

Griffith LEP 2014 Amendment 1- various amendments

Proposal Title : **Griffith LEP 2014 Amendment 1- various amendments**

Proposal Summary : **This planning proposal seeks to:(note item numbers are the same as the Planning Proposal issue numbers)**

1. Remove 'Shops' as prohibited in the Land Use Table under zone B7 Business Park and add the use as permitted with consent in the zone. To support this change it is proposed to insert a zone objective about restricting shops to large scale retail uses.

2. Amend clause 4.1(3A) - Minimum subdivision lot size to change wording to allow dwellings on unsewered lots that meet the map minimum lot size and also allow dwellings on lots that have the specified minimum lot size if connected to reticulated sewer;

3. Amend clause 4.1A - Exceptions to minimum lot sizes for certain residential development, to permit subdivision of existing multi dwelling and dual occupancy development;

4. Amend the wording of model clause 4.2(C) - Erection of dwelling houses and dual occupancies on land in certain rural and environmental protection zones;

4a. Amend clause 4.2C(3) - to insert a provision to permit the erection of a dwelling on a subdivided lot to which clause 4.1B (Lot Averaging) applies.

4b. Amend clause 4.2C(4) - to permit a dwelling as a dual occupancy where and existing dwelling is located on the land;

4c. Amend clause 4.2C(5) - to permit replacement dwellings.

4d. Amend clause 4.2C(6) - to change the 'existing holding' definition and remove the definition of 'holding'.

5. Remove 'Home-based childcare' as permitted with consent in the Land Use Table under zone E3 Environmental Management and permit such use as development without consent;

6. Amend Part 4 of Schedule 5 - Environmental Heritage to correctly identify the Aboriginal place of heritage significance (Item AH1) known as Lot 1342 DP 751709, Frog Hollow (community camp site), Noorla Street and Dickson Road, Griffith;

7a. Amend clause 5.4(5) - Farm stay accommodation, to increase the number of permitted bedrooms in farmstay accommodation from four (4) to twelve (12);

7b. Amend clause 5.4(2) - Home businesses, to increase the amount of floor area permitted from 40 square metres to 100 square metres;

7c. Amend clause 5.4(3) - Home industries, to increase the amount of floor area permitted from 80 square metres to 100 square metres; and

8. Remove 'Water reticulation systems' as prohibited in the Land Use Table under zone RU5 Village and add the use as permitted with consent in the zone.

PP Number : **PP_2014_GRIFF_001_00**

Dop File No :

14/15624

Proposal Details

Date Planning Proposal Received :	09-Oct-2014	LGA covered :	Griffith
Region :	Western	RPA :	Griffith City Council
State Electorate :	MURRUMBIDGEE	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	The proposal captures the entire Griffith Local Government Area		

DoP Planning Officer Contact Details

Contact Name :	Rebecca Kell
Contact Number :	0268412195
Contact Email :	rebecca.kell@planning.nsw.gov.au

RPA Contact Details

Contact Name :	Kelly McNicol
Contact Number :	0269628110
Contact Email :	kelly.mcnicol@griffith.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 :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / 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 :			

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment :

Supporting notes

Internal Supporting Notes :

A Planning Proposal is required to make the proposed changes.

Issue No's 2, 4, 4a, 4b, 4c and 4d relating to amending the wording of model clauses were referred to Legal Service Branch (LSB) for advice.

The preliminary advice provided by LSB indicated that the proposed changes to the model clauses may be problematic and in some cases not required or necessary.

The model clauses are Parliamentary Counsel settled that are adopted in Standard Instrument LEPs. Parliamentary Counsel is responsible for the legal drafting of the provisions to ensure consistent language is applied in the drafting of all Standard Instrument LEPs.

In relation to Issue 4a the proposed wording should state "is a lot created under clause 4.1B"

Issue 4(c) where Council proposes to amend subclause (5) to permit replacement of lawful dwelling is already addressed by existing use rights and this provision may not be required.

Issue 4d to change the definition of 'existing holding' may also be problematic and the proposed changes unnecessary.

The Planning Proposal contains a number of matters that are justified and can be supported however the issues relating to changes to the wording of model clauses may be problematic and will be subject to Parliamentary Counsel approval.

External Supporting Notes :

Adequacy Assessment

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

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

Comment :

The objectives of the Planning Proposal are clear.

The issues relating to changes to the wording of model clauses are problematic and subject to final PC approval.

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

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

Comment :

The explanation of provisions are clear and many of the changes are justified.

The issues relating to changes to the wording of model clauses are problematic and subject to final PC approval.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **1.2 Rural Zones**

* May need the Director General's agreement

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 :

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

If No, explain : **There are no identified specific inconsistencies.**

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **There are no mapping amendments required by this Planning Proposal.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes 14 days for community consultation.**

It is considered, in this case, that a minimum of 28 days is required for public exhibition as the Planning Proposal contains a number of issues.

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 :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Griffith Standard Instrument Local Environmental Plan 2014 was notified on 21 March 2014.**

Assessment Criteria

Need for planning proposal : **The Proposed Griffith Local Environmental Plan is supported by the "Griffith Land Use Strategy Beyond 2030" (Griffith LUS). This document was approved by Department of Planning and Infrastructure on 29 April 2013 and forms the strategic basis and framework for the Griffith Local Environmental Plan 2014 and the proposed amendments.**

Consistency with strategic planning framework :

This Planning Proposal relates to several changes to Griffith Local Environmental Plan 2014, and the most appropriate means of amending the LEP through a Planning Proposal.

The Planning Proposal is consistent with the Griffith LUS and the Community Strategic Plan.

The planning proposal is generally consistent with the applicable Ministerial Directions. The majority of the proposed amendments formed part of the original Planning Proposal which was adopted by Council and forwarded to the Department of Planning and Environment in the preparation of the Griffith LEP 2014.

The matters addressed by this Planning Proposal are also consistent with all relevant SEPPs.

The inconsistency with policy may occur where Council proposes to change the wording of settled model clauses- this will be subject to PC approval.

Environmental social economic impacts :

There is no likelihood that the matters addressed by this planning proposal would have an adverse effect on critical habitat or threatened species, populations or ecological communities, or their habitats.

The matters addressed by this Planning Proposal have negligible social and economic effects.

Assessment Process

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

Timeframe to make LEP : **12 months** Delegation : **Nil**

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

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
GCC - Letter of Request - Planning Proposal Letter.pdf	Proposal Covering Letter	Yes
GCC - Planning Proposal - Amendment No 1.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones**

Additional Information : **The Planning Proposal should proceed with the following conditions:**

- 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 must be made publicly available for a minimum of 28 days;**
 - 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 (Department of Planning and Infrastructure 2013).**
- 2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act**
- 3. 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).**
- 4. The intent of the draft clauses are to be placed on public exhibition, however the final draft of the provisions will be subject to Parliamentary Counsel approval.**
- 5. The time frame for completing the LEP is to be 12 months from the week following the date of the gateway determination.**

Supporting Reasons : **1. 'shops' permissible in zone B7 - Business Park and insert a zone objective to enable large scale retail uses within the zone.**

The Griffith Land Use Strategy: Beyond 2030 (LUS) recommended large scale retail development along Banna Avenue between Crossing Street and Lenehan Road to be permitted. This recommendation was based on the large unused lots within the Banna Avenue commercial precinct to support large-scale commercial development. The area between Crossing Street and Lenehan Road contains a number of large vacant, derelict and underutilised former industrial sites which could be used to extend the commercial CBD. This issue is supported by the endorsed Griffith LUS.

- 2. Amend clause 4.1(3A) - Minimum subdivision lot size. This issue is supported as the wording is consistent with other LEPs and will permit dwellings on lots that are or not connected to reticulated sewer.**
- 3. Amend clause 4.1A - Exceptions to minimum lot sizes for certain residential development. This issue can be supported as it will permit subdivision of existing development and will be subject to PC approval.**
- 4. Amend clause 4.2(C) - Erection of dwelling houses and dual occupancies on land in certain rural and environmental protection zones, to adopt Griffith City Council's preferred provisions. The proposed rewording of the model clause will be subject to PC approval. The intent of the changes are to be placed on public exhibition. Some of the issues raised by Council are already addressed by the model clause and changes may be unnecessary.**

4a. Insert into clause 4.2C a provision to permit dwellings on lots created under Clause 4.1B - erection of dwellings on 'Lot Averaging' lots is supported and subject to PC approval.

4b. Clause 4.2C(4) - prohibits construction of an additional dwelling on land where a dwelling exists. The proposed change can be further investigated and will be subject to PC approval.

4c. Amend clause 4.2C(5) - Council proposes to reword the provision for replacement dwellings. While this is being supported for exhibition at this time existing use provisions apply and this issue will be subject to PC approval

4d. Amend clause 4.2C(6) - to change existing holding definition. While this is being supported for exhibition at this time this issue will be subject to PC approval

5. Remove 'Home-based childcare' as permitted with consent in the Land Use Table under zone E3 Environmental Management and allow development as permissible without consent is supported.

6. Amend Part 4 of Schedule 5 - Environmental Heritage to correctly identify the Aboriginal place of heritage significance (Item AH1) known as Lot 1342 DP 751709, Frog Hollow (community camp site), Noorla Street and Dickson Road, Griffith is supported.

7a. Amend clause 5.4(5) - Farm stay accommodation, to increase the number of permitted bedrooms in farmstay accommodation from four (4) to twelve (12). The increase in bedrooms is a local matter and is supported.

7b. Amend clause 5.4(2) - Home businesses, to increase the amount of floor area permitted from 40 square metres to 100 square metres. The increase in the amount of permitted floor area for 'home businesses' from 40 square metres to 100 square metres is a local matter and is supported. The definition for 'home businesses' limits the number of employees, signage, interference with amenity and exposure permitted on site.

7c. Amend clause 5.4(3) - Home industries, to increase the amount of floor area permitted from 80 square metres to 100 square metres. The increase in the amount of permitted floor area for 'home industries' from 80 square metres to 100 square metres is a local matter and is supported. The definition for 'home industries' limits the number of employees, signage, interference with amenity and exposure permitted on site.

8. Remove 'Water reticulation systems' as prohibited in the Land Use Table under zone RU5 Village and add the use as permitted with consent in the zone is supported.

Signature:



Printed Name:

Rebecca Kell

Date:

7.11.14

Endorsed
Myamson 7/11/14
TL Western Region