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FORM

TRIM 15/84488

DATE: 14.08.2018

RECEIPT NO: 1247246

AMOUNT: \$6,273.00

**(SD-FO-247) PLANNING PROPOSAL APPLICATION**

Section 3.33, Environmental Planning &amp; Assessment Act, 1979

Office  
Use

Application No: \_\_\_\_\_

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PLEASE COMPLETE ALL SECTIONS

**Applicant's Details**Title: Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other \_\_\_\_\_Family name (or company): HUTCHEON + PEARCEGiven names (or ACN): CL- ANTHONY DAINTITH TOWN PLANNINGPostal address: P.O. BOX 1975 ORANGE NSW Postcode: 2800Phone: (w) 63624523 (h) \_\_\_\_\_ (m) 0408249700 Fax: \_\_\_\_\_Contact person: ANTHONY DAINTITH E-mail: anthony@adtp.com.au**Owner(s)**

(All persons or other legal entities who own the subject land(s) must give their written consent to this application, attach a separate sheet if necessary. If the owner is a company or owners' association, must be signed by a director or secretary. If you have acquired this property within the last 6 months please provide a copy of your Notice of Sale/Transfer or Certificate of Title)

As owner(s) of the land to which this application relates, I/we consent to this application. I/we also give consent for authorised Council officers to enter the land/premises to carry out inspections.

Name	Postal Address	Signature	Date
1 <u>HUTCHEON A+G PROPERTY PTY LIMITED</u>		<u>X</u>	<u>X</u>
2 <u>X</u>	<u>X</u>		
3 _____			

Is the subject land Crown Land **NO** ☒ **YES** ☐ → Please attach Authority**Property Details** (Please attach additional sheet if inadequate space provided)

No: B Street: PEDLEY ROAD Town: GRIFFITH

Lot 2 Section: - DP/SP 1098689 Lot \_\_\_\_\_ Section \_\_\_\_\_ DP/SP \_\_\_\_\_

Lot \_\_\_\_\_ Section: \_\_\_\_\_ DP/SP \_\_\_\_\_ Lot \_\_\_\_\_ Section \_\_\_\_\_ DP/SP \_\_\_\_\_

Lot \_\_\_\_\_ Section: \_\_\_\_\_ DP/SP \_\_\_\_\_ Lot \_\_\_\_\_ Section \_\_\_\_\_ DP/SP \_\_\_\_\_

**Proposed Amendment to the LEP** – Please tick all that apply

☐ Zone ☐ Height of Building ☒ Additional Permitted Uses

☐ Floor Space Ratio ☐ Heritage ☐ Other

Description of proposed amendment:

INCLUSION OF AN ADDITIONAL PERMITTED USE UNDER SCHEDULE 1 OF THE LEP THAT WOULD PERMIT WITH CONSENT A "VEHICLE SALES OR HIRE PREMISES" ON LOT 2 DP 1098689, B PEDLEY ROAD, GRIFFITH





## FORM

TRIM 15/84488

**(SD-FO-247) PLANNING PROPOSAL APPLICATION**

Section 3.33, Environmental Planning &amp; Assessment Act, 1979

**Political Donations and Gifts Disclosure Statement** [Sec 10.4 EP&A Act]

Have you or any person with a financial interest in this planning application made a political donation or gift to any political party, local Councillor or Council employee within the last two (2) years?

☒ No ☐ Yes – please complete and attach a Political Donations and Gifts Disclosure Statement (available from Council's website – [www.griffith.nsw.gov.au](http://www.griffith.nsw.gov.au))

Applicant's Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner's Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Declaration and Signature of Applicant?**

I/we the undersigned hereby apply for the planning proposal as described and as per the plans and specifications and documents accompanying the Application. I/we undertake to pay any fee or charge required by Council in connection with the planning proposal and as per Council's adopted Fees and Charges.

Applicant's Name: HUTCHESON A+C PROPERTY P/L Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Information to be Provided****Information to be provided up front**

- ☒ Completed Application Form  
☒ Application Fee

**Background Information**

- ☒ Description of the subject land and locality  
☒ A Survey Plan of the site drawn to scale identifying physical features such as trees, topography, existing buildings

**Planning Proposal**

The Planning Proposal must be prepared in accordance with the Department of Planning and Infrastructure's Guide to preparing Planning Proposals and Guide to Preparing Local Environmental Plans. The proposal must address and include the following:

- ☒ Objectives or intended outcomes of the Planning Proposal  
☒ An explanation of the provisions that are to be included or changed in the LEP  
☒ Justification of those objectives, outcomes and provisions  
☒ Relationship to any strategic planning documents available on Council's website  
☒ Potential environmental, social and economic impacts

**Information that may be required**

The following additional information may be requested by Council during the assessment process of this application

**Supporting Documents**

- ☒ Copies of all supporting studies justifying the proposal. This may include traffic studies, urban design analysis, heritage assessments, threatened species assessments, effluent disposal assessments or other technical studies/strategies.

**Development Concept**

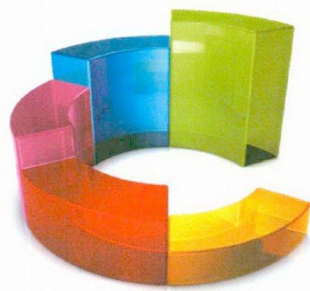
- ☒ An indicative development concept, illustrating the nature and scale of development envisaged for the site – built form, open space, vehicular and pedestrian access and relationship with surrounding area. This information could include a draft Development Control Plan (DCP) containing guidelines that would assist in providing a framework to assess future development on the site

**Notification Plans**

- ☒ Public Notification Plans for the proposal. Plans must be legible, including dimensions and text. The notification plans must be A4  
☐ Other information specified by the Gateway Panel

Approved: Coordinator Planning and Compliance	Group / System: Sustainable Development	Document ID: SD-FO-247	Version: 2
Relevant To:	Date Issued: 2 Dec 2015 Revised: 1 Mar 2018	Status: Approved	Page: 2 of 2





**ANTHONY  
DAINTITH**  
TOWN PLANNING

## **PLANNING PROPOSAL**



**HUTCHEON  
& PEARCE**



**JOHN DEERE**

### **PROPOSAL:**

**Additional Permitted Use  
(Vehicle Sales or Hire Premises)**

### **ADDRESS:**

**8 Pedley Road, Griffith**

### **DATE:**

**16 July, 2018**





**DESCRIPTION:** Planning Proposal – Additional Permitted Use

**CLIENT:** Hutcheon and Pearce

**Anthony Daintith Town Planning Pty Ltd**

ABN 46 121 454 153

ACN 121 454 153

Contact: 145 Keppel Street, Bathurst  
293 Dalton Street, Orange  
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T: 02 63624523  
F: 02 63611906  
E: [anthony@adtp.com.au](mailto:anthony@adtp.com.au)

## QUALITY ASSURANCE

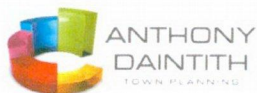
This document has been prepared, checked and released in accordance with the Quality Control Standards established by Anthony Daintith Town Planning.

Version	Date	Description	By
1.0	16/7/2018	Approved	AD

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This document has been authorised by

Anthony Daintith (Principal)  
Date: 16 July 2018



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# 1 BACKGROUND

## 1.1 INTRODUCTION

Hutcheon and Pearce have engaged Anthony Daintith Town Planning (ADTP) to prepare a Planning Proposal that seeks to amend the *Bathurst Local Environmental Plan 2014* by the inclusion of an "additional permitted use" that permits "vehicle sales or hire premises" on Lot 2 DP 1098689, 8 Pedley Road, Griffith.

*"Hutcheon & Pearce is an authorised dealer for John Deere Australia with 65 years of experience in the agricultural market. We have 11 locations throughout Southern New South Wales and we offer a large range of products, from ride on mowers and lifestyle equipment through to agricultural tractors for sale. We also have an extensive network of parts, service and technology support to ensure we keep you running, and to provide you with a complete solution. We look forward to taking care of all you residential, commercial and farm machinery sales."*

Hutcheon & Pearce have outgrown their current site in Griffith (corner of Oakes Road and Irving Place) and require significant greater area to service the local agricultural industry.

While both a "vehicle body repair workshop" and a "vehicle repair station" are listed as permitted land uses in the RU6 zone under the Local Environmental Plan, using the site as a "vehicle sales or hire premises" is prohibited. Therefore, the workshop elements of the future Hutcheon & Pearce development would be permitted with consent (i.e. by the lodgement of a Development Application), however the sale of any machinery would be prohibited. Without the ability to sell machinery, the development will not proceed.

A planning proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan. It will be used and read by a wide audience including the general community as well as those who are responsible for deciding whether or not the proposal should proceed. As such it must be concise and accessible to its audience. It must also be technically competent - founded on an accurate assessment of the likely impacts of the proposal and supported where necessary by technical studies and investigations.

The preparation of a planning proposal is the first step in preparing a LEP. Throughout the course of preparing the proposed LEP, the planning proposal evolves. This is particularly the case for complex proposals in which the initial gateway determination will confirm the technical studies and consultation required to justify the proposal. As the studies and consultation are undertaken, relevant parts of the planning proposal will be updated, amended and embellished.



The role of a planning proposal within the overall process for preparing LEPs is explained in the publication "A guide to preparing local environmental plans" (Department of Planning & Environment, August 2016).

A planning proposal is comprised of five parts:

- Part 1** - A statement of the objectives or intended outcomes of the proposed instrument;
- Part 2** - An explanation of the provisions that are to be included in the proposed instrument;
- Part 3** - The justification for those objectives, outcomes and the process for their implementation;
- Part 4** - Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies;
- Part 5** - Details of the community consultation that is to be undertaken on the planning proposal.

Section 3.33(3) of the Act allows the Secretary to issue requirements with respect to the preparation of a planning proposal. The Secretary's requirements include:

- Specific matters that must be addressed in the justification (Part 3) of the planning proposal
- A project timeline to detail the anticipated timeframe for the plan making process for each planning proposal.

The project timeline forms Part 6 of a planning proposal.

## 1.2 PROPONENT AND OWNER

The proponent is Hutcheon and Pearce, C/- Anthony Daintith Town Planning. The registered owners of the subject land are Hutcheon A & G Property Pty Limited.



## 2 SUBJECT LAND

### 2.1 SITE DESCRIPTION

The subject land is identified as 8 Pedley Road, Hanwood (however access to this part of the land is directly off the Vale Road). Refer to **Figure 1**, which depicts the site within the locality. **Figure 2** provides an aerial photo of the site.

The area of the subject land is 10.18 ha.

The land title description is:

**Table 1: Land Title Details**

Lot	Deposited Plan
2	1098689

**Figure 1: Site detail**



Figure 2: Locality Plan

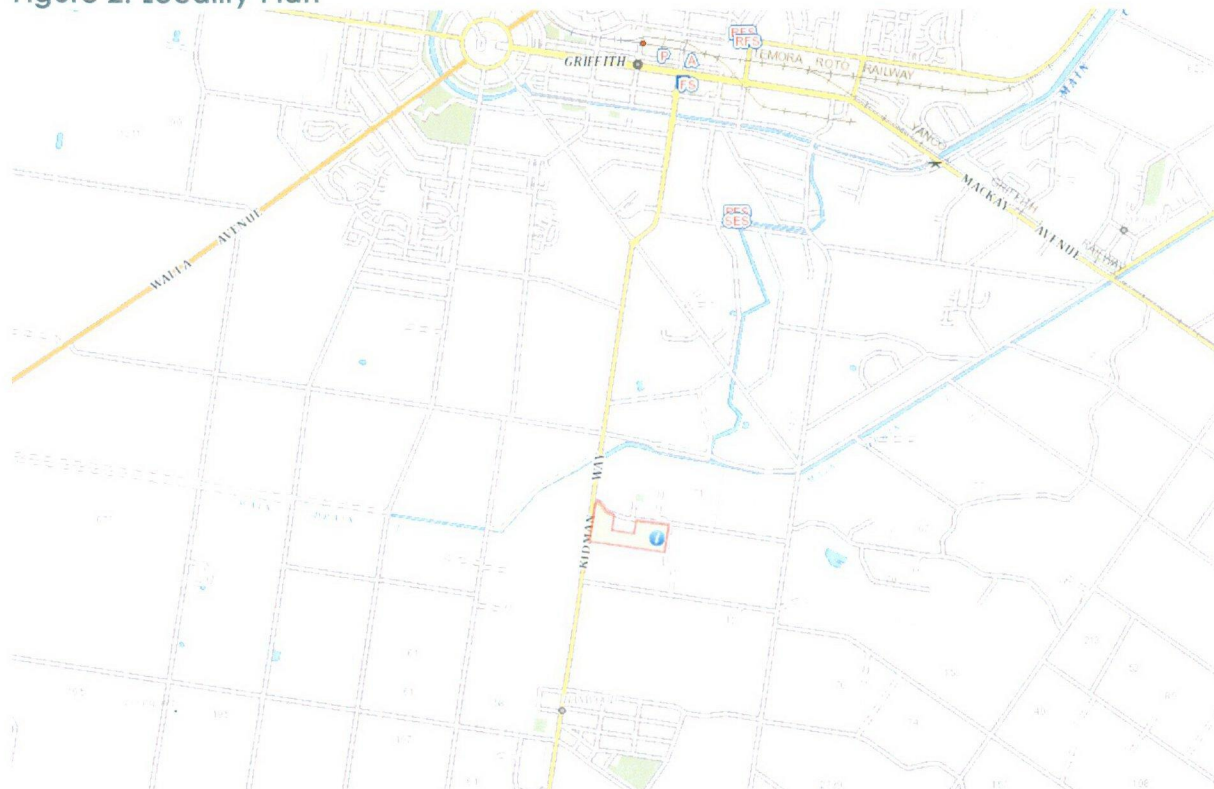
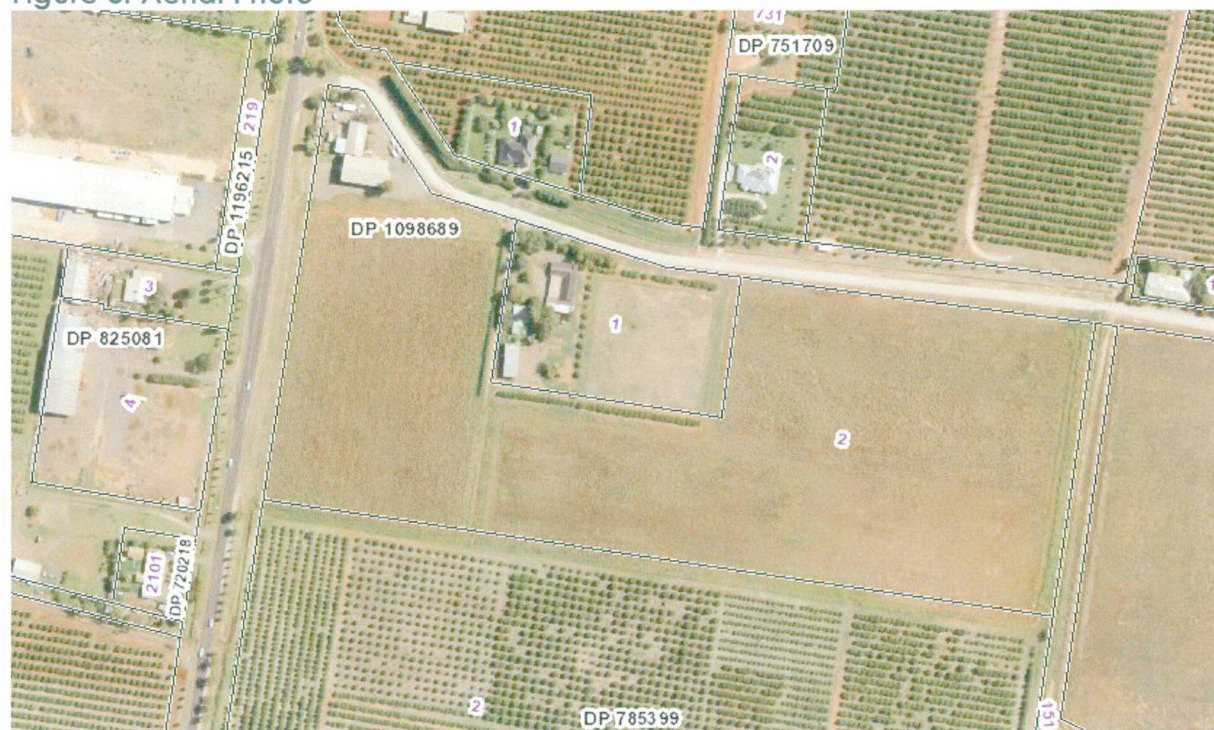


Figure 3: Aerial Photo





## 2.2 GENERAL SITE DESCRIPTION

### Topography

The land is relatively level.

### Vegetation

The site is cleared.

### Waterways

There are no watercourses traversing the site.

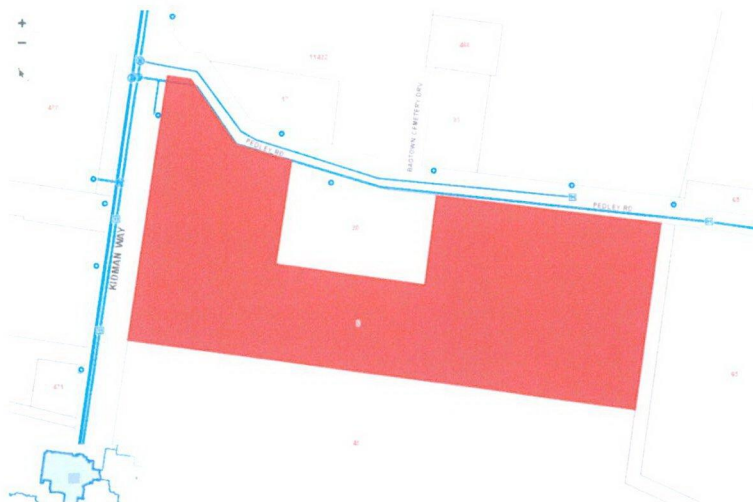
### Buildings

The site contains existing sheds in the north western corner (adjacent to the intersection of Pedley Road and Kidman Way).

### Services

Council has provided the following information:

*Council's sewer system does not service the subject property. There is a DIA 80mm Asbestos Cement water main located on the northern side of Pedley Road and a DIA 100mm Asbestos Cement water main located on the southern side of Pedley Road. There is a DIA 150 & a DIA 250 PVC UPVC water main located on the western side of Kidman Way. Note that currently the subject site is connected to Council's DIA 100mm water main located along Pedley Road in the north-western corner. See attached plan*



**Photos 1-3** provide a visual representation of the property.



Photo 1: Kidman Way frontage of the site looking north



Photo 2: Subject land looking east





Photo 3: Existing buildings

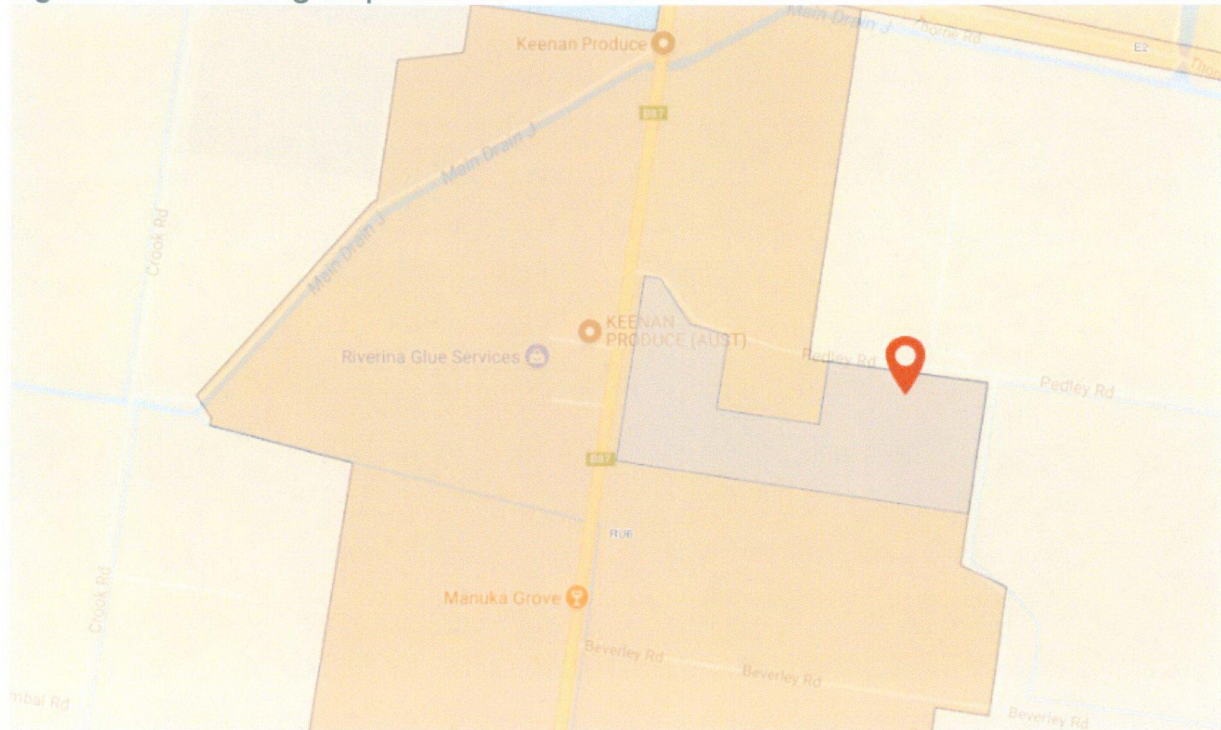




## 2.3 GRIFFITH LOCAL ENVIRONMENTAL PLAN 2014

The subject land is currently zoned RU6 Transition under the Griffith Local Environmental Plan 2014 (refer to **Figure 4** below).

**Figure 4: LEP - Zoning Map**



### **Zone RU6 Transition**

#### **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

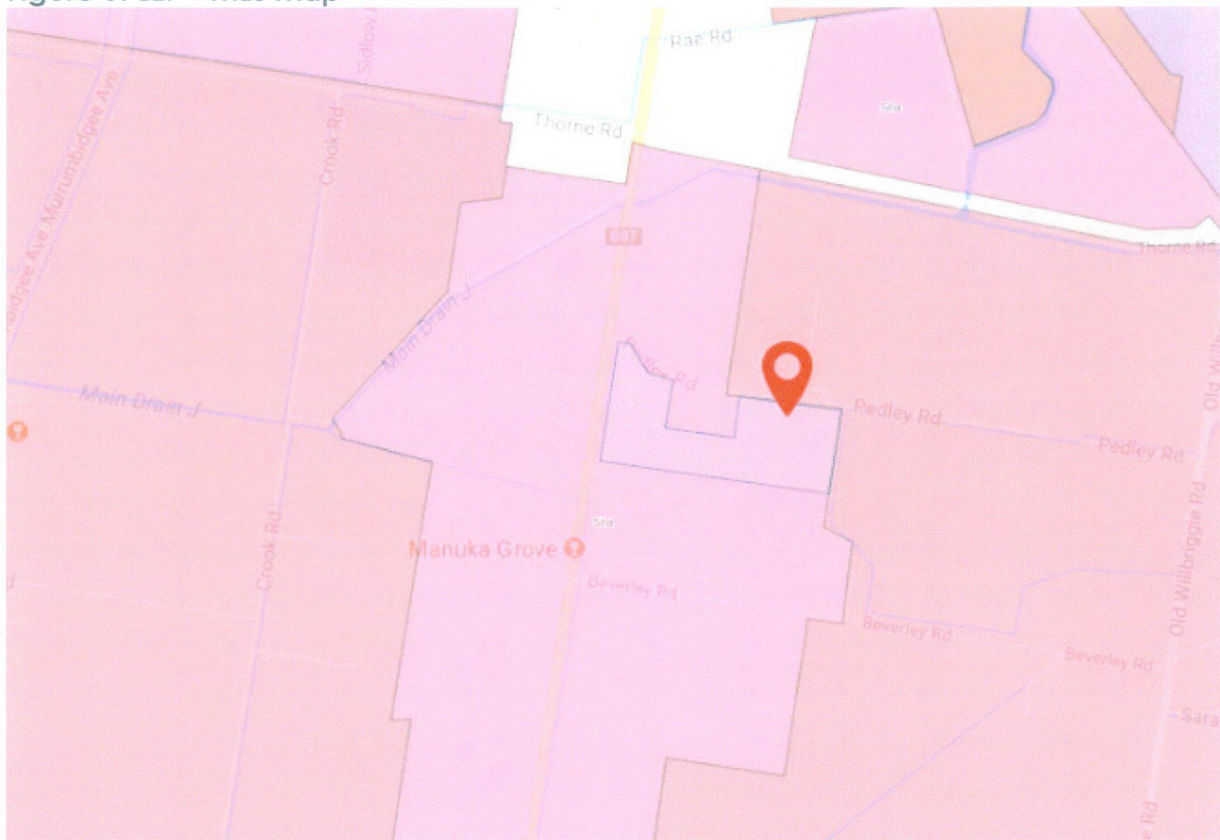
#### 4 Prohibited

Any development not specified item 2 or 3

There is no proposal to change the zone of the land.

The minimum lot size (MLS) is 5 hectares for the subject land (refer to **Figure 5** below). There is no proposal to amend the MLS.

**Figure 5: LEP - MLS Map**



There is no proposal to change the MLS for the subject land.



## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

Part 1 of the planning proposal should be a concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be understood by the layperson.

The objective of this Planning Proposal is to amend the *Griffith Local Environmental Plan 2014* by:

- The inclusion of an Additional Permitted Use under Schedule 1 that would permit subject to consent a “vehicles sales or hire premises” on Lot 2 DP 1098689, 8 Pedley Road, Griffith.

It is noted that this use would be complementary to the service component of the Hutcheon & Pearce operation proposed for the site (which is permitted with consent in the RU6 Transition zone).

This Planning Proposal will require a change to the LEP mapping (Additional Permitted Uses Map).

## PART 2 – EXPLANATION OF PROVISIONS

The explanation of provisions is an explicit statement of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed via a LEP.

It is proposed to amend the *Griffith Local Environmental Plan 2014* by inclusion of an “additional permitted use” that permits a “vehicle sales or hire premises” on Lot 2 DP 1098689, 8 Pedley Road, Griffith.

## PART 3 JUSTIFICATION

The justification sets out the case for changing the zones and/or development controls on the land affected by the proposed LEP.

Within the justification there are a number of specific questions that must be discussed with reasons explained.

### Section A – Need for Planning Proposal

#### Is the planning proposal a result of any strategic study or report?

No - the Planning Proposal is not a result of any strategic study or report.

The Planning Proposal will provide the proponent with a complementary land use to the proposed agricultural machinery sales and service facility on the subject land. They have outgrown their existing premises in Griffith and require





a much larger site to enable their business to expand and better service the local agricultural economy.

The RU6 zone provides for a transition between rural and urban land uses of varying intensities and environmental sensitivities. An agricultural sales and service enterprise is considered a suitable land use in this regard in that it is a commercial land use that supports the local rural area.

The planning proposal will provide an improved planning outcome for the subject land that has been determined in consultation with Griffith City Council Planning Department.

### **Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

It is believed that by the inclusion of an additional permitted use is the best means of achieving the objectives and intended outcome of this Planning Proposal (initial discussions with Council have confirmed this). A rezoning of the land, whilst achieving the same outcome is not in Councils current planning for this area. In addition, the inclusion "vehicle sales or hire premises" as a permitted land use in the RU6 zone may create issues with respect to other land in the LGA that is zoned RU6. An additional permitted use enables the issues surrounding the proposed future development and the subject land to be considered in isolated and at a localised level.

There are no other feasible methods to achieve this final outcome.

### **Is there a net community benefit?**

There will be a positive community benefit through the significant investment of funds into the Griffith economy through the future construction of the agricultural sales and service dealership as well as the significant job creation (it is estimated that there will be 45 staff).

## **Section B – Relationship to Strategic Planning Framework**

### **Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional Strategy?**

The proposal is not inconsistent with the provisions of the Riverina Murray Regional Plan. The impacts of the proposed are relatively localised.



## Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

It is considered that the Planning Proposal is not inconsistent with Councils Community Strategic Plan and the Griffith Land Use Strategy Beyond 2030.

- There are no significant environmental or natural features affecting the development of the site for the proposed development.
- There are no known heritage issues affecting the site.
- Adequate cost-effective servicing already exists on site and is available to the proposed future development on the site.
- Will not create a demand for the uneconomic provision of services.
- Will support surrounding agricultural enterprises.
- There are no significant topographical features affecting the subject land.
- The proposal has substantial economic benefits to the Griffith economy through the creation of approximately 45 jobs and significant investment by the owners in the development of the site (and associated boost to the local construction industry).

## Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs) including the following:

### State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

Council must consider Clause 6 of the SEPP when determining a Development Application:

#### **6 Contamination and remediation to be considered in zoning or rezoning proposal**

*(1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:*

*(a) the planning authority has considered whether the land is contaminated, and*

*(b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*

*(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

*Note.*





*In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.*

*(2) Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.*

*(3) If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).*

*(4) The following classes of land are identified for the purposes of this clause:*

*(a) land that is within an investigation area,*

*(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*

*(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*

*(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*

*(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

*(5) In this clause, planning authority has the same meaning as it has in section 145A of the Act.*

Orchard trees were removed from the lot in approximately 2012 and the soil has been cultivated every since. There are no physical signs of contamination present on the site – however there may be some form of contamination on the site based on the former orcharding land uses.

The proposed use of the site as an agricultural machinery sales and service centre is not residential in use. Accordingly, it is recommended that a detailed investigation is not necessary or warranted in this instance. An investigation has not been requested by Council in this instance.

#### State Environmental Planning Policy (Infrastructure) 2007

As the Kidman Way is an RMS road, the RMS would be consulted regarding the Planning Proposal and any subsequent development application.

There is adequate sight distance in both directions from where the new access is proposed. Appropriate turning lanes will be included in consultation with the RMS requirements as part of the detailed design of the proposal.



## State Environmental Planning Policy (Rural Lands) 2008

The Rural Planning Principles are as follows:

*(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*

The land is located within a zone that promotes a transition between urban and rural land uses. The proposed agricultural sale and service business on the site provides a suitable land use that is of an urban nature whilst supporting the local agricultural industry.

There are already businesses in operation on the property and on surrounding properties that require a larger land holding to operate.

*(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*

The proposal will provide the opportunity for a complimentary agricultural business that provides for machinery sales and service.

*(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*

This planning proposal achieves these goals by providing job creation (45 jobs) and significant investment and confidence in the Griffith economy (especially supporting the local agricultural economy).

*(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*

On balance, the planning proposal aims meets the social, economic and environmental interests of the community by ensuring that the future development of the locality is undertaken in a way to reduce the potential land uses conflict between residential and agricultural land uses (the land is located within a RU6 transition zone – so the proposed future development is considered a perfect fit).

*(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*

There are no specific natural constraints on the subject land that affect the planning proposal. The site does not have any biodiversity issues, stands of native vegetation (accordingly no removal required) or any water courses (other than a minor drain across the site).





(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,

No housing is proposed as part of this development.

(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,

Not applicable – no housing is proposed.

(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

The planning proposal is not inconsistent with any regional or local strategy.

### Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The following provides a summary of the Section 9.1 Directions issued on 1 July 2009 in accordance with the *Environmental Planning & Assessment Act 1979*, as relevant to the planning proposal:

**Table 2: Section 9.1 Directions**

Direction No.	Provisions	Consideration
1.1 Business & Industrial Zones	<p>When this Direction Applies</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>What a relevant planning authority must do if this direction applies</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) give effect to the objectives of this direction,</li> <li>(b) retain the areas and locations of existing business and industrial zones,</li> <li>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</li> <li>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</li> <li>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the</li> </ul>	<p>Not applicable. There are no business/industrial zones affected.</p> <p>The planning proposal is not considered to be inconsistent with this s9.1 Direction.</p>

	Director-General of the Department of Planning.	
1.2 Rural Zones	<p>What a relevant planning authority must do if this direction applies</p> <p>A planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>justified by a strategy which:</p> <p>gives consideration to the objectives of this direction,</p> <p>identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</p> <p>is approved by the Director-General of the Department of Planning, or</p> <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>(d) is of minor significance.</p>	<p>It is not proposed to rezone land from a rural zone to a residential, business, industrial, village or tourist zone – it will provide for an additional permitted use of vehicle sales or hire premises on the subject land.</p> <p>The planning proposal will not contain any increase in the permissible density of land within a rural zone – the proposal will not result in any increase in dwelling entitlements.</p> <p>The RU6 zone already permits a number of commercial land uses (i.e. the servicing of agricultural machinery) – this additional permitted use will enable the sales of machinery in connection with the proposed future development of the site by Hutcheon and Pearce.</p> <p>Accordingly, it is considered that this proposal is consistent with this direction.</p>
1.3 Mining, Petroleum Production and Extractive Industries		Not considered applicable to this proposal.
1.4 Oyster Aquaculture		Not considered applicable to this proposal.
1.5 Rural Lands	<p>When this direction applies</p> <p>This direction applies when:</p> <p>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed</p>	Refer to the comments under SEPP Rural Lands in the previous part of this Planning Proposal that addresses the Rural Planning Principles.



	<p>rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</p> <p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>What a relevant planning authority must do if this direction applies:</p> <p>(4) A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>(5) A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p>	There is no proposal to rezone any rural lands.
2.1 Environment Protection Zones		Not applicable to this proposal.
2.2 Coastal Protection		Not applicable to this proposal.
2.3 Heritage Conservation		Not applicable to this proposal. The subject land is not affected by any Heritage Conservation Area of heritage item (including neighbouring lots).
2.4 Recreation Vehicle Areas		Not applicable to this proposal.
3.1 Residential Zones	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <p>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</p> <p>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and</p>	Not applicable to this Planning Proposal.

	<p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>	
3.2 Caravan Parks & Manufactured Home Estates	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</p> <p>(5) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <p>(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,</p> <p>(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p>	<p>Not applicable.</p> <p>The planning proposal is not considered to be inconsistent with this S9.1 Direction.</p>



	(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.	
3.3 Home Occupations		Not applicable to this proposal.
3.4 Integrating Land Use and Transport		It is proposed that a new access will be constructed off Kidman Way as shown on the submitted master plans – it is considered that this will meet the safe sight distance guidelines of the RMS.
3.5 Development Near Licensed Aerodromes		Not applicable to this proposal.
3.6 Shooting Ranges		Not applicable to this proposal.
4.1 Acid Sulfate Soils		Not applicable to this proposal.
4.2 Mine Subsidence and Unstable Land		It is understood that the land is not affected by mine subsidence or unstable land.
4.3 Flood Prone Land	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> <p>(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>(6) A planning proposal must not contain provisions that apply to the flood planning areas which:</p>	The subject land is not mapped as being flood liable land.

	<p>a. permit development in floodway areas,</p> <p>b. permit development that will result in significant flood impacts to other properties,</p> <p>c. permit a significant increase in the development of that land,</p> <p>d. are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</p> <p>e. permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodway's or high hazard areas), roads or exempt development.</p> <p>(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director- General (or an officer of the Department nominated by the Director-General).</p> <p>(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>	
4.4 Planning for Bushfire Protection	<p>When this direction applies</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of</p>	<p>The subject is not mapped as Bushfire Prone Land.</p> <p>The planning proposal is not considered to be inconsistent with this S9.1 Direction.</p>



	<p>the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,</p> <p>(5) A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) have regard to Planning for Bushfire Protection 2006,</li> <li>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</li> <li>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</li> </ul> <p>(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <ul style="list-style-type: none"> <li>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum: <ul style="list-style-type: none"> <li>(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</li> <li>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</li> </ul> </li> <li>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with,</li> <li>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</li> <li>(d) contain provisions for adequate water supply for firefighting purposes,</li> <li>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</li> <li>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</li> </ul>	
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6.1 Approval and Referral Requirements		This proposal is consistent.
6.2 Reserving Land for Public Purposes	<p>When this direction applies</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</p> <p>(5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</p> <p>(a) reserve the land in accordance with the request, and</p> <p>(b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and</p> <p>(c) identify the relevant acquiring authority for the land.</p> <p>(6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p> <p>(a) include the requested provisions, or</p> <p>(b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.</p> <p>(7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of</p>	<p>The Planning Proposal will not create, alter or reduce any existing zonings. No public/recreational lands are proposed to be rezoned as part of the Planning Proposal.</p> <p>None of the lands identified in the Planning Proposal have been acquired under the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> nor have been identified by a public authority or the Minister as being required for future public purposes.</p> <p>The planning proposal is not considered to be inconsistent with this S9.1 Direction.</p>



	any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.	
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## Section C Environmental, Social & Economic Impact

### Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal?

The proposal is unlikely to adversely affect critical habitat or threatened species, or ecological communities, or their habitats. The site is virtually completely clear of any vegetation.

Accordingly, an "Assessment of Significance" in accordance with Section 5A of the *Environmental Planning and Assessment Act 1979* is not required. No identified issues relation to the Biodiversity Conservation Act provisions.

### Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The proposed planning proposal on the land is unlikely to result in adverse environmental effects.

There are no identified natural hazards, such as flooding, land slip, bushfire hazard and the like within the area to be rezoned.

### How has the planning proposal adequately addressed any social and economic impacts?

The planning proposal is considered unlikely to result in adverse social or economic impacts in the locality (any impacts are positive through a large investment of funds in the economy through the construction of the proposed future agricultural sales and service dealership and job creation).

There are no known items or places of European or Aboriginal cultural heritage located on the subject land that would be impacted upon by the Planning Proposal.

The proposal will facilitate the siting of future development within the property that reduces the impact of agricultural operations and commercial activities on the site.



An agricultural sales and service dealership in this location (transition zone) is considered a perfect land use to support the local agricultural industry whilst being complementary to neighbouring land uses and been very close to the centre of Griffith.

## **Section D – State and Commonwealth Interests**

### **Is there adequate public infrastructure for the planning proposal?**

A future agricultural sales and service dealership on the site will have access to reticulated town water. There is electricity and telephone services available. The subject land has bitumen road frontage to Kidman Way and gravel road frontage to Pedley Road.

As with other properties in the locality, effluent disposal will be onsite.

### **What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Council has already been consulted regarding this proposal to include an additional permitted use under the Griffith LEP 2014. The Planning Proposal is considered consistent with the requirements of Council and the relevant planning legislation.

An access point has been identified on the proposed plans the subject land that meets the RMS safe sight guidelines in both directions.

It is proposed that any issues raised by State and Commonwealth public authorities will be addressed during the LEP's public exhibition phase.

Due to the relative small scale of the proposal, there are no identified issues that would be affected any State or Commonwealth public authority.

If any issues are raised at the Gateway stage, they can be resolved at this stage.





## 4. COMMUNITY CONSULTATION

Pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979*, the Director General of Planning must approve the form of the Planning Proposal under the Gateway process before community consultation is undertaken.

The Planning Proposal is considered to be Low Impact and would be publicly exhibited for a period and in a manner set out in the Gateway determination (it is understood that such a Planning Proposal will be publicly exhibited for a period of 28 days.)

The Planning Proposal is considered to be only of minor interest to the wider public due to the relatively localised nature of potential impacts. It is believed that the potential impacts would be negligible.

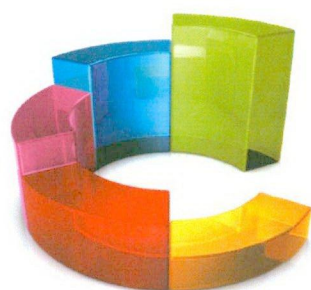
It is anticipated that the LEP will be finalised within a maximum period of six (6) months.

## 5. CONCLUSIONS

The objective of this Planning Proposal is to amend the *Griffith Local Environmental Plan 2014* by the inclusion of an additional permitted use to achieve the aims of the proposal.

It is considered that an additional permitted use to permit "vehicle sales or hire premises on the site, will enable the proponent to develop an agricultural sales and service dealership on a site that provides a suitable area, close to farming enterprises whilst been sympathetic to surrounding land uses and close to Griffith and the facilities that it affords – the development results in a more beneficial planning and agricultural outcome.

The planning proposal has been assessed against the provisions of the relevant environmental planning instruments and Section 9.1 Directions by the Minister and is considered appropriate and is recommended that it should be supported.



**ANTHONY  
DAINTITH**  
TOWN PLANNING

## **PLANNING PROPOSAL**



**HUTCHEON  
& PEARCE**



**JOHN DEERE**

### **PROPOSAL:**

**Additional Permitted Use  
(Vehicle Sales or Hire Premises)**

### **ADDRESS:**

**8 Pedley Road, Griffith**

### **DATE:**

**16 July, 2018**





**DESCRIPTION:** Planning Proposal – Additional Permitted Use

**CLIENT:** Hutcheon and Pearce

**Anthony Daintith Town Planning Pty Ltd**

**ABN 46 121 454 153**

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## QUALITY ASSURANCE

This document has been prepared, checked and released in accordance with the Quality Control Standards established by Anthony Daintith Town Planning.

Version	Date	Description	By
1.0	16/7/2018	Approved	AD

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This document has been authorised by

Anthony Daintith (Principal)

Date: 16 July 2018



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# 1 BACKGROUND

## 1.1 INTRODUCTION

Hutcheon and Pearce have engaged Anthony Daintith Town Planning (ADTP) to prepare a Planning Proposal that seeks to amend the *Bathurst Local Environmental Plan 2014* by the inclusion of an "additional permitted use" that permits "vehicle sales or hire premises" on Lot 2 DP 1098689, 8 Pedley Road, Griffith.

*"Hutcheon & Pearce is an authorised dealer for John Deere Australia with 65 years of experience in the agricultural market. We have 11 locations throughout Southern New South Wales and we offer a large range of products, from ride on mowers and lifestyle equipment through to agricultural tractors for sale. We also have an extensive network of parts, service and technology support to ensure we keep you running, and to provide you with a complete solution. We look forward to taking care of all you residential, commercial and farm machinery sales."*

Hutcheon & Pearce have outgrown their current site in Griffith (corner of Oakes Road and Irving Place) and require significant greater area to service the local agricultural industry.

While both a "vehicle body repair workshop" and a "vehicle repair station" are listed as permitted land uses in the RU6 zone under the Local Environmental Plan, using the site as a "vehicle sales or hire premises" is prohibited. Therefore, the workshop elements of the future Hutcheon & Pearce development would be permitted with consent (i.e. by the lodgement of a Development Application), however the sale of any machinery would be prohibited. Without the ability to sell machinery, the development will not proceed.

A planning proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan. It will be used and read by a wide audience including the general community as well as those who are responsible for deciding whether or not the proposal should proceed. As such it must be concise and accessible to its audience. It must also be technically competent - founded on an accurate assessment of the likely impacts of the proposal and supported where necessary by technical studies and investigations.

The preparation of a planning proposal is the first step in preparing a LEP. Throughout the course of preparing the proposed LEP, the planning proposal evolves. This is particularly the case for complex proposals in which the initial gateway determination will confirm the technical studies and consultation required to justify the proposal. As the studies and consultation are undertaken, relevant parts of the planning proposal will be updated, amended and embellished.





The role of a planning proposal within the overall process for preparing LEPs is explained in the publication "A guide to preparing local environmental plans" (Department of Planning & Environment, August 2016).

A planning proposal is comprised of five parts:

- Part 1** - A statement of the objectives or intended outcomes of the proposed instrument;
- Part 2** - An explanation of the provisions that are to be included in the proposed instrument;
- Part 3** - The justification for those objectives, outcomes and the process for their implementation;
- Part 4** - Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies;
- Part 5** - Details of the community consultation that is to be undertaken on the planning proposal.

Section 3.33(3) of the Act allows the Secretary to issue requirements with respect to the preparation of a planning proposal. The Secretary's requirements include:

- Specific matters that must be addressed in the justification (Part 3) of the planning proposal
- A project timeline to detail the anticipated timeframe for the plan making process for each planning proposal.

The project timeline forms Part 6 of a planning proposal.

## 1.2 PROPONENT AND OWNER

The proponent is Hutcheon and Pearce, C/- Anthony Daintith Town Planning. The registered owners of the subject land are Hutcheon A & G Property Pty Limited.

## 2 SUBJECT LAND

## 2.1 SITE DESCRIPTION

The subject land is identified as 8 Pedley Road, Hanwood (however access to this part of the land is directly off the Vale Road). Refer to **Figure 1**, which depicts the site within the locality. **Figure 2** provides an aerial photo of the site.

The area of the subject land is 10.18 ha.

The land title description is:

### Table 1: Land Title Details

Lot	Deposited Plan
2	1098689

### Figure 1: Site detail





Figure 2: Locality Plan

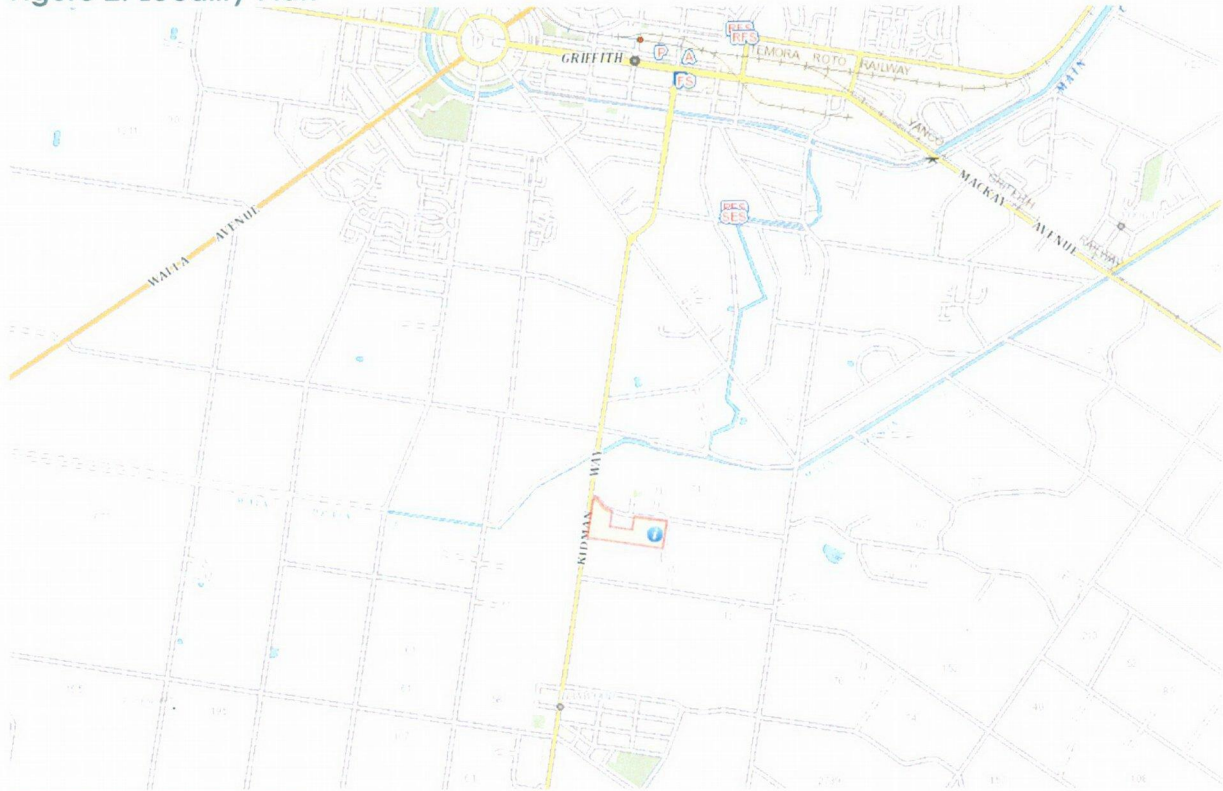
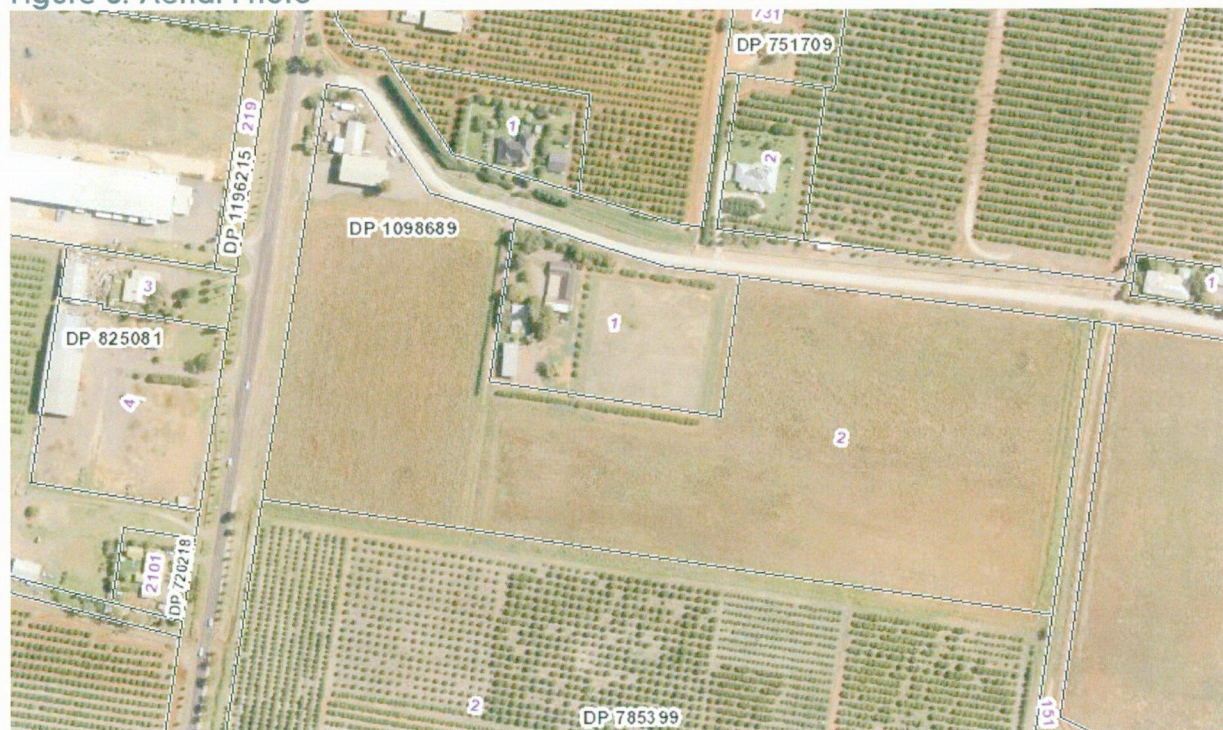


Figure 3: Aerial Photo



## 2.2 GENERAL SITE DESCRIPTION

### Topography

The land is relatively level.

### Vegetation

The site is cleared.

### Waterways

There are no watercourses traversing the site.

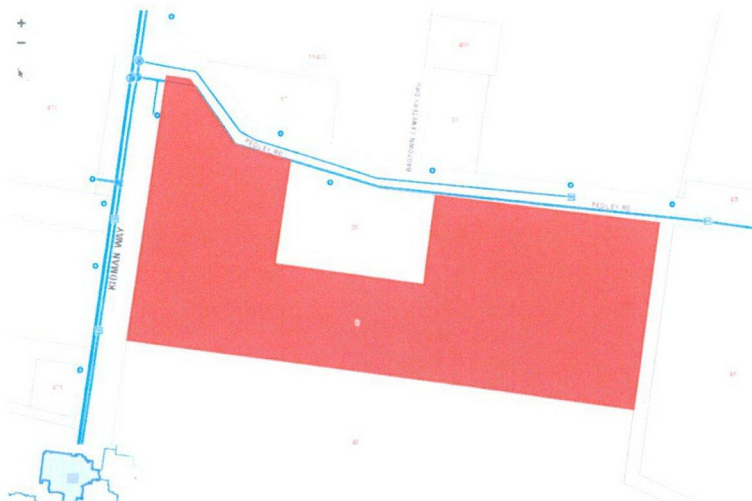
### Buildings

The site contains existing sheds in the north western corner (adjacent to the intersection of Pedley Road and Kidman Way).

### Services

Council has provided the following information:

*Council's sewer system does not service the subject property. There is a DIA 80mm Asbestos Cement water main located on the northern side of Pedley Road and a DIA 100mm Asbestos Cement water main located on the southern side of Pedley Road. There is a DIA 150 & a DIA 250 PVC UPVC water main located on the western side of Kidman Way. Note that currently the subject site is connected to Council's DIA 100mm water main located along Pedley Road in the north-western corner. See attached plan*



**Photos 1-3** provide a visual representation of the property.



Photo 1: Kidman Way frontage of the site looking north



Photo 2: Subject land looking east





Photo 3: Existing buildings

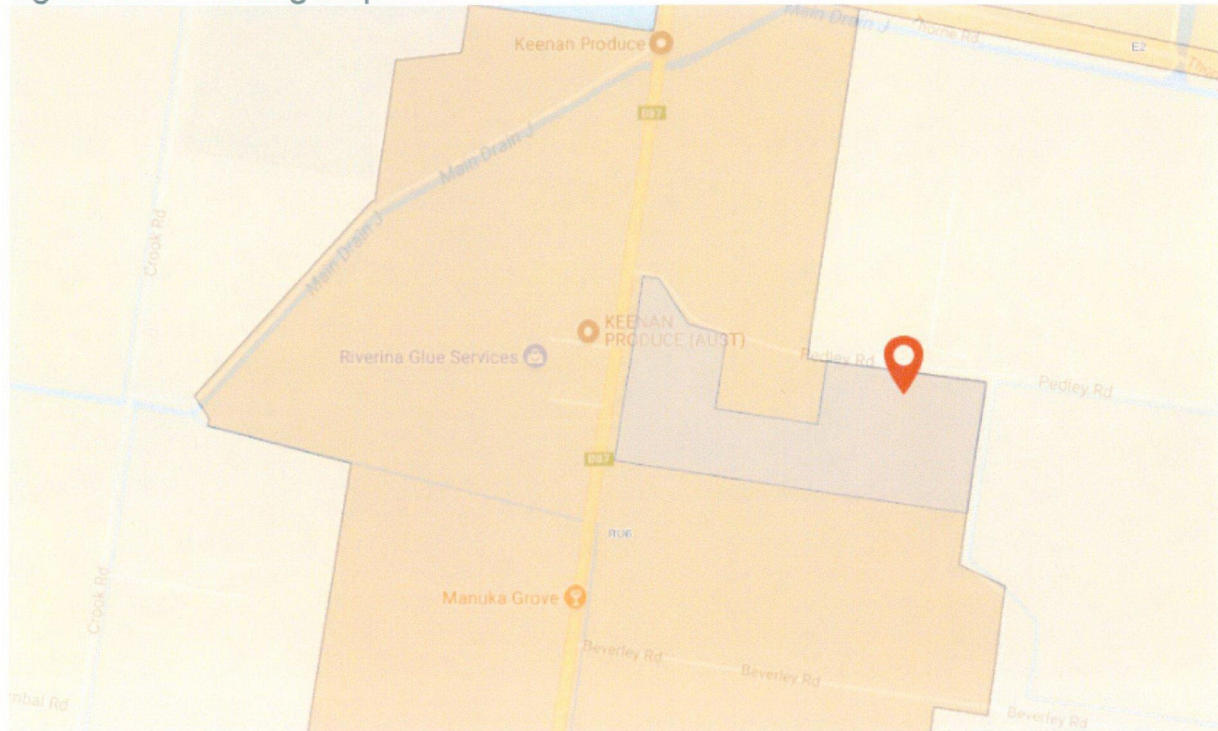




## 2.3 GRIFFITH LOCAL ENVIRONMENTAL PLAN 2014

The subject land is currently zoned RU6 Transition under the Griffith Local Environmental Plan 2014 (refer to **Figure 4** below).

**Figure 4: LEP - Zoning Map**



### Zone RU6 Transition

#### 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

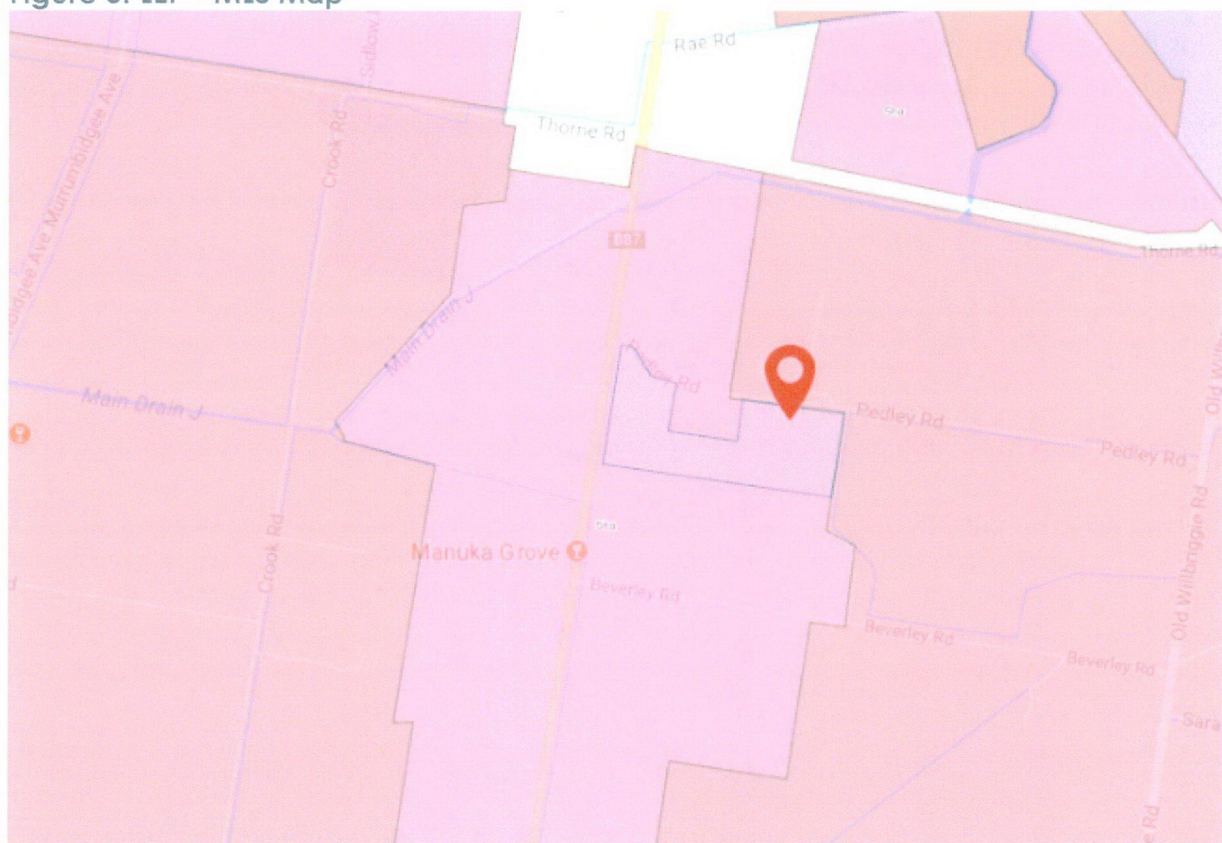
#### 4 Prohibited

Any development not specified item 2 or 3

There is no proposal to change the zone of the land.

The minimum lot size (MLS) is 5 hectares for the subject land (refer to **Figure 5** below). There is no proposal to amend the MLS.

**Figure 5: LEP - MLS Map**



There is no proposal to change the MLS for the subject land.





## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

Part 1 of the planning proposal should be a concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be understood by the layperson.

The objective of this Planning Proposal is to amend the *Griffith Local Environmental Plan 2014* by:

- The inclusion of an Additional Permitted Use under Schedule 1 that would permit subject to consent a “vehicles sales or hire premises” on Lot 2 DP 1098689, 8 Pedley Road, Griffith.

It is noted that this use would be complementary to the service component of the Hutcheon & Pearce operation proposed for the site (which is permitted with consent in the RU6 Transition zone).

This Planning Proposal will require a change to the LEP mapping (Additional Permitted Uses Map).

## PART 2 – EXPLANATION OF PROVISIONS

The explanation of provisions is an explicit statement of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed via a LEP.

It is proposed to amend the *Griffith Local Environmental Plan 2014* by inclusion of an “additional permitted use” that permits a “vehicle sales or hire premises” on Lot 2 DP 1098689, 8 Pedley Road, Griffith.

## PART 3 JUSTIFICATION

The justification sets out the case for changing the zones and/or development controls on the land affected by the proposed LEP.

Within the justification there are a number of specific questions that must be discussed with reasons explained.

### Section A – Need for Planning Proposal

#### Is the planning proposal a result of any strategic study or report?

No - the Planning Proposal is not a result of any strategic study or report.

The Planning Proposal will provide the proponent with a complementary land use to the proposed agricultural machinery sales and service facility on the subject land. They have outgrown their existing premises in Griffith and require



a much larger site to enable their business to expand and better service the local agricultural economy.

The RU6 zone provides for a transition between rural and urban land uses of varying intensities and environmental sensitivities. An agricultural sales and service enterprise is considered a suitable land use in this regard in that it is a commercial land use that supports the local rural area.

The planning proposal will provide an improved planning outcome for the subject land that has been determined in consultation with Griffith City Council Planning Department.

### **Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

It is believed that by the inclusion of an additional permitted use is the best means of achieving the objectives and intended outcome of this Planning Proposal (initial discussions with Council have confirmed this). A rezoning of the land, whilst achieving the same outcome is not in Councils current planning for this area. In addition, the inclusion "vehicle sales or hire premises" as a permitted land use in the RU6 zone may create issues with respect to other land in the LGA that is zoned RU6. An additional permitted use enables the issues surrounding the proposed future development and the subject land to be considered in isolated and at a localised level.

There are no other feasible methods to achieve this final outcome.

### **Is there a net community benefit?**

There will be a positive community benefit through the significant investment of funds into the Griffith economy through the future construction of the agricultural sales and service dealership as well as the significant job creation (it is estimated that there will be 45 staff).

## **Section B – Relationship to Strategic Planning Framework**

### **Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional Strategy?**

The proposal is not inconsistent with the provisions of the Riverina Murray Regional Plan. The impacts of the proposed are relatively localised.





## Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

It is considered that the Planning Proposal is not inconsistent with Councils Community Strategic Plan and the Griffith Land Use Strategy Beyond 2030.

- There are no significant environmental or natural features affecting the development of the site for the proposed development.
- There are no known heritage issues affecting the site.
- Adequate cost-effective servicing already exists on site and is available to the proposed future development on the site.
- Will not create a demand for the uneconomic provision of services.
- Will support surrounding agricultural enterprises.
- There are no significant topographical features affecting the subject land.
- The proposal has substantial economic benefits to the Griffith economy through the creation of approximately 45 jobs and significant investment by the owners in the development of the site (and associated boost to the local construction industry).

## Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs) including the following:

### State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

Council must consider Clause 6 of the SEPP when determining a Development Application:

#### **6 Contamination and remediation to be considered in zoning or rezoning proposal**

*(1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:*

*(a) the planning authority has considered whether the land is contaminated, and*

*(b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*

*(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

*Note.*





In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.

(2) Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

(3) If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).

(4) The following classes of land are identified for the purposes of this clause:

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

(5) In this clause, planning authority has the same meaning as it has in section 145A of the Act.

Orchard trees were removed from the lot in approximately 2012 and the soil has been cultivated every since. There are no physical signs of contamination present on the site – however there may be some form of contamination on the site based on the former orcharding land uses.

The proposed use of the site as an agricultural machinery sales and service centre is not residential in use. Accordingly, it is recommended that a detailed investigation is not necessary or warranted in this instance. An investigation has not been requested by Council in this instance.

#### State Environmental Planning Policy (Infrastructure) 2007

As the Kidman Way is an RMS road, the RMS would be consulted regarding the Planning Proposal and any subsequent development application.

There is adequate sight distance in both directions from where the new access is proposed. Appropriate turning lanes will be included in consultation with the RMS requirements as part of the detailed design of the proposal.





## State Environmental Planning Policy (Rural Lands) 2008

The Rural Planning Principles are as follows:

*(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*

The land is located within a zone that promotes a transition between urban and rural land uses. The proposed agricultural sale and service business on the site provides a suitable land use that is of an urban nature whilst supporting the local agricultural industry.

There are already businesses in operation on the property and on surrounding properties that require a larger land holding to operate.

*(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*

The proposal will provide the opportunity for a complimentary agricultural business that provides for machinery sales and service.

*(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*

This planning proposal achieves these goals by providing job creation (45 jobs) and significant investment and confidence in the Griffith economy (especially supporting the local agricultural economy).

*(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*

On balance, the planning proposal aims meets the social, economic and environmental interests of the community by ensuring that the future development of the locality is undertaken in a way to reduce the potential land uses conflict between residential and agricultural land uses (the land is located within a RU6 transition zone – so the proposed future development is considered a perfect fit).

*(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*

There are no specific natural constraints on the subject land that affect the planning proposal. The site does not have any biodiversity issues, stands of native vegetation (accordingly no removal required) or any water courses (other than a minor drain across the site).



(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,

No housing is proposed as part of this development.

(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,

Not applicable – no housing is proposed.

(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

The planning proposal is not inconsistent with any regional or local strategy.

### Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The following provides a summary of the Section 9.1 Directions issued on 1 July 2009 in accordance with the *Environmental Planning & Assessment Act 1979*, as relevant to the planning proposal:

**Table 2: Section 9.1 Directions**

Direction No.	Provisions	Consideration
1.1 Business & Industrial Zones	<p>When this Direction Applies</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>What a relevant planning authority must do if this direction applies</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) give effect to the objectives of this direction,</li> <li>(b) retain the areas and locations of existing business and industrial zones,</li> <li>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</li> <li>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</li> <li>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the</li> </ul>	<p>Not applicable. There are no business/industrial zones affected.</p> <p>The planning proposal is not considered to be inconsistent with this s9.1 Direction.</p>



	Director-General of the Department of Planning.	
1.2 Rural Zones	<p>What a relevant planning authority must do if this direction applies</p> <p>A planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>justified by a strategy which:</p> <p>gives consideration to the objectives of this direction,</p> <p>identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</p> <p>is approved by the Director-General of the Department of Planning, or</p> <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>(d) is of minor significance.</p>	<p>It is not proposed to rezone land from a rural zone to a residential, business, industrial, village or tourist zone – it will provide for an additional permitted use of vehicle sales or hire premises on the subject land.</p> <p>The planning proposal will not contain any increase in the permissible density of land within a rural zone – the proposal will not result in any increase in dwelling entitlements.</p> <p>The RU6 zone already permits a number of commercial land uses (i.e. the servicing of agricultural machinery) – this additional permitted use will enable the sales of machinery in connection with the proposed future development of the site by Hutcheon and Pearce.</p> <p>Accordingly, it is considered that this proposal is consistent with this direction.</p>
1.3 Mining, Petroleum Production and Extractive Industries		Not considered applicable to this proposal.
1.4 Oyster Aquaculture		Not considered applicable to this proposal.
1.5 Rural Lands	<p>When this direction applies</p> <p>This direction applies when:</p> <p>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed</p>	Refer to the comments under SEPP Rural Lands in the previous part of this Planning Proposal that addresses the Rural Planning Principles.

	<p>rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</p> <p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>What a relevant planning authority must do if this direction applies:</p> <p>(4) A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>(5) A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p>	There is no proposal to rezone any rural lands.
2.1 Environment Protection Zones		Not applicable to this proposal.
2.2 Coastal Protection		Not applicable to this proposal.
2.3 Heritage Conservation		Not applicable to this proposal. The subject land is not affected by any Heritage Conservation Area of heritage item (including neighbouring lots).
2.4 Recreation Vehicle Areas		Not applicable to this proposal.
3.1 Residential Zones	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <p>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</p> <p>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and</p>	Not applicable to this Planning Proposal.



	<p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>	
3.2 Caravan Parks & Manufactured Home Estates	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</p> <p>(5) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <p>(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,</p> <p>(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p>	<p>Not applicable.</p> <p>The planning proposal is not considered to be inconsistent with this S9.1 Direction.</p>



	(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.	
3.3 Home Occupations		Not applicable to this proposal.
3.4 Integrating Land Use and Transport		It is proposed that a new access will be constructed off Kidman Way as shown on the submitted master plans – it is considered that this will meet the safe sight distance guidelines of the RMS.
3.5 Development Near Licensed Aerodromes		Not applicable to this proposal.
3.6 Shooting Ranges		Not applicable to this proposal.
4.1 Acid Sulfate Soils		Not applicable to this proposal.
4.2 Mine Subsidence and Unstable Land		It is understood that the land is not affected by mine subsidence or unstable land.
4.3 Flood Prone Land	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> <p>(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>(6) A planning proposal must not contain provisions that apply to the flood planning areas which:</p>	The subject land is not mapped as being flood liable land.



	<p>a. permit development in floodway areas,</p> <p>b. permit development that will result in significant flood impacts to other properties,</p> <p>c. permit a significant increase in the development of that land,</p> <p>d. are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</p> <p>e. permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodway's or high hazard areas), roads or exempt development.</p> <p>(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director- General (or an officer of the Department nominated by the Director-General).</p> <p>(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>	
4.4 Planning for Bushfire Protection	<p>When this direction applies</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of</p>	<p>The subject is not mapped as Bushfire Prone Land.</p> <p>The planning proposal is not considered to be inconsistent with this S9.1 Direction.</p>

	<p>the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,</p> <p>(5) A planning proposal must:</p> <p>(a) have regard to Planning for Bushfire Protection 2006,</p> <p>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</p> <p>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</p> <p>(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <p>(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</p> <p>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p>	
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6.1 Approval and Referral Requirements		This proposal is consistent.
6.2 Reserving Land for Public Purposes	<p>When this direction applies</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</p> <p>(5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</p> <p>(a) reserve the land in accordance with the request, and</p> <p>(b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and</p> <p>(c) identify the relevant acquiring authority for the land.</p> <p>(6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p> <p>(a) include the requested provisions, or</p> <p>(b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.</p> <p>(7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of</p>	<p>The Planning Proposal will not create, alter or reduce any existing zonings. No public/recreational lands are proposed to be rezoned as part of the Planning Proposal.</p> <p>None of the lands identified in the Planning Proposal have been acquired under the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> nor have been identified by a public authority or the Minister as being required for future public purposes.</p> <p>The planning proposal is not considered to be inconsistent with this S9.1 Direction.</p>



	any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.	
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## Section C Environmental, Social & Economic Impact

### Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal?

The proposal is unlikely to adversely affect critical habitat or threatened species, or ecological communities, or their habitats. The site is virtually completely clear of any vegetation.

Accordingly, an "Assessment of Significance" in accordance with Section 5A of the *Environmental Planning and Assessment Act 1979* is not required. No identified issues relation to the Biodiversity Conservation Act provisions.

### Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The proposed planning proposal on the land is unlikely to result in adverse environmental effects.

There are no identified natural hazards, such as flooding, land slip, bushfire hazard and the like within the area to be rezoned.

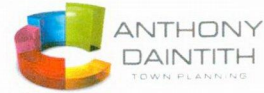
### How has the planning proposal adequately addressed any social and economic impacts?

The planning proposal is considered unlikely to result in adverse social or economic impacts in the locality (any impacts are positive through a large investment of funds in the economy through the construction of the proposed future agricultural sales and service dealership and job creation).

There are no known items or places of European or Aboriginal cultural heritage located on the subject land that would be impacted upon by the Planning Proposal.

The proposal will facilitate the siting of future development within the property that reduces the impact of agricultural operations and commercial activities on the site.





An agricultural sales and service dealership in this location (transition zone) is considered a perfect land use to support the local agricultural industry whilst being complementary to neighbouring land uses and been very close to the centre of Griffith.

## **Section D – State and Commonwealth Interests**

### **Is there adequate public infrastructure for the planning proposal?**

A future agricultural sales and service dealership on the site will have access to reticulated town water. There is electricity and telephone services available. The subject land has bitumen road frontage to Kidman Way and gravel road frontage to Pedley Road.

As with other properties in the locality, effluent disposal will be onsite.

### **What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Council has already been consulted regarding this proposal to include an additional permitted use under the Griffith LEP 2014. The Planning Proposal is considered consistent with the requirements of Council and the relevant planning legislation.

An access point has been identified on the proposed plans the subject land that meets the RMS safe sight guidelines in both directions.

It is proposed that any issues raised by State and Commonwealth public authorities will be addressed during the LEP's public exhibition phase.

Due to the relative small scale of the proposal, there are no identified issues that would be affected any State or Commonwealth public authority.

If any issues are raised at the Gateway stage, they can be resolved at this stage.



## 4. COMMUNITY CONSULTATION

Pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979*, the Director General of Planning must approve the form of the Planning Proposal under the Gateway process before community consultation is undertaken.

The Planning Proposal is considered to be Low Impact and would be publicly exhibited for a period and in a manner set out in the Gateway determination (it is understood that such a Planning Proposal will be publicly exhibited for a period of 28 days.)

The Planning Proposal is considered to be only of minor interest to the wider public due to the relatively localised nature of potential impacts. It is believed that the potential impacts would be negligible.

It is anticipated that the LEP will be finalised within a maximum period of six (6) months.

## 5. CONCLUSIONS

The objective of this Planning Proposal is to amend the *Griffith Local Environmental Plan 2014* by the inclusion of an additional permitted use to achieve the aims of the proposal.

It is considered that an additional permitted use to permit "vehicle sales or hire premises on the site, will enable the proponent to develop an agricultural sales and service dealership on a site that provides a suitable area, close to farming enterprises whilst been sympathetic to surrounding land uses and close to Griffith and the facilities that it affords – the development results in a more beneficial planning and agricultural outcome.

The planning proposal has been assessed against the provisions of the relevant environmental planning instruments and Section 9.1 Directions by the Minister and is considered appropriate and is recommended that it should be supported.



