

9.18 Land Use and Planning: Planning Proposal 2014-01

REPORT FROM: DIRECTOR OF DEVELOPMENT, REGULATORY AND SUSTAINABILITY SERVICES

Author: Greg Doman – Manager of Regulatory and Planning Services

ANNEXURE K

PURPOSE

The purpose of this report is to seek Council's concurrence to submit a Planning Proposal to the Department of Planning and Environment to undertake housekeeping amendments to the Glen Innes Severn Local Environmental Plan 2012 in conjunction with a Planning Proposal to rezone Lots 3 and 4 DP 758447, Grafton Street, Glen Innes.

BACKGROUND

The Glen Innes Severn LEP 2012 commenced on 14 September 2012, providing planning provisions for the Glen Innes Severn Local Government Area (LGA). The LEP is referred to in legislation as an 'environmental planning instrument'. Since the commencement of the LEP, Council has undertaken one (1) previous planning proposal 2013-001, following the identification of administrative and minors errors within the LEP.

At Council's Ordinary Meeting held on 24 July 2014 Council resolved:

1. *That Council supports in principle the rezoning of Lots 3 and 4 DP 758447, Grafton Street Glen Innes from the existing Residential Zone (R1) to General Industrial (IN1) under the Glen Innes Severn Local Environmental Plan 2012, subject to the inclusion of Lot 5 and Lot 6 DP592608 and Lot 2 Section 52 DP758447.*
2. *That Council undertakes the necessary housekeeping amendments to the Glen Innes Severn Local Environmental Plan 2012 in conjunction with the proposed Planning Proposal to rezone Lots 3 and 4 DP 758447, Grafton Street, Glen Innes.*

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and is attached to the Business Paper as Annexure K. Determination of the planning proposal is made through the Department's Gateway Panel.

(a) Relevance to Integrated Planning and Reporting Framework

A key strategic objective in the 2014-15 Operational Plan is to engage the community in integrated planning through land use and social policy that reflects and retains the character of the built environment. The administration and ongoing maintenance of the provisions contained within the Glen Innes Severn LEP 2012 assists Council to facilitate the identified strategic objective.

(b) Financial Considerations

The preparation of a planning proposal to undertake the necessary housekeeping amendments to the Glen Innes Severn Local Environmental Plan 2012 is dealt with by Council staff and therefore the financial cost to Council is considered to be minor. The Planning Proposal to have existing general residential zoned land rezoned to general industrial has been requested by the owner of the land and Council's advertised fee for considering a Planning Proposal is \$2,480.00, plus on-costs and staff time at \$70.00 per hour.

COMMENTARY

The amendments proposed in the Planning Proposal are made through the drafting and 'making' of a further environmental planning instrument or amending the existing Glen Innes Severn LEP 2012. In accordance with the provisions of Section 55 of the *Environmental Planning and Assessment Act 1979*, before an environmental planning instrument is made, Council is required to prepare a document that explains the intended effect of the proposed instrument and sets out the justification for making the proposed instrument (the **Planning Proposal**).

The **Planning Proposal** prepared under Section 55 of the Act is attached to the Business Paper as Annexure K and is referred to as "Planning Proposal 2014-01."

In summary, the matters to be considered are as follows:

- Item 1 Address anomalies in current Land Zoning Map - LZN_003A (Glen Innes). The land identified is zoned RU1 Primary Production and is the unformed extension of Taylor Street from the intersection of Hunter Street to the Gwydir Highway. It is intended to change the aforementioned land zoning mapping from RU1 Primary Production to R1 General Residential.
- Item 2 Modify the Dwelling Opportunity Maps - DWE_002, DWE_002A, DWE_003, DWE_005, as additional parcels of land have been identified as having a dwelling opportunity.
- Item 3 Modify the Land Use table for Village RU5 zone to prohibit animal boarding and breeding establishments.
- Item 4 To provide greater flexibility in relation to the subdivision of land zoned RU1 through permitting boundary adjustment subdivisions where one (1) or more allotments involved do not meet the minimum lot size specified for the subdivision of the land; and
- Item 5 To rezone land from General Residential to General Industrial land.

Items 1 and 2 have been brought to staff's attention through either general planning enquiries or development assessment of applications. Item 3 is a result of a Council resolution when considering a development application for an animal boarding enterprise in Deepwater:

That the Director of Development, Regulatory and Sustainability Services be requested to prepare a further report investigating the possibility of changing the Local Environmental Plan (LEP) in order for similar future developments to be prohibited within the village zones and the residential zones of Glen Innes.

Item 4 has been recommended by the Department of Planning and Environment to identify a common anomaly in many rural LEPs. Item 5 is an individual planning proposal that was lodged with Council for consideration.

Items 1 to 4 of the proposed changes are considered minor in nature and are intended to correct omissions and minor errors in the gazetted LEP. Item 5 specifically relates to a planning proposal that has been lodged with Council for assessment to rezone land from General Residential to General Industrial land.

The gateway process has the following steps:

- **Planning proposal:** the relevant planning authority is responsible for the preparation of a planning proposal, which explains the effect of, and justification for, the plan.
- **Gateway:** the Minister (or delegate) determines whether the planning proposal is to proceed. This gateway acts as a checkpoint to ensure that the proposal is justified before further studies are done and resources are allocated to the preparation of a plan. A community consultation process is also determined at this time. Consultations occur with relevant public authorities and, if necessary, the proposal is varied.
- **Community consultation:** the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days). A person making a submission may also request that a public hearing be held.
- **Assessment:** the relevant planning authority considers public submissions and the proposal is varied as necessary. Parliamentary Counsel then prepares a draft local environmental plan; the legal instrument.
- **Decision:** with the Minister's (or delegate's) approval the plan becomes law and is published on the NSW legislation website.

(a) Governance/Policy Implications

Proposed amendments to the Glen Innes Severn LEP 2012 will assist Council in the administering of its provisions and the orderly and economic development of land within the LGA.

(b) Legal Implications

Once processed by the Department of Planning and Environment and published in the Government Gazette, the amendments which form the Planning Proposal will be amalgamated into the Glen Innes Severn LEP 2012 and become legally enforceable.

(c) Social Implications

The submission of the Planning Proposal to the Department of Planning and Environment Gateway Panel is the first step in the process of amending the current LEP. Should the Panel provide a positive response to Council's Proposal and allow the matter to proceed, the Panel will determine if the matters contained in the Planning Proposal require public exhibition prior to completion of any amendment to Council's LEP.

(d) Environmental Implications

Nil.

(e) Economic/Asset Management Implications

Nil.

CONCLUSION

Preparation of the Draft Planning Proposal 2014-01 seeks to undertake housekeeping amendments to the Glen Innes Severn Local Environmental Plan 2012 in conjunction with a proposed Planning Proposal to rezone Lots 3 and 4 DP 758447, Grafton Street, Glen Innes. Items 1 to 4 of the Planning Proposal rectifies mapping errors and will bring the LEP into line with Council's original intention in relation to the LEP. Item 5 of the

planning proposal is to have existing land zoned general residential rezoned to general industrial.

RECOMMENDATION

1. ***That Council submits the Draft Planning Proposal 2014-01, relating to the Glen Innes Severn Local Environmental Plan 2012, to the NSW Department of Planning and Environment for review and Gateway determination.***
2. ***That, upon an affirmative Gateway determination being received from the Department of Planning and Environment, Council staff carry out the procedural steps associated with the progress of the Planning Proposal, including public exhibition as required by the NSW Department of Planning and Environment .***
3. ***That the Manager of Planning and Regulatory Services prepares a further report to Council following the community consultation period.***

9.16 Corporate and Community Services: Reporting: September and October 2014

REPORT FROM: DIRECTOR OF CORPORATE AND COMMUNITY SERVICES
Author: Anna Watt – Director of Corporate and Community Services

Moved: Cr Graham Seconded: Cr Newman

17.11/14 RESOLUTION

That Council notes the information in this report.

CARRIED

9.17 Economic Development: Planning: Small Business Friendly Council Program

REPORT FROM: DIRECTOR OF DEVELOPMENT, REGULATORY AND SUSTAINABILITY SERVICES
Author: Graham Price – Director of Development, Regulatory and Sustainability Services

Moved: Cr Scherf Seconded: Cr Parsons

18.11/14 RESOLUTION

1. That Council advises the NSW Small Business Commissioner that it will start participating in the Small Business Friendly Council Program in the 2015-16 financial year.
2. That the Director of Development, Regulatory and Sustainability Services includes the required strategic actions to participate in the Small Business Friendly Council Program in the draft 2015-16 Operational Plan for Council's consideration.

CARRIED

9.18 Land Use and Planning: Planning Proposal 2014-01

REPORT FROM: DIRECTOR OF DEVELOPMENT, REGULATORY AND SUSTAINABILITY SERVICES
Author: Greg Doman – Manager of Regulatory and Planning Services

Moved: Cr Parsons Seconded: Cr Graham

19.11/14 RESOLUTION

1. That Council submits the Draft Planning Proposal 2014-01, relating to the Glen Innes Severn Local Environmental Plan 2012, to the NSW Department of Planning and Environment for review and Gateway determination.

2. That, upon an affirmative Gateway determination being received from the Department of Planning and Environment, Council staff carry out the procedural steps associated with the progress of the Planning Proposal, including public exhibition as required by the NSW Department of Planning and Environment.
3. That the Manager of Planning and Regulatory Services prepares a further report to Council following the community consultation period.

CARRIED

All seven (7) Councillors voted unanimously in favour of the above resolution by show of hands.

9.19 Land Use and Planning: Planning: Hunter Street Urban Release Area

REPORT FROM: DIRECTOR OF DEVELOPMENT, REGULATORY AND SUSTAINABILITY SERVICES

Author: Greg Doman – Manager of Regulatory and Planning Services

Moved: Cr Parsons

Seconded: Cr Schumacher

20.11/14 RESOLUTION

1. That Council places the Draft Chapter 10 – Hunter Street Urban Release Area of the Glen Innes Severn Development Control Plan 2014 on public exhibition from 11 December 2014 until 12 January 2015.
2. That Council endorses the rezoning of the land identified as the Hunter Street Urban Release Area from R1 General Residential to R2 Low Density Residential and excludes medium and high density residential accommodation from that zone.
3. That Council places a notice in the Glen Innes Examiner advising of the places that the inspection of the draft plan is available.
4. That Council makes available the Draft Chapter 10 – Hunter Street Urban Release Area of the Glen Innes Severn Development Control Plan 2014 – Public Notification and Advertising, for inspection during normal office hours (where applicable) at the following locations:
 - Council Administration Office, Town Hall, Grey Street, Glen Innes;
 - Development, Regulatory and Sustainability Services Office, Church Street, Glen Innes;
 - Glen Innes Severn Library / Learning Centre;
 - Glen Innes Severn Council website www.gisc.nsw.gov.au;
 - Deepwater Post Office;
 - Emmaville Post Office;
 - Glencoe Post Office.