



PLANNING PROPOSAL

183 Marshall Lane, Blayney
Rezoning from Zone 7(a) Environment Protection (Scenic) to Zone 2(v)
Village or Urban to Permit Industrial Development

Prepared for
Blayney Shire Council
August 2010

Ref:PP2 PJB06097.doc

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INTRODUCTION

This planning proposal has been prepared in accordance with Section 55 of the Environmental Planning & Assessment Act 1979 (the Act) and the Department of Planning's guide to preparing planning proposals. A Gateway determination under Section 56 of the Act is requested.

This planning proposal seeks to rezone the subject land from 7(a) Environment Protection – Scenic to 2(v) Village or Urban to permit broader industrial development (the existing zones are shown in **Annexure A** and the proposed zones are depicted in **Annexure B**). The proposal also involves amendment of *North Blayney Development Control Plan No. 1/96* by including the subject land within Sub-Zone No. 4 Industrial.

The current 7(a) zoning does not permit general industrial use of the land. Despite this, the subject land is clearly a well established component of the local industrial land use pattern. In this regard:

- It comprises an existing industrial building with a floor area of some 1,984m² plus office/staff amenities space. The building is approximately 30 years old and has been used for a variety of industrial uses since it was constructed circa 1980.
- It is immediately opposite the North Blayney industrial area (i.e. the land on the eastern side of Marshall Lane is zoned 2(v) Village/Urban and pursuant to the *North Blayney Development Control Plan No. 1/96*, is defined as Sub-Zone No. 4 Industrial).

It is understood that the subject land was previously zoned Village/Township under the former Interim Development Order No. 1 – Shire of Lyndhurst. Under this previous planning scheme, industrial development would have been permitted on the subject land, subject to obtaining the development consent of Council.

The current Blayney Local Environmental Plan 1998 excluded the subject land from the 2(v) zone and included it in the 7(a) zone. It is suggested that this has occurred as an anomaly, given that the current zone boundary ignores the well established nature and long standing use of the land as an industrial site.

SUBJECT LAND

The subject land is situated on the western side of the road at 183 Marshall Lane, Blayney (refer to **Annexure A**). The land is described as Lot 6 in DP 564213, Parish of Lindsay, County of Bathurst. It comprises an area of 2 hectares (refer to **Annexure C**).

An industrial building is located within the subject land (refer photographs and plan in **Annexure D**). It comprises a floor area of 1,984m² plus office/staff amenities space. It is of steel frame construction with metal clad walls and iron roofing. The floor is concrete. Wall height is in the order of 5 metres while ridge height is approximately 6.4 metres.

The office/amenities section is at the front of the building and comprises brick walls and a lower roof height. The front of the building has been established as a concrete driveway area.

The subject land is serviced by Marshall Lane which is a two lane bitumen sealed carriageway with kerb and gutter. A bitumen sealed side road to Marshall Lane provides direct access to the subject land. There are two separate entrances to the property, one being to the south eastern corner of the building and the other to the north eastern corner and the northern side of the building.

The subject land and premises are connected to essential urban utilities, including town water, sewer, stormwater as well as electricity and telephone.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to allow the subject land to be used for industrial purposes. The shed is an obvious industrial resource but the current planning provisions relating to the 7(a) Zone limit the potential for the site to be used for such purposes.

Rezoning of the subject land to permit industrial development would reinstate industrial development as a permissible use and correct an anomaly that appears to have occurred when Blayney LEP 1998 was gazetted.

The Planning Proposal would bring forward Council's intention to zone the land for industry under its Comprehensive LEP. A Gateway determination is preferred due to the following:

- The option to include the proposal in Council's new Comprehensive Local Environmental Plan is not favoured. The LEP process requires a relatively significant time commitment which may delay the potential for the site to be used for a broader range of industrial uses. Such delay would result in underutilisation of a site that is physically and contextually suitable for broader industrial use.
- A favourable Gateway determination would enable the subject land and premises to be used for a broader range of industrial purposes sooner rather than later. The premises have been unleased for more than 12 months and since 2001 they have only been leased over short terms for warehouse purposes. The potential to secure a long term tenant would be greatly improved if the site/premises are able to be utilised for more industrial pursuits. This is borne out anecdotally in the proponent's negotiations with prospective tenants.
- Existing use rights offer limited opportunity for broader industrial use of the site. Based on the definition of *existing use* provided in Section 106 of the EPA Act, 1979, it is doubtful that the land would enjoy existing use rights as the industrial use

(tannery) that was in place immediately prior to the coming into effect of Blayney LEP 1998 ceased in 2001.

PART 2 – EXPLANATION OF PROVISIONS

The objective of the planning proposal would be achieved by altering Sheet 3 of the map to Blayney LEP 1998, so that the subject land is included in the 2(v) Village or Urban Zone (refer **Annexure B**). It will also be necessary to amend the *North Blayney Development Control Plan No. 1/96* by including the subject land within Sub-Zone No. 4 Industrial.

The planning proposal represents a rezoning of the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone.

PART 3 – JUSTIFICATION

Section A – Need for Planning Proposal

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

The subject land is not within any industrial expansion area identified in the *Councils of Blayney, Cabonne and Orange City, Sub-Regional Rural and Industrial Land Use Strategy*, (the R&I Strategy).

However, despite its current 7(a) zoning, the subject land is identified as a General Industrial site in Figure 6.13 of the R&I Strategy. It is a reasonable assumption that the land has been identified as such due to it being a well established industrial site.

The R&I Strategy at Page 85 states that *“Existing and proposed industrial areas within Orange City and the town of Blayney will be zoned for industrial purposes, in accordance with the Standard Instrument”*. Accordingly, the subject land is identified for rezoning to IN1 General Industrial (or similar) as part of Council’s Comprehensive LEP. Such rezoning is not subject to take up rates being achieved in the industrial expansion strategy areas SA D Blayney Abattoir and SA E Newbridge Road.

In the context of the above, it is submitted that the planning proposal is not adverse to the R&I Strategy. Further, it would be consistent with the following relevant Policy Actions for Industry as expressed in Section 10.3 of the R&I Strategy:

- 2.1 *Provide land zoned for industrial purposes as shown in Figure 6.1, using the General Industrial land use designation (short term and on-going timeframe).*

- 2.4 *Rehabilitate and make available underutilised industrial land for new Development (short term and on-going timeframe).*
- 5.1 *Industrial land should be capable of being serviced by all required infrastructure and utilities (short term and on-going time frame).*
- 9.3 *Ensure that industry is compatible in terms of its scale and physical character with its rural and urban surroundings (medium term timeframe).*

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

It is submitted that the planning proposal is the best means of achieving the objectives or intended outcomes. It would correct an anomaly without any broader strategic implications.

To delay rezoning of the site until Council completes its principal LEP review is likely to involve a considerable time period. This would be a significant disadvantage to the landowners as the present planning provisions limit the industrial use of the site, and thus limit the potential for it to be leased.

3. Is there a net community benefit?

The proposal is expected to be neutral in terms of net community benefit. In effect the planning proposal seeks to amend the LEP so that an existing industrial site may continue to be used for industrial development.

To permit industrial development of the site would primarily result in a transfer of benefits and costs between individuals and business with no net impact on welfare.

The following assessment of net community benefit is based on the Evaluation Criteria (p.25) provided in the NSW Department of Planning *Draft Centres Policy, Planning for Retail and Commercial Development*.

a) Will the proposal be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transport node)?

As explained earlier (*Part 3, Section A*) the proposal is compatible with the R&I Strategy.

b) Is the proposal located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?

No.

c) Is the proposal likely to create a precedent or change expectations of the landowner or other landholders?

The proposal is unlikely to create a precedent or change expectations. The subject land is well established as an industrial site. It is immediately opposite an established industrial area.

It is a reasonable expectation that the land would be used for industrial purposes and that the planning provisions should be amended to facilitate this.

d) Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

There are no other spot rezoning proposals in this locality.

The cumulative effects of the proposal would be negligible given that the land is already established as an industrial site.

e) Will the proposal facilitate permanent employment generating activity or result in a loss of employment lands?

The ability to conduct a broader range of industrial uses on the site may generate employment opportunities.

f) Will the proposal impact upon the supply of residential land and therefore housing supply and affordability?

No.

g) Is the existing public infrastructure (roads, rail, utilities) capable of serving the proposed site? Is there good pedestrian and cycling access? Is public transport available or is there infrastructure capacity to support future public transport?

Yes. The subject land is serviced by the roads and utilities that serve the adjacent industrial area.

h) Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?

No. The site integrates with the existing transport routes that serve the adjacent industrial area.

- i) Are there significant Government investments in infrastructure or services in the area whose patronage would be affected by the proposal? If so what is the expected impact.**

There are no significant Government investments of infrastructure or services in the area whose patronage would be affected by this proposal.

- j) Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by factors such as flooding?**

The proposal will not impact on land that the Government has identified a need to protect. The land is not constrained by flooding or other factors.

- k) Will the proposal be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?**

The subject land is established as an industrial site and has been identified as a strategy area for industrial expansion. It is immediately opposite an expansive industrial area. The proposal is therefore considered to be compatible with surrounding land uses.

- l) Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?**

Not relevant.

- m) If a stand alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?**

Not relevant.

- n) What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?**

There are no significant public interest reasons for this proposal.

The implications of not proceeding at this time would result in an obvious industrial resource being left underutilised due to an anomaly in the current planning provisions.

Section B – Relationship to Strategic Planning Framework

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

As explained earlier (*Part 3, Section A*) the proposal is compatible with the R&I Strategy.

5. Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

Council does not have a Community Strategic Plan or local strategic plan.

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

The proposal is consistent with the applicable State Environmental Planning Policies (refer to **Annexure E**).

7. Is the proposal consistent with applicable Ministerial Directions?

The following Ministerial Directions are applicable to this proposal:

- 1.1 Business and Industrial Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 3.4 Integrating Land Use and Transport
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

The consistency or otherwise of the planning proposal with these Directions is provided in **Annexure F**.

Section C – Environmental, Social and Economic Impact

8. 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?

The planning proposal will not have a significant effect upon threatened species, populations or ecological communities, or their habitats.

The planning proposal relates to an industrial site on the urban and rural fringe. The natural state has been highly modified as a result of land use. It is virtually devoid of native trees. The site is surrounded by a well established urban/rural fringe settlement pattern where trees include a mix of scattered native and exotic species.

The site itself is absent of any potential resource that may attract less common native species to the site. Habitat potential and quality of the site appear to be very low. The site is surrounded by human and rural activity and does not appear to offer unique or valuable resources for native species in the area. The site does not appear to have the potential to re-establish easily into providing habitats of value.

9. Are there any other likely environmental effects as a result of the planning proposal?

The planning proposal will not generate additional environmental effects. The land has been identified in the R&I Strategy as an industrial site. The land is not known to be affected by natural hazards such as flooding, land slip, bushfire hazard and the like.

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

The planning proposal encourages the greater utilisation of an existing industrial resource. The ability to conduct a broader range of industrial uses on the site may generate employment opportunities. As such the planning proposal may generate positive social and economic effects.

There appear to be no negative social effects should the planning proposal proceed.

It is suggested that any negative economic effects would only be of consequence to the proponent.

Section D – State and Commonwealth Interests

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

Yes. The planning proposal will not place any additional burden on public infrastructure.

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

A Gateway determination has not yet been issued.

PART 4 – COMMUNITY CONSULTATION

Community consultation would involve an exhibition period of 28 days. The community is to be notified of the commencement of the exhibition period via a notice in the local newspaper. Council may also place a notice on its website. The notice will:

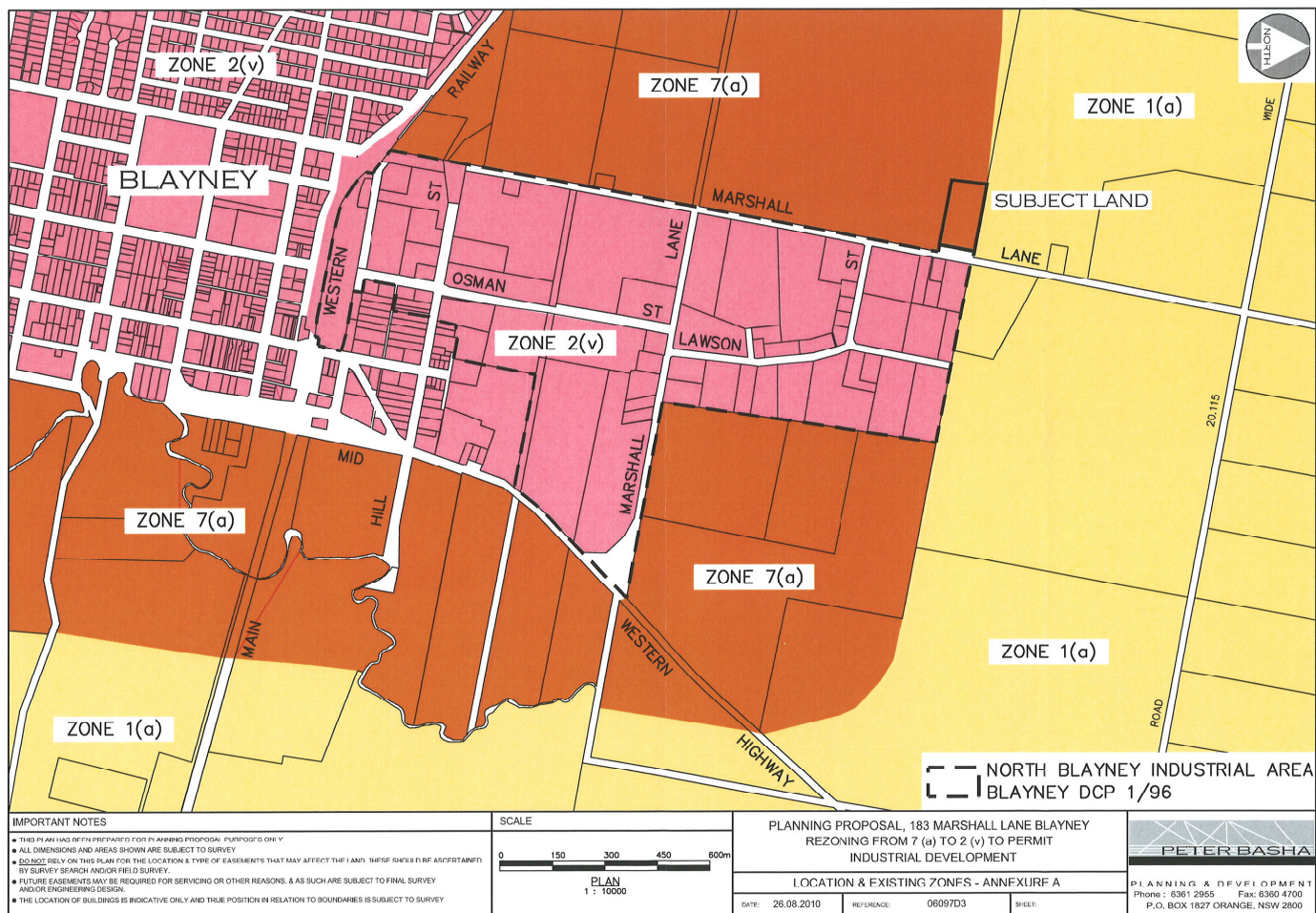
- Give a brief description of the objectives or intended outcomes of the planning proposal;
- Indicate the land affected by the planning proposal;
- State where and when the planning proposal can be inspected;
- Provide the name and address for the receipt of submissions; and
- Indicate the closing date for submissions.

During the exhibition period, it is expected that Council would make the following material available for inspection:

- The planning proposal in the form approved for community consultation by the Director General of Planning;
- The gateway determination; and
- Any studies (if required) relied upon by the planning proposal.

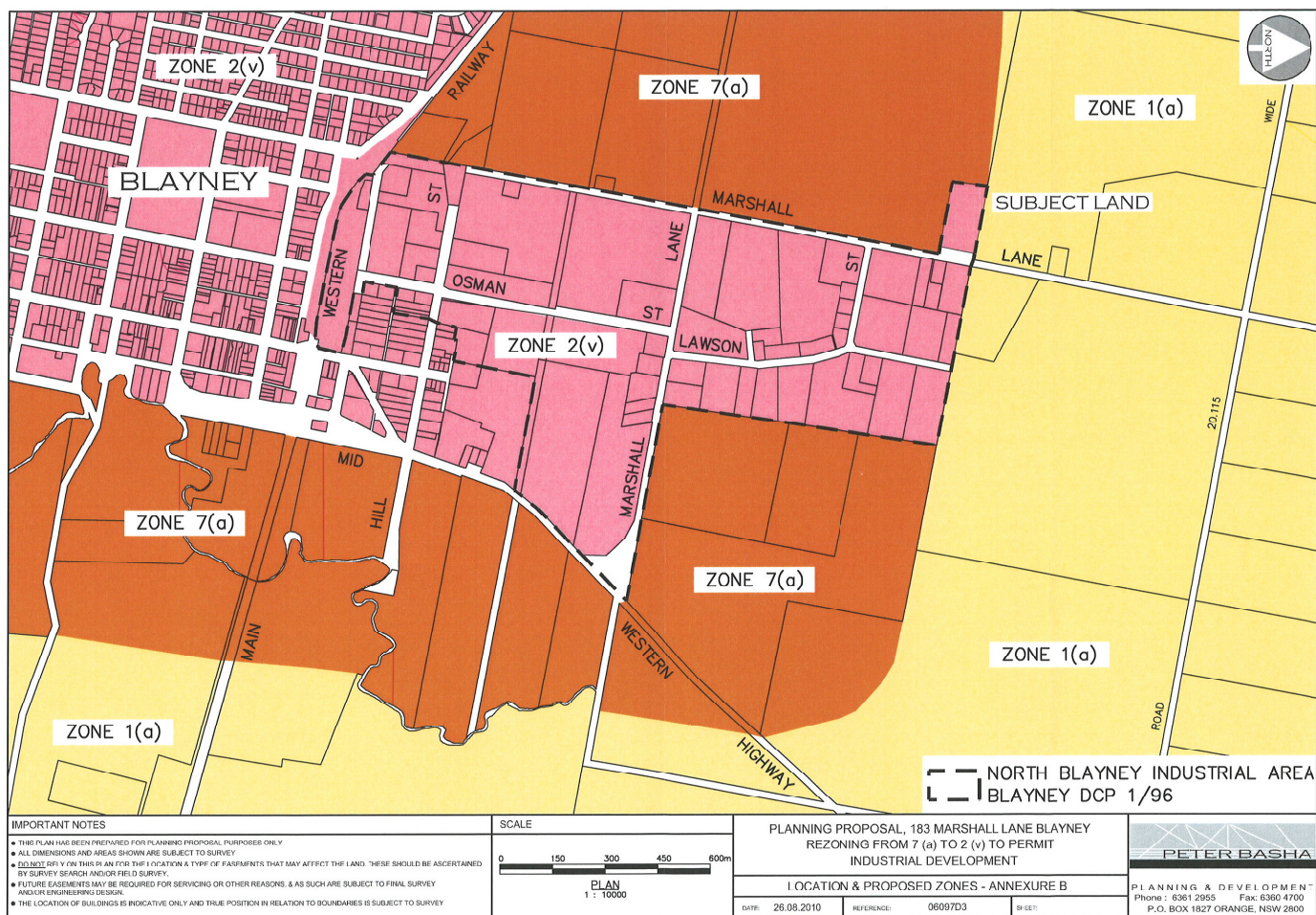
Annexure A

Location and Existing Zoning



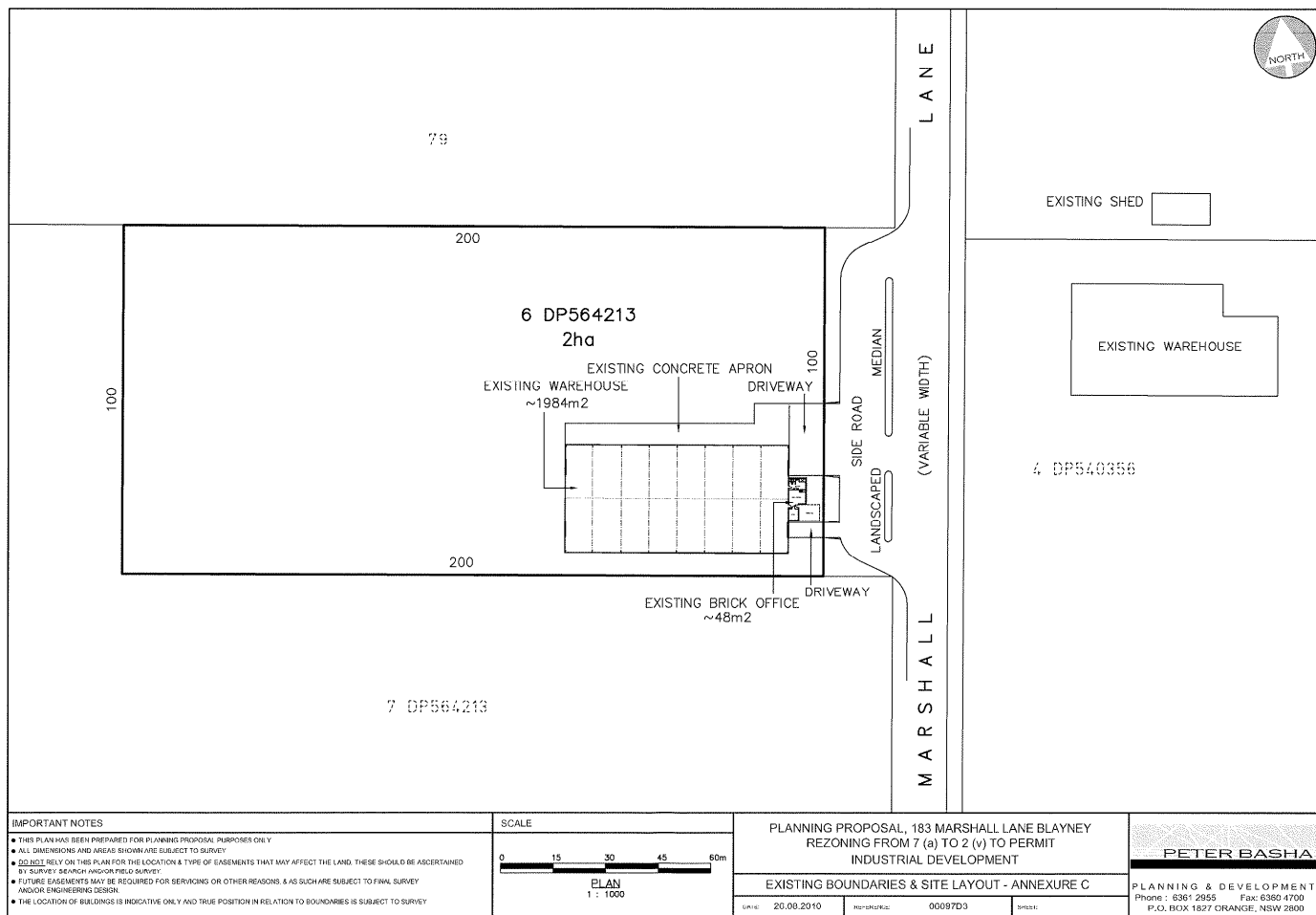
Annexure B

Location and Proposed Zoning



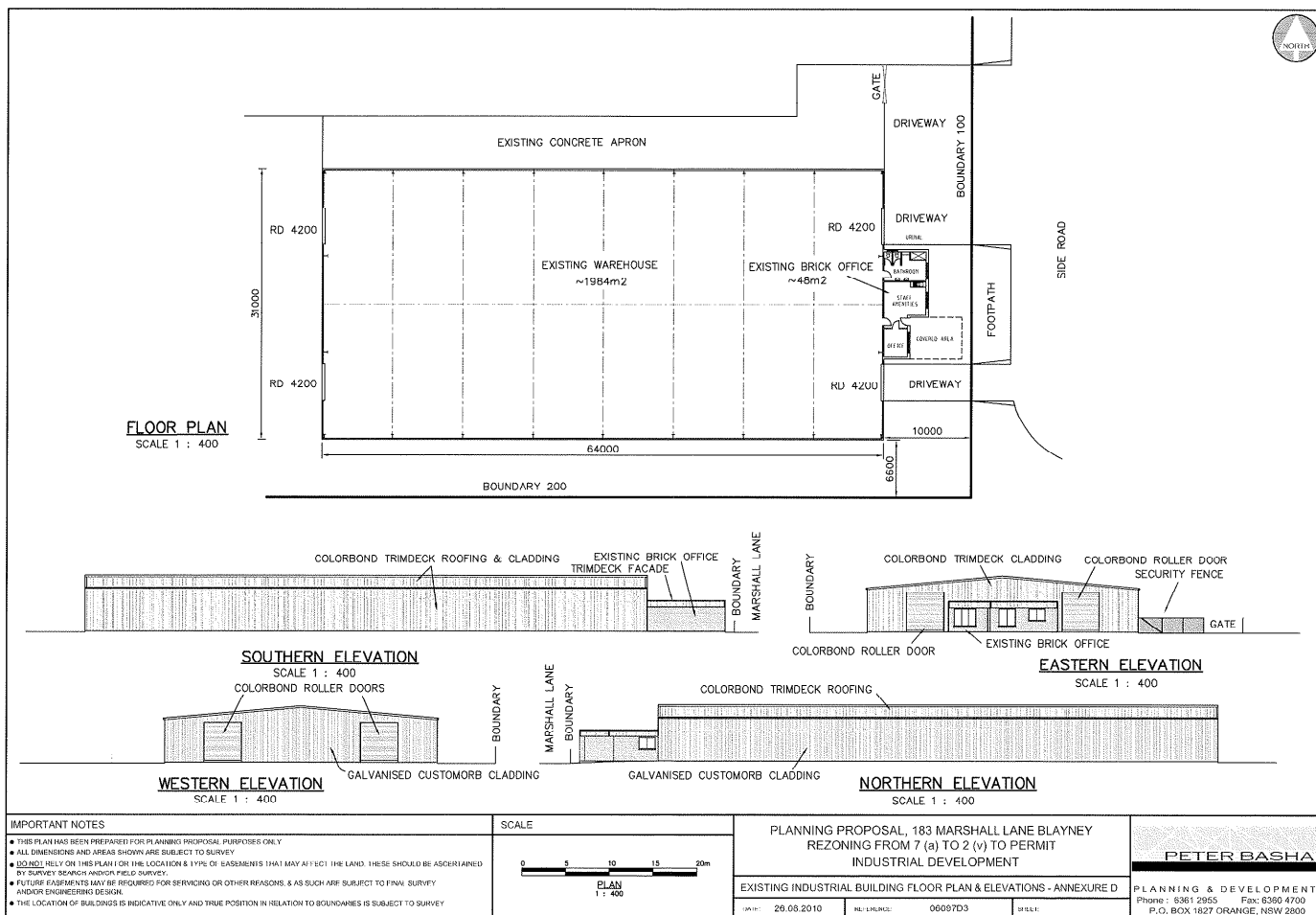
Annexure C

Existing Boundaries and Site Layout



Annexure D

Photographs of Site Plan and Building



Annexure E

SEPPs Schedule of Consistency

Annexure E State Environmental Planning Policies Schedule of Consistency		
SEPP	Consistent/Comment	Reason for Inconsistency
SEPP No. 1 - Development Standards	Yes	
SEPP No. 2 - Minimum Standards for Residential Flat Development	Repealed by SEPP No. 20	
SEPP No. 3 – Castlereagh Liquid Waste Disposal Depot	Repealed by Infrastructure SEPP	
SEPP No.4 - Development without Consent and Miscellaneous Complying Development	Yes	
SEPP No. 5 - Housing for Older People or People with Disability	Repealed by SEPP (Housing for Seniors or People with a Disability) 2004	
SEPP No. 6 - Number of Storeys in a Building	Yes	
SEPP No. 7 - Port Kembla Coal Loader	Repealed by Infrastructure SEPP	
SEPP No. 8 - Surplus Public Land	Repealed by Infrastructure SEPP	
SEPP No. 9 - Group Homes	Repealed by Infrastructure SEPP	
SEPP No. 10 - Retention of Low-Cost Rental Accommodation	N/A	
SEPP No. 11 - Traffic Generating Developments	Repealed by Infrastructure SEPP	
SEPP No. 12 - Public Housing (Dwelling Houses)	Repealed by SEPP No. 53	
SEPP No. 13 - Sydney Heliport	Repealed by Sydney REP No. 26 - City West	
SEPP No. 14 - Coastal Wetlands	N/A	
SEPP No. 15 - Rural Land Sharing Communities	N/A	
SEPP No. 16 - Tertiary Institutions	Repealed by Infrastructure SEPP	
SEPP No. 17 - Design of Building in Certain Business Centres	Did not proceed	
SEPP No. 18 - Public Housing	Did not proceed	
SEPP No. 19 - Bushland in Urban Areas	N/A	
SEPP No. 20 - Minimum Standards for Residential Flat Development	Repealed by SEPP No. 53	
SEPP No. 21 – Caravan Parks	N/A	
SEPP No. 22 - Shops and Commercial Premises	N/A	
SEPP No. 23	Not allocated	
SEPP No. 24 - State Roads	Did not proceed	
SEPP No. 25 - Residential Allotment Sizes	Repealed by SEPP No. 53	
SEPP No. 26 - Littoral Rainforests	N/A	
SEPP No. 27 - Prison Sites	Repealed by Infrastructure SEPP	
SEPP No. 28 - Town Houses and Villa Houses	Repealed by SEPP No. 25	
SEPP No. 29 - Western Sydney Recreation Area	N/A	
SEPP No. 30 - Intensive Agriculture	N/A	
SEPP No. 31 - Sydney (Kingsford Smith) Airport	Repealed by Infrastructure SEPP	
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	N/A	
SEPP No. 33 - Hazardous and Offensive Development	Yes	
SEPP No. 34 - Major Employment Generating Industrial Development	Repealed by SEPP (Major Projects) 2005, subsequently SEPP (Major Development) 2005	

Annexure E State Environmental Planning Policies Schedule of Consistency		
SEPP	Consistent/Comment	Reason for Inconsistency
SEPP No. 35 - Maintenance Dredging of Tidal Waterways	Repealed by Infrastructure SEPP	
SEPP No. 36 - Manufactured Home Estates	N/A	
SEPP No. 37 - Continued Mines and Extractive Industries	Repealed by SEPP (Mining, Petroleum Production and Extractive Industries) 2007	
SEPP No. 38 - Olympic Games and Related Development	Repealed by SEPP (Major Projects) 2005, subsequently SEPP (Major Development) 2005	
SEPP No. 39 - Spit Island Bird Habitat	N/A	
SEPP No. 40 - Sewerage Works	Did not proceed	
SEPP No. 41 - Casino/Entertainment Complex	N/A	
SEPP No. 42 - Multiple Occupancy and Rural Land (Repeal)	Repealed	
SEPP No. 43 - New Southern Railway	Repealed by Infrastructure SEPP	
SEPP No. 44 - Koala Habitat Protection	Yes	
SEPP No. 45 - Permissibility of Mining	Repealed by SEPP (Mining, Petroleum Production and Extractive Industries) 2007	
SEPP No. 46 - Protection and Management of Native Vegetation	Repealed by Native Conservation Act, 1997	
SEPP No. 47 - Moore Park Showground	N/A	
SEPP No. 48 - Major Putrescible Land fill Sites	Repealed by Infrastructure SEPP	
SEPP No. 49 - Tourism Accommodation in Private Homes (Draft Only)	N/A	
SEPP No. 50 - Canal Estates	N/A	
SEPP No. 51 - Eastern Distributor	Repealed by Infrastructure SEPP	
SEPP No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	
SEPP No. 53 - Metropolitan Residential Development	N/A	
SEPP No. 54 - Northside Storage Tunnel	Repealed by Infrastructure SEPP	
SEPP No. 55 - Remediation of Land	Yes	
SEPP No. 56 - Sydney Harbour Foreshores and Tributaries	Repealed by SEPP (Major Projects) 2005, subsequently SEPP (Major Development) 2005	
SEPP No. 57	Not allocated	
SEPP No. 58 – Protecting Sydney's Water Supply	Repealed by Clause 7(3) of the Drinking Water Catchments REP No. 1	
SEPP No. 59 - Central Western Sydney Economic and Employment Area	N/A	
SEPP No. 60 - Exempt and Complying Development	Yes	
SEPP No. 61 - Exempt and Complying Development for White Bay and Glebe Island Ports	Repealed by Infrastructure SEPP	
SEPP No. 62 - Sustainable Aquaculture	N/A	
SEPP No. 63 - Major Transport Projects	Repealed by Infrastructure SEPP	
SEPP No. 64 - Advertising and Signage	Yes	
SEPP No. 65 - Design Quality of Residential Flat Development	N/A	

Annexure E State Environmental Planning Policies Schedule of Consistency		
SEPP	Consistent/Comment	Reason for Inconsistency
SEPP No. 67 - Macquarie Generation Industrial Development Strategy	Repealed by Infrastructure SEPP	
SEPP No. 69 - Major Electricity Supply Projects	Repealed by Infrastructure SEPP	
SEPP 70 - Affordable Housing (Revised Schemes)	N/A	
SEPP No. 71 - Coastal Protection	N/A	
SEPP No. 72 - Linear Telecommunications Development – Broadband	Repealed by Infrastructure SEPP	
SEPP No 73 – Kosciuszko Ski Resorts	Repealed by SEPP (Kosciuszko National Park – Alpine Resorts) 2007	
SEPP No. 74 - Newcastle Port and Employment Lands	Repealed by SEPP (Major Projects) 2005, subsequently SEPP (Major Development) 2005	
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	
SEPP (Building Sustainability Index: BASIX) 2004	N/A	
SEPP (ARTC Rail Infrastructure) 2004	Repealed by Infrastructure SEPP	
SEPP (Sydney Metropolitan Water Supply) 2004	Repealed by Infrastructure SEPP	
SEPP (Development on Kurnell Peninsula) 2005	N/A	
SEPP (Major Development) 2005	N/A	
SEPP (Sydney Region Growth Centres) 2006	N/A	
SEPP (Mining, Petroleum Production & Extractive Industries) 2007	N/A	
SEPP (Temporary Structures) 2007	Yes	
SEPP (Infrastructure) 2007	Yes	
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	N/A	
SEPP (Rural Lands) 2008	Yes	
SEPP (Exempt and Complying Development Codes) 2008	Yes	
SEPP (Western Sydney Parklands) 2009	N/A	
SEPP (Affordable Rental Housing) 2009	N/A	
SEPP (Western Sydney Employment Area) 2009	N/A	

Annexure F

Section 117 Directions Schedule of Consistency

ANNEXURE F
STATEMENT OF CONSISTENCY, SECTION 117 DIRECTIONS
183 MARSHALL LANE, BLAYNEY

1. EMPLOYMENT AND RESOURCES

1.1 Business and Industrial Zones

This Direction applies to the planning proposal. As such the planning proposal must:

- (a) give effect to the objectives of this direction,
- (b) retain the areas and locations of existing business and industrial zones,
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones,
- (d) not reduce the total potential floor space area for industrial uses in industrial zones, and
- (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

In consideration of the above matters, the planning proposal is consistent with this Direction as follows:

- It satisfies the objectives of the Direction in that:
 - Despite its modest scale, the ability to use the land for a broader range of industrial uses may encourage employment growth.
 - It recognises the industrial nature of the site and seeks to protect it in an industrial zone.
 - It supports the viability of Blayney as an industrial centre.
- It does not reduce the area of the existing industrial zone.
- It does not reduce the floor space area for industrial uses. It would make more floor space available for such uses.
- The planning proposal is consistent with the R&I Strategy which identifies the subject land as an industrial site and indicates it should be zoned for industrial purposes.

1.2 Rural Zones

The planning proposal is not affected by this Direction.

1.3 Mining, Petroleum and Extractive Industries

The planning proposal to rezone the land from 7(a) to 2(v) will result in extractive industries becoming a prohibited use. Consultation with Industry and Investment will occur during the exhibition period.

In any event, the impact of the proposal on extractive industries is considered to be minimal due to the following:

- The existing urban fringe settlement pattern (which comprises sensitive receptors) would pose certain constraints to an extractive industry of reasonable scale.
- The potential to use the site for an extractive industry would be limited by its relatively modest size for such a use.
- In terms of economic viability, any proposal for extractive industry would need to justify removal of the existing building and infrastructure within the site.

1.4 Oyster Aquaculture

The planning proposal is not affected by this Direction.

1.5 Rural Lands

This Direction applies to the planning proposal.

Given that the proposal will affect land within an existing environment protection zone (including the alteration of the zone boundary) the planning proposal must be consistent with the Rural Planning Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

The Rural Planning Principles as expressed in the SEPP are as follows:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,

- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

The planning proposal is considered to be of minor significance in terms of the above Rural Planning Principles. In this regard:

- The subject land is established as an industrial site and makes no contribution to rural production. It is more appropriate for it to be zoned for industrial purposes. The use of the land as an agricultural site is limited by the following:
 - The potential for the site to be used for sustainable agricultural production is constrained by its modest size.
 - The value of agricultural production that could be achieved from the land would be unlikely to justify removal of the existing building and infrastructure.
 - In effect conversion of the site back to an agricultural parcel is unlikely.
- The planning proposal would have a negligible effect on the social, economic and environmental interests of the community.
- The planning proposal would not affect biodiversity, native vegetation or water resources. These are not identified as constraints to the proposal.
- Despite its modest scale, the planning proposal represents an opportunity to contribute to the economic welfare of the community by enabling an existing industrial resource to be used for broader industrial use.
- The planning proposal does not require additional service connections or augmentation beyond those available in the adjacent industrial area.
- The planning proposal is consistent with the R&I Strategy which identifies the subject land as an industrial site and indicates it should be zoned for industrial purposes.

2. ENVIRONMENT AND HERITAGE

2.1 Environment Protection Zones

This Direction applies to the planning proposal. As such the planning proposal must:

- (a) include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- (b) not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).

In consideration of this Direction, the planning proposal would be of minor significance. The subject land was inappropriately and inadvertently zoned to 7(a) Environment Protection – Scenic, despite it being a well established industrial site that makes little to no contribution to the scenic or environmental value of the area. In this regard:

- The subject land is an industrial site on the urban and rural fringe. The natural state has been highly modified as a result of land use. It comprises a large industrial building and support areas and is devoid of native trees.
- The site is absent of any potential resource that may attract less common native species. Habitat potential and quality of the site is very low with little potential to re-establish easily into providing habitats of value. Surrounding development is characterised by urban and rural activity and does not offer unique or valuable resources for native species in the area.
- The established industrial character of the site pre-dates the current LEP which zones the land 7(a) Environment Protection – Scenic. It is understood that the subject land was previously zoned Village/Township under the former Interim Development Order No. 1 – Shire of Lyndhurst. Under this previous planning scheme, industrial development was permitted on the subject land, subject to obtaining the development consent of Council.

2.2 Coastal Protection

The planning proposal is not affected by this Direction.

2.3 Heritage Conservation

The planning proposal is not affected by this Direction.

2.4 Recreation Vehicle Areas

The planning proposal is not affected by this Direction.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT

3.1 Residential Zones

The planning proposal is not affected by this Direction.

3.2 Caravan Parks and Manufactured Home Estates

The planning proposal is not affected by this Direction.

3.3 Home Occupations

The planning proposal is not affected by this Direction.

3.4 Integrating Land Use and Transport

This Direction applies to the planning proposal, given that it involves the alteration of a zone relating to urban land, including land zoned for industrial purposes. As such the planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- (a) *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001),
and
- (b) *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

Given the minor nature of the proposal, it is submitted that the terms of this Direction would not be applicable.

3.5 Development near Licensed Aerodromes

The planning proposal is not affected by this Direction.

4. HAZARD AND RISK

4.1 Acid Sulphate Soils

The planning proposal is not affected by this Direction.

4.2 Mine Subsidence and Unstable Land

The planning proposal is not affected by this Direction.

4.3 Flood Prone Land

The planning proposal is not affected by this Direction.

4.4 Planning for Bushfire Protection

The planning proposal is not affected by this Direction.

5. REGIONAL PLANNING

5.1 Implementation of Regional Strategies

The planning proposal is not affected by this Direction.

5.2 Sydney Drinking Water Catchments

The planning proposal is not affected by this Direction.

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

The planning proposal is not affected by this Direction.

5.4 Commercial and Retail Development along the Pacific Highway, North Coast

The planning proposal is not affected by this Direction.

5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)

Revoked

5.6 Sydney to Canberra Corridor

Revoked

5.7 Central Coast in vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)

Revoked

5.8 Second Sydney Airport: Badgery's Creek

The planning proposal is not affected by this Direction.

6. LOCAL PLAN MAKING

6.1 Approval and Referral Requirements

The planning proposal does not alter provisions relating to approval and referral requirements.

6.2 Reserving Land for Public Purposes

The planning proposal is not affected by this Direction.

6.3 Site Specific Provisions

The planning proposal is not affected by this Direction.

7. METROPOLITAN PLANNING

7.1 Implementation of the Metropolitan Strategy

The planning proposal is not affected by this Direction.