



PLANNING PROPOSAL

ADDITIONAL PERMITTED USES

Educational establishment and office premises

Lot 641 DP 751743 (161 Remembrance Drive, Griffith)

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(Sustainable Development)

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1.0 INTRODUCTION

1.1 Overview

This Planning Proposal explains the intended effect and justification for an amendment to *Griffith Local Environmental Plan 2014* (GLEP) in accordance with Section 3.33 of the Environmental Planning and Assessment Act, 1979 (EP&A Act) and the relevant Department of Planning guidelines *A Guide to Preparing Planning Proposals, 2012* (the Guidelines).

Council at its Ordinary Meeting of 12 June 2018 resolved to *progress with the NSW Department of Planning a spot rezoning of the applicable land at 161 Remembrance Drive, Griffith*. The planning proposal seeks to amend Schedule 1 of GLEP to enable an *educational establishment* and an *office premises* to be additional permitted uses on Lot 641 DP 751743, 161 Remembrance Drive, Griffith.

The intent of the amendment to enable development that is otherwise prohibited in the E2 Environmental Conservation zone and make use of a vacant commercial building that has been vacant for a number of years and has the potential to become derelict as a consequence of the limited permissible land uses.

1.2 Preparation of the Planning Proposal

This Planning Proposal has been prepared by Griffith City Council following consideration of the matter and the Ordinary Meeting of Council on 12 June 2018. The proposed amendment, if it is to proceed will be third amendment undertaken by Council to its local environmental plan.

1.3 Site Identification

The proposed amendment will only apply to Lot 641 DP 751743 which is within the E2 Environmental Conservation zone (see Map 1.3.1).

The land was developed in the mid-1960s for the purpose of a broadcast centre with a purpose built commercial building being home to 2RG (radio) and MTN9 (television). While the building is not listed as a heritage item it can be said the site has a degree of social significance for the Griffith community. Following the relocation of the broadcasting services the building has remained vacant largely due to the limited permissible uses of the land.

The site approximately 3.3 kilometres from the CBD and has an area of 1.62 hectares with a frontage of 110 metres to Remembrance Drive. The building is setback approximately 60 metres from the front boundary of the site with the forecourt originally used as a car park.

The site slopes from the west across the site and towards the road and contains significant stands of remnant vegetation along the perimeter of the site. A fire trail traverses the site and provides access to the north, south and west of the building.

The site is located within the vicinity of Dalton Park Racecourse, the Pines Motor Speedway and the Griffith Golf Course and the aerodrome.

Map 1.3.1 Extract from Griffith Local Environmental Plan 2014 - Zoning Map



1.4 Existing Planning Controls

GLEP first came into effect on 21 March 2014 and is in the format of the NSW Standard Instrument for LEPs. The existing planning controls that are to be affected by the amendment to GLEP can be summarised in the table below:

Provision of GLEP 2014	Existing Provisions	Proposed Provisions
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Land Use Table

Zone E2 Environmental Conservation

Educational establishment and office premises are not listed as a permitted use

No Change

3 Permitted with consent

Schedule 1 Additional permitted uses

Educational establishment and office premises are not listed as a permitted use on subject land

Include *educational establishment and office premises* as a permitted use on Lot 641 DP 751743

2.0 OBJECTIVES AND INTENDED OUTCOMES

2.1 Objectives

The objectives of the proposed amendment to GLEP are:

- To enable the adaptive re-use of an existing building for a land use that is compatible with the locality.
- To facilitate opportunities for tertiary students to undertake distance education from a central learning hub and provide a facility for local students to undertake tertiary studies via distance education.

2.2 Intended Outcomes

The intended outcome of the proposed amendment is the amendment to Schedule 1 Additional Permit Uses so as to:

- Permit the use of Lot 641 DP 751743 for the purpose of an *educational establishment* and *office premises* with development consent.

3.0 EXPLANATION OF PROVISIONS

3.1 Educational Establishments

An *educational establishment* is defined in the standard instrument as:

a building or place used for education (including teaching), being:

- (a) *a school, or*
- (b) *a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.*

Educational establishments are permissible the RU5 Village, R1 General Residential, B2, Local Centre, B4 Mixed Use and B6 Enterprise Corridor zones. With the exception of the Tharbogang Primary School, existing primary, secondary and tertiary establishments within the city are located within these zones. The tertiary facility comprising of the TAFE and Charles Sturt University premises are currently located in the B4 zone, while the Western Riverina Community College is located in a R1 zone.

3.2 Information and Educational Facility

An *information and educational facility* is defined in the standard instrument as:

a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

An information and educational facility is permissible within the E2 Environmental Conservation zone.

3.3 Country Universities Centre

The Country Universities Centre is a not-for-profit organisation, established with the aim of making tertiary education more accessible for regional and remote communities in New South Wales (source: www.cuc.org.au) and as a land use term, *country universities centres*, is a non-defined term in the standard instrument definitions.

The model adopted by the Country Universities Centre is to deliver supported learning to regional and remote students by providing them with access to campus-level technology, facilities, tutors and a network of fellow students. Presently in New South Wales there are three such facilities, one in Cooma (first opened in 2013), and others in Broken Hill and Goulburn (opened in 2018).

3.4 Office Premises

An *office premises* is defined as follows:

a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

4.0 JUSTIFICATION

4.1 Need for the Planning Proposal

4.1.1 Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not the result of any specific strategic study or report rather it is a recognition by Council for the need to provide opportunities for distance education and training facilities through the adaptive re-use of an existing structure. It is considered that the impact the Planning Proposal will have is acceptable under *A Guide to Preparing Planning Proposals (2012)*.

The Planning Proposal is considered the most appropriate solution to facilitate the proposed development type in an appropriate location. It is noted that should the Planning Proposal be successful, the development would still require the consideration and approval of a development application by Griffith City Council.

4.1.2 Is the Planning Proposal the best means of achieving the objective or intended outcomes, or is there a better way?

Yes, the Planning Proposal is the only means of achieving the intended outcome on the subject land.

The proposed amendment to Schedule 1 of the GLEP 2014 will facilitate the proposed development, whilst not undermining the objectives of the E2 Environmental Conservation zone. Further, a spot rezoning of the subject land to another zone whereby *educational establishments* and *office premises* were permissible was not considered to be an appropriate solution.

4.2 Relationship to Strategic Planning Framework

4.2.1 Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

There are no applicable regional or sub-regional strategies at this time.

4.2.2 Is the Planning Proposal consistent with the Council's local strategy or other local strategy plan?

Yes, the Planning Proposal is consistent with Council's CSP Growing Griffith 2030, as set out in Appendix A: Applicable aims of Growing Griffith 2030.

4.2.3 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes, the Planning Proposal is consistent with applicable State Environmental Planning Policies as set out in Appendix B: Applicable State Environmental Planning Policies.

4.2.4 Is the Planning Proposal consistent with applicable ministerial directions (section 117 directions)?

Yes, the Planning Proposal is consistent with applicable directions as set out in Appendix C: Applicable Directions under section 117(2) of the Environmental Planning and Assessment Act 1979.

4.3 Environmental, Social and Economic Impact

4.3.1 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 Planning Proposal?

The site has been partially cleared to facilitate the original development of the site as a television and radio broadcast centre and for bushfire protection measures. There remains upon the site a stands of remnant vegetation which is contiguous with the remnant vegetation on the adjoining Crown Land. Due to the disturbance and use of the site there is a very low likelihood that the subject land containing critical habitats or threatened species, populations or ecological communities, or their habitats.

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

There are no other likely environmental impacts likely to arise from the Planning Proposal. Any environmental impacts of the future development of the site will be assessed as part of the development application process, should the Planning Proposal be successful.

4.3.3 How has the Planning Proposal adequately addressed any social and economic effects?

The economic and social effects as a result of the Planning Proposal may be considered as positive for the local area. The Planning Proposal will facilitate enable the adaptive re-use of a commercial building for educational purposes and provide local students a hub for distance educational. Despite the development being prohibited in the E2 Environmental Conservation zone, the use of an existing vacant building would not be incompatible with the objectives of the zone. Presently in its disused state the subject land provides no contribution to the achievement of the zone objectives.

4.4 State and Commonwealth Interests

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

The subject land is currently supplied with adequate public infrastructure including sealed roads and a reticulated potable water services. The subject site is not connected to the sewerage system and waste is treated onsite with an existing waste management system.

There is no requirement to upgrade any infrastructure as part of the Planning Proposal however there may be a need to carry out works as part of the development of the land. Any required upgrades will be at the expense of the developer and will not increase the costs borne by the wider community.

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

The views of State and Commonwealth public authorities will not be known until after the Gateway Determination

5.0 MAPPING

As the Planning Proposal only seeks to amend Schedule 1 Additional Permitted Uses of the GLEP 2014 there is no requirement to make changes to associated LEP maps.

6.0 COMMUNITY CONSULTATION

Community consultation is mandated under section 3.34 of the Environmental Planning and Assessment Act, 1979 and this would include:

- Unless determined that public exhibition is not required because of the minor nature of the proposal, the public exhibition period set down in Schedule 1 is 28 days;
- Notification to adjoining and surrounding landowners either directly or indirectly impacted;
- Consultation with relevant government departments and agencies
- Published notification provided in the local newspaper

APPENDIX A
APPLICABLE AIMS OF GRIFFITH COMMUNITY STRATEGIC PLAN 2030

AIMS OF GRIFFITH COMMUNITY STRATEGIC PLAN 2030

Aims	Planning Proposal Consistency
<p>Leadership</p> <ul style="list-style-type: none"> To engage in an integrated planning framework that ensures a sustainable future for Griffith and its community. To engage with the community and others in decision making and planning. To collaborate with partners. To be a respected, professional and accountable organisation. To encourage community wellbeing and safety. 	<p>Consistent.</p> <p>The proposed amendment to Schedule 1 of the GLEP 2014 will facilitate the proposed development, whilst not undermining the objectives of the E2 Environmental Conservation zone.</p> <p>The community will be informed of the Planning Proposal and given the opportunity to comment, through the community consultation channels referenced in Section 6.0.</p>
<p>Lifestyle</p> <ul style="list-style-type: none"> To encourage and facilitate community wellbeing and safety. To develop and promote diversity. 	<p>Not relevant</p>
<p>Environment</p> <ul style="list-style-type: none"> To improve the ecological sustainability of Griffith's local environment. To preserve and enhance the natural and built environment. To develop and follow best practice in environmental management. 	<p>Consistent.</p> <p>In accordance with the objectives under this section, the Planning Proposal will minimise the environmental, social and financial costs of new development by facilitating the adaptive re-use of an existing building.</p>
<p>Growing our city</p> <ul style="list-style-type: none"> To develop our vibrant regional city. To ensure a balance between commercial and social infrastructure development. To enhance access to and from our city, as well as mobility within the region. 	<p>Consistent.</p> <p>The economic and social effects as a result of the Planning Proposal are considered to be positive for the local area.</p>

APPENDIX B
APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICIES APPLYING TO GRIFFITH

SEPP	Relevant	
SEPP No. 1	Development Standards	No
SEPP No. 21	Caravan Parks	No
SEPP No. 30	Intensive Agriculture	No
SEPP No. 33	Hazardous and Offensive Development	No
SEPP No. 36	Manufactured Home Estates	No
SEPP No. 50	Canal Estates	No
SEPP No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	No
SEPP No. 55	Remediation of Land	Consideration is required as part of planning proposal and any future development application.
SEPP No. 62	Sustainable Aquaculture	No
SEPP No. 64	Advertising and Signage	Consideration is required at the time a development application is made.
SEPP No. 65	Design Quality of Residential Flat Development	No
SEPP	Housing for Seniors of People with a Disability 2004	No
SEPP	Building Sustainability Index (BASIX) 2004	Consideration is required at the time a development application is made.
SEPP	Mining, Petroleum Production and Extractive Industries 2007	No
SEPP	Infrastructure 2007	No
SEPP	Miscellaneous Consent Provisions 2007	No
SEPP	Rural Lands 2008	No
SEPP	Exempt and Complying Development Code 2008	No
SEPP	Affordable Rental Housing 2009	No
SEPP	Urban Renewal 2010	No
SEPP	State and Regional Development 2011	No
SEPP	Educational Establishments and Child Care Facilities 2017	Consideration is required as part of planning proposal and any future development application.
SEPP	Vegetation in Non-Rural Areas 2017	No

B1: STATE ENVIRONMENTAL PLANNING POLICY NO. 55

State Environmental Planning Policy No. 55: Remediation of Land contains the matters that must be considered when assessing rezoning or development of a potentially contaminated site.

Clause 6 of the SEPP requires that Council is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:

(a) the planning authority has considered whether the land is contaminated, and

- Is the Planning Authority aware of any previous investigation about contamination on the land?

No. There are no records on Council's files which suggests that such an investigation has been undertaken by Council or the current or former landowners.

- Do existing records held by the Planning Authority show that an activity listed in Table 1 has ever been approved on the subject land?

There are no records held by Griffith City Council to show that an activity listed in Table 1 of the *Managing Contaminated Lands Guideline* was ever approved.

- Was the subject land at any time zoned for industrial, agricultural or defence purposes?

The site is presently zoned E2 Environmental Conservation and under previous environmental planning instruments the land was relatively zoned as 7(v) Environmental Protection – Scenic under Griffith LEP 2002 and Griffith LEP 1994 and agricultural, industrial and defence purposes were all prohibited within these zones.

Under Interim Development Order Nos. 1 & 2 the land was zoned 1(c) Non-Urban and while industrial and defence activities were prohibited, agriculture was development that could be carried out without the need for consent. Council is not aware of any historic agricultural use of the land.

- Is the subject land currently used for an activity listed in Table 1?

The site is currently vacant however the former use of the site was for a broadcast centre (radio and television transmission) which is not an activity listed in Table 1 of the *Managing Contaminated Lands Guideline*.

- To the Planning Authority's knowledge was, or is, the subject land regulated through licensing or other such mechanisms in relation to any activity listed in Table 1?

No.

- Are there any land use restrictions on the subject land relating to possible contamination, such as notices issued by the EPA or other regulatory authority.

No.

- Does a site inspection conducted by the land use authority suggest that the site may have been associated with any activities listed in Table 1?

No. A site inspection revealed that the site and the buildings formerly used as a broadcast centre for 2RG and MTN9 are current vacant and that there are no activities listed in Table 1 of the *Managing Contaminated Lands Guideline* being carried out on the land.

- Is the planning authority aware of information concerning contamination impacts on land immediately adjacent to the subject lands which could affect the subject land?

No. The adjacent lands are either in a natural state reflecting the environmental conservation status of the land or used as outdoor recreation facilities.

- Is the information sufficient to consider options and make planning decisions?

The site is presently zoned E2 Environmental Conservation and the former use of the site was for a broadcast centre is not an activity listed in Table 1 of the *Managing Contaminated Lands Guideline*. Taking into consideration the former zoning of the land and local knowledge of the site and its history is sufficient enough information to consider the Planning Proposal and enable the site to be used as an educational establishment without a detailed assessment of any contamination of the subject site.

B2: STATE ENVIRONMENTAL PLANNING POLICY EDUCATIONAL ESTABLISHMENTS & CHILD CARE CENTRES 2017

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 applies to the whole of the State and came into force on 1 September 2018. It has the aim to facilitate the effective delivery of educational establishments and early education and care facilities across the State by:

- (a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and*
- (b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and*
- (c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and*
- (d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and*
- (e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and*

- (f) *aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and*
- (g) *ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and*
- (h) *encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.*

In terms of definitions, the SEPP adopts the standard instrument definition for an **educational establishment**, which is:

a building or place used for education (including teaching), being:

- (a) *a school, or*
- (b) *a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.*

The SEPP also provides two further definitions:

tertiary institution *means a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.*

university *means an Australian university within the meaning of the Higher Education Act 2001.*

The SEPP sets down specific development controls for tertiary institutions within certain prescribed zones. The SEPP however specifically excludes the E2 Environmental Conservation zone, which would mean that any development of the subject site cannot rely on the provisions of the SEPP to proceed. The aim of the Planning Proposal is to permit, subject to consent, an educational establishment on a specific site that is within the E2 Environmental Conservation zone. If a development application is subsequently approved, it would mean future development of the land would benefit from the provisions of the SEPP including any exempt development or development that otherwise is permitted without the consent of Council or complying development.

Clause 57 of the SEPP identifies that a development application for a new educational establishment that is able to accommodate 50 or more students is to be referred to the NSW Roads and Maritime Service.

APPLICABLE DIRECTIONS UNDER SECTION 9.1(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

SECTION 9.1(2) PLANNING DIRECTIONS

S9.1 DIRECTION	APPLICABLE?	REQUIREMENT	CONSISTENT
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1. Employment and Resources

1.1 Business and Industrial Zones	Yes	<p>A planning proposal must:</p> <ul style="list-style-type: none"> (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 Secretary of the Department of Planning and Environment 	<p>This direction only applies when a planning authority is preparing a planning proposal that will affect land within an existing or proposed business or industrial zone, which is not the case in this instance.</p> <p>Notwithstanding the applicability of the direction it is noted that planning proposal would be consistent with the objectives of the direction which are to:</p> <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified centres.
1.2 Rural Zones	No		
1.3 Mining, Petroleum and Extractive Industries	No		
1.4 Oyster Aquaculture	No		
1.5 Rural Lands	No		

2. Environment and Heritage

2.1 Environment Protection Zones	Yes	Environmentally sensitive areas should be protected and conserved.	The planning proposal would not reduce the environmental protection standards that apply to the land as it involves the adaptive re-use of an existing building nor would it alter any development standards that applying to the land. On this basis the planning proposal would be consistent with the planning directions.
2.2 Coastal Protection	No		
2.3 Heritage Conservation	No		
2.4 Recreation Vehicle Areas	No		

3. Housing, Infrastructure and Urban Development

3.1 Residential Zones	No
3.2 Caravan Parks and Manufactured Home Estates	No
3.3 Home Occupations	No
3.4 Integrating Land Use and Transport	No
3.5 Development Near Licensed Aerodromes	No
3.6 Shooting Ranges	No

4. Hazard Risk

4.1 Acid Sulfate Soils	No
4.2 Mine Subsidence and Unstable Land	No
4.3 Flood Prone Land	No
4.4 Planning for Bushfire Protection	Yes

In the preparation of a planning proposal the relevant authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act and take into account any comments so made.

The building would be classified as a Class 9b structure under the *National Construction Code, Volume 1: Building Code of Australia Class 2 to Class 9 Buildings*. As there is no student or staff accommodation proposed, the development is not for a *special fire protection purpose* with regard to Section 100B(6) of the Rural Fires Act, 1997.

A planning proposal must have regard to Planning for Bushfire Protection 2006 and ensure that bushfire hazard reduction is not prohibited within the APZ.

Bushfire hazard reduction work authorised by the Rural Fires Act, 1997 is not prohibited within the APZ and may be carried out on any land without development consent.

The planning proposal is considered to be **consistent** with the Section 9.1 direction.

5. Regional Planning

5.1 Implementation of Regional Strategies	No
5.2 Sydney Drinking Water Catchments	No
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No

5.5 Development in the vicinity of Ellalong, Paxton and No Millfield (Cessnock LGA) (Revoked 18 June 2010) No

5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1) No

5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1) No

5.8 Second Sydney Airport: Badgerys Creek No

5.9 North West Rail Link Corridor Strategy No

5.10 Implementation of Regional Plans No

6. Local Plan Making

6.1 Approval and Referral Requirements Yes

LEP provisions should encourage the efficient assessment of development by not unnecessarily including provisions that require the concurrence of development applications to a Minister or public authority. The Planning Proposal does not include any such provisions and therefore is **consistent** with the planning direction.

6.2 Reserving Land for Public Purposes No

6.3 Site Specific Provisions Yes

Unnecessarily restrictive site specific planning controls are discouraged. The Planning Proposal proposes to amend Schedule 1 of the LEP to permit the use of the site for an *educational establishment* and does not propose any further provisions. In this regard the proposal is **consistent** with the planning proposal.

7. Metropolitan

7.1 Implementation of the Metropolitan Plan for Sydney 2036 No

7.2 Implementation of Greater Macarthur Land Release Investigation No

**APPENDIX D
IMAGES OF SITE**

D1: Aerial Image (1:5000)



D2: Existing Building of Former MTN9 & 2RG Broadcast Centre (front elevations)



D3: Existing Building of Former MTN9 & 2RG Broadcast Centre (front elevations)



D4: Existing Building of Former MTN9 & 2RG Broadcast Centre (rear elevation)



D5: Surrounding bushland and fire trails to rear of site

