

Various corrections and amendments to Glen Innes Severn LEP 2012

Proposal Title : **Various corrections and amendments to Glen Innes Severn LEP 2012**

Proposal Summary : **To make various corrections and amendments to address drafting and mapping issues that occurred in the preparation of Glen Innes Severn LEP 2012.**

PP Number : **PP_2013_GLENI_001_00**

Dop File No : **13/09653**

Proposal Details

Date Planning Proposal Received : **06-Jun-2013**

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 : **Housekeeping**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Glen Innes Severn Local Government Area**

DoP Planning Officer Contact Details

Contact Name : **Gina Davis**

Contact Number : **0267019687**

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RPA Contact Details

Contact Name : **Tamai Davidson**

Contact Number : **0267302360**

Contact Email : **tdavidson@gisc.nsw.gov.au**

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 : **N/A**

Consistent with Strategy : **Yes**

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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 : **The Department of Planning and Infrastructure'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.**

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 :

* May need the Director General's agreement

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

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 :

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

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

The submitted Planning Proposal states that it is consistent with all relevant SEPPs and section 117 Directions. A review of the Planning Proposal has however identified various inconsistencies with a number of section 117 Directions. These inconsistencies are considered to be satisfactory as they are either consistent with Council's Growth Management Strategy approved by the Director General or are of minor significance. These inconsistencies are discussed in detail below.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

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. While these identification maps are adequate for an assessment of the proposal, it is recommended that maps of a higher and more appropriate quality for public exhibition purposes be prepared prior to public exhibition commencing.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The relevant planning authority has identified a 14 day exhibition period for the proposal. The Planning Proposal is considered to be a 'low impact' proposal and the proposed notification period is considered to be satisfactory.

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 make various corrections to address drafting and mapping issues that occurred in the preparation of Glen Innes Severn LEP 2012. A total of 10 corrections have been identified in the Planning Proposal. The corrections are considered to be appropriate and are adequately justified in the Planning Proposal. The corrections can be classified into the following broad categories:

1. Site Specific Map Changes Due To Lot Size Issues only

a. Item 1 - Map attachment 1 - Nine lots across Glen Innes comprising small corner stores or isolated business sites were rezoned from business to R1 General Residential under Glen Innes Severn LEP 2012. Due to a mapping oversight, the accompanying Lot Size Map was not amended to apply a 450m² minimum lot size to the subject sites consistent with the remainder of the R1 General Residential Zone;

b. Item 2 - Map attachment 1 - Three lots located to the west of Dumaresq Street and north of Ferguson Street in Glen Innes were rezoned from rural to IN1 General Industrial under Glen Innes Severn LEP 2012. Due to a mapping oversight, the accompanying Lot Size Map was not amended to remove any minimum lot size requirements for the land consistent with the remainder of the IN1 General Industrial Zone;

c. Item 3 - Map attachment 1 - Land zoned R1 General Residential east of Abbott Street and bounded by the Railway Corridor in Glen Innes currently has no minimum lot size due to a mapping error. It is proposed to apply a 450m² minimum lot size to the subject land consistent with the remainder of the R1 General Residential Zone;

2. Site Specific Map Changes Due To Land Zoning and/or Lot Size Issues

a. Item 4 - Map attachment 2 - Two lots located on the north west intersection of Lambeth and Herbert Streets in Glen Innes were incorrectly rezoned from Industrial to R1 General Residential under Glen Innes Severn LEP 2012 due to a mapping error. It is proposed to rezone the land to IN1 General Industrial. No change to the Lot Size Map is required.

b. Items 5 & 6 - Map attachment 3 - Two lots located on the eastern side of Railway Street in Glen Innes were incorrectly rezoned from Residential to IN1 General Industrial under Glen Innes Severn LEP 2012 due to a mapping error. It is proposed to rezone the land to R1 General Residential. A corresponding change to the Lot Size Map to apply a 450m² minimum lot size consistent with the remainder of the R1 Zone will also be required.

c. Items 7 & 8 - Map attachments 4 & 5 - The Deepwater Industrial estate located to the north east of the existing Deepwater village was incorrectly rezoned from Village to RU1 Primary Production under Glen Innes Severn LEP 2012 due to a mapping error. It is proposed to rezone the land to RU5 Village. A corresponding change to the Lot Size Map to apply a 500m² minimum lot size consistent with the remainder of the RU5 Village Zone will also be required.

3. Land Use Table Changes

a. Item 9 - to permit with consent 'Farm buildings' in the RU1 Primary Production Zone. 'Farm buildings' are currently permitted without consent, however there are no standards which relate to size, location or height of any such structure. There are existing provisions contained in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, which permit the erection of 'farm buildings' as exempt development, subject to certain standards. The requirement for consent for 'farm buildings' will only be triggered when the proposal falls outside the scope of the exempt provisions contained in the SEPP. It is considered appropriate that buildings of a size and scale larger than permitted by the SEPP as exempt development should be subject to a development assessment process. Permitting all farm buildings without consent is considered to be an oversight in the drafting of Glen Innes Severn LEP 2012.

b. Item 10 - to permit without consent 'Intensive plant agriculture' (excluding 'turf farming') in the RU1 Primary Production Zone. 'Intensive plant agriculture' is currently permitted with consent in the zone. Requiring consent is not considered appropriate or necessary due to the large number and scale of agricultural activities that occur in the LGA, and the lack of any evidence that intensive plant agriculture is, or has, caused any significant land use conflict issues. It is however proposed that the child use of 'turf farming' be retained as permitted with consent due to its potential impacts and listing as designated development within the Environmental Planning and Assessment Regulation 2000. Requiring consent for intensive plant agriculture (except turf farming) is considered to be an oversight in the drafting of Glen Innes Severn LEP 2012.

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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 in relation to section 117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Land and 3.1 Residential Zones

Section Direction 1.1 Business and Industrial Zone

Item 5 (Railway St, Glen Innes)

This Direction applies when an LEP affects land within an existing or proposed business or industrial zone. As the Planning Proposal seeks to rezone the land from IN1 General Industrial to R1 General Residential, this Direction is applicable. The inconsistency with this Direction is however considered to be justified as the zoning of the land as R1 General Residential is in accordance with the Glen Innes Severn Land Use Strategy that was approved by the Director General in 2010.

Section 117 Direction 1.2 Rural Zones

Item 7 (Deepwater Industrial Estate)

This Direction applies when an LEP aims to rezone land from a rural to a residential, business, industrial, village or tourist zone. As the Planning Proposal seeks to rezone land from rural to RU5 Village, the Direction is applicable. The inconsistency with this Direction is however considered to be justified as a matter of minor significance as the land was formerly zoned Village, and it is only correcting a mapping error which inadvertently rezoned the land to rural under Glen Innes Severn LEP 2012.

Section 117 Direction 1.5 Rural Land

Items 7 & 8 (Deepwater Industrial Estate)

This Direction applies when an LEP affects land within an existing or proposed rural zone or affects the minimum lot size on land within such a zone. As Items 7 & 8 aim to rezone the land from RU1 Primary Production to RU5 Village, and amend the minimum lot size accordingly, the Direction is applicable. The inconsistency with this Direction is however considered to be justified as a matter of minor significance as the land was formerly zoned Village, and it is only correcting a mapping error which inadvertently rezoned the land to rural under Glen Innes Severn LEP 2012.

Section 117 Direction 3.1

Items 3 (Abbot St, Glen Innes) & 4 (Lambeth St, Glen Innes)

This Direction applies when an LEP will affect an existing or proposed residential zone. As Item 3 proposes to apply a 450m² minimum lot size to the land, and Item 4 rezones residential land to industrial, this Direction is applicable as both items reduce the current permissible residential density of the land. The inconsistency with this Direction is however considered to be justified as a matter of minor significance as it is only correcting mapping errors in the Glen Innes LEP 2012 which failed to apply a minimum lot size to Item 3 consistent with the remainder of the R1 General Residential Zone, and rezones existing industrial land that was incorrectly zoned to R1 General Residential due to a mapping error.

Environmental social economic impacts :

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

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 Month** 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 : **As the proposal only seeks to make various corrections to address drafting and mapping issues that occurred in the preparation of Glen Innes Severn LEP 2012, no consultation with any specific agencies has been identified as being necessary.**

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
GISC LEP 2012_Amendment No 1_Cover Ltr.pdf	Proposal Covering Letter	No
GISC LEP 2012_Amendment No1_Planning Proposal_2013 01.docx	Proposal	No
glen innes severn lep 2012 amend no 1_checklist.pdf	Proposal	No
gis lep 2012_amend no 1_map attachments 1-5.pdf	Map	No

Planning Team Recommendation

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

S.117 directions:

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

- 1. The Planning Proposal be supported;**
- 2. The Planning Proposal be exhibited for 14 days;**
- 3. The Planning Proposal be completed within 6 months;**
- 4. No agency consultation be required;**
- 5. That revised maps of an appropriate quality for public exhibition be prepared and included in the Planning Proposal prior to exhibition;**

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6. That the Director General (or his delegate) agree that the inconsistencies with section 117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands and 3.1 Residential Zones are justified in accordance with a local strategy approved by the Director General or are of minor significance;
7. That an authorisation to exercise delegation be issued to Council; and
8. That a revised project time line (that addresses the additional steps to be completed by Council due to an authorisation to exercise delegation being issued) be included in the Planning Proposal prior to public exhibition.

Supporting Reasons :

The Planning Proposal will undertake various corrections to address drafting and mapping issues that occurred in the preparation of the Glen Innes Severn LEP 2012. These corrections are considered as important in permitting the LEP to operate effectively and accurately.

Signature:



Printed Name:

Craig Diss

Date:

14/6/2013