

Gateway determination report

LGA	Griffith
PPA	Griffith City Council
NAME	Additional Permitted Use for 161 Remembrance Drive (0 homes, 0 jobs)
NUMBER	PP_GRIFF_2018_001_00
LEP TO BE AMENDED	Griffith Local Environmental Plan 2014
ADDRESS	161 Remembrance Drive, Griffith
DESCRIPTION	Lot 641 DP751743
RECEIVED	01 November 2018
FILE NO.	IRF18/6850
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

The planning proposal requests for an amendment to Schedule 1 of the Griffith Local Environmental Plan 2014 to list 'office premises' at Lot 641 DP751743, 161 Remembrance Drive, Griffith as an Additional Permitted Use (APU).

Site description

The subject site is approximately 3km north of Griffith CBD and is located within the Scenic Hill area. The site contains a disused radio and television broadcast centre, which was built in the 1960s. Some clearing has occurred on the 1.6ha lot for an access road and fire trail around the building, however, native vegetation surrounds the locality (**Figure 1**).

Existing planning controls

The subject site is located within E2 Environmental Conservation zone (**Figure 2**). The objectives of this zone are to protect threatened species and communities, by preventing development which could adversely impact the environment. The planning proposal intends to include 'office premises' as an APU in Schedule 1 at Lot 641 DP751743 as this land use is prohibited in the E2 zone.

Surrounding area

The subject site is nearby the speedway, Dalton Park Racecourse and golf club. These establishments are zoned RE2 Private Recreation. Further north is the Griffith airport and agricultural land. To the south, the subject site is surrounded by native vegetation, which bounds the city of Griffith.



Figure 1: The subject site and immediate surrounds



Figure 2: Land zoning of the subject site

Summary of recommendation

Proceed with condition – Permitting 'office premises' as an APU is considered the best means of achieving the intent of the proposal. Conditions of the proposal are standard conditions only, including authorising Council as the local plan making authority.

PROPOSAL

Objectives or intended outcomes

The planning proposal intends to include 'office premises' as an APU in Schedule 1 at Lot 641 DP751743 as this land use is prohibited in the E2 zone. This will allow for establishment of offices for a suitable business and adaptive reuse of the disused broadcast centre.

The original proposal also included adding “educational facility” as an APU for Lot 641 DP751743. This was to allow the non-for-profit Country Universities Centre to be established at the broadcast centre. After discussions with Council, it was decided operation of Country Universities Centre met the definition of “community facility” which is a permitted land use. Additional information provided by Council on 11 December 2018 confirms this decision to remove “educational facility” as an APU for Lot 641 DP751743.

Explanation of provisions

Schedule 1 of the Griffith LEP 2014 already contains three APUs on certain land. The proposal will amend Schedule 1 to allow for 'office premises' to be a land use which is permitted with development consent at Lot 641 DP751743.

Mapping

The planning proposal will require creation of map sheet APU_003C to show the APU applies to all land on Lot 641 DP751743.

NEED FOR THE PLANNING PROPOSAL

As the subject site is in an environmental zone, permitted uses of the buildings is heavily restricted. It is preferable these buildings remain in use, rather than becoming derelict from disuse. Demolition of the buildings is not preferable because of the risks from disturbing and disposing of asbestos. Finding an appropriate alternate use of the buildings, whilst avoiding impacts on the surrounding environment is the main driver for this planning proposal.

Given the environmental sensitivity of the E2 zones, allowing 'office premises' as a permissible use in all E2 zones is not appropriate. Council were not supportive of rezoning the land to permit additional land uses as it may result in permitting other land uses which could negatively impact the surrounding environment. Furthermore, the subject site and surrounding Scenic Hill is mapped as high conservation value in the Griffith Land Use Strategy (LUS – endorsed by DPE on 29/04/2013). The intent of the LUS is to retain all areas of high conservation value. Therefore, rezoning the land would contradict local strategic planning and is considered an unsuitable alternative to the proposal.

Adaptive reuse of the building is considered to have minimal impact to the environment, except for the potential for vegetation clearing to meet the required Asset Protection Zone (APZ) width for bushfire protection. Therefore, addition of 'office premises' as an APU in Schedule 1 at Lot 641 DP751743 is considered the best method of achieving the outcomes of the proposal.

STRATEGIC ASSESSMENT

State

There are no relevant state strategic planning frameworks for these proposals.

Regional / District

Additional information provided on 20 November 2018 states the proposal is consistent with the Riverina-Murray Regional Plan 2036 (RMRP) goals and key priorities for Griffith. Key priorities for Griffith are not relevant to this proposal, therefore, the proposal is not inconsistent.

The proposal is located within native remnant vegetation which is mapped as endangered in the Griffith Land Use Strategy. Action 15.2 of the RMRP is to

minimise potential impacts arising from development in area of high environmental value, and consider offsets or other mitigation mechanisms for unavoidable impacts. Endangered vegetation has high environmental value, therefore, action 15.2 applies to the proposal. As the proposal is to reuse existing buildings and infrastructure, with minimal vegetation clearing expected for an increased APZ, the proposal is consistent with Action 15.2 of the RMRP.

Local

Guiding Griffith 2040 is the local Community Strategic Plan (CSP) which is relevant for this proposal. The proposal is broadly consistent with Aim 7.1 (Increase the range of opportunities to work locally) of the CSP as it is allowing for a new location to be used for administration of businesses.

The Griffith LUS aims to retain and protect the Scenic Hill region by maintaining the environmental zones and preventing urban expansion in the area. The planning proposal is broadly consistent with this intent as it will not alter the zoning of an environmental area and commercial uses will be restricted to the existing broadcast centre.

Section 9.1 Ministerial Directions

2.1 Environment Protection Zones

The proposal is inconsistent with this direction as it will allow for a development type which is prohibited in the E2 Environmental Conservation zone. This inconsistency is not justified by a relevant strategy, study or Regional Plan. Consultation with the Office of Environment and Heritage (OEH) is recommended to determine if the inconsistency is justifiable as it is of minor significance.

4.4 Planning for Bushfire Protection

This direction applies as the planning proposal will affect land which is mapped as bushfire prone land. Consultation with the Rural Fire Service (RFS) is a requirement of this Direction. The planning proposal is considered inconsistent with this Direction until consultation has occurred and any requirements specified by RFS are met.

5.10 Implementation of Regional Plans

As discussed, the proposal is consistent with Action 15.2 of the RMRP to minimise potential impacts arising from development in area of high environmental value. Therefore, the proposal is consistent with this Direction.

6.1 Approval and Referral Requirements

This Direction applies to all planning proposals. The planning proposal is consistent with this Direction as it does not require any additional concurrence, consultation or referral requirements for development applications and does not identify any developments as designated development.

6.3 Site Specific Provisions

The proposal is inconsistent with this Direction as it will require a site specific APU. This inconsistency is considered justified as an APU for one lot is of minor significance.

State environmental planning policies (SEPPs)

There are no State Environmental Planning Policies (SEPPs) relevant to this proposal at the planning proposal stage. Additional consideration of SEPPs would occur by Council at the development application stage.

SITE-SPECIFIC ASSESSMENT

Social

Council states permitting additional uses of the broadcast centre would have a positive social impact as the vacant lot provides no contribution to the achievement of the E2 zone objectives. Reusing the building will revitalise the lot and provide an additional employment area which is also considered to have a positive social outcome.

Environmental

It is expected there would be minimal environmental impacts or conflict with nearby receptors from operation of this proposal as it will reuse existing facilities. Minor vegetation clearing may be required to meet bushfire APZ requirements.

Economic

The proposal will open a new location for office-based employment to operate. This is likely to have a positive, local economic impact.

Infrastructure

The subject site is already connected to all services. Sealing of the internal roads and car parks may be required to improve site access. It is not expected any other infrastructure or services will require upgrading for this development.

CONSULTATION

Community

Council has proposed a 28-day public consultation phase. This is considered appropriate as the standard consultation period is being proposed.

Agencies

Consultation will be required with the following agencies:

- Office of Environment and Heritage under section 9.1, Direction 2.1 Environmental Zones.
- Rural Fire Services under section 9.1, Direction 4.4 Planning for Bushfire Protection.

No other consultation requirements were identified by Council and no additional consultation has been specified by the Gateway determination.

TIME FRAME

Council has not proposed time frame for completing the LEP. A timeframe of 12 months will be granted to complete the LEP and the required consultation.

LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan-making authority, through the additional information provided on 11 November 2018. Council does not own or have any interest in the land and should be authorised to be the local plan-making authority.

CONCLUSION

Preparation of the planning proposal is supported to proceed with conditions as:

- Permitting 'office premises' as an APU is considered the best means of achieving the intent of the proposal to allow the reuse of an existing resource.
- The “office premises” use is not anticipated to impact on the core business area of Griffith.
- The proposal is not inconsistent with any State, regional or local strategies.
- Environmental, social, economic and infrastructure impacts of the proposal are expected to be minor or positive.
- Inconsistencies with section 9.1 Directions are expected to be justified through agency consultation.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions (6.3 Site Specific Provisions) are minor or justified; and
2. note that the consistency with section 9.1 Directions (2.1 Environment Protection Zones and 4.4 Planning for Bushfire Protection) is unresolved and will require justification.

It is recommended that the delegate of the Minister for Planning determine that the planning proposal should proceed subject to the following conditions:

1. Before community consultation, the planning proposal is to be updated to reflect the removal of “educational facility” as an additional permitted use.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authorities:
 - Office of Environment and Heritage.
 - Rural Fire Services.
4. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should be the local plan-making authority.
6. Prior to submission of the planning proposal under section 3.36 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’ 2017.
7. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).



13.12.18

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14.12.18

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