

Glen Innes Severn LEP 2012 Amendment No 3 - Housekeeping Amendments

Proposal Title :	Glen Innes Severn LEP 2012 Amendment No 3 - Housekeeping Amendments		
Proposal Summary :	This Planning Proposal seeks to undertaken various housekeeping amendments to Glen Innes Severn LEP 2012 including: 1. rezoning land in the Hunter Street Urban Release Area from R1 General Residential to R2 Low Density Residential; 2. modifying the land use table of the RU5 Village zone to prohibit Animal Boarding and Training Establishments; 3. modifying the Dwelling Opportunity Maps to include 33 additional parcels of land; 4. including the former 'Queenswood Grammar School' located at 82 Wentworth Street, Glen Innes in Schedule 5 Environmental Heritage; and 5. reclassifying 100 Lambeth Street, Glen Innes from Community to Operational for the impending development of the Northern Tablelands Fire Control Centre.		
PP Number :	PP_2017_GLENI_001_00	Dop File No :	17/09098

Proposal Details

Date Planning Proposal Received :	23-Jun-2017	LGA covered :	Glen Innes Severn
Region :	Northern	RPA :	Glen Innes Severn Council
State Electorate :	NORTHERN TABLELANDS	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	This Planning Proposal applies to all land in the Hunter Street Urban Release Area, all land zoned RU5 Village, 33 lots identified in Appendix D of the Planning Proposal, 82 Wentworth Street, Glen Innes and 100 Lambeth Street, Glen Innes.		

DoP Planning Officer Contact Details

Contact Name : Jon Stone
 Contact Number : 0267019688
 Contact Email : jon.stone@planning.nsw.gov.au

RPA Contact Details

Contact Name : Greg Doman
 Contact Number : 0267302350
 Contact Email : g.doman@gisc.nsw.gov.au

DoP Project Manager Contact Details

Contact Name : Craig Diss
 Contact Number :
 Contact Email : craig.diss@planning.nsw.gov.au

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Yes
 Lobbyists Code of
 Conduct has been
 complied with :

If No, comment : The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge.

Have there been
 meetings or
 communications with
 registered lobbyists? :

No

If Yes, comment : The Northern Region office has not met any lobbyists in relation to this proposal, nor has the Region been advised of any meeting between other officers within the agency and lobbyists concerning this proposal.

Supporting notes

Internal Supporting
 Notes :

External Supporting
 Notes : The Planning Proposal incorporates a number of amendments to the Glen Innes Severn LEP 2012 that have arisen from strategic investigations and development assessment matters occurring over the preceding two years.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : Council have indicated a 14 day timeframe for community consultation in the report to Council. However, this is not reiterated in the Planning Proposal. While the proposal includes a number of matters that are considered to be 'routine', due to the proposed reclassification a 28 day timeframe will be necessary.

Consultation with the NSW Rural Fire Service is also required in accordance with the requirements of S117 Direction 4.4 Bushfire Prone Land, and referral to the Heritage Office is also recommended due to the proposed heritage listing.

Additional Director General's requirements

Are there any additional Director General's requirements? No

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment : The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:

1. providing appropriate objectives and intended outcomes;
2. providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;
3. providing an adequate justification for the proposal;
4. outlining a proposed community consultation program; and
5. providing an indicative project time line.

Council is seeking an authorisation to exercise its plan making delegations. As the proposal deals with only matters of local significance and a reclassification process that does not require the approval of the NSW Governor under the Local Government Act 1993, it is recommended that an authorisation to exercise plan making delegations be issued to Council in regard to this matter.

The Planning Proposal includes an indicative a project timeline but does not estimate a completion date. It is recommended that a timeframe is included in the Planning Proposal prior to consultation. A nine (9) month timeframe is recommended for this Planning Proposal.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Glen Innes Severn LEP 2012 commenced on 14 September 2012.

Assessment Criteria

Need for planning proposal : Glen Innes Severn Shire Council has undertaken a general review of its planning controls. The proposed changes to the LEP within this Planning Proposal stem from issues identified by Council through strategic planning processes and their assessment of development applications.

Hunter Street Urban Release Area.
This amendment seeks to alter the land zoning from RU1 General Residential to RU2 Low

Density Residential to limit the type of residential accommodation that is permissible with consent to only dwelling houses and dual occupancies. This amendment will better reflect the existing residential development controls for the land adopted under Chapter 10 - Hunter Street Urban Release Area of the Glen Innes Severn Development Control Plan 2014. It is not proposed to amend the current minimum lot size of 800m² for this area. The Planning Proposal will need to be amended prior to community consultation to include reference to the adjoining Veness St and Taylor St road reserves that also form part of the proposed rezoning.

Prohibiting Animal Boarding and Training Establishments in the RU5 Village zone. This amendment seeks to correct a drafting error that occurred during the preparation of Amendment No 2 which sought to prohibit animal boarding and training establishments in the RU5 Zone. As a result of the error, animal boarding or training establishments are currently permitted with consent in the RU5 Zone. A previous development application for this type of development within the RU5 Village zone resulted in Council receiving a number of submissions opposed to this type of development based on noise and environmental reasons. Council resolved to prohibit this landuse within the RU5 Village zone as a result.

Additional parcels on the Dwelling Opportunity Map

Opportunities for dwellings in certain rural, residential and environmental protection zones have been identified by Council through a development assessment process and through the 'existing holding' provisions of clause 4.2A(5) of the Glen Innes Severn LEP 2012. This part of the proposal does not create any new opportunities for dwelling, but rather identifies existing entitlements on the map to provide greater ease of clarity for users of the LEP. It is recommended however that the Planning Proposal should be amended prior to consultation to include maps showing the location of each of the proposed sites and to amend an error in the lot description for one of the parcels.

Amending Council's Heritage Schedule to include the Former Queenswood Grammar School.

Council's heritage adviser has recommended this site be added to the heritage schedule within the LEP. A Statement of Significance supports the proposal. It is considered appropriate that this matter be referred to the NSW Heritage Office for comment.

Reclassification of 100 Lambeth Street, Glen Innes for the Northern Tablelands Fire Control Centre.

In late 2016 Council acquired the site for the purpose of upgrading the Rural Fire Service Fire Control Centre. The site had an approved use as a commercial premises, bulky goods premises and indoor recreation facility until Council approved a change of use to an emergency services facility in May 2017. Council wish to reclassify the land from community to operational to appropriately reflect its future use.

Consistency with strategic planning framework :

REGIONAL STRATEGIES

The draft New England North West Regional Plan 2036 applies to the Glen Innes Severn LGA. The planning proposal is consistent with the draft Plan's goals and specific directions, including Direction 3.3 - Deliver housing choice to suit changing needs and Direction 3.4 - Promote sustainable settlement growth with great places to live

The New England North West Strategic Regional Land Use Plan (SRLUP) applies to the Glen Innes Severn LGA. Parts of the Shire are mapped as Strategic Agricultural Land under the SRLUP which may coincide with the proposed changes to the dwelling opportunity maps. The proposed dwelling opportunity map changes will not however impact upon the strategic agricultural land as the dwellings are already permissible development.

LOCAL STRATEGIES

The Glen Innes Severn Land Use Strategy 2010 has been approved by the Department and identifies the need to ensure an adequate supply of residential land for future generations. The Hunter Street release area was identified in the strategy and subsequently zoned for residential purposes in the Glen Innes Severn LEP 2012. The rezoning of this land from R1 General Residential to R2 Low Density Residential is not inconsistent with the Land Use Strategy as an adequate supply of residential accommodation in Glen Innes will remain.

SEPPs AND S117 DIRECTIONS

The Planning Proposal is considered to be consistent with all relevant State Environmental Planning Policies. The Planning Proposal identifies that SEPP 44 Koala Habitat Protection, SEPP 55 Remediation of Land and SEPP (Exempt and Complying Development Codes) 2008 as being relevant to this proposal but does not include any discussion. It is recommended the Planning Proposal be amended prior to consultation to include discussion on the relevancy and consistency with these SEPPs.

The Planning Proposal is considered to be consistent with all applicable section 117 Directions except for 3.1 Residential Zones, 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection.

3.1 Residential Zones.

This Direction applies as the Planning Proposal will affect land that is zoned residential. The Direction requires an LEP to broaden the choice of building types however this proposal seeks to reduce the types of residential accommodation permissible in the Hunter St release area. This inconsistency is considered to be minor as it only impacts on a single new release area and better aligns the LEP controls with the existing DCP provisions for the site.

4.3 Flood Prone Land

This Direction applies as it is likely that parcels of land that will be identified on the dwelling opportunities map will be subject to flooding. The inconsistency with this direction is considered of minor significance as no new dwelling opportunities are being created by the amendment and any future proposals can appropriately consider this issue at the development application stage.

4.4 Planning for Bushfire protection

This Direction applies as the Planning Proposal will affect land that is identified as being bushfire prone. The Direction requires Council to consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

Environmental social economic impacts :

The Planning Proposal is considered unlikely to have a significant adverse impact on any critical habitat or threatened species, populations or ecological communities, or their habitats that can't be adequately considered and addressed at the development application stage. The rezoning of the urban release area and the identification of parcels with existing dwelling opportunities will not create opportunities for substantial development that is not already permitted by the current LEP.

4.3 Flood Prone Land
4.4 Planning for Bushfire Protection

Additional Information : It is recommended that:

1. The Planning Proposal be supported;
2. The Planning Proposal be exhibited for 28 days;
3. The Planning Proposal be completed within 9 months;
4. That the Planning Proposal be amended prior to consultation to include:
 - a project time line;
 - mapping showing the location of each of the parcels of land proposed to be included in the Dwelling Opportunities map and the proposed land reclassification site;
 - reference to the adjoining Veness Street and Taylor Street road reserves in the description of the land affected by the rezoning of the Hunter Street urban release area;
 - updated property descriptions for all the 33 parcels of land to be mapped on the dwelling opportunity map and the land being reclassified; and
 - discussion on the consistency of the proposal with SEPP 44 Koala Habitat Protection, SEPP 55 Remediation of Land and SEPP (Exempt and Complying Development Codes) 2008.
5. That the RPA consult with the Commissioner of the NSW Rural Fire Services in accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection;
6. The RPA consult with the OEH - Heritage regarding the inclusion of the 'Queenswood Grammar School' on Council's heritage schedule;
7. That the Secretary (or her delegate) agree to the proposal's inconsistencies with section 117 Directions 3.1 Residential Zones and 4.3 Flood Prone Land;
8. That the Secretary (or her delegate) note the current inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection;
9. That an authorisation to exercise delegation be issued to Council; and

Supporting Reasons : The Planning Proposal will correct an inconsistency between the DCP and LEP residential controls for the Hunter Street Urban Release Area, prevent inappropriate development of animal boarding and training facilities from being located in village areas, enable dwelling entitlements to be more clearly identified in certain areas, provide additional protection for an existing building with heritage significance and ensure public land is appropriately classified to reflect its future use and intent.

Signature:



Printed Name:

Craig Diss

Date:

30 / 6 / 17

Glen Innes Severn LEP 2012 Amendment No 3 - Housekeeping Amendments

The Planning Proposal is likely to have a positive social and economic impact on Glen Innes and the surrounding areas by ensuring appropriate forms of residential accommodation are developed in the Hunter Street urban release area, inappropriate developments are not permissible in village zones, the preservation of a local heritage item and emergency service facilities are secured to meet the needs of the Glen Innes community and surrounding areas.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority : **Office of Environment and Heritage**
Consultation - 56(2)(d) : **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **This matter should proceed as it will correct an inconsistency between the DCP and LEP residential controls for the Hunter Street Urban Release Area, enable dwelling entitlements to be identified in certain areas, provide additional protection for an existing building with heritage significance and ensure the public land is classified to reflect its use and intent.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies are required

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter and Council Report - Glen Innes LEP 2012 Amendment No 3.pdf	Proposal Covering Letter	Yes
Planning Proposal - Glen Innes LEP 2012 Amendment No 3.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.5 Rural Lands**
2.3 Heritage Conservation
3.1 Residential Zones