



GEOLYSE

**PLANNING PROPOSAL
AMENDMENT TO BOGAN LOCAL ENVIRONMENTAL PLAN 2011**

**PREPARED FOR
NYNGAN RURAL AGENCIES PTY LTD**

MARCH 2018



• Civil, Environmental & Structural Engineering • Surveying • Environmental • Planning • Architecture

PLANNING PROPOSAL

AMENDMENT TO BOGAN LOCAL ENVIRONMENTAL PLAN 2011

**REZONE LAND AT 42-44 NYMAGEE STREET, NYNGAN FROM R1 –
GENERAL RESIDENTIAL TO B6 – ENTERPRISE CORRIDOR**

PREPARED FOR:

NYNGAN RURAL PROPERTIES

MARCH 2018



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Report Title:	<i>Planning Proposal</i>
Project:	<i>Amendment to Bogan Local Environmental Plan 2011</i>
Client:	<i>Nyngan Rural Properties</i>
Report Ref.:	<i>218080_PP_001B.docx</i>
Status:	<i>Final</i>
Issued:	<i>13 March 2018</i>

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ABBREVIATIONS

Abbreviation	Full Name
PP	Planning Proposal
DP&E	NSW Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
SEPP	State Environmental Planning Policy
LEP	Local Environmental Plan
AHD	Australian Height Datum
LGA	Local Government Area
BLEP	Bogan Local Environmental Plan 2011

Background

1.1 INTRODUCTION

Geolyse has been commissioned by Nyngan Rural Properties to prepare a planning proposal to amend the *Bogan Local Environmental Plan 2011* (BLEP) to rezone land at 42-44 Nymagee Street, Nyngan from R1 – General Residential to B6 – Enterprise Corridor, and thereby enable the commercial use of the site with the consent of Council.

The objectives of the B6 zone are:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*
- *To provide for residential uses, but only as part of a mixed use development.*

The site of this proposal is Lot 1 Section 33 DP758802, 42-44 Nymagee Street, Nyngan with a total area of approximately 2,022 square metres. The site currently features the Australian Hotel, and the site is understood to have hosted a working pub longer than any site in Nyngan.

The applicant intends to continue to utilise the site as a pub whilst also redeveloping the currently vacant portion of the site for commercial purposes.

The range of land uses currently permissible within the B6 zone is considered to be compatible with the range of uses proposed by the applicant. Any redevelopment or change of use would be subject to the gaining of development consent from Council, including the assessment of potential impacts associated with the use.

Endorsement of this planning proposal is sought from Bogan Shire Council to enable the planning proposal to be forwarded to the Department of Planning and Environment and gain a Gateway determination.

Intent and Provisions

2.1 OBJECTIVE

To rezone land at Lot 1 Section 33 DP758802, 42-44 Nymagee Street, Nyngan from R1 – General Residential to B6 – Enterprise Corridor pursuant to the *Bogan Local Environmental Plan 2011* (BLEP). This will also necessitate a change to the Minimum Lot Size map to provide a minimum lot size consistent with commercial land within the Bogan Local Government Area.

2.2 EXPLANATION OF PROVISIONS

This is a simple planning proposal to rezone land from R1 to B6. The business zones within the Bogan LGA do not currently have a minimum lot size (MLS) for the purposes of subdivision, and it is not proposed to impose an MLS for the subject site. This ensures consistency.

The extent of changes would be the need to amend the Land Zoning mapping to reflect the change from R1 to B6. No change the land use table is required as no additional uses are proposed.

The Land Use Table entry within BLEP for the B6 zone is:

Zone B6 Enterprise Corridor

1 Objectives of zone

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*
- *To provide for residential uses, but only as part of a mixed use development.*

2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations; Roads

3 Permitted with consent

Business premises; Community facilities; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Light industries; Multi dwelling housing; Neighbourhood shops; Passenger transport facilities; Plant nurseries; Residential flat buildings; Seniors housing; Shop top housing; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Research stations; Resource recovery facilities; Residential accommodation; Roadside stalls; Rural industries; Sewage treatment plants; Shops; Vehicle body repair workshops; Waste disposal facilities; Water treatment facilities; Wharf or boating facilities

Justification

3.1 NEED FOR THE PLANNING PROPOSAL

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

A planning proposal is required as an amendment to the BLEP is proposed.

The objective is to rezone land at 42-44 Nymgee Street, Bogan from R1 to B6.

The proposal is not specifically addressed via a strategic study or report.

The Western Councils Sub Regional Land Use Strategy 2009 (LUS) provides high level strategic goals with respect to land use in a range of Western Council's, including Bogan. The LUS identifies that, at the time of preparation of the strategy, Nyngan had a limited supply of available land for commercial purposes and that additional land would be required to meet demand. Some land was subsequently zoned for commercial purposes during the creation of the LEP in 2011 however it is unclear how much take up of this land has occurred.

Demand exists for commercial use of the site and, as previously noted, the site has housed commercial usage, in the form of a public house, for longer than any site in the town of Nyngan.

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

The proposed approach is considered the best means of achieving the project objective.

Other alternatives considered include:

- Rezoning the site to B2 – Local Centre;
- Rezoning the site to B1 – Neighbourhood centre;
- Rezoning the site to B3 – Commercial core;
- Rezoning the site to B4 – Mixed use;
- Rezoning the site to B5 – Business development;
- Add the site to the list of properties contained within Schedule 1 (additional permitted uses) and include permissible uses (such as commercial premises). The land use definition of commercial premises is included as Attachment 2. The Department of Planning and Environment (DP&E) has issued general advice that Schedule 1 should only be used where the desired outcome cannot be achieved by another method; as other options exists this approach may not be supported;
- Amend the list of permissible uses within the R1 zone to include commercial development.

A site specific additional permitted use was discounted on the basis that the NSW Planning Practise Note (PN 11-001) suggests that the use of Schedule 1 should be kept to a minimum and on the basis that the site has historically housed a commercial land use for many years. Consistency with the strategic framework is considered paramount. PN 11-001 states:

Wherever possible, land uses should be governed by the Land Use Table and Schedule 1 should only be used where council has demonstrated why this cannot be achieved.

The adoption of the B6 zoning in favour of the other forms of business zoning was considered appropriate having regard for the objectives of each of the zones and the range of currently permissible land uses. It was also considered unwise to include a business zone that is not otherwise provided for within the LGA.

Amending the R1 land use table to include commercial land uses would affect all R1 zoned land in Bogan Shire and has a high potential for unintended consequences by allowing commercial land uses in all residential areas.

As rezoning the land to B6 would achieve the project objective without any unintended consequences, it is considered the most appropriate approach.

3.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

As discussed above, the LUS applies to the site, which seeks generally to map out a plan for the desired future development of the constituent Councils. The LUS provides a broad range of recommendations, many of which were adopted by Councils in the making of their standard instrument Local Environmental Plans in the period following adoption of the Standard Instrument (Local Environmental Plans) Order 2006. Minor matters such as individual rezoning of land is not typically captured by a LUS.

The *Far West Regional Plan 2036* is the NSW Government's strategy for guiding land use planning decisions for the Far West Region for the next 20 years. At its heart is a core vision for the region supported by four supporting goals:

Vision: A unique part of Western NSW with a diverse economy, supported by the right infrastructure, an exceptional natural environment and resilient communities

Goals:

- *A diverse economy with efficient transport and infrastructure networks*
- *Exceptional semi-arid rangelands traversed by the Barwon-Darling River*
- *Strong and connected communities*

This is discussed further in relation to Ministerial Direction 5.10.

The proposal is considered to be generally consistent with the objectives and actions of the Plan.

Is the planning proposal consistent with Council's local strategy or other local strategic plan?

There is no local strategy or strategic plan applying to the site. The minor nature of the planning proposal, and the consistency with the current (existing) land use demonstrates the minor nature of the proposal.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is broadly compliant with all relevant State Environmental Planning Policies (SEPPs). The following specific comments are made in relation to applicable SEPPs.

State Environmental Planning Policy No 55 – Remediation of Lands

State Environmental Planning Policy 55– Remediation of Lands (SEPP55) aims to:

...promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment...

This policy applies to the whole of the State, including the Bogan LGA. SEPP55 defines 'contaminated land' as per the definition in Part 5 of the *Contaminated Land Management Act 1997 No 140* as the presence in, on or under the land of a substance a concentration above the concentration at which the

substance is normally present in, on, or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.

Given the current commercial use of the land, and the proposed commercial use envisaged by this planning proposal, the land is considered likely to be, on the basis that the receptor pathway for potential contamination to future users of any use is consistent with the current level of usage.

Further a review of the online resources maintained by the Environment Protection Authority with respect to contamination do not reveal any historic contaminating land uses. The current use of the site is not a form of development listed at Appendix 3 of the document *Applying SEPP33: A Guide* (2011) as being potentially hazardous or offensive.

State Environmental Planning Policy (Infrastructure) 2007

The aim of the State Environmental Planning Policy (infrastructure) 2007 (ISEPP) is to facilitate the effective delivery of infrastructure across the state by:

- a) *improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services*
- b) *greater flexibility in the location of infrastructure and service facilities*
- c) *allowing for the efficient development, redevelopment or disposal of surplus government owned land*
- d) *identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development)*
- e) *identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development*
- f) *providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.*

Clause 104 of the ISEPP specifies that traffic generating development requires referral to RTA (now Roads and Maritime Services, or RMS) where it meets certain triggers. These triggers are identified in Schedule 3 to the ISEPP. Any development of the subject land would require consideration of these triggers at DA stage. Access to the site from a street other than a classified road is available if required.

Is the planning proposal consistent with applicable Ministerial Directions (s177 directions)?

Direction 1.1 – Business and Industrial Zones

In accordance with the following Clause 3(a) of Ministerial Direction 1.1 – Business and Industrial Zones as follows:

“a planning proposal that would affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary)”

This direction is applicable to the planning proposal as the land would be zoned B6.

As Clause 3(a) of the Ministerial Direction 1.1 is applicable, the following Clause 4 factors of Ministerial Direction 1.1 are considered:

- 4(b) – *“Retain the areas and locations on existing businesses and industrial zones”*

The planning proposal would not affect the areas or locations of the existing environment, as it proposes additional scope for further development of industry rather than any reduction of permissible uses.

- 4(c) – “not reduce the total potential floor space area for employment uses and related public services in business zones.

The planning proposal would add a new business zone to the locality and provide for employment generating land uses.

- 4(d) – “not reduce the total potential floor space area for industrial uses in industrial zones

Does not affect industrial zoned land, nor propose to zone land for industrial purposes.

- 4(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.

The planning proposal would result in rezoning to allow for further employment, consistent with the existing use of the land. The matter is of minor significance.

The planning proposal is therefore consistent with Direction 1.1.

Direction 3.4 – Integrating Land Use and Public Transport

Ministerial Direction 3.4 – Integrating Land Use and Public Transport is applicable as the planning proposal would rezone land for commercial purposes (i.e. from R1 – General Residential to B6 – Enterprise Corridor).

As per Clause 3 of Ministerial Direction 3.4:

“This direction applies when a relevant planning authority prepares a planning proposal that would create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes”.

As per Clause 4 of Ministerial Direction 3.4, the proposed change must be consistent with the aims and objectives of the following documents:

“A 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)”.*

“A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are:

- (a) *Justified by a strategy which:*
 - i) *Gives consideration to the objective of this direction, and*
 - ii) *Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - iii) *Is approved by the Director-General of the department of planning, or*
- (b) *Justified by a study (prepared in support of the planning proposal) which gives consideration to the objectives of this direction, or*
- (c) *In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
- (d) *Of minor significance.*

The planning proposal is of minor significance given it proposes a rezoning of land to allow commercial uses, considering this is a current existing use of the site.

Direction 5.10 – Implementation of Regional Plans

Direction 5.10 seeks to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.

The direction applies to land to which a Regional Plan has been released by the Minister of Planning. The *Far West Regional Plan* has been approved and applies to the Bogan LGA.

The Vision of the Regional Plan is:

A unique part of Western NSW with a diverse economy, supported by the right infrastructure, an exceptional natural environment and resilient communities.

The Vision of the Regional Plan is delivered by three key goals and 30 specific directions. Relevant to this planning proposal are a number of goals and directions, outlined and discussed below:

Goal 1: A diverse economy with efficient transport and infrastructure networks

Direction 1: Grow the agribusiness sector, value-added manufacturing opportunities and supply chains

Direction 5: Promote tourism opportunities

Direction 11: Support new planning and land management arrangements

Direction 12: Enhance the productivity of employment lands

Goal 2: Exceptional semi-arid rangelands traversed by the Barwon-Darling River

Direction 19: Conserve and adaptively re-use European heritage assets

Goal 3: Strong and connected communities

Direction 20: Manage change in settlements

Direction 30: Create healthy built environments

The planning proposal is of minor significance in that it relates to the rezoning of residential land to reflect the current lawful commercial use of the land. It therefore corrects an anomaly in the existing planning framework and via this promotes economic development and growth. The planning proposal, whilst minor in nature, is important in assisting with the delivery of the above goals and directions. The planning proposal is considered to be consistent with the intent and vision of the Regional Plan. The planning proposal is therefore consistent with Direction 5.10.

Direction 6.1 – Approval and Referral Requirements

Ministerial Direction 6.1 – Approval and Referral Requirements applies to all planning proposals forwarded for Gateway Determination by a local authority.

To be compliant with Direction 6.1, a planning proposal must be consistent with the following provisions;

“A planning proposal must:

- (a) Minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and*
- (b) Not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:*
 - The appropriate Minister or public authority, and*

- *The Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and*
- (a) *Not identify development as designated development unless the relevant planning authority:*
- *Can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and*
 - *Has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act”.*

The proposed planning proposal does not generate the need for any explicit concurrence, consultation or referral to the Minister or public authority and is therefore consistent with Direction 6.1.

Direction 6.3 – Site Specific Provisions

Ministerial Direction 6.3 – Site Specific Provisions applies to all planning proposals forwarded for Gateway Determination by a local authority;

To be compliant with Direction 6.3, a planning proposal must be consistent with the following provisions;

- (a) *A planning proposal that would amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:*
- *Allow that land use to be carried out in the zone the land is situated on, or*
 - *Rezone 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, or*
 - *Allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*
- (b) *A planning proposal must not contain or refer to drawings that show details of the development proposal.*

The development is consistent with the above.

3.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

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

No. The affected land has been zoned for R1 purposes and used for commercial purposes for many years. Any further development would be the subject of future DA's for specific proposed land uses. The ongoing use of the land for a commercial purpose, and its location proximal to the central business district, confirms that the land is suitable for development for industrial/employment generating purposes. Site specific assessment at development application stage for specific developments would ensure that no impacts exist at a site

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

Environmental effects associated with the use of the land for a business purpose are consistent with the current commercial use of the land.

Any development of the land would be the subject of detailed design including considering known site environmental constraints and the need to provide appropriate environmental controls.

Has the planning proposal adequately addressed any social and economic effects?

The development is considered to result in social and economic benefits to the locality, through job creation and flow on effects to local businesses (such as contractors and local suppliers during construction and operation phase, including builders, cleaning companies and the like).

The *Draft Centres Policy 2009* (Policy) provides a number of questions that should be considered in determining whether to proceed with a rezoning; referred to as the Net Community Benefit Test. These questions together with a response are provided in **Table 3.1**.

The Policy identifies that if it is judged that the rezoning would produce a net community benefit, the proposal should proceed through the rezoning process. If no benefit is identified, the proposed rezoning should not proceed.

The outcome of the discussion provided in **Table 3.1** confirms that the rezoning would have a net community benefit and accordingly it is considered that the rezoning should proceed.

Table 3.1 – Net Community Benefit Test

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Would the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors)?	A range of adopted directions and strategies apply to the site, as discussed earlier in this planning proposal.	The LEP seeks to rezone the subject site from R1 to B6 to reflect the current lawful commercial use of the site and to enable future development opportunities.	The qualitative benefits of the proposal are: <ul style="list-style-type: none"> • The proposal enables the development of additional employment generating land uses within the town of Nyngan • Enabling the development provides additional employment opportunities for the locality and thereby improves the viability of the town 	No external cost to the community. Increased investment would be a benefit.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or another regional/sub-regional strategy? Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The site is within the area of the Far West Regional Plan. The proposal is consistent with the vision and goals of the Regional Plan.	The proposed LEP seeks to rezone the subject land from R1 to B6 and to therefore enable future commercial development of the site.	The LEP relates to a specific site which already hosts a lawful commercial land use. The proposal is unlikely to lead to the setting of a precedent.	No external cost to the community
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	No other spot re-zonings are known to have occurred in the locality.	The Planning Proposal provides for the rezoning of the land to reflect the existing lawful commercial and future commercial development.	No external cost to the community	No external cost to the community
Would the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The land affected is currently zoned R1 but contains a lawful existing commercial use..	The LEP reflects the lawful use of the land and allows for diversification and further employment generating land uses	Provision of employment generating uses is an output of the LEP. Additionally, facilitating investment in construction would, in turn, facilitate employment in the construction sector.	No external cost to the community

Table 3.1 – Net Community Benefit Test

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Would the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The existing zone is R1 within which commercial development is prohibited. As the lawful use of the property remains for commercial purposes, nn terms of housing provision there is therefore no change.	There is no change in terms of housing provision.	No external cost to the community	No external cost to the community
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	Yes	Cost of service provision would be borne by the applicant.	Enabling a viable development to proceed would provide a positive benefit to the community through enhancement of the economy and job creation.	No external cost to the community
Would 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?	None expected	The LEP would provide increased opportunities for commercial development on the subject land however given the current commercial use, it is not anticipated that any significant changes would result	By allowing for additional employment generating land uses on the site, the qualitative benefit for the community is therefore positive as it allows this type of development to proceed.	No external cost to the community
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?	No significant asets in the region that would be affected	The LEP seeks to expand the range of employment generating uses that could be developed on the site, for the benefit of the local community	Enhancement of the local economy through provision of a viable business and employment generator.	No external cost to the community
Would the proposal impact on land that the Government has identified a need to protect (eg land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The land is not unduly constrained.	By virtue of the current and continued use of the land for commercial purposes, the general suitability of the land is confirmed.	No external cost to the community	No external cost to the community

Table 3.1 – Net Community Benefit Test

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Would the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Would the public domain improve?	The subject site currently hosts a lawful commercial use without undue impact to the surrounding environment. The development has operated without significant impact to surrounding residential land uses for over 100 years.	The LEP would allow for the expanded use of the land for commercial purposes	Clarification of approvable uses within the zone provides greater certainty for developers and improves the likelihood of investment.	No external cost to the community
Would the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	Existing lawful commercial use of the site.	The LEP would rezone the land to enable a wider range of commercial uses to occur on the site.	The proposal improves choice and competition in the area and broader locality.	No external cost to the community
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 to this planning proposal.			No external cost to the community
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	Commercial development is not currently permissible in the zone.	Commercial land uses would be permissible with consent in line with the proposed land use table.	Public Interest is best served by enabling a wider range of permissible uses and thereby fostering local competition and improving vitality and viability.	Potential external cost to community if LEP does not proceed due to potential loss of economic opportunities noted above.
Net Community Benefit =			Positive	Positive

3.4 STATE AND COMMONWEALTH INTERESTS

It is not considered that the minor change proposed via this planning proposal would conflict with any State or Commonwealth interests. The views of State and commonwealth public authorities would be ascertained following the Gateway Determination.

Community Consultation

4.1 TYPE OF COMMUNITY CONSULTATION REQUIRED

Section 5.5.2 of 'A Guide to Preparing Local Environmental Plans' identifies two different exhibition periods for community consultation;

- Low Impact Proposals – 14 days; and
- All other PPs (including any proposal to reclassify land) – 28 days.

The Guide describes Low Impact Proposals as having the following attributes;

- *A 'low' impact planning proposal is a planning proposal that, in the opinion of the person making the gateway determination, is;*
 - *Consistent with the pattern of surrounding land use zones and/or land uses;*

The current use of the land is for a lawful commercial purpose. The proposal would confirm this arrangement and allow for an expanded range of uses on the site.

- *Consistent with the strategic planning framework;*

Responses have been provided detailing the proposal's compliance with local and regional planning strategies, SEPPs, and ministerial directions.

- *Presents no issues with regard to infrastructure servicing;*

All essential services are currently being provided to the site and these would be augmented as required by the applicant in the context of any future development of the land.

- *Not a principle LEP; and*

The planning proposal is not for a principle LEP.

- *Does not reclassify public land.*

The planning proposal does not seek to reclassify public land.

In accordance with the responses to the above points, the planning proposal is considered to be of low impact. It is therefore considered that a community consultation period of 14 days is justified.

References

NSW Department of Planning & Environment (DP&E). 2016a, *A Guide to Preparing Local Environmental Plans*, DP&E, Sydney.

NSW Department of Planning & Environment (DP&E). 2016b, *A Guide to Preparing Planning Proposals*, DP&E, Sydney.

NSW Department of Planning & Environment (DP&E). 2017, *Far Wes Regional Plan 2036*, DP&E, Sydney

NSW Department of Planning and Infrastructure. 2009, *Draft Centres Policy*, DP&I, Sydney
