

Planning Services

Gateway Determination Report

LGA	Weddin
RPA	Weddin Shire Council
NAME	Rezone land at 1D North Street, Grenfell
NUMBER	PP_WEDDI_002_00
LEP TO BE AMENDED	Weddin LEP 2011
ADDRESS	1D North Street, Grenfell
DESCRIPTION	Lot 72 DP 1148241
RECEIVED	4 July 2017
FILE NO.	16/14793-1
QA NUMBER	qA414690
POLITICAL DONATIONS	There are no known donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no known meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of Planning Proposal

To rezone land at 1D North Street, Grenfell from zone IN1 General Industrial to R1 General Residential and amend the minimum lot size applicable to the site to 900m². The proposal will allow for the potential creation of 6 additional residential allotments.

Site Description

The subject site is Lot 72 DP 1148241, 1 D North Street, Grenfell. It is a single lot with an area of 5,937m² located north-west of the centre of Grenfell. The site is cleared of vegetation, and contains a single dwelling, originally constructed as a caretaker dwelling for the adjoining industrial use.



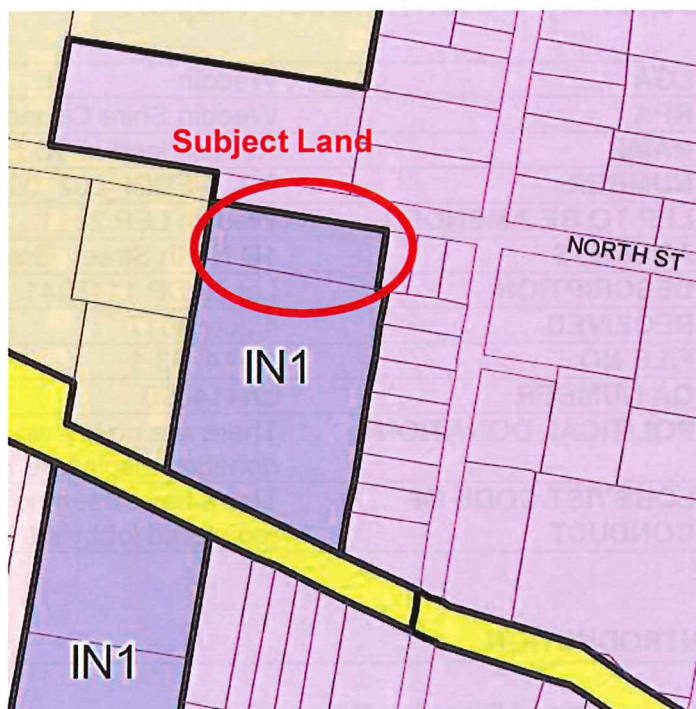
Surrounding Area

The subject land is located adjacent to zone R1 General Residential land and zone RU1 Primary Production land.

The lot immediately to the south of the site contains an existing industrial shed that is currently used for the construction and sale of farm and agricultural equipment.

Zone

B2	Local Centre
E1	National Parks and Nature Reserves
E3	Environmental Management
IN1	General Industrial
R1	General Residential
R5	Large Lot Residential
RE1	Public Recreation
RE2	Private Recreation
RU1	Primary Production
RU3	Forestry
RU5	Village
SP2	Infrastructure



Summary of Recommendation

Proceed with Condition –The subject land contains an existing dwelling, and functions as a minor extension to an existing residential area, contiguous with the existing settlement pattern.

PROPOSAL

Objectives or Intended Outcomes

The objectives and intended outcomes of the proposal are clear. The proposal has been submitted to rezone the land and reduce the minimum lot size to facilitate further residential subdivision.

Explanation of Provisions

The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The proposal intends to make changes to the Land Zoning Map (LZN_008A) and Lot Size Map (LSZ_008A).

Mapping

The proposal will require the amendment of Land Zoning Map LSN_008A, to remove the existing IN1 General Industrial zone from the subject site and replace with zone R1 General Residential. The Lot Size Map LSZ_008A will also require amendment, to apply a 900m² minimum lot size over the site. There is no minimum lot size currently applicable to the site.

Indicative mapping has been provided in the planning proposal which is adequate for community consultation.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is a request from the landowner to have the land zoned residential that will increase the residential lot yield of the site. A planning proposal is the only mechanism to achieve the intended outcome.

STRATEGIC ASSESSMENT

State

Not applicable. There is no State strategic planning framework applicable to the proposal.

Regional / District

The final Central West and Orana Regional Plan (CW&O RP) applies to the proposal. The planning proposal addresses the draft CW&O RP, however since the lodgement of the planning proposal the Regional Plan has been released by the Department. It will be recommended that a condition be placed on the Gateway determination that requires before community consultation the planning proposal should be amended to address the final CW&O RP.

The planning proposal will result in the loss of one industrial allotment to the supply in Weddin LGA. The proposal is therefore inconsistent with Section 117 Direction 1.5. Support business activities with well-located and serviced industrial lands and commercial centres. It is considered that the loss of one industrial allotment will not place significant pressure on the industrial supply in Weddin, as a dwelling is currently located on the lot, and is not used for industrial purposes.

Local

There is no endorsed land use strategies for industrial or urban residential land uses in Weddin LGA. Council advised that an urban strategy is being prepared, however is not expected to be completed until 2018. No justification has been provided in terms of demand and supply, or the potential 6 additional residential lots within the Weddin LGA other than the land is more suited to residential use.

Council in the preparation of the Weddin Standard Instrument LEP 2011 identified the subject land as industrial land in mapping for community consultation and the plan making process. Council's preferred use of the land is for industrial use.

Whilst the planning proposal is a request from the landowner, and has not been considered in a strategic context, it is considered that given the nature of the request, and the existing residential use of the land, the planning proposal can be supported. It is noted that the land could be either industrial or residential. Council has now supported a change to residential.

Section 117(2) Ministerial Directions

- **Direction 1.1 – Business and Industrial Zones**
The planning proposal is inconsistent with this Direction as it rezones land from an industrial zone to a residential zone, reducing the available floor space of industrial uses in the LGA. This inconsistency is not justified by an endorsed strategy. Given that a dwelling is currently located on the lot, it is considered that the potential for future industrial uses is limited. The Director Regions, Western can be satisfied that the inconsistency can be considered as minor in this instance.
- **Direction 1.3 – Mining, Petroleum Production and Extractive Industries**
There is an exploration license in place over the town of Grenfell. The rezoning of the subject site from IN1 General Industrial to R1 General Residential will prohibit mining and extractive industries on the subject site. At this time the proposal is inconsistent with this Direction and consultation with the Department of Planning and Environment – Resources and Energy will be required prior to community consultation to resolve this issue.

- **Direction 2.1 – Environment Protection Zones**
The subject land is not identified as an Environment Protection Zone, however part of the land is identified on mapping in the Weddin LEP 2011 as an Environmentally Sensitive Area (biodiversity). The proposal does not seek to amend this mapping and the environmental protection provided by the mapping will remain on the site. The proposal is therefore consistent with this Direction.
- **Direction 3.1 – Residential Zones**
The rezoning and reduction of minimum lot size on the subject site has the potential to create an additional 6 allotments, contributing to the broader choice of housing within the Weddin LGA. The subject site adjoins an existing operational industrial business, however is separated by vacant land. Additional consideration will be required by Council at the development application stage to in relation to the buffer distance to consider land use conflict. The proposal is consistent with this Direction.
- **Direction 3.4 – Integrating Land Use and Transport**
The proposal is consistent with this Direction as the proposal will be able to utilise the existing infrastructure connected to the site for the existing dwelling.
- **Direction 5.10 – Implementation of Regional Plans**
This Direction has been adequately addressed in the Council Report. The proposal will contribute to the supply of residential land in Grenfell through the addition of a potential 6 additional residential allotments, however, reduce the availability of industrial land. This is considered to be generally consistent with the Central West and Orana Regional Plan.
- **Direction 6.1 – Approval and Referral Requirements**
The planning proposal does not create any new approval or referral requirements and is therefore consistent with this Direction.

State Environmental Planning Policies

- **SEPP 44 – Koala Habitat Protection**
The subject land is not identified as Core Koala Habitat and is urban land. The limited vegetation on site and the lack of feed trees suggests that the site does not have the potential to be koala habitat. The rezoning will not impact any potential koala habitat on the site. The proposal is consistent with this SEPP.
- **SEPP 55 – Remediation of Land**
Whilst the site is zoned IN1 General Industrial, Council have advised that historically the site has been used as a caretakers dwelling, and not for industrial uses, and previous agriculture uses. There is potential contamination of the site is to be addressed at the rezoning stage rather than at DA stage. The Gateway determination is to be conditioned in this regard.
- **SEPP (Mining, Petroleum Production and Extractive Industries) 2007**
An exploration license applies over the town of Grenfell. The proposed rezoning will not impact on the subject lands mineral resource potential. The proposal is considered to be consistent with this SEPP but can be further investigated with consultation with Department of Planning and Environment – Resources and Energy prior to community consultation.
- **SEPP (Infrastructure)**
The proposed rezoning will utilise existing infrastructure available to the site. The proposal is consistent with this SEPP.

SITE SPECIFIC ASSESSMENT

Social

The proposal will result in positive social benefits to the Weddin LGA through the increase of housing choice.

The proposal will also result in the loss of one allotment of industrial land to the supply in the Weddin LGA. As the site currently contains a caretakers dwelling and is not used for industrial purposes, this is not considered to be a significant loss or impact socially on the LGA. Council will need to consider the potential land use conflict with the adjoining industrial development.

Environmental

The proposal may result in land use conflict due to the proximity of the adjoining existing industrial use. The planning proposal demonstrates that there is a minimum of 60 metres separation between the industrial use and the lot boundary at this time. The impact on land use conflict between the industrial site and any additional dwellings on the site can be assessed at the development application stage following the rezoning.

The subject land is not flood prone, however has been mapped as containing Environmentally Sensitive Area – Biodiversity. The proposed rezoning will not remove this mapping. Any future development on the site will be required to consider the impacts of the development on the existing vegetation where the biodiversity mapping applies.

Economic

The proposal will result in positive economic benefits for the landowner, through the subdivision of the site and the eventual sale of the additional allotments.

Infrastructure

The proposal does not include the provision of state infrastructure.

CONSULTATION

Community

The planning proposal nominates a community consultation period for a minimum of 28 days as it is not considered to be a 'low impact' proposal. This is considered to be satisfactory.

Agencies

The planning proposal does not nominate any specific agencies for consultation. It is recommended that the following agency be consulted:

- Department of Planning and Environment – Resources and Energy

TIMEFRAME

It is recommended that the planning proposal be finalised within 12 months of the date of the Gateway determination.

DELEGATION

Council has requested to utilise plan making delegations. Given the local nature of the planning proposal, it is considered appropriate for Council to utilise plan making delegations in this instance.

CONCLUSION

The planning proposal is recommended to proceed with conditions.

The rezoning will result in the addition of potentially 6 allotments to the residential supply of land in the Weddin LGA. The rezoning is considered to be an extension of the existing residential settlement pattern and has been justified in this case.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree any inconsistencies with Section 117 Direction 1.1 Business and Industrial Land is minor and justified; and
2. Require consultation with Department of Planning and Environment – Resources and Energy prior to community consultation to settle the inconsistency with Section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries.
3. Require a preliminary contamination investigation be undertaken in accordance with SEPP 55 prior to community consultation.

It is recommended that the delegate of the delegate of the Secretary, determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation being undertaken consultation is required with the Department of Planning and Environment – Resources and Energy under Section 56(2)(d) of the *Environmental Planning and Assessment Act*, 1979 to address the inconsistency with Section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries.

The Department of Planning and Environment – Resources and Energy is to be provided with a copy of the planning proposal and any supporting material, and given at least 40 days to comment on the proposal.

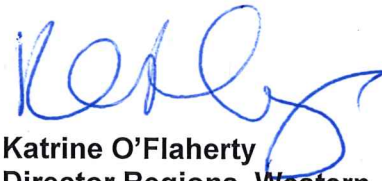
The result of the consultation is to be provided to the Department of Planning and Environment seeking approval to undertake community consultation.

2. Prior to community consultation Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. An initial site contamination investigation report is to be prepared to demonstrate that the land is suitable for rezoning to the proposed R1 General Residential zone. The preliminary review of the subject land, which has been undertaken by Council, and initial site contamination investigation report are to be placed on public exhibition as part of the community consultation package.
3. Prior to community consultation the planning proposal is to be amended to address Section 117 Direction 5.10 - Implementation of Regional Plans. This work is to address the final Central West and Orana Regional Plan.
4. Community consultation is required under Sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act* 1979 as follows:
 - (a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).
 - (b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of A Guide to Preparing LEPs.

No consultation is required with public authorities/organisations under Section 56(2)(d) of the Act

5. A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the *Environmental Planning and Assessment Act, 1979*. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. Prior to the submission of the planning proposal under Section 59 of the *Environmental Planning and Assessment Act, 1979*, the final LEP maps must be prepared and be compliant with the Department's "Standard Technical Requirements for Spatial Datasets and Maps" 2015.
7. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
8. Given the nature of the planning proposal, Council should be authorised to exercise delegation to make this plan.

 21/7/2017
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