authority to the Director Sustainable Development to submit the Planning Proposal to the Department of Planning and Environment to seek a Gateway Determination; and**
- That should Gateway approval be granted by the Department of Planning & Environment the Planning Proposal be placed on public exhibition for community**

consultation, and where identified consult with any relevant public authority; and

- (d) If any submissions are received, Council considers such before the proposal is re-submitted to the Department of Planning and Environment for consideration and final assessment.**

REPORT

The planning proposal relates to Lot 2 DP 1098689 identified in the plan below:



The land subject of the planning proposal is presently zoned RU6 Transition and the Land Use Table of Griffith LEP 2014 states:

“1 Objectives of zone

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.*

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To enable the location of uses that require frontage to Kidman Way while ensuring the use does not reduce the safety and efficiency of the road.*

2 Permitted without consent

Environmental protection works; Home occupations; Intensive plant agriculture; Water reticulation systems

3 Permitted with consent

Animal boarding or training establishments; Aquaculture; Cellar door premises; Correctional centres; Depots; Dual occupancies; Dwelling houses; Electricity generating works; Emergency services facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Helipads; Highway service centres; Home-based child care; Home businesses; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Light industries; Places of public worship; Plant nurseries; Recreation areas; Research stations; Resource recovery facilities; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Signage; Storage premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource transfer stations; Water supply systems

4 Prohibited

Any development not specified item 2 or 3"

Vehicle body repair workshops and *a vehicle repair stations* are both permitted with consent, the use of the site for the purpose of a *vehicle sales or hire premises* is not listed so therefore is prohibited development.

Hutcheon & Pearce is an authorised dealer for John Deere Australia and their business involves the sale and servicing of agricultural equipment. Presently they operate from a site at the corner of Oakes Road and Irving Place in Griffith however have outgrown this site. With only one component of Hutcheon & Pearce's operations, namely the servicing and repairs of agricultural machinery, being able to be carried out on Lot 2 DP 1098689 with consent, the other core aspect of their operations involving the sales of farm machinery cannot be undertaken without splitting operations across two sites.

The intent of the amendment is to enable development (being the sale of agricultural machinery) that is otherwise prohibited in the RU6 Transition zone. This can be achieved by amending Schedule 1 of Griffith LEP 2014 and allow a site specific additional permitted use of the land.

OPTIONS

Option 1

As per recommendation.

Option 2

Any other resolution of Council.

POLICY IMPLICATIONS

The proposed planning proposal will not result in an amendment to the Griffith Land Use Strategy: Beyond 2030.

FINANCIAL IMPLICATIONS

There are no significant financial implications to Council arising from the recommendations in this report.

LEGAL/STATUTORY IMPLICATIONS

Griffith Local Environmental Plan 2014 is an environmental planning instrument for the purpose of the Environmental Planning and Assessment Act, 1979 and it provides the statutory provisions whereby Council establishes the zoning of land and the means for identifying permissible land uses. A planning proposal is a lawful mechanism that enables Council to consider amendments to its environmental planning instrument for land uses that are otherwise prohibited within a zone.

ENVIRONMENTAL IMPLICATIONS

The planning proposal does not negate the need for proper studies, including traffic impact studies, to be undertaken as part of the development application process.

COMMUNITY IMPLICATIONS

Not applicable

LINK TO STRATEGIC PLAN

This item links to Council's Strategic Plan item 6.2 Promote opportunities to assist existing businesses to grow.

CONSULTATION

Senior Management Team
Director of Sustainable Development
Manager Planning & Environment

ATTACHMENTS

- (a) Council Report Planning Proposal 3/2018 - Attachment A - Planning Proposal for Lot 2 DP 1098689 (Sch 1 Additional Permitted Use)