

**Liverpool Plains LEP 2011 Amendment No 3 - Centre St, Allnutt St and Whittaker St
Rezoning**

Proposal Title : **Liverpool Plains LEP 2011 Amendment No 3 - Centre St, Allnutt St and Whittaker St Rezoning**

Proposal Summary : **This Planning Proposal aims to:**

- 1. Rezone various lots within the township of Quirindi from R1 General Residential to IN2 Light Industrial or B4 Mixed Use to reflect existing land uses;**
- 2. Amend the current IN2 Light Industrial zone land use table to permit certain additional land uses; and**
- 3. Amend the Lot Size Map for the land in the Centre Street precinct being rezoned to IN2 Light Industrial to 1000m2 to ensure consistency in lot sizes with neighbouring light industrial land.**

PP Number : **PP_2014_LPLNS_001_00**

Dop File No :

14/08043

Proposal Details

Date Planning
Proposal Received : **09-May-2014**

LGA covered :

Liverpool Plains

Region : **Northern**

RPA :

Liverpool Plains Shire Council

State Electorate : **TAMWORTH**

Section of the Act :

55 - Planning Proposal

LEP Type : **Spot Rezoning**

Location Details

Street : **Centre Street**

Suburb : **Quirindi**

City :

Postcode : **2343**

Land Parcel : **Lots 2,3,4 and 5, DP 611525 and Lots 2 and 3, DP 541388**

Street : **Allnutt Street**

Suburb : **Quirindi**

City :

Postcode : **2343**

Land Parcel : **Lot 74, DP 664554**

Street : **Whittaker Street**

Suburb : **Quirindi**

City :

Postcode : **2343**

Land Parcel : **Lots 2,7,8,9,10 and 11 Section 56, DP 758863**

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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 : **0427237874**
Contact Email : **donna.ausling@lpsc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :	6.00	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	120

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 :

Supporting notes

Internal Supporting Notes :	This Planning Proposal is being referred to the LEP Panel due to its inconsistency with the Liverpool Plains Growth Management Strategy 2009 which was approved by the Director General.
External Supporting Notes :	The Planning Proposal aims primarily to rezone the subject lands to reflect the current land uses and to amend the IN2 Light Industrial land use table to permit additional land uses that would help facilitate the ongoing operation of the existing businesses.

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 generally expressed adequately for the proposed amendment to Liverpool Plains LEP 2011. It is however considered that prior to exhibition that Council should amend the Planning Proposal to more clearly identify the proposed change in lot size for land being rezoned to IN2 Light Industrial in the Centre St precinct to 1000m2.**

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

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

Comment : **The Planning Proposal generally provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes. Council has verbally advised that the table contained in the explanation of provisions needs to be amended to identify the proposed change in lot size for land being rezoned to IN2 Light Industrial in the Centre St precinct to 1000m2 (currently states incorrectly n/a).**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

Is the Director General's agreement required?

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 (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

SEPP (Major Projects) 2005

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

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

The New England North West Strategic Regional Land Use Plan 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 : **Maps have been provided with the Planning Proposal. Whilst they identify the subject land it is considered that these maps are not adequate for public exhibition as they do not provide enough context to locate the subject land. No maps showing the existing or proposed zoning or lot size changes have been included.**

It is recommended that prior to public exhibition that additional maps be prepared that clearly show the existing and proposed zoning and lot sizes and the location of the land.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The relevant planning authority has identified a 28 day exhibition period for the proposal. This is considered satisfactory.**

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 : **The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:**
1. Providing appropriate objectives and intended outcomes;
2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;
3. Providing an adequate justification for the proposal;
4. Outlining a proposed community consultation program; and
5. Providing a project time line.

Council is seeking an authorisation to exercise its plan making delegations. As the Planning Proposal deals with matters of only local significance, it is considered appropriate that an authorisation to exercise its plan making delegations be issued to Council if the Planning Proposal is supported.

Council has provided a project time line which estimates that the LEP will be ready for submission to the Department for finalisation in October 2014. To ensure an adequate period to complete the proposal, a 9 month time frame is recommended. It is also noted that an amended time line will need to be included prior to public exhibition if delegation is issued to Council to address the additional plan making tasks.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Liverpool Plains LEP 2011 was made on 9 December 2011.**

Assessment Criteria

Need for planning proposal : **The Liverpool Plains LEP 2011 rezoned the subject land from 2(v) Village to R1 General Residential. The land contains a mixture of residential, business and light industrial uses. The rezoning of the land to R1 General Residential was a deliberate decision by Council to enact a recommendation of the the Liverpool Plains Growth Management Strategy 2009 to focus industrial development in the south of Quirindi and limit potential future land use conflict in these locations.**

In reponse to the rezoning, a number of land owners have raised concerns over a perceived constraint on the operation of their businesses and future expansion. 'Existing use rights' permit the approved land uses to continue on the site but significant expansion of the operations is limited.

Council has now prepared a Planning Proposal to rezone the land to either IN2 Light

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Consistency with
strategic planning
framework :

Industrial or B4 Mixed Use, amend the Lot Size map for the IN2 land in the Centre Street precinct to 1000m2 and to amend the IN2 Land Use Table to reflect the existing land uses and provide opportunity for existing business to expand within their sites.

The Planning Proposal is considered to be consistent with the New England North West Strategic Regional Land Use Plan.

While the Planning Proposal states that is consistent with the Director General approved Liverpool Plains Growth Management Strategy 2009, this is not considered to be the case. The Strategy makes a number of recommendations including that land to the south of Quirindi is the most appropriate for an expansion of the industrial zone and that the subject land should have a residential zoning. This inconsistency is considered to be of minor significance due to small area of land involved and as the rezonings will reflect the existing and likely future land uses of the land.

The Planning Proposal is considered to be consistent with all SEPPs that apply to the land.

The Planning Proposal is considered to be consistent with all Section 117 Directions except 1.1 Business and Industrial Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 4.3 Flood Prone Land as discussed below;

1.1 Business and Industrial Zones

The Planning Proposal is considered to be inconsistent with this Direction as it rezones land to IN2 Light Industrial and B4 Mixed Use that is not in accordance with a strategy approved by the Director General. This inconsistency is considered to be of minor significance due to the small area of land involved and as the rezonings reflect the existing and likely future land uses of the land.

2.3 Heritage Conservation

The Planning Proposal is considered to be inconsistent with this Direction as it does not contain provisions to facilitate the provisions of a heritage item. A dwelling adjacent to the proposed Centre St precinct is an identified local heritage item in Liverpool Plains LEP 2011. This inconsistency is considered to be of minor significance as Liverpool Plains LEP 2011 contains the mandated heritage protection provisions of the Standard Instrument LEP.

3.1 Residential Zones

The Planning Proposal is inconsistent with this Direction as it removes locations available for residential development. This inconsistency is considered minor due to the small area of land involved and as the rezonings reflect the existing and likely future land uses of the land.

3.4 Integrating Land Use and Transport

The Planning Proposal is considered to be inconsistent with this Direction as it has not addressed the aims, objectives and principles of Improving Transport Choice – Guidelines for planning and development and The Right Place for Business and Services – Planning Policy. This inconsistency is considered to be of minor significance due to the small area of land involved and as the rezonings reflect the existing and likely future land uses of the land.

4.3 Flood Prone Land

The Planning Proposal is considered to be inconsistent with this Direction as the land in Allnutt and Whittaker Streets is flood prone and the change in zoning will permit an increase in development potential. The inconsistency with this Direction is considered to be of minor significance because the land is already developed, zoned for urban purposes and Liverpool Plains LEP 2011 contains appropriate flood prone land provisions.

Environmental social
economic impacts :

The proposed rezonings are not anticipated to have any significant adverse environmental impact.

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It is noted that the proposal seeks to permit a number of additional land uses in the IN2 Light Industrial Zone to better reflect the type and nature of the existing uses on the land. While the majority of these uses are supported and are considered to be appropriate for a IN2 Light Industrial Zone, the proposal to permit 'shops' with consent is not supported. Shops are not considered to be an appropriate land use within industrial zones due to their potential impact on land prices and exclusion of lower economic yielding industrial uses. If shops are required on the land, a more appropriate business zone should be considered. The IN2 Zone in this instance is also remote from the existing Quirindi CBD. It is therefore recommended that prior to exhibition, the Planning Proposal be amended to remove 'shops' from the proposed IN2 Light Industrial land use table.

The proposal identifies that the rezonings may have a social impact on the surrounding residential areas. Although the land uses have been operating for many years, there is potential for ongoing land use conflict with surrounding residential development. The Centre Street area in particular is the area of most concern due to its proximity to existing and recently approved residential development. Council has acknowledged this matter in the Issues and Options Paper that supports the Planning Proposal. The rezoning of the subject land is not expected to cause significant new land use conflict - the potential conflicts already exists by virtue of the existing land uses. Potential mitigation methods are outlined in Council's Issues and Options Paper and Council's resolution to prepare the Planning Proposal also requires the investigation into opportunities to manage the identified land use conflicts. Council's treatment of the issue is considered to be appropriate and sufficient to allow the proposal to proceed.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	28 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 :	It is recommended that this Planning Proposal proceed due to it being minor in nature and rezones land to reflect current land uses.		
Resubmission - s56(2)(b) :	No		
If Yes, reasons :			
Identify any additional studies, if required. :			
Other - provide details below			
If Other, provide reasons :			
Council has identified that consultation will be undertaken with the Australian Rail Track Corporation due to the proximity of some of the land to the existing rail corridor. The proposed consultation is supported.			
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 :			

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Documents

Document File Name	DocumentType Name	Is Public
20140509 Cover Letter.pdf	Proposal Covering Letter	Yes
20140509 Planning Proposal.pdf	Proposal	Yes
20140509 Issue and Options Paper.pdf	Proposal	Yes
20140509 Council Reports.pdf	Proposal	Yes
Location Map.pdf	Map	Yes
20140509 Evaluation Criteria for Delegations.pdf	Proposal	No

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones
2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land**

Additional Information : **It is recommended that:**
1. The Planning Proposal be supported;
2. The Planning Proposal be amended prior to exhibition to:
- include additional mapping showing the existing and proposed land zoning and minimum lot sizes for the subject land and more appropriate locality maps;
- amend the objectives and explanation sections to clearly identify the proposed change in minimum lot size for IN2 land in the Centre St precinct to 1000m2; and
- remove 'shops' from the proposed IN2 Light Industrial land use table;
3. The Planning Proposal be exhibited for a period of 28 days;
4. The Planning Proposal should be completed within 9 months;
5. That Council consult with the Australian Rail Track Corporation;
6. That an authorisation to exercise delegation be issued to Council as the Planning Proposal is dealing with matters of local significance;
7. The Director General, or his delegate, approve the inconsistencies with section 117 Directions 1.1 Business and Industrial Zones, 2.3 Heritage Conservation, 3.1 Residential Zones and 3.4 Integrating Land Use and Transport and 4.3 Flood Prone Land as matters of minor significance.

Supporting Reasons : **This Planning Proposal is supported because it seeks to address zoning issues that have arisen with the conversion of the former 2(v) Village Zone into a range of urban zones under Liverpool Plains LEP 2011.**

Signature:



Printed Name:

Craig Diss

Date:

16/5/14