

Planning Proposal

Amendments to the *Weddin Local Environmental Plan 2011* to change one industrial zoned lot to a residential zone at Lot 72 DP1148241 – 1D North Street, Grenfell



iPLAN PROJECTS

Planning & Development Solutions



andrew@iplanprojects.com.au

www.iplanprojects.com.au

Ph. 0410 519 469

Prepared on behalf of Weddin Shire Council for
Submission to NSW Department of Planning & Environment

25 May 2017

Final to Council for Resolution & Gateway Determination

Table of Contents

1. INTRODUCTION.....	3
1.1. Aims of Amendments.....	3
1.2. Subject Site & Reasoning	3
1.3. Council Resolution & Government Feedback.....	7
1.4. Process Overview.....	7
2. PLANNING PROPOSAL.....	8
2.1. Part 1: Objectives or Intended Outcomes	8
2.2. Part 2: Explanation of Provisions	8
2.3. Part 3: Justification of Proposed LEP Amendments.....	9
2.3.1. Section A - Need for the Planning Proposal.....	9
2.3.2. Section B - Relationship to Strategic Planning Framework.....	10
2.3.3. Section C - Environmental, Social and Economic Impact.....	16
2.3.4. Section D - State and Commonwealth Interests.....	17
2.4. Part 4: Mapping.....	18
2.5. Part 5: Community Consultation.....	18
2.6. Part 6: Project Timeline.....	18

Table of Figures

<i>Figure 1: Map showing location of subject site (yellow box with red outline) in relation to Mid Western Highway and Grenfell Town Centre (Source: SIX Maps).</i>	3
<i>Figure 2: Excerpt from the Land Zoning Map showing existing industrial zone of site (red dotted outline) and zoning of surrounding lands (Source: Weddin LEP 2011 LZN_008A).</i>	3
<i>Figure 3: Excerpt from the Lot Size Map showing the subject site (red dotted outline) currently has no minimum lot size but adjacent residential areas have a 900sqm lot size (Source: Weddin LEP2011 LSZ_008A).</i>	4
<i>Figure 4: Aerial photo showing subject site (red dotted line) & surrounding sites (Source: Council GIS).</i>	4
<i>Figure 5: Excerpt from other relevant maps in Weddin LEP2011 showing environmental or other opportunities or constraints on or near the subject site (marked by a red star).</i>	6

1. INTRODUCTION

1.1. Aims of Amendments

This Planning Proposal ('Proposal') has been prepared to amend *Weddin Local Environmental Plan 2011* ('LEP2011') to convert land at Lot 72 DP1148241 – 1D North Street, Grenfell ('subject site' or 'lot') that is currently within an industrial zone to a residential zone with a suitable minimum lot size for subdivision.

1.2. Subject Site & Reasoning

The subject site is located to the north-west of the centre of the Town of Grenfell (see Figure below). It is approximately 1.1-1.2km from the site to the town centre of Grenfell (Main Street) via North Street. It is a single lot with an area of approximately 5,937m² (Planning Portal).

The lot has direct access to/from and frontage to North Street and is just to the west of the intersection of Bradley Street which connects down to the Mid-Western Highway (Grafton Street).

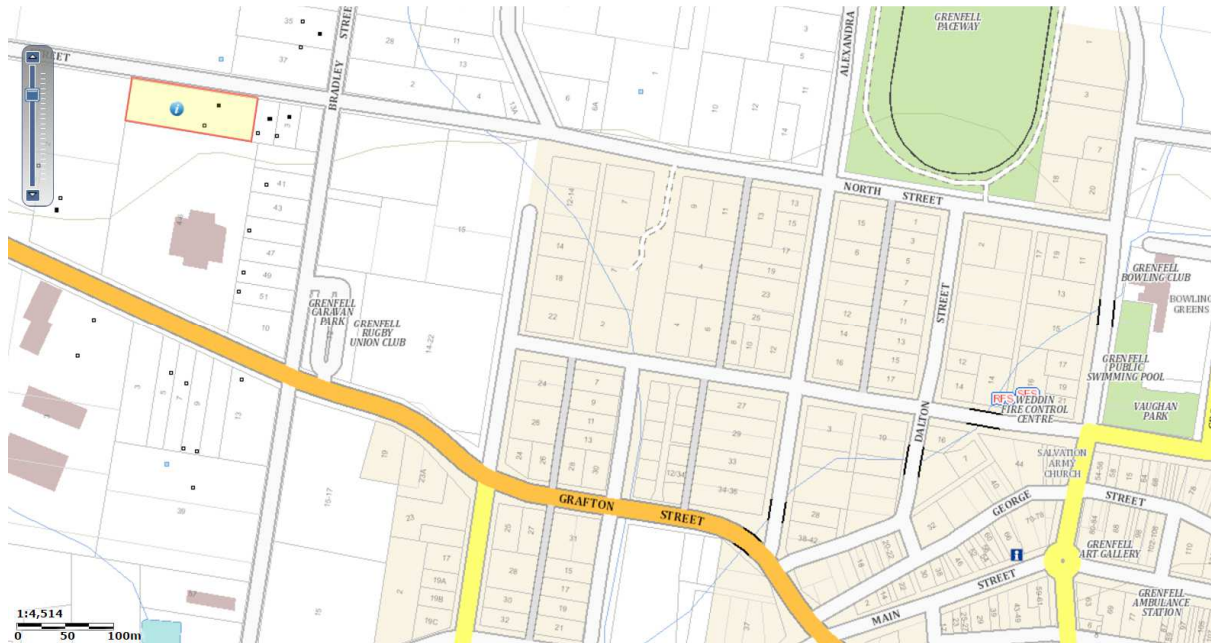
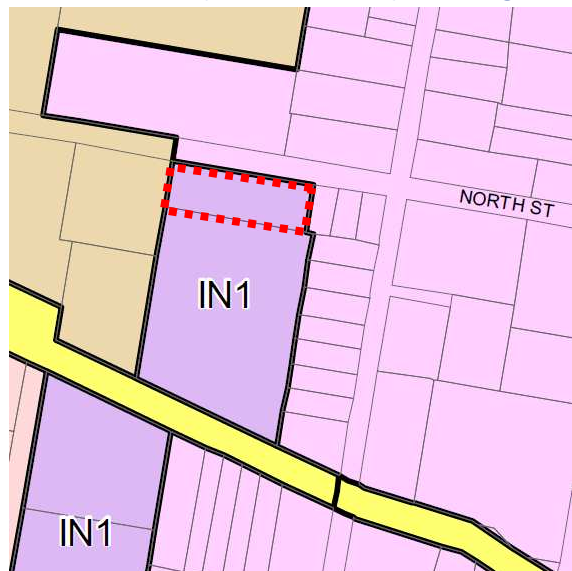


Figure 1: Map showing location of subject site (yellow box with red outline) in relation to Mid Western Highway and Grenfell Town Centre (Source: SIX Maps).

Figure 2: Excerpt from the Land Zoning Map showing existing industrial zone of site (red dotted outline) and zoning of surrounding lands (Source: Weddin LEP 2011 LZN_008A).

Zone	
B2	Local Centre
E1	National Parks and Nature Reserves
E3	Environmental Management
IN1	General Industrial
R1	General Residential
R5	Large Lot Residential
RE1	Public Recreation
RE2	Private Recreation
RU1	Primary Production
RU3	Forestry
RU5	Village
SP2	Infrastructure



Lot Size Map - Sheet LSZ_008A

Minimum Lot Size (sq m)

T	900
W	4000
AA	5ha
AB	10ha
AF	400ha

Figure 3: Excerpt from the Lot Size Map showing the subject site (red dotted outline) currently has no minimum lot size but adjacent residential areas have a 900sqm lot size (Source: Weddin LEP2011 LSZ_008A).

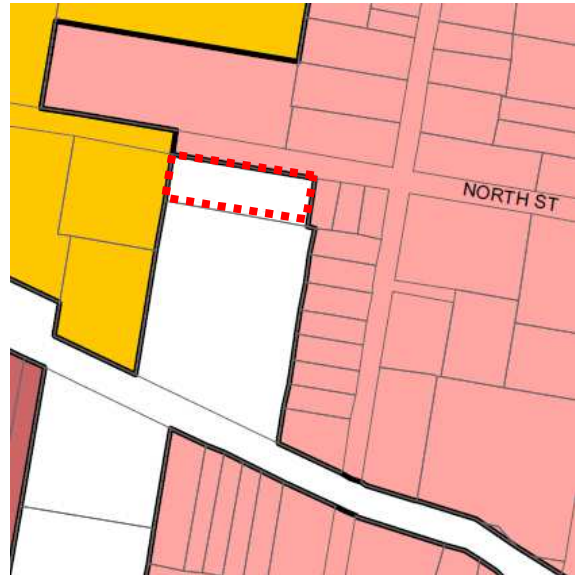


Figure 4: Aerial photo showing subject site (red dotted line) & surrounding sites (Source: Council GIS).

Previous Zoning & Approvals: Prior to the current LEP2011, the land use zoning in Weddin Shire Council's *Local Environmental Plan 2002* was '2(t) Township zone' that permitted both industry AND dwellings. Council approved a 5 Lot residential subdivision of the subject site (that included the industrial land to the south) by DA 79/2005. This application was later amended to be a 2 Lot subdivision approved in 2006 (Registered in 2009) which separated the subject site/lot from the industrial land to the south (see Figure.4 Aerial above). Subsequently, DA 63/2006 was approved for the construction of Manager's Residence sited on same lot as the industrial shed.

SILEP Rezoning & Permissibility: When the 2011 Local Environmental Plan was made, the zoning of the subject site (and the industrial land to the south) was changed to Zone IN1 General Industrial with no minimum lot size (see Figure.2 – Zoning & Figure.3 – Lot Size above). In this industrial zone all forms of 'residential accommodation' are prohibited – so whilst the existing dwelling has 'existing use' rights any future development for additional dwellings is prohibited, contrary to the original zoning in 2002 and contrary to its current residential use. Now the site has a residential use the chance of using it for an industrial purpose is fairly low.

Surrounding Zones / Land Uses: This industrial zone extends from the subject site along North Street to the Mid Western Highway including the existing industrial lot to the south of the subject site. It then extends on the south side of the Mid Western Highway to a number of other industrial lots. However, to the north and east of the subject site it is in Zone R1 General Residential including the immediately adjacent lots along North Street wrapping around into Bradley Street down to the highway with a minimum lot size of 900m² (see Figure.3 - Lot Size Map above).



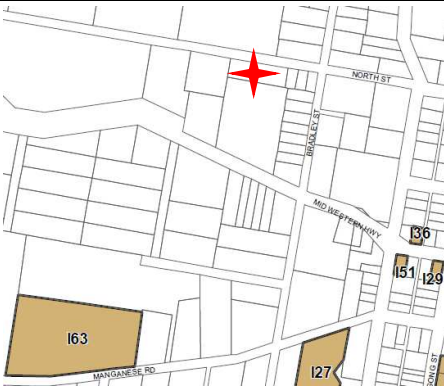

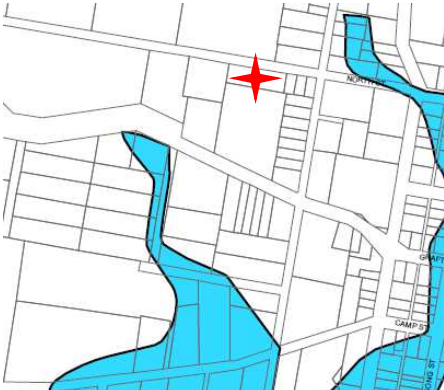

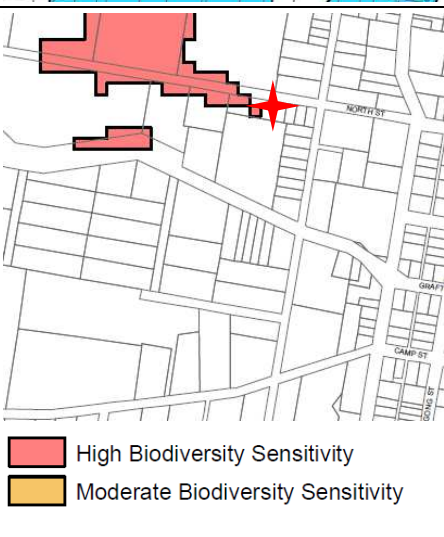



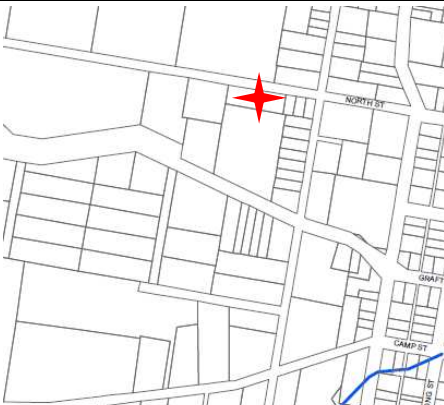
Stand-Alone Industrial Land to South: The subject site lot / dwelling originally was a caretaker's residence / dwelling for the adjacent industrial land to the south. However, the industrial land to the south has its own existing access / egress directly to the Mid Western Highway so it is not reliant on the subject site for access or other utilities (to the best of our awareness). The industrial land is currently used by Bromar Engineering (www.bromarengineering.com.au) that constructs and sells farm and agricultural equipment. The site area is ~2.5ha in area but the existing operations only utilise ~1.5ha of this and most of the northern land near the subject site is vacant. It includes a large shed and equipment storage areas in the setback from the highway. Most of the higher impact activities (welding and construction) are likely to occur within the shed that provides a degree of noise attenuation to nearby residences and is setback at least 30m from side boundaries (~90m to subject site). Hours of operation are likely to be standard extended business hours (7am-5pm Mon-Thurs and 7am to 3:15pm Fri on website). This would be considered a relatively low impact industrial facility.

Subject Site Proximity to Residential Zone / Dwellings: As Figure.4 aerial photo above shows (the subject site is marked in red), this lot has a single existing dwelling (black roof). Within 8m to the east of the lot boundary (and ~38m to the black roofed subject site dwelling) is another dwelling in the residential zone (light coloured roof).

Subject Site Proximity to Industrial Zone / Buildings: The subject site is immediately adjacent to industrial land to the south though the lot boundary is in excess of 60m to the existing industrial used land and 90m to the industrial building on that site. The house on the subject site is an additional 20-25m north of the southern boundary of the subject site providing a reasonable buffer to both existing and future industrial activity. In fact the existing industrial building is closer to the existing residential zone to the east ~34m and existing dwellings to the east ~64m than the dwelling on the subject site. There is also sufficient room for the existing industrial premise to grow potentially without impacting significantly on dwellings (depending on activity/use).

Other Opportunities / Constraints: Other key opportunities and constraints as set out in Weddin LEP2011 include the following:

Figure 5: Excerpt from other relevant maps in Weddin LEP2011 showing environmental or other opportunities or constraints on or near the subject site (marked by a red star).

<p>Heritage: The site is not a listed heritage item, in a heritage conservation area or in close proximity to either of these items/areas (Map HER_008A) so there is little likelihood of heritage impacts.</p> <p>Heritage</p> <p> Conservation Area - General</p> <p> Item - General</p>	
<p>Flooding: The site is not shown on the Flood Planning Map (FLD_008A) as being within the Flood Planning Area (i.e. it is less likely that the land is at or below the flood planning level which is usually 1% AEP + 500mm freeboard – i.e. it is not flood affected land for the purposes of residential development.</p> <p>Flood Planning Area</p> <p> Flood Planning Area</p>	
<p>Biodiversity: The site IS affected by a small pocket of high biodiversity sensitivity that extends across the north-western section of the subject site / lot (Map NRB_008A). However, the aerial above (Figure.4) and the Google Street View below suggests the site is relatively clear of trees except a couple of eucalypts along the north-western road corridor boundary so this is unlikely to be a significant constraint to residential development of the land.</p> 	 <p> High Biodiversity Sensitivity</p> <p> Moderate Biodiversity Sensitivity</p>
<p>Watercourses: The nearest watercourse on Map NRW_008A is the creek south of Camp Street that extends out to the south-west of Grenfell.</p> <p> Watercourse</p> <p>Groundwater: There are no areas of groundwater vulnerability in and around the Town of Grenfell or the subject site shown on Map NRB_008.</p>	

1.3. Council Resolution & Government Feedback

Council and the land owner have determined that the subject site is best suited to residential use (as existing) rather than industrial purposes (low likelihood now there is an existing dwelling). Council resolved at its Ordinary August 2016 Meeting:

"That Council request the NSW Planning Department to rezone Lot 72 DP 1148241, North Street from Industrial to Residential after it was incorrectly changed to Industrial in the review of the Weddin LEP in 2011."

Preliminary advice was sought from the Department of Planning & Environment ('DPE') who stated in writing that;

"The proposed rezoning would be required to be considered through the Gateway process with the submission of a planning proposal to the Department. The proposal will need to consider the existing surrounding zones and land uses as well as any existing and potential land use conflicts. Council will also need to comply with all relevant State Environmental Planning Policies and section 177 Directions."

"It is however recommended that the proposed rezoning be considered in a strategic context as part of a broader review of the Weddin Local Environmental Plan 2011 for which Council has resolved to undertake in 2017. The Department is available to provide advice to Council when this project commences."

Council has resolved to complete a comprehensive review of its existing 2011 Local Environmental Plan but would prefer to address the rezoning of the subject site separately and in advance of this review. Therefore, Council resolved at its Ordinary March 2017 Meeting:

"That Council prepare a Planning Proposal for rezoning of Lot 72 DP 1148241, 1D North Street GRENFELL from IN1 General Industrial to R1 General Residential with funding to be sourced from the Economic Development Reserve."

1.4. Process Overview

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') and the NSW Government Guideline (August 2016) 'A guide to preparing planning proposals' ('Guideline').

A gateway determination under Section 56 of the EP&A Act is requested from the Department of Planning & Environment ('Department') to allow this planning proposal to be placed on public exhibition.

We also request delegation to Council (as the Relevant Planning Authority or RPA) of the power to make this amendment (subject to discussions with DPE). The scale and impact of this site-specific rezoning is minimal and, we suggest, warrants delegation.

We submit that there is sufficient detail in this Planning Proposal to justify a positive Gateway Determination considering the low complexity of the proposed amendments and limited chance of any significant impacts on adjacent land uses, the natural environment and the community.

As discussed above, there has been initial consultation between Council and DPE. However, due to the low complexity of this Proposal a formal pre-lodgement meeting was not deemed to be necessary by Council.

2. PLANNING PROPOSAL

The guidelines require the Planning Proposal to address six (6) parts, including:

- Part 1 - A statement of the objectives or intended outcomes of the proposed LEP;
- Part 2 - An explanation of the provisions that are to be included in the proposed LEP;
- 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 with the planning proposal
- Part 6 – The Project Timeline to the implementation of the Planning Proposal through an amendment to the Local Environmental Plan.

It is important to note that the Guideline states that '*[t]he planning proposal should contain enough information to identify the relevant environmental, social, economic and other site specific considerations' and '[t]he scope for investigating any key issues''This would include listing what additional studies the RPA considers necessary to justify the suitability of the proposed LEP amendment. The actual information/investigation may be undertaken after a Gateway determination has been issued and if required by the Gateway determination'* (p.5). Therefore, issues must be identified and addressed but not necessarily satisfied in the Proposal.

2.1. Part 1: Objectives or Intended Outcomes

Part 1 of the planning proposal should be a short, 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 easily understood by the general community. The objectives and intended outcomes need to be specific enough to accurately reflect the desired outcome of the proposal yet flexible enough to allow for alternative ways of achieving the desired result to be considered.

The objective of the planning proposal is to amend the key planning controls in *Weddin Local Environmental Plan 2011* ('LEP2011') relating to land at Lot 72 DP1148241 known as 1D North Street, Grenfell ('subject site' or 'lot') so it can be developed for residential (rather than industrial) purposes with a suitable minimum lot size for urban residential subdivision.

2.2. Part 2: Explanation of Provisions

Part 2 of the planning proposal provides a more detailed statement of how the objectives or intended outcomes are to be achieved by means of amending an existing local environmental plan. It would be appropriate to identify what zones or development standards are being proposed.

The proposed objective(s) / outcome(s) could be achieved by amending *Weddin Local Environmental Plan 2011* ('LEP2011'), as follows:

- a) Amend the **Land Zoning Map LZN_008A** so the subject site is removed from the existing Zone IN1 General Industrial and placed in the common urban residential zone in the Town of Grenfell (which is currently is Zone R1 General Residential).
- b) Amend the **Lot Size Map(s)** so the subject site (which currently has no lot size shown) has a minimum lot size commensurate with other Zone R1 General Residential land in the Town of Grenfell (which currently is Area T – 900m²).

2.3. Part 3: Justification of Proposed LEP Amendments

Part 3 of the planning proposal provides a justification that sets out the case for the making of the proposed instrument. The overarching principles that guide the preparation of planning proposals are:

- The level of justification should be proportionate to the impact the planning proposal will have;
- It is not necessary to address the question if it is not considered relevant to the planning proposal (as long as a reason is provided why it is not relevant);
- The level of justification should be sufficient to allow a Gateway determination to be made with the confidence that the instrument can be finalised within the time-frame proposed.

As a minimum a planning proposal must identify any environmental, social and economic impacts associated with the proposal. Generally detailed technical studies are not required prior to the Gateway determination.

In accordance with the Department of Planning's (2016) 'Guide to Preparing Planning Proposals', this section provides a response to the following issues:

- Section A: Need for the planning proposal
- Section B: Relationship to strategic planning framework
- Section C: Environmental, social and economic impact
- Section D: State and Commonwealth interests

2.3.1. Section A - Need for the Planning Proposal

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

No. The Planning Proposal is based on a submission from the land owner of the subject site / lot. It seeks to recognise that in 'translating' the original local environmental plan over to the Standard Instrument format that some flexibility with regards to residential uses on the subject site was lost when the site was rezoned from Zone 2(t) Township to Zone IN1 General Industrial. Therefore, this Proposal seeks to correct an error or omission in the creation of the original LEP2011.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?

Amendments to *Weddin Local Environmental Plan 2011* ('LEP2011') are the only method to achieve the objectives of the planning proposal as land zoning and minimum lot size for subdivision are set by LEP2011 and development applications must generally be in accordance with these controls. 'Residential accommodation' is prohibited in Zone IN1 General Industrial so the current zone would not permit any further residential development (though the lack of a lot size means that subdivision is not constrained).

The proposed development is not of a scale to be considered 'State or Regionally Significant' such that amendments to State Environmental Planning Policies ('SEPPs') would be appropriate to sit above and amend LEP2011.

The potential methods for achieving the outcomes through amendments to LEP2011 include map changes, clause changes, schedule changes, and land-use table changes. Our justification for the methodology above (mapping changes only) is as follows:

- a) **Schedule changes:** It is our understanding that the NSW Government does not readily support site-specific changes to schedules, for example, through Additional Permitted Uses, unless there

is a specific reason that an alternate zoning/land use controls cannot be modified for the Site. It would also create an inconsistency between the land use mapping controls for the site and the schedule, reducing transparency – Not Recommended;

- b) **Land use table changes:** Land use table changes are not appropriate because it would not be appropriate to permit residential uses in an industrial zone, particularly Zone IN1 General Industrial that permits a wide range of industrial uses, some of which have higher impacts. Land use table changes would have implications for other sites with a similar zone – Not Recommended;
- c) **Clause changes:** Clause changes are not appropriate because it is not the wording of the clauses that is the issue but the relevant ‘category’ in lot size and land use zone that restrict the proposed development. Clause changes could also have implications for other affected sites that were not intended – Not Recommended.

Therefore, the most appropriate ‘tool’ or methodology is to amend the mapping in LEP2011 applying to the Site so it is a ‘site-specific’ outcome that does not affect other sites and creates a transparent connection between the land use controls and the intended development outcomes for the Site.

2.3.2. Section B - Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

As at the date of preparing this Proposal (May 2017), the Weddin Local Government Area only has the *Draft Central West & Orana Regional Plan* ('Draft Regional Plan') that applies (there is no sub-regional or district plan) and the Draft Regional Plan is not expected to be endorsed until later in 2017. This Draft is subject to change in its detail but does highlight some key Goals, Directions, and Actions for the region that are less likely to change – so we have addressed these at a high level.

The Regional Plan outlines four goals and directions to achieve desired outcomes. The following Goals / Directions / Actions are relevant to this Proposal and addressed below:

Goal / Direction / Action	Comments
Goal 1 – A growing and diverse regional economy	
Direction 1.5 Support business activities with well-located and serviced industrial lands and commercial centres. Action 1.5.1 Implement an industrial land monitoring program to maintain a supply of well-located and serviced industrial land.	It is appreciated that Council's should identify and maintain an adequate supply of appropriately located and zoned industrial land in their planning strategies and LEPs to support ongoing growth. The Town of Grenfell is the most likely location for industrial (non-rural) growth in the LGA as the largest settlement. It has a range of industrial zoned land including these sites along the Mid Western Highway on the western edge of town and industrial land to the south-west on either side of Mary Gilmore Way. Much of this land is vacant or relatively undeveloped so there is no apparent immediate pressure on industrial land supply in Grenfell. Council will continue to monitor this issue and respond through more comprehensive land use strategies. Also, for the subject industrial lands, the frontage to the highway is likely to be a better outcome rather than heavy vehicles using local roads (like North Street) for access which pass existing dwellings. There is potential to expand the remaining industrial area to the west into rural lands if required.

	<p>Whilst residential land uses may require a small buffer, the prevalence of existing residential uses already surrounding the industrial lot to the north and east has already (to a degree) compromised industrial growth in this area so the proposed rezoning does not significantly or unreasonably increase the risk of land use conflicts.</p>
<p>Goal 2 – A region with strong infrastructure freight transport and utility infrastructure networks that support economic growth</p>	
<p>Direction 2.1 Improve the region's freight transport networks and access to external markets. Direction 2.2 Coordinate infrastructure delivery to facilitate economic opportunities</p>	<p>The fact the subject site fronts a local road (North Street) and not the Mid Western Highway and that the industrial land has existing access/egress to the highway means that access to/from the industrial use is unaffected and it acts as a buffer to the highway so highway transport will not be affected by this proposal. Residential uses are not being proposed in close proximity to a major state highway that may affect its operation or safety for freight transport.</p>
<p>Goal 3 – A region that protects and enhances its productive agricultural land, natural resources and environmental assets.</p>	
<p>Direction 3.5 Protect and manage the region's environmental assets</p>	<p>The only known mapped environmental sensitivity on the subject site is biodiversity, and as noted above, the majority of the site is cleared of significant trees except for a couple in the north-west corner that may predominantly sit within or over the (North Street) road reserve. There is expected to be little environmental impact from rezoning existing urban land considering residential uses (smaller building footprints) are likely to have less impact than industrial uses (larger building footprints).</p>
<p>Goal 4 – Strong communities and liveable places that cater for the region's changing population</p>	
<p>Direction 4.1 Manage growth and change in the region's settlements Action 4.1.2 Deliver improved tools and partnerships to build community capacity in towns and villages to strengthen community resilience.</p>	<p>The rezoning of a single industrial lot is unlikely to have a significant impact on the resilience of Grenfell and the Weddin Shire as there is sufficient industrial land for employment growth and some additional urban residential land may meet housing needs (see above). The land is well suited to residential use and its unaffected by most known natural hazards.</p>
<p>Direction 4.3 Increase and improve housing choice to suit the different lifestyles and needs of the population Action 4.3.1 Deliver enabling planning controls that facilitate an increased range of housing choices, including infill housing close to existing jobs and services.</p>	<p>There is also a growing need for housing diversity to meet the needs of the population of Grenfell and the Shire. Whilst the Shire population may be static or have historical decline, Grenfell may have potential to increase population as older citizens and people from rural areas move to the closest settlements with services and health facilities. Some additional urban housing lots in reasonable proximity to the town centre (1.1-1.2km) would support this. It is a more efficient use of land if it is subdivided for urban residential uses than if it were to remain a single house on a large lot.</p>
<p>Direction 4.4 Enhance community access to jobs & services by creating well-connected places, designed to meet the needs of a regional community.</p>	<p>The subject site is in reasonable proximity to the town centre (1.1-1.2km) and would not impact on existing roads and networks. As a local road with existing dwellings it is more suited to residential traffic rather than heavy vehicle traffic for residential amenity and road safety.</p>

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

There are no endorsed land use strategies for industrial OR urban residential uses for the town of Grenfell in Weddin LGA. The *Rural Settlement Project (2012)* (and associated 2016 *Addendum*) addressed Zone RU5 Village land and Zone R5 Large Lot Residential land supply and the *Primary Production Strategy (2012 – not yet endorsed)* addressed minimum lot size and rural areas. Council is in the process of preparing an 'urban strategy' but this is not expected to be completed until 2018.

The only other local strategy that has high level objectives for development in Weddin LGA is the *Community Strategic Plan 2013-2023* and the associated Delivery Program and Operational Plan. The purpose was to identify the community's main priorities and aspirations for the future and to plan strategies for achieving those goals. The Strategic Objectives included:

- a) No.1 – Strong, Diverse & Resilient Local Economy – This is similar to the goal in the Draft Regional Strategy and is addressed above;
- b) No.2 – Healthy, Safe & Educated Community – The reinforcement of North Street as a local residential street rather than an industrial heavy vehicle route is consistent. Suitable buffers to industry have been provided to maintain residential amenity;
- c) No.3 – Democratic & Engaged Community – This Planning Proposal will follow the processes set out by the NSW Government for consultation and feedback;
- d) No.4 – Culturally Rich, Vibrant and Inclusive Community – No impacts;
- e) No.5 – Cared for Natural, Agricultural & Building Environments – No impacts;
- f) No.6 – Well Maintained & Improving Shire Assets & Services – No substantial impacts.

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

An analysis of the applicable State Environmental Planning Policies (SEPP) is included in the table below and the relevant SEPPs are addressed in more detail at the end of the table. It is noted that the proposal is either consistent (or at least not inconsistent) with any applicable SEPP's.

State Environmental Planning Policy ('SEPP')	Relevant for Consideration
1 - Development Standards	Not applicable.
21 - Caravan Parks	Not applicable.
30 - Intensive Agriculture	Not applicable.
33 - Hazardous and Offensive Development	Not inconsistent.
36 - Manufactured Home Estates	Consistent
44 - Koala Habitat Protection	Relevant (see below).
55 – Remediation of Land	Relevant (see below).
62 - Sustainable Aquaculture	Not applicable.
64 - Advertising and Signage	Not applicable.
65 - Design Quality of Residential Flat Development	Consistent but unlikely.
(Affordable Rental Housing) 2009	Consistent.
(Building Sustainability Index: BASIX) 2004	Consistent. Can comply.
(Exempt and Complying Development Codes) 2008	Consistent. Can comply.
(Housing for Seniors or People with a Disability) 2004	Consistent. Can comply.
(Infrastructure) 2007	Relevant (see below).
(Major Development) 2005	Not applicable.
(Mining, Petroleum Production and Extractive Industries) 2007	Relevant (see below).
(Rural Lands) 2008	Not applicable.
(State and Regional Development) 2011	Not applicable.

SEPP No.44 – Koala Habitat Protection

Weddin is a listed LGA to which this SEPP applies. This policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas. It is noted that there is some sensitive biodiversity potential on the site (see LEP2011 mapping above) but that there are only a limited number of trees on the north-eastern edge of the site (see Google Street view in Figure.5 table) and these are predominantly in the North Street road reserve. Otherwise the site is effectively cleared of any significant trees.

In addition, the proposal seeks to change the zoning of the subject site from industrial (more likely to be large format buildings) to residential use (usually smaller building footprints) so there is more potential for dwelling locations to be chosen that retain any significant vegetation.

On this basis a preliminary assessment would suggest that the site/land does NOT have potential as koala habitat (Step 1), is certainly not core koala habitat (Step 2), and that the rezoning is unlikely to have any substantial impact on koala habitat and/or is more likely to protect koala habitat in accordance with this SEPP. This can be assessed in more detail as part of any future development application. The biodiversity overlay and control in LEP2011 will also aid in protecting significant stands of native vegetation through the area. **Not Applicable or Complies.**

SEPP No.55 – Remediation of Land

This policy applies to the whole State including the Site. Under Clause 6, contamination and remediation is to be considered in zoning or rezoning proposals.

Usually the rezoning of industrial land for residential purposes would trigger the requirement for a full contamination assessment. However, the subject site is not known to have ever been used for industrial purposes and was merely included in the zone because the dwelling was a caretaker's residence for adjacent industrial land and activities. The fact that Council has approved a dwelling on the subject site further confirms that contamination is unlikely to be an issue for the subject site. It is cleared land. There is no evidence of any historic industrial use. It was mostly likely used for extensive agriculture (adjacent area to west) prior to being included in an urban zone. We suggest this review can meet the requirements of a Stage 1 Preliminary Investigation under the SEPP.

Contamination can be addressed as part of any development application for subdivision and development of this land. If any contamination is found then it will need to be remediated in accordance with SEPP55 and the relevant guidelines / policies. Therefore, the Proposal can be consistent with this SEPP. **Complies – No further Assessment Required.**

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

This SEPP applies to land identified as having mineral potential. The most relevant map is the Mineral Resource Audit map provided by the former Department of Mineral Resources and mapping of known resources by the Department of Energy & Resources. There are no known existing or potential mineral resources around the north-western side of Grenfell near the subject site. Therefore, the Proposal is unlikely to significantly increase proximity of sensitive uses on or near known mineral or extractive resources and this Proposal is broadly consistent with this SEPP.

SEPP (Infrastructure) 2007

This SEPP is concerned with appropriate opportunities for infrastructure development throughout the State. The rezoning of the subject site will not result in new residential uses closer to the Mid Western Highway than are already permitted and will not affect existing access/egress to the highway from the adjacent industrial site. The traffic generation from any potential residential subdivision is minor and does not trigger RMS referral. Therefore, the Proposal is consistent with this SEPP.

6. Is the planning proposal consistent with applicable ministerial directions (s. 117 directions)? (*Bold Directions are addressed in more detail in second table*)

Section 117 Direction		Applicable to PP	Consistent	Remarks
1. Employment and Resources				
1.1	Business and Industrial Zones	YES	Variation	Variation sought for minor inconsistency / significance.
1.2	Rural Zones	No	N/A	N/A
1.3	Mining, Petroleum Production & Extractive Industries	YES	YES	Yes. See SEPP review above.
1.4	Oyster Aquaculture	No	N/A	N/A
1.5	Rural Lands	No	N/A	N/A
2. Environment and Heritage				
2.1	Environment Protection Zones	YES	YES	See detailed review below.
2.2	Coastal Protection	No	N/A	N/A
2.3	Heritage Conservation	YES	YES	There are no items of heritage significance in the area affected. N/A
2.4	Recreation Vehicle Areas	No	N/A	N/A
2.5	E2 / E3 Zones & Env. Overlays in Far North Coast LEPs	No	N/A	N/A
3. Housing, Infrastructure and Urban Development				
3.1	Residential Zones	YES	YES	See detailed review below.
3.2	Caravan Parks & MHEs	YES	YES	Consistent
3.3	Home Occupations	YES	YES	Consistent
3.4	Integrating Land Use and Transport	YES	YES	See detailed review below.
3.5	Development Near Licensed Aerodromes	No	N/A	N/A
3.6	Shooting Ranges	No	N/A	N/A
4. Hazard and Risk				
4.1	Acid Sulfate Soils	No	N/A	No known acid sulphate soils. N/A
4.2	Mine Subsidence & Unstable Land	No	N/A	No mine subsidence. N/A
4.3	Flood Prone Land	No	No	Not flood prone land. N/A
4.4	Planning for Bushfire Protection	No	No	Not bushfire prone land. N/A
5. Regional Planning				
5.1	Implementation of Regional Strategies	Whilst the Draft Central West & Orana Regional Strategy is on exhibition it is not listed in Direction 5.1 at this time.		
5.2	Sydney Drinking Water Catchments	No	N/A	N/A
5.3	Farmland of State & Regional Significance on the NSW Far North Coast	No	N/A	N/A
5.4	Commercial & Retail Development along the Pacific Highway North Coast	No	N/A	N/A

Section 117 Direction		Applicable to PP	Consistent	Remarks
5.8	Second Sydney Airport: Badgerys Creek	No	N/A	N/A
5.9	North West Rail Link Corridor Strategy	No	N/A	N/A
6. Local Plan Making				
6.1	Approval & Referral Requirements	YES	YES	Will be consistent with Ministerial Direction
6.2	Reserving Land for Public Purposes	No	N/A	N/A
6.3	Site Specific Provisions	YES	YES	Rezoning for urban residential purposes is consistent.

Employment & Resources - 1.1 Business and Industrial Zones

This direction seeks to protect employment land and encourage employment growth. It applies when a Proposal will affect an existing or proposed business or industrial zone. In this case, ideally this Planning Proposal must give effect to the objectives of this direction, retain the areas of the industrial zone, and not reduce the potential total floor space for employment uses / industrial uses. A Planning Proposal may be inconsistent with this only if the RPA can satisfy the Department of Planning & Environment that the inconsistency is justified by a strategy or study which considers this direction, is in accordance with the relevant Regional or Sub-Regional Strategy, or is of minor significance. In this instance, we would suggest the amendment is of minor significance and seek this variation from the Department for the following reasons:

- The lot has an existing/approved dwelling so potential for industrial use is significantly limited;
- It is a smaller lot that is unlikely to support larger scale industrial uses due to its size;
- It is on a local road less suitable for industrial uses; and
- The primary industrial lot fronting the highway is relatively unaffected.

Employment & Resources - 1.3 Mining, Petroleum Production and Extractive Industries

This direction seeks to avoid proposals that would prohibit mining / extractive industries or restrict the potential development of resources. It is noted that there is an Exploration Licence over the Town of Grenfell but this has a low likelihood of proceeding in an urban area. This Planning Proposal has demonstrated that the proposed development will not create any significant additional impact on any known or likely mineral resources in the area according to the mapping on the NSW Resource & Energy website. This has been addressed also in the SEPP review above. This Proposal can be provided to DPI for comment.

Environment & Heritage – 2.1 Environment Protection Zones

The objective of this direction is to protect and conserve environmentally sensitive areas including areas identified for environmental protection in an LEP and must not reduce the environmental protection standards that apply to the land.

The Proposal does not seek to rezone any land in an Environmental Protection Zone. It does apply to land that is identified in Environmentally Sensitive Area mapping in LEP2011 including biodiversity. It is noted above that biodiversity is unlikely to significantly affect the site, however, a residential zoning is more likely to align with achieving some increases in native vegetation. The Proposal does not remove the relevant mapping for these areas. In this way, it meets the objective of this direction.

Housing, Infrastructure & Urban Development – 3.1 Residential Zones

The objectives of this direction are to encourage a variety of housing choice, to make efficient use of existing infrastructure, and to minimise the impact of residential development on the environment and resource lands. It applies when a Proposal will affect land within a proposed residential zone. This proposal seeks to rezone what is industrial zoned land but is used for residential purposes. It may provide potential for further subdivision for additional urban residential lots. In this way it will broaden the choice of building types and locations available in the housing market, make efficient use of road and utilities along North Street that are better suited to residential uses, minimise the need for consumption of other rural land, and can promote good design. There is already a requirement that adequate servicing is required for development. The Proposal suggests a minimum lot size commensurate with that in the rest of Grenfell.

Housing, Infrastructure & Urban Development - 3.4 Integrating Land Use and Transport

The objective of this direction is to ensure that urban development improves access to housing, jobs and services, decreases dependence on cars, reduces travel demand, supports public transport and provides for the efficient movement of freight. This objective must be considered in terms of the opportunities and challenges in the Town of Grenfell and Weddin Shire. Utilisation of land in reasonable proximity to the town centre where there are good services/infrastructure for urban residential purposes meets the objectives. Public transport opportunities are limited (but still relevant). There are no existing bike or pedestrian paths that service the existing large lot residential area, however, the existing road network is adequate to cater for any additional traffic.

Local Plan Making – 6.1 Approval & Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development by minimising the number of referrals/concurrences required to assess an application. In this case the Planning Proposal does not create any new clauses or referrals and merely changes the land zoning maps and lot size maps in LEP2011.

2.3.3. Section C - Environmental, Social and Economic Impact

7. 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?

As explained above, the site is virtually clear of any significant vegetation and has already been developed so it has a low probability of any critical habitat or threatened species/populations/communities. It is distant from other environmental sensitivities such as waterways or floodplains. Its proposed change from an industrial to a residential zone has the potential to improve environmental outcomes from smaller building footprints. Therefore, there is a low probability of significant impact on areas of environmental significance as a result of the planning proposal and a net positive outcome from improving alignment of zoning with adjacent residential uses.

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

The only possible environmental effect that is difficult to manage is land use conflict between the existing or future industrial use on land to the south of the subject site and the subject site. The existing industrial use is likely to have a low impact but could expand or change in the future. However, the presence of other residential uses and residential zone on adjacent lots suggests that this issue is not significantly worsened or impacted by this Planning Proposal.

9. Has the planning proposal adequately addressed any social and economic effects?

There are social and economic pros and cons of converting industrial land to urban residential development. A key factor is the low likelihood that now there is a dwelling on the subject site that it would be considered for substantial industrial expansion (that would interfere with the residential amenity). The site is large enough to have a smaller operation on the vacant land but by including this in a residential zone it would still have the potential to be used for a home business or home industry. We have discussed in this Proposal the availability of other industrial zoned land in Grenfell that could support this growth if required.

The market is still demanding well serviced urban residential lots as **one of** the housing choice solutions in Weddin Shire. As this site is adjacent to existing residential areas/zones it is an efficient use of this land (assuming it would not be used for industrial purposes). No heritage items will be adversely affected by the development. There are no foreseeable impacts on existing social infrastructure such as schools, hospitals, or existing retail centres from a limited amount of dwelling growth (instead it may support those uses).

Overall the economic and social benefits of getting greater development potential from what is already residential land is likely to outweigh any loss of industrial growth / expansion onto this lot.

2.3.4. Section D - State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

There is an existing dwelling on the subject site and adjacent dwellings and urban residential zone to the east. Council's GIS files (from 2016 copy - subject to on-site confirmation) shows that:

- a) The subject site has frontage to North Street which is fully sealed;
- b) Reticulated sewer runs to the south-eastern corner of the subject site;
- c) Reticulated water runs along North Street as far as the existing dwelling on the subject site;
- d) Electricity lines run along North Street;
- e) It is assumed telecommunications also run along North Street.

It is suggested that the minor potential increase in dwellings on the lot (assuming it is later subdivided to the minimum lot size) would not place substantial additional load on the existing capacity of utilities and infrastructure but this can be tested in more detail as part of any subdivision / development application. Grenfell is the largest settlement in the Shire and other public infrastructure, such as waste management, health, education and emergency services is adequate to support any future development.

11. What are the views of state and commonwealth public authorities consulted in accordance with the gateway determination?

Only the Department of Planning & Environment has been consulted prior to the preparation of this planning proposal. Whilst their preference was for this amendment to be reviewed as part of a broader land use strategy we suggest this is not necessary considering the circumstances of this case.

No Commonwealth authorities are believed to be relevant to this application but this can be determined at the Gateway stage. Any future consultation with public authorities will be carried out in accordance with the requirements of the Gateway Determination.

2.4. Part 4: Mapping

The proposed amendments are reflected on the mapping attached to this Planning Proposal. The maps in *Weddin Local Environmental Plan 2011* that are likely to require modification include:

- Land Zoning Map – Sheet LZN_008A
- Lot Size Map – Sheet LSZ_008A

We have provided aerial photos / maps of the site in this Planning Proposal. Assuming a positive Gateway Determination is provided, updated copies of these LEP2011 maps (in Standard Instrument format) can be prepared either prior to the public exhibition of the Planning Proposal to show the intended changes or after exhibition and prior to the making of the amendments. Council is likely to seek the assistance of the Department to prepare these maps in the SILEP format.

2.5. Part 5: Community Consultation

In accordance with Section 57(2) of the *Environmental Planning and Assessment Act 1979*, this planning proposal must be approved prior to community consultation is undertaken.

The planning proposal would be notified for a period of 28 days, as per the requirements detailed in the EP&A Act, EP&A Regulations and Gateway Determination. The notification would be sent to all affected and adjoining land owners, be placed on Council's website and included in the Grenfell Record (Newspaper). The written notice would provide:

- a description of the objectives or intended outcomes of the planning proposal;
- the land affected by the planning proposal;
- advise when and where the planning proposal can be inspected;
- give the name and address of the Council for the receipt of submissions; and
- indicate the last date for public submissions.

During the exhibition period, the following material will be made available for inspection:

- the planning proposal, in the form approved for community consultation by the Director General of Planning;
- the gateway determination; and
- any reports relied upon by the planning proposal (such as the Report to Council).

2.6. Part 6: Project Timeline

The following provides an anticipated / estimated project timeline for completion (subject to Gateway / Council requirements and extent of submissions/amendments):

Table 1 - Project Timeline Task	Anticipated timeframe
Resolution of Council on Planning Proposal	June 2017
Forward Planning Proposal to DPE	June - July 2017
Gateway Determination	July - August 2017
Additional technical information	Assumed not to be required but August 2017
Government agency consultation (pre-exhibition as required by Gateway Determination)	Agency consultation not expected but August 2017
Commencement and completion dates for public exhibition	Commence: Sept - Oct 2017 Completion: Oct – Nov 2017
Consideration of submissions	October - November 2017
Council adoption of final Planning Proposal	November – December 2017
Commencement of Amendments	Early 2018