

Planning Proposal

Liverpool Plains Shire Council

Strategic Housekeeping Amendment

Liverpool Plains LEP 2011

(Amendment No. 3)



7 May 2014

Legislative Framework

Pursuant to Section 55(1) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, a planning proposal must be prepared before a draft Local Environmental Plan (LEP) amendment is made. The proposal must explain the intended effect of the draft LEP amendment and provide justification for the amendment. The proposal must address those matters identified by Section 55(2) of the EP&A Act, which are considered as part of this Report. Council must then determine whether or not to proceed with the proposal.

Council resolution

Liverpool Plains Shire Council resolved to proceed with the LPLEP2011 Amendment No. 3 at its meeting of 23 April 2014. The report to Council, the relevant resolution in addition to the supporting *Issues and Options Report*, is included at Attachment 'A'.

Overview

The Liverpool Plains LEP took effect on 9 December 2011. This plan follows the format of the NSW Government's Standard Instrument for LEPs.

There has been significant community interest expressed in relation to the zoning of certain lands within the Quirindi Township, primarily pertaining to local business interests. In response to these extensive representations, Council staff were requested accordingly to investigate options to resolve these concerns. The outcomes of these investigations are addressed in the attached *Issues and Options Report*. It is considered that a level of consensus has been achieved in respect of an agreed path forward, appropriately balancing environmental, social and economic considerations. One mechanism that will be employed to address these concerns is targeted rezoning of certain lands, as identified in this planning proposal.

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Attachments

- A. Council Report, Resolution, and, Issues & Options Report April 2014
- B. Amended IN2 Land Use Table
- C. Delegation Evaluation Form
- D. Information Checklist

Part 1 – Objectives or Intended Outcomes

This planning proposal has the following aims and objectives:

1. To request the rezoning of certain additional lands within the township of Quirindi, generally in accordance with the *Liverpool Plains Growth Management Strategy 2009*.
2. To acknowledge existing land use patterns and to ensure that the land zoning framework is suitably cognisant with the existing development framework.
3. To amend the current IN2 Light Industrial zone land use table to permit certain additional land uses whilst maintaining the existing two tier industrial hierarchy.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by amending the Liverpool Plains Local Environmental Plan (LPLEP) 2011 by rezoning the following lands in accordance with the Table 1 below:

ID	Parcel Ref.	Real Property Description	Current Zone	Proposed Zone	Proposed MLS	Precinct
1	5,383 (McGuckin)	5//611525	R1	IN2	N/A	Centre St.
2	5,384 (Harrison)	3//611525	R1	IN2	N/A	Centre St.
3	5,387 (Love)	4//611525	R1	IN2	N/A	Centre St.
4	5,386 (BLC)	2//611525	R1	IN2	N/A	Centre St.
5	5,389 (Graincorp)	2//541388	R1	IN2	N/A	Centre St.
5a	5,390 (Graincorp)	3//541388	R1	IN2	N/A	Centre St.
6	5,204 (Howard's Buses)	74//664554	R1	B4	700m ²	Allnutt St.
7	6,950 (Bayliss)	9//56//758863	R1	B4	700m ²	Whittaker St.
7a	6,951 (Bayliss)	10//56//758863	R1	B4	700m ²	Whittaker St.
7b	6,952 (Bayliss)	11//56//758863	R1	B4	700m ²	Whittaker St.
8	6,948 (Moylan)	7//56//758863	R1	B4	700m ²	Whittaker St.
8a	6,949 (Moylan)	8//56//758863	R1	B4	700m ²	Whittaker St.
9	6,942 (Melville)	2//56//758863	R1	B4	700m ²	Whittaker St.

An amended IN2 Light Industrial Zone land use table is proposed. The amended Table has been developed in consultation with affected landholders and is attached at Appendix 'B'.

Part 3 – Justification

Section A – Need for the Planning Proposal

Q1. Is the planning proposal a result of any strategic study or report?

An *Issues and Options Report* has been prepared in relation to this proposal. This Report was presented to the April 2014 Ordinary Meeting of Council and endorsed by Council accordingly. A copy of the Issues and Options Report is attached as Appendix 'A'.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Amending the adopted LEP is the best means achieving the objectives of this planning proposal. Alternative options have been considered and are addressed in the attached Issues and Options Report.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The *New England North West Strategic Regional Land Use Plan* is applicable. It is considered that the planning proposal is consistent with the objectives of the Plan, specifically Action 5.2 of the Strategy (p.46):

Local Councils will zone land through their local environmental plans to ensure an adequate supply of employment land.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The planning proposal is considered to be generally consistent with the objectives of Council's adopted Land Use Strategy - the *Liverpool Plains Growth Management Strategy* (2009). The Strategy adopts a two (2) tier industrial hierarchy (IN1 & IN2). It is intended to maintain such a hierarchy to ensure the appropriate current and future management of industrial development, cognisant of surrounding land uses.

Q5. Is the planning proposal consistent with application of State Environmental Planning Policies?

The Planning Proposal is considered to be consistent with the overarching NSW planning policy framework.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent with the relevant Section 117 directions. Refer Table below:

1. Employment and Resources	
1.1 Business & Industrial Zones	Consistent. This planning proposal seeks to reflect and recognise current patterns of industrial and business development.
1.2 Rural zones	Consistent. This proposal will not affect lands that are zoned rural.
1.5 Rural lands	Consistent. This proposal will not affect lands that are zoned rural.
2. Environment and Heritage	
2.1 Environmental protection zones	Consistent. This proposal does not reduce the environmental protection standards applying to any land.
2.3 Heritage	Consistent. This proposal will not affect any items of heritage significance.
3. Housing, Infrastructure and Urban Development	
3.1 Residential zones	Consistent.
3.4 Integrating land use & transport	Consistent.
4. Hazard and Risk	
4.3 Flood Prone Land	Consistent. Some of the properties are identified as flood prone, including some lands within the proposed B4 Mixed Use zoning. Notwithstanding, the flood prone nature of the sites is not expected to substantially inhibit their current or future use. No alterations to existing flooding provisions are proposed.
4.4 Planning for bushfire protection	Consistent. The land the subject of this planning proposal is not subject to bushfire risk.
5. Regional Planning	
5.1 Implementation of regional strategies	Consistent. The proposal is consistent with the rural and urban growth provisions of the NE&NW SRLUP.
6. Local Plan Making	
6.1 Approval and referral requirements	Consistent. No additional concurrence requirements are proposed. Given proximity to the railway corridor, consultation with the Australian Rail Track Corporation (ARTC) is proposed.

Section C – Environmental, social and economic impact

Q7. 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?

No direct adverse environmental impacts have been identified. The planning proposal pertains to land that is urbanised and heavily disturbed.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No direct adverse environmental impacts are likely to arise as a result of the planning proposal.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The proposal is considered to have positive social and economic effects. It seeks to provide greater community and commercial certainty in respect to the ongoing operation of existing business enterprises within the Quirindi Township.

Section D – State and Commonwealth interests

Q10 . Is there adequate public infrastructure for the planning proposal?

This planning proposal does not impact on the need for public infrastructure. No additional infrastructure requirements have been identified.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with relevant state authorities will occur where specified as part of the Gateway Determination. It is intended to formally consult with the Australian Rail Track Corporation (ARTC) given proximity of some of the subject lands to an existing railway corridor.

Part 4 - Mapping

The following maps will be affected by the Planning Proposal:

- *Land zone map:* 4920_COM_LZN_004C_020_20120731 (Quirindi Township).
- *Lot size map:* 4920_COM_LSZ_004C_020_20120731 (Quirindi Township).

Maps, showing location of the subject lands, are provided below:



Map 1: Centre Street Precinct (Graincorp, Harrison, Love, BLC & Harrison)



Map 2: Allnutt Street Precinct (Howard's Buses)



Map 3: Whittaker Street Precinct (Bayliss, Moylan & Melville)

Part 5 – Community Consultation

It is considered that community engagement should include the placement of the proposal on public exhibition for a period of 28 days. The public exhibition would include notice within the local paper, use of social media, and, targeted consultation with both affected and surrounding landholders.

Part 6 – Project timeline

Action	Indicative Date
Gateway Determination	13 June 2014
Government Agency Consultation	13 June 2014
Public exhibition Period	16 June 2014 – 18 July 2014
Submission assessment	21 July – 1 August 2014
RPA assessment of PP and exhibition outcomes	August – September 2014
Submission of endorsed LEP Amendment to Dept. Planning and Environment for finalisation.	October 2014