

To Undertake Various Amendments to Glen Innes Severn LEP 2012

Proposal Title : **To Undertake Various Amendments to Glen Innes Severn LEP 2012**

Proposal Summary : **The Planning Proposal proposes to undertake the following amendments to Glen Innes Severn LEP 2012:**

- 1. Rezone an unformed section of Taylor St from RU1 to R1 consistent with the adjoining land;**
- 2. Amend the Dwelling Opportunity Map (DWE - 002, 002A, 003 & 005) to include additional parcels that have been identified as containing a dwelling opportunity;**
- 3. Amend the Zone RU5 land use table to prohibit 'Animal boarding or training establishments';**
- 4. Include a rural boundary adjustment provision for Zone RU1; and**
- 5. Rezone Lots 2, 3 & 4 Section 52 DP 758447 & Lots 5 & 6 DP 592608, Grafton St, Glen Innes from R1 to IN1.**

PP Number : **PP_2014_GLENI_001_00**

Dop File No : **14/20063**

Proposal Details

Date Planning Proposal Received : **01-Dec-2014**

LGA covered : **Glen Innes Severn**

Region : **Northern**

RPA : **Glen Innes Severn Council**

State Electorate : **NORTHERN TABLELANDS**

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

LEP Type : **Spot Rezoning**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Lots 2, 3 & 4, Section 52, DP 758447 & Lots 5 & 6 DP 592608, Grafton St Inverell**

Street :

Suburb :

City :

Postcode :

Land Parcel : **All land zoned RU1, RU5 and land effected by Dwelling Opportunity Maps (DWE 002, 002A, 003 & 005)**

Street :

Suburb :

City :

Postcode :

Land Parcel : **Part of the Taylor St Road Reserve, Glen Innes (between Hunter St and the Gwydir Highway)**

DoP Planning Officer Contact Details

Contact Name : **Gina Davis**
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RPA Contact Details

Contact Name : **Greg Doman**
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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 :	Northern Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	4.00	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 :	0

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

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.**

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

If Yes, comment :

Supporting notes

Internal Supporting
 Notes :

External Supporting
 Notes :

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 for the proposed amendment to Glen Innes Severn LEP 2012.**

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 the objectives and intended outcomes.**

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

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

4.4 Planning for Bushfire Protection

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

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

d) Which SEPPs have the RPA identified? **N/A**

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

The New England North West Strategic Regional Land Use Plan (SRLUP) applies to the Glen Innes Severn LGA.

While the Planning Proposal does not identify any specific State Environmental Planning Policies (SEPPs) as being applicable, it is considered a number of SEPPs such SEPP (Rural Lands) and SEPP 55 - Remediation of Land are applicable.

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 : **Whilst the amended LEP Map sheets have not been prepared at this stage, the Planning Proposal includes a list of the LEP map sheets that will require amending. The Planning Proposal also includes identification maps of all the proposed site specific corrections and amendments and are adequate to enable consideration of a Gateway determination for this matter.**

Mapping prepared in accordance with the Department's standard technical requirements for LEP maps is recommended for the public exhibition process.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Whilst the Planning Proposal is considered to be low impact in nature, Council have proposed a 28 day exhibition period as they wish to exhibit over the Christmas period. Direct notification of affected landholders has also been proposed. A 28 day exhibition period in these circumstances 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 :

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.

The RPA has provided a project time line. The time line is however incomplete and does not include a number of tasks should an authorisation to exercise delegations be issued to Council. An amended time line will therefore be required prior to exhibition. A 6 month completion time frame for the Planning Proposal is considered appropriate.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Glen Innes Severn LEP 2012 was made in September 2012.

Assessment Criteria

Need for planning
proposal :

The Planning Proposal is needed to enable the following amendments to be made to Glen Innes Severn LEP 2012:

- 1. The amendment of the Land Zoning Map (LZN- 003A) to rezone an unformed section of Taylor St from RU1 to R1 consistent with the adjoining land. This is correcting a mapping error that occurred in the preparation of Glen Innes Severn LEP 2012;**
- 2. The amendment of the Dwelling Opportunity Maps (DWE - 002, 002A, 003 & 005) to include additional parcels that have been identified as appropriate to have a dwelling;**
- 3. The amendment of the Zone RU5 landuse table to prohibit 'animal boarding or training establishments'. It is noted that the term 'animal boarding and breeding establishment' is used in the Planning Proposal. This should be amended to 'animal boarding or training establishments' in accordance with the Standard Instrument LEP dictionary prior to exhibition.**

Animal boarding or training establishments are currently permitted with consent in the RU5 Zone. A recent development application for this type of development within the RU5 Village zone resulted in Council receiving a number of submissions opposed to the development based on noise and environmental reasons. Council has now decided to prohibit this landuse within the RU5 Village zone;

4. The inclusion of a rural boundary adjustment provision to allow for greater flexibility of subdivisions within the RU1 zone.

This clause will allow for the adjustment of boundaries between RU1 zoned lots where one or more of the lots are below the minimum lot size for the zone. This is considered appropriate as boundary adjustments have been a historically common form of subdivision in rural areas and it will provide greater flexibility for agricultural practices and farm adjustments.

While Council has drafted a potential clause for insertion into Glen Innes Severn LEP 2012, it is recommended that prior to exhibition that Council amend the Planning Proposal to include only a plain English explanation of the clause. The drafting of the clause can then be conducted by Parliamentary Counsel's Office to ensure it properly achieves the proposed intent; and

5. The rezoning of Lots 2, 3 & 4, Section 52, DP 758447 & Lots 5 & 6 DP 592608, Grafton St, Glen Innes from R1 to IN1.

The rezoning of Lots 3 & 4 are the result of an individual rezoning request to Council. In considering this matter, Council also resolved that the adjoining Lots 2, 5 & 6 should also be rezoned to IN1. The land is approximately 4ha in area and is currently used for a mixture of uses including commercial/light industrial purposes. The adjacent Gleninda Industrial Estate is almost at full capacity and Council considers these parcels of land as suitable for industrial use. The land is close to major transport links and is able to be fully serviced.

Consistency with strategic planning framework :

Whilst no Regional Strategies apply to the Glen Innes Severn LGA, the New England North West Strategic Regional Land Use Plan does apply. The Planning Proposal is considered to be consistent with the provisions of the Regional Land Use Plan.

The Planning Proposal has been identified as being consistent with all applicable SEPPs and section 117 Directions, except the following:

Section Direction 1.1 Business and Industrial Zone

Item 5

The proposal is inconsistent with this Direction as it seeks to rezone land not within a strategy approved by the Secretary from R1 General Residential to IN1 General Industrial. This inconsistency is considered to be of minor significance due to:

- the small size of the land (4ha);
- its location adjacent to the existing Gleninda industrial area;
- the existing commercial / industrial uses already occurring on part of the land; and
- the unavailability of other land identified in Council's local strategy for future industrial purposes due to a lack of adequate infrastructure.

Section 117 Direction 1.2 Rural Zones

The proposal is inconsistent with this Direction as it seeks to rezone rural land to residential and industrial, and also seeks to increase dwelling permissibility in the RU1 Zone.

Item 1

The inconsistency with this item is considered to be of minor significance as it only rezones a road reserve to be consistent with the adjoining land and corrects a mapping error that occurred in the preparation of the Glen Innes Severn LEP 2012.

Item 2

The inconsistency with this item is considered to be of minor significance as it involves a total of 9 additional dwellings in the RU1 Zone. It is understood that the inclusion of the identified land will correct an error that excluded them in the preparation of Glen Innes Severn LEP 2012.

3.1 Residential zones

The proposal is inconsistent with this Direction as it seeks to rezone residential land to industrial.

Item 5

The inconsistency with this item is considered to be of minor significance due to the small size of the land (4ha), the existing commercial / industrial use of part of the land, and as the site is adjacent to the existing Gleninda industrial estate (making more intensive residential development of the land undesirable).

3.2 Caravan Parks and Manufactured Home Estates

The proposal is inconsistent with this Direction as it will rezone land (R1) where caravan parks are currently permissible to a zone (IN1) in which it is prohibited.

Item 5

This inconsistency is considered to be of minor significance as the location, size and nature of the adjacent land uses to the subject site would make caravan parks and manufactured home estates in this location highly unlikely.

4.3 Flood Prone Land

The proposal is inconsistent with this Direction as it has the potential to increase development on flood prone land.

Item 2

This inconsistency is considered to be of minor significance as the increased development involves only 9 additional rural dwellings.

4.4 Planning for Bushfire Protection

Items 1, 2 & 4

This Direction is relevant to the proposal as some of the amendments affect bushfire prone land. The Direction requires the RPA to consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

Environmental social
economic impacts :

No significant adverse environmental, social or economic impact has been identified as resulting from the proposal.

Assessment Process

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

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **NSW Rural Fire Service**

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

To Undertake Various Amendments to Glen Innes Severn LEP 2012

Document File Name	DocumentType Name	Is Public
GISC Council Report & Resolution.pdf	Proposal Covering Letter	Yes
GISC Planning Proposal.pdf	Proposal	Yes
GISC PP - Cover letter.pdf	Proposal Covering Letter	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**
1.2 Rural Zones
1.5 Rural Lands
3.1 Residential Zones
3.2 Caravan Parks and Manufactured Home Estates
3.3 Home Occupations
4.4 Planning for Bushfire Protection

Additional Information : **It is recommended that:**

- 1. The Planning Proposal be supported;**
- 2. The Planning Proposal be exhibited for 28 days;**
- 3. The Planning Proposal be completed within 6 months;**
- 4. That the RPA consult with the Commissioner of the NSW Rural Fire Services in accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection;**
- 5. That the Secretary (or her delegate) agree to the proposal's inconsistencies with section 117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates and 4.3 Flood Prone Land;**
- 6. That the Secretary (or her delegate) note the current inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection and that it is anticipated this inconsistency will need to be resolved prior to the proposal being finalised;**
- 7. That an authorisation to exercise delegation be issued to Council; and**
- 8. That the Planning Proposal be amended prior to exhibition:**
 - so that the project time line addresses all the additional steps to be completed by Council due to an authorisation to exercise delegation being issued;
 - the proposal include only a plain English explanation of the intent of the proposed rural boundary adjustment clause;
 - mapping prepared in accordance with the Department's standard technical requirements for LEP maps is included; and
 - references to 'animal boarding and breeding establishment' be amended to 'animal boarding or training establishments' in accordance with the Standard Instrument LEP dictionary.

Supporting Reasons : **The Planning Proposal will undertake various amendments that are considered as important in permitting the LEP to operate effectively and accurately.**

Signature:



Printed Name:

Craig Diss

Date:

9/12/14