

Planning Proposal 2013-01

This is a Planning Proposal prepared under section 55 of the *Environmental Planning and Assessment Act 1979*, in relation to a proposed amendment to *Glen Innes Severn Local Environmental Plan 2012*. It will be assessed by Glen Innes Severn Council, the NSW Department of Planning and Infrastructure, and (depending on the Gateway determination) used for public participation on the proposed LEP amendment.

Background

Proposal	To make minor corrections (with no public effect) to <i>Glen Innes Severn Local Environmental Plan 2012</i> .
Property Details	The corrections apply to specific locations – refer to the details in Appendix A
Applicant Details	Glen Innes Severn Council
Land owner	Various
Brief history	Planning Proposal 2013-01 has been prepared in response to the identification of errors and oversights in the <i>Glen Innes Local Environmental Plan 2012</i> and makes numerous corrections and refinements to the LEP maps.

Part 1 – Objectives or Intended Outcomes

The intended outcomes are to make the following minor corrections to *Glen Innes Severn Local Environmental Plan 2012*:

1. Lot Size Map – LSZ_003A (Glen Innes) land formerly zoned 3 Business under Glen Innes LEP 1991 (comprising small corner stores and sites isolated from the CBD) was rezoned to R1 General Residential, however the lot size mapping was not adjusted to reflect the change in zone. It is recommended that this land (as identified in the Planning Proposal) be included on the Lot Size Map – LSZ_003A corresponding to the R1 General Residential lot size of 450sq.m
2. Lot Size Map – LSZ_003A (Glen Innes) land formerly zoned 1(a) Rural under Glen Innes LEP 1991 was rezoned to IN1 General Industrial, however the lot size map was not updated to reflect the relevant minimum lot size for IN1 zoned land. The current lot size map identifies a minimum of 40ha, which is incorrect – the land should be identified on the lot size map as having no minimum lot size, consistent with the remainder of the IN1 lot size map. The land comprises 3 parcels located to the west of Dumaresq Street and north of Ferguson Street.
3. Lot Size Map – LSZ_003A (Glen Innes) land located to the east of Abbott Street and bounded by the Railway Corridor does not appear on the Lot Size Map with any minimum area. The land is zoned R1 General Residential and the lot size map is to be adjusted to reflect the minimum lot size for R1 General Residential land, being 450sq.m.
4. Land Zoning Map – LZN_003A (Glen Innes) land located on the north west intersection of Lambeth and Herbert Streets was formally zoned under Glen Innes LEP 1991 as 4 Industrial, however the new LEP has incorrectly zoned the land to R1 General Residential. It is proposed to revert the zoning to the equivalent industrial zone of IN1. It is not necessary to amend the corresponding Lot Size Map_LZS_003A, as it currently reflects the correct minimum lot size.
5. Land Zoning Map – LZN_003A (Glen Innes) two lots located on the eastern side of Railway Street have been incorrectly zoned as IN1 General Industrial and should be rezoned to R1 General Residential as per the former Glen Innes LEP 1991.
6. Lot Size Map – LSZ_003A (Glen Innes) two lots located on the eastern side of Railway Street (as identified above) are to be included on the minimum lot size map to reflect the minimum lot size for R1 General Residential.

7. Land Zoning Map – LZN_002D (Deepwater) all lots formerly covered by the former 2(v) Village Zone under Severn Local Environmental Plan 2002, known as the Deepwater Industrial Estate be rezoned from RU1 Primary Production to RU5 Village to rectify a mapping error.
8. Lot Size Map – LSZ_002D (Deepwater) all lots formerly covered by the former 2(v) Village Zone as described in 7 above to be altered from a 40ha minimum, to 500sq.m, consistent with the remainder of the RU5 Village Zone.
9. Land Use Table : “Farm buildings” – to be permitted with consent 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. So effectively, 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.
10. Land Use Table : “Intensive plant agriculture” – to become permitted without consent, excluding ‘turf farming’ in the RU1 Primary Production Zone. ‘Intensive plant agriculture’ is currently listed as ‘Permitted with consent,’ it is intended to allow for ‘intensive plant agriculture’ to be ‘Permitted without consent.’ As per the Standard Instrument definition;

intensive plant agriculture means any of the following:

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

In order to require consent for ‘turf farming’ it is to be included as “Permitted with consent” in the Land Use Table.

Full details of the above are contained in Appendix A.

Part 2 – Explanations of Provisions

The relevant changes to the LEP text and to the relevant Maps are detailed in Appendix A.

Part 3 – Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The planning proposal does not result from any strategic study or report.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal seeks to correct errors in *Glen Innes Local Environmental Plan 2012*. For Council to rectify these errors it is necessary for Council to include the corrections within a planning proposal. Given their minor technical nature, it is requested that the community consultation period be limited to the minimum necessary.

It is considered that this is the best means to achieve the correction of errors in the LEP.

3. Is there a net community benefit?

There is a net community benefit in removing errors that would otherwise confuse and complicate future planning actions that would be affected by the errors if they remained.

Section B – Relationship to strategic planning framework

1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The planning proposal is consistent with the *New England North West Regional Action Plan 2012*.

2. Is the planning proposal consistent with Council's Community Strategic Plan 2011-2021?

One of the strategies under the Environmental Stewardship chapter of the Community Strategic Plan 2011-2021 is to protect our built heritage and value our natural environment. The administration and ongoing maintenance of the provisions of the Glen Innes Severn LEP 2012 enforces this strategy.

3. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with all applicable state environmental planning policies.

4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with all applicable section 117 directions.

Section C – Environmental, social and economic impact

1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No.

3. How has the planning proposal adequately addressed any social and economic effects?

The only relevant social or economic effects are reducing the potential confusion and inefficiencies that could arise if the errors were allowed to remain.

Section D – State and Commonwealth interests

1. Is there adequate public infrastructure for the planning proposal?

Yes.

2. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No views of public authorities have been sought, and none are considered necessary given the scope of the planning proposal.

Part 4 – Mapping

Maps contained in Appendix B are considered to be sufficient for exhibition purposes, with formal amendments to the relevant map sheets conducted post-exhibition.

Part 5 – Community Consultation

The changes contained in this proposal will have negligible impact, other than removing some minor errors and amending the RU1 Primary Production land use table to reflect Council's original intent in relation to the development of 'Farm buildings' and "Intensive plant agriculture," excluding 'turf farming.'

Community consultation in relation to this planning proposal is considered to only be required to the minimum extent necessary as deemed by the Gateway process. In this regard, if it is determined that consultation is necessary, it is proposed that there be:

- One notification of the exhibition in a locally circulating newspaper.
- An exhibition period of 14 days.

Part 6 – Project Timeline

Task	Anticipated timeframe
Date of Gateway Determination	By 2 July 2013
Completion of required technical information, studies	No further studies expected.
Government agency consultation (pre exhibition as required by Gateway Determination)	Not Applicable
Any changes made to Planning Proposal resulting from technical studies and government agency consultations. Resubmit altered Planning Proposal to Gateway panel. Revised Gateway determination issued, if required.	Not Applicable
Commencement and completion dates for public exhibition.	17 July 2013 – 31 July 2013
Consideration of submissions, report Planning Proposal post exhibition	To Council meeting August 2013
Date of submission of proposal to Department to finalise the LEP.	2 September 2013

Conclusion

The planning proposal is considered to be consistent with relevant statutory and policy provisions and primarily seeks to rectify errors identified post gazettal of Glen Innes LEP 2012.

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Appendix A – List of proposed amendments

A. Changes to text

Provision

Part 2 Land Use Table Zone RU1 Primary Production

Change

Remove 'farm buildings' from "2. Permitted without consent" and insert under "3. Permitted with consent."

Remove 'intensive plant agriculture' from "Permitted with consent" and insert under "2. Permitted without consent."

Include 'turf farming' under "3. Permitted with consent."

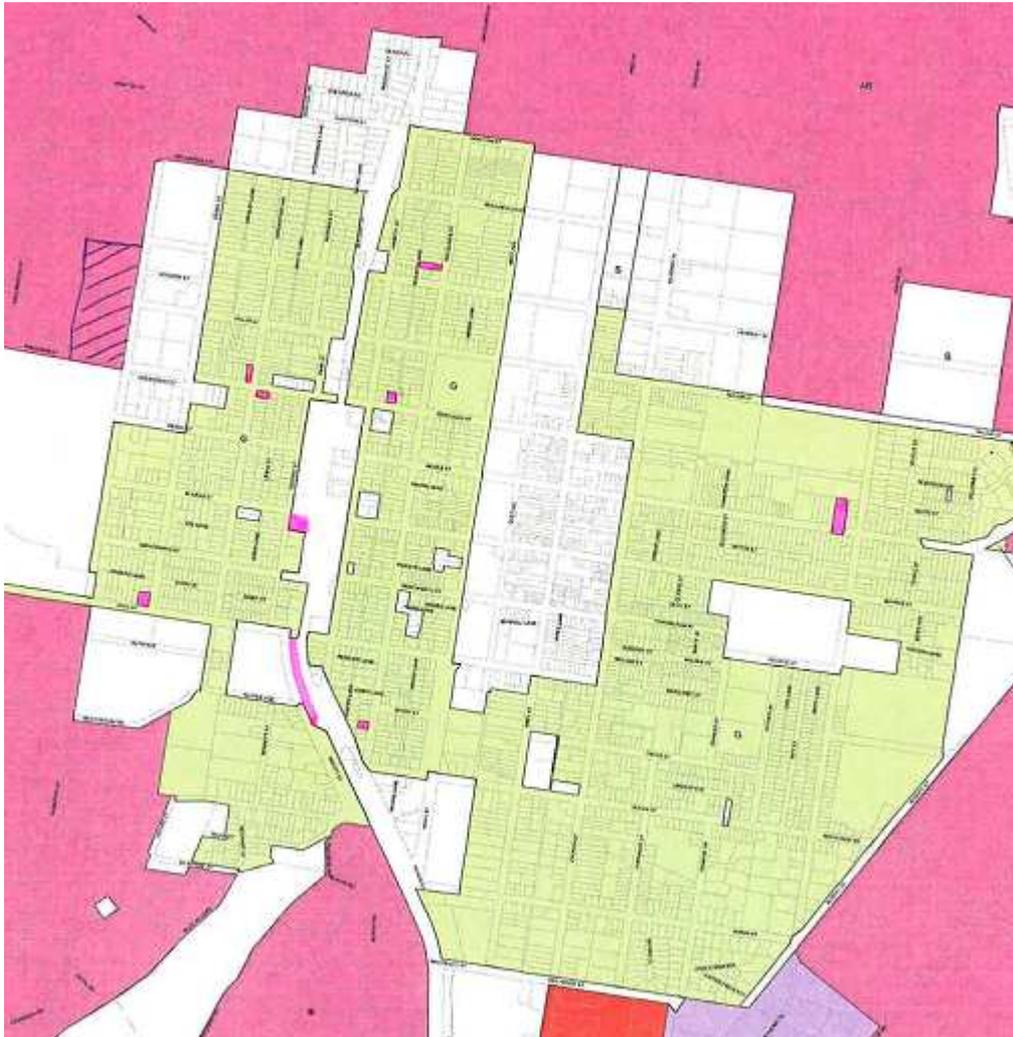
B. Changes to Map Sheets

Lot Size Map – LSZ_003A

Land referred to in Part 1 – Objectives or Intended Outcomes and detailed in points 1, 3 and 6.

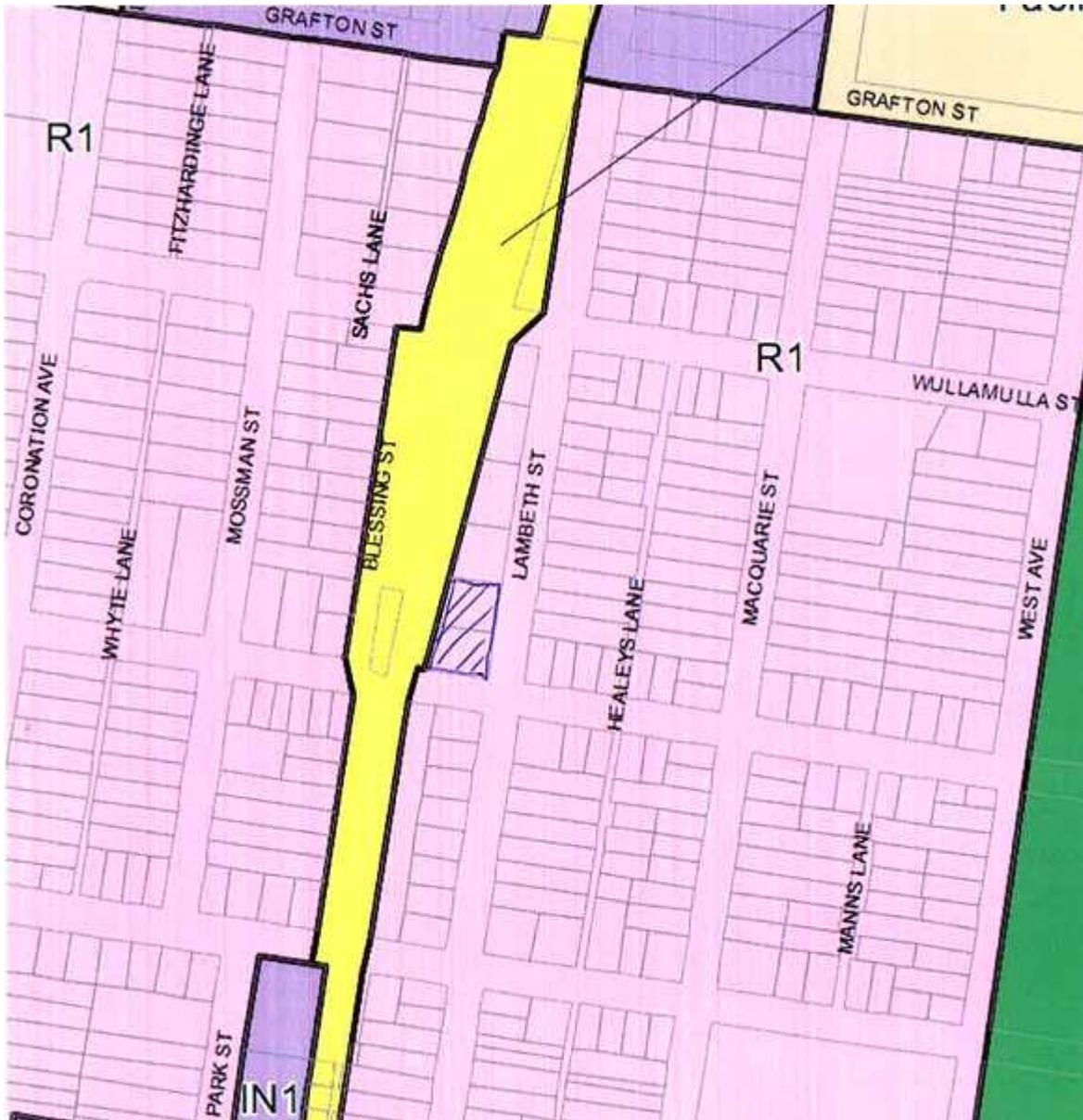
(lots highlighted in pink which sit within the green area within Glen Innes– 9 locations - to be incorporated into the Minimum Lot Size of 450sq.m.)

Land referred to in Part 1 – Objectives or Intended Outcomes and detailed in point 2 is hatched in blue and located on the north west corner of Ferguson and Dumaresq Streets. It is intended that this land be identified as having no minimum lot size in line with other land zoned IN1 General Industrial.



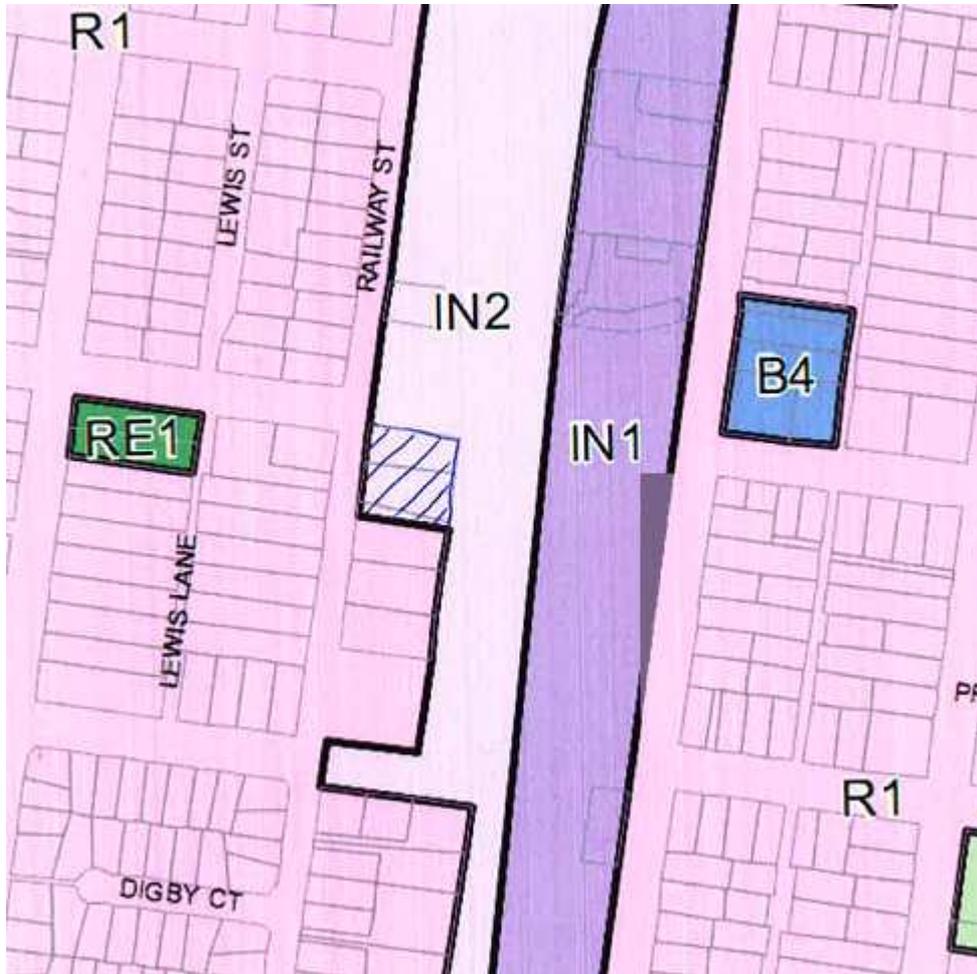
Land Zoning Map – LZN_003A

Land referred to in Part 1 – Objectives or Intended Outcomes and detailed in point 4 on the north west intersection of Lambeth and Herbert Streets to be rezoned to IN1 General Industrial (cross hatched in blue below).



Land Zoning Map – LZN_003A

Land referred to in Part 1 – Objectives or Intended Outcomes and detailed in point 5 to be rezoned to R1 General Residential (cross hatched in blue below).



Lot Size Map – LSZ_002D (Deepwater)

Land referred to in Part 1 – Objectives or Intended Outcomes and detailed in point 8 to be altered to a minimum lot size of 500sq.m.

