

Liverpool Plains LEP 2011 Amendment No 2

Proposal Title : **Liverpool Plains LEP 2011 Amendment No 2**

Proposal Summary : **This Planning Proposal aims to achieve 4 key outcomes. It seeks to:**

- 1. Enable minor anomalies, misdescriptions and errors to be rectified as part of a 'housekeeping amendment' to the Liverpool Plains Local Environmental Plan 2011 (LPLEP 2011);**
- 2. Facilitate development proposals that were identified as part of the LPLEP 2011 exhibition process but were unable to be addressed as part of the comprehensive LEP process due to the potential to require re-exhibition of the draft LPLEP 2011 and delay its finalisation;**
- 3. Rezone certain additional lands identified in, or that are in accordance with, the strategic objectives of the Liverpool Plains Growth Management Strategy 2009;**
- 4. Permit certain additional site-specific uses (temporary workers' accommodation) within particular land use zones under the LPLEP 2011.**

PP Number : **PP_2012_LPLNS_001_00**

Dop File No : **12/09843**

Proposal Details

Date Planning Proposal Received : **07-Jun-2012**

LGA covered : **Liverpool Plains**

Region : **Northern**

RPA : **Liverpool Plains Shire Council**

State Electorate : **TAMWORTH
UPPER HUNTER**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street :

Suburb : **Braefield**

City : **via Quirindi**

Postcode : **2343**

Land Parcel : **The village of Braefield.**

Street :

Suburb :

City : **Quirindi**

Postcode : **2343**

Land Parcel : **Multiple lots in 8 areas within Quirindi as shown on the submitted maps and detailed in the Planning Proposal.**

Street :

Suburb :

City : **Spring Ridge**

Postcode : **2343**

Land Parcel : **Multiple lots within Spring Ridge as shown on the submitted maps and detailed in the Planning Proposal.**

Street :

Suburb :

City : **Werris Creek**

Postcode : **2341**

Land Parcel : **Multiple lots within Werris Creek as shown on the submitted maps and detailed in the Planning Proposal.**

Street :

Suburb :

City : **Bundella**Postcode : **2343**Land Parcel : **Lot 1, DP 1101627, Bundella.****DoP Planning Officer Contact Details**Contact Name : **Jon Stone**Contact Number : **0267019688**Contact Email : **jon.stone@planning.nsw.gov.au****RPA Contact Details**Contact Name : **Donna Ausling**Contact Number : **0267461755**Contact Email : **Donna.Ausling@lpsc.nsw.gov.au****DoP Project Manager Contact Details**

Contact Name :

Contact Number :

Contact Email :

Land Release DataGrowth Centre : **N/A**Release Area Name : **N/A**Regional / Sub
Regional Strategy : **N/A**Consistent with Strategy : **Yes**

MDP Number :

Date of Release :

Area of Release (Ha) **0.00**Type of Release (eg
Residential /
Employment land) : **N/A**No. of Lots : **0**No. of Dwellings
(where relevant) : **0**Gross Floor Area : **0**No of Jobs Created : **0**The NSW Government
Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been
meetings or
communications with
registered lobbyists? : **No**If Yes, comment : **No meetings or other communications have been held with Registered Lobbyists in regards to this Planning Proposal.****Supporting notes**Internal Supporting
Notes :External Supporting
Notes : **Council is seeking to amend the Liverpool Plains Local Environmental Plan 2011 to rectify some minor anomalies, errors and misdescriptions that Council has identified since its completion. It also seeks to facilities some development proposals that were identified as**

having merit during the exhibition phase of the comprehensive LEP but were considered not appropriate to incorporate into the LEP due to the potential need to re-exhibit the plan and therefore delay its completion. It also proposes to add a provision for "temporary workers' accommodation" or mining camps to be specifically defined and permitted where 'Tourist and visitor accommodation' is allowed.

The Planning Proposal has been broken up into chapters to deal with issues affecting certain areas within the Shire

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcomes of the Planning Proposal are adequately expressed.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal provides a clear explanation of the intended provisions to achieve each of the objectives.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.2 Reserving Land for Public Purposes

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 No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

SEPP (Rural Lands) 2008

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

The New England North West draft Strategic Regional Land Use Plan was publicly exhibited in early 2012 and applies to the Liverpool Plains LGA.

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 includes location maps for each of the sites affected by the proposed amendments. Numerous LEP Maps will need to be amended if this Planning Proposal proceeds. A condition of the Gateway Determination should be included to require both the existing and draft LEP Maps that are affected by the proposal are exhibited.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The Planning Proposal indicates that an exhibition period of 28 day will be undertaken with notices in local newspapers and on Council's website. Targeted consultation will also be undertaken with land holders who are subject to the proposal.**

The proposed community consultation is considered adequate.

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 :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Liverpool Plains LEP 2011 is a Standard Instrument LEP that was notified on 9 December 2011.**

Chapter 4 of the Planning Proposal seeks to amend the definition of 'Tourist and visitor accommodation' in the LEP to incorporate 'Temporary workers' accommodation'. This amendment is being sought to clarify and facilitate where 'mining camps' can be approved in the LGA. While the intent of the proposal to introduce a definition to clarify this matter is supported in the current absence of a suitable definition within the Standard Instrument (SI) LEP, the proposed change to 'Tourist and visitor accommodation' is not supported. As a mandated definition under the SI LEP, the amendment of 'Tourist and visitor accommodation' is not feasible under the provisions of the Environmental Planning and Assessment Act 1979. It is also not possible to include it as a new definition within the LEP dictionary as Direction 5 of the SI LEP will not allow it to be included within any of the land use tables to control its permissibility. Discussions with the Department's Planning Operations Co-ordination group have confirmed that the most appropriate approach would be the inclusion of a local clause that applies to the relevant zones, provides suitable heads of consideration for the consent authority and includes a definition for 'Temporary workers' accommodation'.

Assessment Criteria

Need for planning proposal : **This Planning Proposal is necessary to rectify anomalies, misdescriptions and some minor errors that existing in the Liverpool Plains LEP 2011. It is also necessary to alter the zoning of land to reflect currently land uses and desired future uses in certain areas and to introduce a definition of temporary workers' accommodation to control the development of miners' camps to cater for the expected continued growth of the mining sector in the region.**

Chapter 1 – Braefield

This component of the Planning Proposal is needed to:

- rezone the village of Braefield from RU1 Primary Production to RU5 Village and apply appropriate minimum lot sizes to the village. This is necessary due to a mapping error in the LPLEP 2011 that rezoned the village to RU1 when it was not Council's intention. The

reinstatement of the RU5 zone will protect housing entitlements on vacant lots within the village and provide for an appropriate level of development potential.

Chapter 2 – Quirindi

This component of the Planning Proposal is needed to:

- apply a B4 Mixed Use zone to 3 areas within Quirindi to reflect the current mixed use nature of the land. The areas do not warrant extension of the B2 Local Centre zoning and were previously zoned Village in the Quirindi LEP 1991. These rezonings were identified during the exhibition of the LPLEP 2011 but were considered to warrant re-exhibition of the plan if included.
- apply an IN1 General Industrial zone to two areas. One area is currently zoned IN1 except for a small portion of the site separated by a road that is zoned R1 General Residential. The split zoning has created uncertainty for the existing operation and potential development options. The second area adjoins the existing IN1 area, is a logic extension of the industrial zone and was identified in the Liverpool Plains Growth Management Strategy for future industrial purposes.
- alter the minimum lot size for two lots in the RU1 Primary Production zone to provide dwelling entitlements. The lots were identified during the exhibition of the LPLEP 2011 but were not included as further ecological constraints assessments were required.
- alter the minimum lot size of an existing rural residential subdivision from 2ha to 1ha to complement the existing development pattern, character of the area and environmental and physical constraints. This change to the minimum lot size was identified during the exhibition of the LPLEP 2011 but was considered to warrant re-exhibition of the plan if included.
- alter the RE2 Private Recreation land use table to include 'Tourist and Visitor Accommodation' as permitted with consent to enable a motel development at the Quirindi Golf Course.
- alter Schedule 5 Environmental Heritage to rectify an incorrect property description for Item Number I036.

Chapter 3 – Spring Ridge

This component of the Planning Proposal is needed to:

- Alter the minimum lot size for three lots in close proximity to the village of Spring Ridge to provide a dwelling entitlement for each lot. These changes to the minimum lot size were identified during the exhibition of the LPLEP 2011 but were considered to warrant re-exhibition of the plan if included.
- Rezone two parcels of land adjoining the village of Spring Ridge from RU1 Primary Production to RU5 Village to accommodate existing land uses (including a service station) and reflect the existing pattern of development. A change in the minimum lot size is also required to provide a dwelling entitlement for each lot. These changes to the minimum lot size were identified during the exhibition of the LPLEP 2011 but were considered to warrant re-exhibition of the plan if included.

Chapter 4 – Werris Creek

This component of the Planning Proposal is needed to:

- rezone two parcels of land from RU1 Primary Production to R1 General Residential. These parcels were identified in the Liverpool Plains Growth Management Strategy but were not included in the LPLEP2011 due to a satisfactory level of residential land supply at the time. The need to rezone this land is a result of growth in the mining sector and the potential for Werris Creek to provide appropriate land for further residential growth. One of the sites is also the subject of a development application for a 'Mac Village' or mining camp.
- introduce a new definition into the Dictionary of the LPLEP 2011 for 'Temporary workers' accommodation' within the ambit of the 'Tourist and Visitor Accommodation' definition. The Standard Instrument LEP dictionary currently does not have a definition that

adequately defines this land use.

- rezone part of a lot to the north of Werris Creek from RU1 Primary Production to R5 Large Lot Residential. This area was identified during the exhibition of the LPLEP 2011 but was not included as further ecological constraints assessments were required. This assessment has now been completed and has identified that part of the lot is capable for large lot residential development.

- alter Schedule 5 Environmental Heritage to rectify an incorrect property description for Item Number I086. The heritage map will also require amendment.

Chapter 5 – Bundella

This component of the Planning Proposal is needed to:

- alter the Heritage Map to rectify the incorrect mapping of the 'Bundella Homestead'.
- delete 'Bundella Polo Ground' (Item Number I007) from Schedule 5 Environmental Heritage and the associated Heritage Map as the polo ground is no longer in use and no infrastructure is in place and the land is used for extensive agriculture (cropping).

Consistency with
strategic planning
framework :

The Planning Proposal is considered to be consistent with all relevant SEPPs.

While no Regional Strategies apply to the Liverpool Plains LGA, the draft New England North West Strategic Regional Land Use Plan was publicly exhibited for comment in early 2012. The Planning Proposal is considered to be consistent with the provisions of the draft Regional Land Use Plan, particularly where the 'ongoing demand for short term and temporary accommodation housing' (p7) is identified as a challenge for the region.

The Liverpool Plains Growth Management Strategy 2009 (GMS) was prepared by Council and approved by the Director General in October 2009. The majority of the sites involved in this Planning Proposal are not specifically identified in the GMS. However, they have been recognised as having potential benefits to the community through the public exhibition process of the LPLEP 2011. The sites that are discussed in the GMS are all consistent with its recommendations.

The Planning Proposal is considered to be consistent with all s117 Directions, except in relation to 1.2 Rural Zones, 1.5 Rural Lands, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection and 6.2 Reserving Land for Public Purposes as discussed below.

1.2 Rural Zones

Chapters 1, 2, 3 and 4 of the Planning Proposal identify an inconsistency with this Direction. However, in each instance it is considered that the inconsistency is of minor significance or is justified by Council's Growth Management Strategy.

Chapter 1 proposes to rezone land from RU1 Primary Production to RU5 Village. The inconsistency with this direction is considered to be of minor significance as the rezoning is rectifying a mapping error and reinstating a previous Village zone over the land. Chapter 2 proposes to rezone land from RU1 Primary Production to IN1 General Industrial. The inconsistency with this direction is justified as the land is identified as a potential industrial expansion area in the Growth Management Strategy. Chapter 3 proposes to rezone land from RU1 Primary Production to RU5 Village. The inconsistency with this direction is considered to be of minor significance as the land is adjacent to existing RU5 zoned land, is only a small area and is a natural extension of the village boundaries.

Chapter 4 proposes to rezone land from RU1 Primary Production to R5 Large Lot Residential and R1 General Residential. The inconsistency with this direction is considered to be of minor significance as the R5 land would be capable of being developed into only 10-12 lots and is adjacent to similarly zoned land. Part of the proposed R1 land is identified as a potential residential expansion area in the approved Growth Management Strategy. The other part of the proposed R1 is adjacent to the potential residential expansion area and has an existing approval for a temporary workers' accommodation (Mac Village). The inconsistency with the Direction for this site is considered of minor significance due to it adjoining the identified expansion area, the existing approved use and having minimal value for agricultural production.

1.5 Rural Lands

Chapters 1, 2, 3 and 4 of the Planning Proposal identify an inconsistency with this Direction. However, in each instance it is considered that the inconsistency is of minor significance or is justified by Council's Growth Management Strategy.

Chapter 1 proposes to rezone land from RU1 Primary Production to RU5 Village and change the minimum lot size of the land. The inconsistency with this direction is considered to be of minor significance as the rezoning and lot size change is rectifying a mapping error and reinstating a previous Village zone over the land.

Chapter 2 proposes to rezone land from RU1 Primary Production to IN1 General Industrial and change the minimum lot size for an existing rural residential subdivision. The inconsistency with this direction is justified as the land is identified as a potential industrial expansion area in the Growth Management Strategy and the change to the lot size of the rural residential area will have a minimal effect on development potential in the estate and it considered to be of minor significance.

Chapter 3 proposes to rezone land from RU1 Primary Production to RU5 Village and/or change the minimum lot size of the land to provide additional dwelling entitlements on land in close proximity to the village. The inconsistency with this direction is considered to be of minor significance as the land is adjacent to existing RU5 zoned land, is only a small area and is a natural extension of the village boundaries.

Chapter 4 proposes to rezone land from RU1 Primary Production to R5 Large Lot Residential and R1 General Residential and change the minimum lot size of the land. The inconsistency with this direction is considered to be of minor significance as the R5 land is small in size and adjacent to similarly zoned land. Part of the proposed R1 land is identified as a potential residential expansion area and is justified by its identification in the approved Growth Management Strategy. The other part of the proposed R1 is adjacent to the potential residential expansion area and has an existing approval for a temporary workers' accommodation (Mac Village). The inconsistency with the Direction for this site is considered of minor significance due to it adjoining the identified expansion area, the existing approved use and having minimal value for agricultural production.

3.1 Residential Zones

Chapter 2 of the Planning Proposal seeks to rezone land from R1 General Residential to IN1 General Industrial. The Planning Proposal is considered to be inconsistent with this direction as it reduces land available for residential development. The inconsistency is considered to be justified as a matter of minor significance due to the small quantity of land involved, the existing IN1 zoning of the majority of the site, and as it is understood that the current residential zoning was a result of a mapping error.

3.4 Integrating Land Use and Transport

Chapters 1, 2, 3 and 4 of the Planning Proposal identify an inconsistency with this Direction. However, in each instance it is considered that the inconsistency is of minor significance.

Chapter 1 proposes to rezone land from RU1 Primary Production to RU5 Village. The inconsistency with this direction is considered to be of minor significance as the rezoning is rectifying a mapping error and reinstating a previous Village zone over the land.

Chapter 2 proposes to rezone land from R1 General Residential to B4 Mixed Use and from SP1 Rail Infrastructure to B2 Local Centre. The inconsistency with this direction is considered to be of minor significance given the size of the land being rezoned B2 and the change in zone is only designed to better reflect the existing and likely land uses.

Chapter 3 proposes to rezone land from RU1 Primary Production to RU5 Village. The inconsistency with this direction is considered to be of minor significance as the land is adjacent to existing RU5 zoned land, is only a small area and is a natural extension of the village boundaries.

Chapter 4 proposes to rezone land from RU1 Primary Production to R5 Large Lot Residential and R1 General Residential. The inconsistency with this direction is considered to be of minor significance as the R5 land is small in size and adjacent to similarly zoned land. Part of the proposed R1 land is identified as a potential residential expansion area in the Growth Management Strategy that gave consideration to this direction and the inconsistency is justified as it is in accordance with an approved strategy. The other land proposed as Zone R1 is adjacent to the identified residential expansion area and is the approved site for temporary workers' accommodation (Mac Village). The inconsistency with the direction for this site is considered of minor significance due to it adjoining the identified expansion area. It is considered all areas will not substantially increase the demands on public transport or reliance on the motor vehicle.

4.3 Flood Prone Land

Chapter 2 of the Planning Proposal identifies that some areas of the proposed B4 Mixed Use zoning will be subject to flooding. This inconsistency with this direction is considered to be of minor significance as the B4 zoning is only reflecting the current nature of the existing land uses and the land is not considered to be located in a floodway.

4.4 Planning for Bushfire Protection

Chapter 3 and 4 of the Planning Proposal identify an inconsistency with this direction as some of the land is classified as bushfire prone. Council has identified consultation with

the NSW Rural Fire Service will be undertaken in accordance with this Direction.

6.2 Reserving Land for Public Purposes

The proposed rezoning of SP1 Rail Infrastructure land to B2 Local Centre is inconsistent with this direction as it reduces an existing zoning of land for public purposes without the approval of the relevant public authority and the Director-General. This site was subject to a previous Planning Proposal that reclassified the land to operational to facilitate its use as a car park. The inconsistency with this direction is considered to be of minor significance because of the size of the lot (3300m²), its recent change in classification and as the land not being required for future rail-allied development.

Environmental social
economic impacts :

The Planning Proposal considers the environmental, social and economic impacts associated with the amendments to the LEP and identifies no adverse impact. The Planning Proposal concludes that a positive social and economic impact is expected with the proposed changes due to greater development opportunities.

None of the sites have known critical habitats, threatened species, ecological communities or their habitats on them.

One area of land proposed to be rezoned to B4 Mixed Use is subject to flooding. The change in land zoning for this site reflects the current land use and land use patterns and the potential of flooding is not expected to inhibit its current and future use. Flood controls are already included in the LPLEP2011.

Land at Spring Ridge and one site in Werris Creek are identified as being in a bush fire prone area. Consultation with the NSW Rural Fire Service is proposed regarding the suitability of these sites for development. The land at Werris Creek has been the subject of a previous Planning Proposal (Reclassification) where consultation with the NSW Rural Fire Service revealed no opposition to the further development of the site.

Assessment Process

Proposal type : **Routine** Community Consultation **28 Days**
Period :

Timeframe to make **9 Month** Delegation : **DG**
LEP :

Public Authority **Office of Environment and Heritage**
Consultation - s56(2)(d) **Transport for NSW - Roads and Maritime Services**
Other

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

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

If no, provide reasons : **This Planning Proposal should proceed with consultation being undertaken with the Heritage Branch of Office of Environmental and Heritage, the Floodplain Management Team of the Office of Environmental and Heritage, the Roads and Maritime Services, the NSW Rural Fire Service and the Australian Rail Track Corporation (ARTC).**

Resubmission - s56(2)(b) : **Yes**

If Yes, reasons : **Maps should be included into the Planning Proposal for each LEP Map that is being amended. These maps should clearly show the changes to the LEP Maps that are proposed. The proposal should be resubmitted to the Department's Regional Office before exhibition to confirm these maps are adequate.**

The Maps that need amending are:

Land Zoning Maps LZN_001, LZN_001B, LZN_004, LZN_004B, LZN_004C, LZN_004D.

Lot Size Maps LSZ_001, LSZ_001B, LSZ_004, LSZ_004B, LSZ_004C, LSZ_004D.

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Heritage Maps HER_001, HER_002, HER_004 and HER_004B.

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_June_2012.pdf	Proposal	Yes
Cover_Letter.pdf	Proposal Covering Letter	Yes
Council_Resolution.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones**
 1.5 Rural Lands
 3.4 Integrating Land Use and Transport
 4.3 Flood Prone Land
 4.4 Planning for Bushfire Protection
 6.2 Reserving Land for Public Purposes

Additional Information : **1. The Planning Proposal be supported;**
 2. The Planning Proposal be exhibited for 28 days;
 3. The Planning Proposal be completed within 9 months;
 4. Consultation be undertaken with the Roads and Maritimes Services, ARTC, NSW Rural Fire Service and The Heritage Branch of the Office of Environment and Heritage;
 5. The Director-General's delegate determines that the inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes are of minor significance and notes that the inconsistency with 4.4 will be resolved when Council consults with the NSW Rural Fire Service;
 6. Prior to exhibition of the Planning Proposal, maps should be included into the proposal for each LEP Map that is being amended. These maps should clearly show the changes to the LEP Maps that are proposed. The proposal should be resubmitted to the Department's Regional Office before exhibition to confirm these maps are adequate; and
 7. Prior to the exhibition of the Planning Proposal, Chapter 4 shall be amended to include a draft local provision for 'Temporary workers accommodation' that includes a suitable definition and heads of consideration for this matter. The proposal should be resubmitted to the Department's Regional Office before exhibition to confirm the suitability of the proposed local provision.

Supporting Reasons : **This Planning Proposal seeks to:**
 1. enable minor anomalies, misdescriptions and errors to be rectified as part of a 'housekeeping amendment' to the Liverpool Plains Local Environmental Plan 2011 (LPLEP 2011);
 2. facilitate development proposals that were identified as part of the LPLEP 2011 preparation, but were unable to be addressed as part of the comprehensive LEP process due to the potential to require re-exhibition of the draft LPLEP 2011 and delaying it finalisation;
 3. rezone certain additional lands identified in, or that are in accordance with, the

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strategic objectives of the Liverpool Plains Growth Management Strategy 2009;
4. permit certain additional site-specific uses (temporary workers' accommodation) within particular land use zones under the LPLEP 2011.

The Planning Proposal is considered to be appropriate and is supported subject to the above recommendations.

Signature:



Printed Name:

Craig Diss

Date:

15/6/2012