

Bellingen LEP 2010 – Additional permitted uses at Railway Street Dorrigo.

Proposal Title : **Bellingen LEP 2010 – Additional permitted uses at Railway Street Dorrigo.**

Proposal Summary : **The planning proposal seeks to amend Bellingen LEP 2010 by adding provisions to Schedule 1 to permit a medical centre and minor components associated with a proposed seniors housing development on Lot 70 DP 1191049, Railway St, Dorrigo, which is currently zoned IN1 General Industrial.**

PP Number : **PP_2014_BELLI_001_00** Dop File No : **14/04880**

Proposal Details

Date Planning Proposal Received : **10-Mar-2014** LGA covered : **Bellingen**

Region : **Northern** RPA : **Bellingen Shire Council**

State Electorate : **OXLEY** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Railway St**

Suburb : **Dorrigo** City : Postcode : **2453**

Land Parcel : **Lot 70 DP 1191049**

DoP Planning Officer Contact Details

Contact Name : **Paul Garnett**

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RPA Contact Details

Contact Name : **Daniel Bennett**

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DoP Project Manager Contact Details

Contact Name : **Jim Clark**

Contact Number : **0266416604**

Contact Email : **jim.clark@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Mid North Coast Regional Strategy** Consistent with Strategy : **Yes**

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MDP Number :

Date of Release :

Area of Release
(Ha) :Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 20

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notesInternal Supporting
Notes :

Part of the land was the subject of a previous planning proposal in 2010 to rezone it from IN1 General Industrial to R1 General Residential. The Gateway determined that the planning proposal should not proceed as it was inconsistent with the strategic planning framework, an assessment of alternative residential zoned sites had not been conducted, and adequate strategic assessment of the future employment lands needs for Dorrigo had not been undertaken. These matters have been addressed in this current planning proposal.

External Supporting
Notes :**Adequacy Assessment****Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? Yes

Comment : The Statement of objectives adequately describes the intention of the planning proposal. The proposal seeks to amend the Bellingen LEP 2010 to permit a medical centre, and structures associated with a proposed seniors housing development on that part of the subject land zoned IN1 General Industrial.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The proposal seeks to amend the LEP by adding a provision to Schedule 1 of the LEP to permit additional uses on that part of the land zoned IN1.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? Yes

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones**3.1 Residential Zones****4.3 Flood Prone Land****5.1 Implementation of Regional Strategies**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP (Housing for Seniors or People with a Disability) 2004**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The planning proposal contains maps which adequately show the site, the current zones and a draft concept plan for the development of the land for a medical centre and seniors housing.**

The proposed amendment to the LEP does not require an amendment to the LEP maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal identifies the proposal as a low impact planning proposal and nominates a 14 day community consultation period. The planning proposal states that community consultation will entail notification in the local newspapers, notification on the RPA's website and written notification to adjoining land owners. This is consistent with "A Guide to Preparing Local Environmental Plans", and is considered to be appropriate.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Overall Adequacy

The planning proposal satisfies the adequacy criteria by;

- 1. Providing appropriate objectives and intended outcomes.**
- 2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes.**
- 3. Providing an adequate justification for the proposal.**
- 4. Outlining a proposed community consultation program.**
- 5. Providing a project time line**
- 6. Completing the evaluation criteria for the delegation of plan making functions.**

Time Line

The planning proposal includes a project timeline which estimates the completion of the planning proposal in July 2014. To ensure the RPA has adequate time to complete exhibition, reporting, and legal drafting it is recommended that a time frame of 9 months is appropriate.

Delegation.

The RPA has requested an Authorisation to exercise delegation for this proposal. An Evaluation Criteria For the Delegation of Plan Making Functions has been provided. The proposal is considered to be consistent with the strategic planning framework, of a

minor nature and of local planning significance. It is recommended that an Authorisation for the execution of delegation be issued to the RPA.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Bellingen LEP 2010 commenced in August 2010. This planning proposal seeks an amendment to the Bellingen LEP 2010.

Assessment Criteria

Need for planning
proposal :

The proposal is not a result of a strategic study or report. That part of the subject land zoned IN1 General Industrial (formerly Lot 710 DP 706735) was the subject of a previous planning proposal in 2010 to rezone the land to R1 General Residential to permit seniors housing on the site. The Gateway determined that the planning proposal should not proceed as it was inconsistent with the strategic planning framework, an assessment of alternative residential zoned sites had not been conducted, and adequate strategic assessment of the future employment lands needs for Dorriggo had not been undertaken.

The RPA has since prepared an Employment Lands Strategy (ELS) which assessed the need for future employment lands and ranked available residential zoned sites for suitability for seniors housing in the local government area (LGA). The ELS did not support the rezoning of the IN1 zoned portion of the subject land (former Lot 710) to enable seniors housing. However the ELS did identify the adjoining residential zoned lot (formerly Lot 709 DP 706735) as being the fifth most suitable site for seniors housing in the LGA.

The two former lots, 709 and 710, have been consolidated into one lot, Lot 70 DP 1191049, being the land which is the subject of this planning proposal. A draft concept plan has been prepared for a medical centre and seniors housing on the residential zoned portion of the lot, with minor encroachments over the zone boundary into the industrial zoned part of the lot.

The RPA is supportive of the concept plan however it has identified that the proposed land uses are prohibited in the industrial zone. The RPA requested the proponent consider options to alter the design to locate all land uses within the residential zoned portion of the site. The proponent has advised that given site access constraints, design principles and intended future expansion of health facilities on the site, encroachments over the zone boundary are desirable. The RPA supports these arguments and therefore an amendment to the LEP is required to facilitate the development.

The proposal to include additional provisions in Schedule 1 of the LEP is the most appropriate means of achieving the intent of the planning proposal. The RPA has considered alternative amendments to the LEP including;

- An amendment to Clause 5.3 Development Near Zone Boundaries.
- The inclusion of medical centres and residential development as permissible uses within the IN1 General Industrial zone.
- The rezoning of the land from IN1 General Industrial to R1 General Residential.

Amending Clause 5.3 to include a prescribed distance either side of the boundary between industrial zones and residential zones, in which uses from the other zone may be permitted, is not an appropriate solution. Such an amendment would enable development across these zone boundaries throughout the LGA. This could potentially result in inappropriate land uses being permissible on land which does not have the same conducive set of circumstances that the subject land possesses, causing land use conflict or sterilisation of employment lands. This has the potential for more significant land use conflict than similar provisions in clause 5.3 that relate to other zones.

Similarly, amending the land use table to permit medical centres and residential development with consent in the IN1 zone may also result in instances where such land uses are permissible yet unsuitable on other sites in the LGA.

An amendment which rezones the subject land to R1 General Residential to permit the proposed uses is inappropriate in this instance. Such an amendment would erode the potential for the land to be used for employment generating land uses and would encourage the expansion of residential land uses towards the established industrial estate.

The retention of the IN1 zoning over the land, while permitting specific additional uses, will enable the establishment of a buffer between the residential component and the neighbouring industrial estate. This buffer can be developed with land uses, such as the medical centre, that are less incompatible with the proposed seniors housing than conventional industrial land uses, while still generating employment opportunities.

Both the industrial zoned portion of the land and the residential zoned portion of the land are in the same ownership, and therefore there exists an incentive for the land owner to develop the remaining industrial zoned land in a manner which does not compromise the amenity of the residential component of the development.

The planning proposal identifies a community benefit arising from the development of the medical centre and the seniors housing development. The development is expected to contribute to the social infrastructure of Dorrigo and have a positive economic impact from ongoing employment opportunities.

Consistency with strategic planning framework :

Mid North Coast Regional Strategy (MNCRS).

The proposal is not inconsistent with the MNCRS. The MNCRS states that the provision of buffers between industrial and residential areas will assist in limiting land use conflict. The proposal to allow a medical centre as an additional permitted use on the industrial zoned portion of the land will help to limit potential land use conflict between the proposed seniors housing and the neighbouring industrial land, while generating employment opportunities.

The Strategy also requires that vacant industrial lands are protected to accommodate future jobs growth. The retention of the industrial zone will protect the area of employment generating land available while providing for medical services which are needed in Dorrig.

Consistency with Council's Local Strategies.

The proposal is consistent with the RPA's Employment Lands Strategy (ELS). The proposal does not significantly reduce the area of industrial zoned land in Dorrig and enables the development of an employment generating land use that can also act as a buffer to the proposed seniors housing. The proposal for seniors housing on the residential zoned portion of the land is consistent with the ELS.

SEPPs

The proposal is not inconsistent with any State environmental planning policies (SEPPs). While many SEPPs apply to the subject the proposal to enable additional permitted uses on the land is not inconsistent with these SEPPs.

S117 Directions.

The following S117 directions are applicable to the proposal, 1.1 Business and Industrial Zones, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 2.4 Recreational Vehicle Areas, 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates, 3.3 Home Occupations, 3.4 Integrating Land Use and Transport, 4.3 Flood Prone Land, 5.1 Implementation of Regional Strategies, 6.1 Approval and Referral Requirements, 6.2 Reserving Land for Public Purposes, and 6.3 Site Specific Provisions.

Of the above s117 Directions the proposal is considered to be inconsistent with Direction 1.1.

Direction 1.1 Business and Industrial Zones is relevant to the proposal. The direction provides that a planning proposal must protect employment land in business and industrial zones and retain the total potential floor areas for industrial uses in industrial zones.

The planning proposal seeks to enable a medical centre and structures associated with a seniors housing development as additional permitted uses in an industrial zone. The direction provides that the planning proposal may be inconsistent with the terms of the direction if it is justified by a strategy or study or is of minor significance.

The proposal will have the effect of reducing the potential for the industrial zoned land to be used for industrial purposes. The proposed medical centre is an employment generating land use and will provide an appropriate buffer land use from the residential zoned land to the nearby industrial estate. Medical facilities are also a much needed community service in Dorrig. The land will retain its IN1 zoning and therefore will retain the potential to be developed for other employment generating land uses. The area of land proposed to be used for structures associated with the seniors housing development is only 6m wide and therefore of a minor nature. The inconsistency is considered to be of minor significance in this instance. It is therefore considered that the inconsistency is justified in accordance with the terms of the direction.

The proposal is otherwise consistent with S117 Directions.

Environmental social economic impacts :

The subject land is vacant urban zoned land which is cleared of significant native vegetation. There is no likelihood that the proposal will adversely affect critical habitat or threatened species, populations or ecological communities or their habitats.

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The minor changes to land uses that are permitted on the site are not expected to result in other likely adverse environmental impacts. The flood prone areas of the site are not directly affected by the proposal and other environmental impacts will be addressed in detail at the development application stage.

The proposal is expected to generate positive social and economic impacts for the Dorriggo area. The development of seniors housing with an integrated medical centre will address specific needs identified for the Dorriggo community.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal Railway St Dorriggo Gateway Cover Letter March 2014.pdf	Proposal Covering Letter	Yes
Planning Proposal Railway St Dorriggo - V1 March 2014.pdf	Proposal	Yes
Planning Proposal Railway St Dorriggo - Att 1 - Council Report & Resolution.pdf	Determination Document	Yes
Planning Proposal Railway St Dorriggo - Att 2 - Site Identification Map.pdf	Map	Yes
Planning Proposal Railway St Dorriggo - Att 3 - Information checklist.pdf	Proposal	Yes
Planning Proposal Railway St Dorriggo -Att 4 - Project Timeline.pdf	Proposal	Yes

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Planning Proposal Railway St Dorrig subject land map - Att 1 - (Sub attachment A).pdf	Map	Yes
Planning Proposal Railway St Dorrig Deposited plan - Att 1 - (Sub attachment B).pdf	Map	Yes
Planning Proposal railway St Dorrig Draft Concept Plan- Att 1 - (Sub attachment C).pdf	Drawing	Yes
Planning Proposal Railway St Dorrig - Att 5 - Delegation request checklist.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 3.1 Residential Zones
 4.3 Flood Prone Land
 5.1 Implementation of Regional Strategies

Additional Information : **It is recommended that;**
 1. The planning proposal should proceed as a 'routine' planning proposal.
 2. A community consultation period of 14 days is necessary.
 3. The planning proposal is to be completed within 9 months.
 4. A written authorisation to exercise delegation is issued to Belling Shire Council.
 5. A delegate of the Director General agree that the inconsistency of the proposal with S117 Direction 1.1, is justified in accordance with the terms of the direction.

Supporting Reasons : **The reasons for the recommendation are as follows;**
 1. The proposal will facilitate the development of seniors housing and an integrated medical centre which are identified needs for the Dorrig community.
 2. The proposal will enable the development of the subject land in a manner which will reduce the potential for land use conflict between the proposed seniors housing and the nearby industrial estate.
 3. The proposal is consistent with the Mid North Coast Regional Strategy and the RPA's Employment Lands Strategy and the inconsistency with S117 Direction 1.1 is considered to be of minor significance.

Signature:



Printed Name:

JIM CLARK

Date:

12 March 2014