

Deniliquin Local Environmental Plan 2013 - Amendment 4 - To insert "Home Industry" as Development Permissible with Consent in the zone R1 General Residential and zone B2 Local Centre Land Use Tables

Proposal Title :	Deniliquin Local Environmental Plan 2013 - Amendment 4 - To insert "Home Industry" as Development Permissible with Consent in the zone R1 General Residential and zone B2 Local Centre Land Use Tables		
Proposal Summary :	The proposal seeks to insert "Home industry" as development permissible with consent in zone R1 General Residential and zone B2 Local Centre Land Use Tables of the Deniliquin LEP 2013.		
PP Number :	PP_2015_DENIL_002_00	Dop File No :	15/12232

Proposal Details

Date Planning Proposal Received :	10-Aug-2015	LGA covered :	Deniliquin
Region :	Western	RPA :	Deniliquin Council
State Electorate :	MURRAY DARLING	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	This planning proposal applies to all land within zone R1 General Residential and zone B2 Local Centres.		

DoP Planning Officer Contact Details

Contact Name :	Jenna McNabb
Contact Number :	0268412180
Contact Email :	jenna.mcnaabb@planning.nsw.gov.au

RPA Contact Details

Contact Name :	Julie Rogers
Contact Number :	0358983111
Contact Email :	julie.rogers@deniliquin.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	Wayne Garnsey
Contact Number :	0268412180
Contact Email :	wayne.garnsey@planning.nsw.gov.au

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :

Deniliquin Local Environmental Plan 2013 - Amendment 4 - To insert "Home Industry" as Development Permissible with Consent in the zone R1 General Residential and zone B2 Local Centre Land Use Tables

MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

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 : **There have been no known meetings or communications with registered lobbyists.**

Supporting notes

Internal Supporting Notes :

The subject planning proposal seeks to insert "Home industry" as development permissible with consent in zone R1 General Residential and zone B2 Local Centre Land Use Tables of the Deniliquin LEP 2013.

Since the Deniliquin LEP 2013 came into force on 23 December 2013, it has become evident by Council that "home industry" has been inadvertently prohibited in the zone R1 General Residential and zone B2 Local Centre, as it has not been listed in the Land Use Table of the zones.

The intent to permit "home industry" in the Land Use Tables was identified in the land use matrix during the Deniliquin LEP 2013 drafting process. Clause 5.4(2) includes development controls for home industry in the Deniliquin LGA.

There are no local or regional strategies applying to Deniliquin.

The planning proposal can be supported, as the draft Deniliquin LEP 2013 land use matrix intended the land use to be included in the land use tables. In addition, the establishment of home industry in the R1 and B2 zones will be required to be assessed by Council on a merit basis through the development application process. This use is also consistent with broader Government Policy.

Council has requested to be authorised to exercise delegations to complete the Planning Proposal and this is considered appropriate.

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **It is intended to insert Home Industry as a permissible use with consent in zone R1 General Residential and B2 Local Centre.**

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

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

Comment : **The explanation of provisions supports the statement of objectives.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

3.1 Residential Zones

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

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

Section 117 Directions:

1.1 - Business & Industrial Zones

This direction is applicable to the proposed LEP amendment, as it is intended to amend the land use table of the B2 Local Centre zone to include Home industry as permissible with consent.

Council has identified that the planning proposal is inconsistent with this direction, as the insertion of Home industry into the land use table has the potential to reduce the total floor space area for employment uses and related public services in a business zone.

This inconsistency is considered to be minor. It is unlikely that by allowing Home industry to operate in the B2 zone will reduce the floor space area in business and industrial zones, as the size of a home industry is restricted by clause 5.4(3) in the LEP to 50m² and it applies to where a dwelling house is located

3.1 - Residential Zones

This direction is applicable as the proposed amendment intends to amend the land use table of the R1 General Residential zone to include Home industry as permissible with consent. Council has identified the proposal as being inconsistent with the Direction.

The insertion of Home industry into the land use table will not reduce the permissible residential density of land. The inconsistency of the proposal with this direction is considered to be of minor significance.

3.4 - Integrating Land Use and Transport

The planning proposal will not impact on the availability of transport infrastructure, and is therefore considered to be consistent with the Direction.

3.5 - Development Near Licensed Aerodromes

The planning proposal applies to land that is located within the vicinity of a licensed aerodrome. The proposal is only altering the permissibility of a land use, subject to development application in the zone. Issues associated with any potential land use conflict would be considered by Council at the development application stage. The planning proposal is therefore considered to be consistent with the Direction.

4.3 - Flood Prone Land

Deniliquin Local Environmental Plan 2013 - Amendment 4 - To insert "Home Industry" as Development Permissible with Consent in the zone R1 General Residential and zone B2 Local Centre Land Use Tables

All land in the zone R1 General Residential and zone B2 Local Centre in South Deniliquin is located within the South Deniliquin Levee and as a result, is not flood prone land and this direction does not apply to South Deniliquin.

Some zone R1 General Residential land in North Deniliquin in the North Deniliquin Levee is at or below the flood planning level due to the design of the existing levee and may be inundated during a 1% AEP event.

The insertion of an additional land use within the zone R1 and B2 land use table does not increase the risk of flood in these areas. Home industries must be located where dwellings are located. Flood hazard impacts will be assessed by Council at the development application stage. The planning proposal's inconsistency with this direction is therefore considered to be of minor significance.

4.4 Planning for Bush Fire Protection

Portions of land located within the R1 and B2 zones are considered to be bushfire prone.

This direction is not considered to be applicable to this proposal as any issues associated with bushfire hazard would be considered at the development application stage and all the land zone R1 and B2 is located in the urban area of Deniliquin with urban services available.

The planning proposal's inconsistency with this direction is therefore considered to be of minor significance as the NSW Rural Fire Service would have no role for this urban zoned land

SEPPs:

There are no SEPPs which are applicable to this planning proposal.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Mapping is not applicable to this proposal.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has indicated that it is of the opinion that this is a minor amendment and community consultation is not required.**

It is considered that the amendment is not a minor amendment, and 14 days community consultation is recommended.

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 :

Deniliquin Local Environmental Plan 2013 - Amendment 4 - To insert "Home Industry" as Development Permissible with Consent in the zone R1 General Residential and zone B2 Local Centre Land Use Tables

Proposal Assessment

Principal LEP:

Due Date : **December 2013**

Comments in relation to Principal LEP : **The Deniliquin LEP was notified on 23 December 2013.**

Assessment Criteria

Need for planning proposal : **Council investigations have identified that Home industry is not permissible within the R1 zone, despite the intent of the draft Deniliquin LEP 2013 land use matrix. The planning proposal has been lodged with the intent of rectifying this oversight.**

Consistency with strategic planning framework : **There is no endorsed strategy applicable to Deniliquin LGA.**

Environmental social economic impacts : **Positive economic benefits are expected to the community through the inclusion of Home industry as a permissible use the the R1 and B2 zones, increasing the number and variety of small businesses in the LGA.**

Environmental impacts will be required to be addressed by Council at the development application stage.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **14 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 :

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

Deniliquin Local Environmental Plan 2013 - Amendment 4 - To insert "Home Industry" as Development Permissible with Consent in the zone R1 General Residential and zone B2 Local Centre Land Use Tables

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council Buisness Paper.pdf	Proposal	Yes
Council Cover Letter.pdf	Proposal	Yes
Council Resolution.pdf	Proposal	Yes
Evaluation Criteria for the Delegation of Plan Making Functions.pdf	Proposal	Yes
Planning Proposal.pdf	Proposal	Yes
Request for Initial Gateway Determination.pdf	Proposal	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**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 3.5 Development Near Licensed Aerodromes**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**

Additional Information :

- 1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:**

(a) The planning proposal is required to be made publicly available on exhibition for 14 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

(b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs.

No consultation with agencies is required.

2. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

3. Deniliquin Shire Council be authorised to exercise plan making delegations in this instance.

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

The inclusion of Home industry as a permissible land use within the R1 General Residential and B2 Local Centre zones of the Deniliquin LEP 2013 is considered appropriate and consistent with broader Government Policy. Impacts associated with the establishment of a home industry in these zones will be assessed at the development application stage.

**Deniliquin Local Environmental Plan 2013 - Amendment 4 - To insert "Home Industry" as
Development Permissible with Consent in the zone R1 General Residential and zone B2
Local Centre Land Use Tables**

Signature:



Printed Name:

Jenna Menaldi

Date:

19/8/15

Endorsed
W/Garnsey 19/8/15
TLWR