

Planning Proposal

Liverpool Plains Shire Council

**Rezoning of Lot 3 in DP 1121681, known
as 1172 New England Highway, Willow
Tree from RU1 - Primary Production to IN2
- Light Industrial**

**Liverpool Plains LEP 2011
(Amendment No. 6)**



April 2017

Legislative Framework

Pursuant to Section 55(1) of the *Environmental Planning and Assessment Act 1979* ('the Act'), a Planning Proposal must be prepared before a draft Local Environmental Plan amendment is made. The proposal must explain the intended effect of the draft Local Environmental Plan amendment and provide justification for the amendment. The proposal must address those matters identified by Section 55(2) of the Act, which are considered as part of this report. Council must then determine whether or not to proceed with the proposal.

Council resolution

Amendment No. 6 to the *Liverpool Plains Local Environmental Plan* (LEP) 2011 was considered by Liverpool Plains Shire Council at the meeting on 22 March 2017.

Overview

This Planning Proposal considers an amendment to Liverpool Plains LEP 2011 in order to facilitate the rezoning of Lot 3 in DP 1121681, known as 1172 New England Highway, Willow Tree from RU1 Primary Production to IN2 Light Industrial.

The subject land has an area of approximately 8 hectares and is located approximately 1 kilometre to the south of the village of Willow Tree on the New England Highway. The land currently accommodates a truck depot ('Howard's Haulage'), which has been operating from the subject site for approximately thirty (30) years, as well as a grain handling facility which has been operating for approximately twenty (20) years. A self-service fuel station on the site was approved by Council on the 24 February 2016.

The size of the allotment, as well as the presence and nature of existing land uses, is unlikely to permit the achievement of viable agricultural activities on the land and Council is supportive of the sites rezoning from RU1 Primary Production to IN2 Light Industrial.

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Part 1 - Objectives or Intended Outcomes of the Planning Proposal

This section sets out the objectives or intended outcomes of the Planning Proposal.

Rationale for the Planning Proposal

The proponent for the rezoning operates a road transport business known as 'Howard's Haulage' from the site and has done so for approximately the last 30 years. The site also accommodates a grain handling facility (which has been on the site for approximately 20 years) and a service station was recently approved on the site (approved by Council on the 24 February 2016).

The existing range of uses on the site are not commensurate with the current zoning of the land, which is RU1 Primary Production under Liverpool Plains Local Environmental Plan 2011.

The current uses on the site would be better suited to the IN2 Light Industrial zone.

Objectives of the Planning Proposal

The objective of this Planning Proposal is to rezone Lot 3 in DP 1121681, known as 1172 New England Highway, Willow Tree, from RU1 Primary Production to IN2 Light Industrial to ensure that the zoning of the land is commensurate with the current and approved uses of the land and to better-provide for the orderly, economic and prompt development of the site.

Part 2 – Explanations of Provisions

The current zoning of the site is RU1 Primary Production. This Planning Proposal amends the zoning map by rezoning Lot 3 in DP 1121681 to IN2 Light Industrial.

As a consequence of the proposed change to the zoning map the following development would be permissible on Lot 3 in DP 1121681:-

“Bee keeping; Depots; Garden centres; General industries; Hardware and building supplies; Heliports; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Places of public worship; Plant nurseries; Rural industries; Rural supplies; Sewage reticulation systems; Take away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource transfer stations; Water recycling facilities; Any other development not specified in item 2 or 4”

The following development would be prohibited on Lot 3 in DP 1121681:-

“Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Correctional centres; Dairies (pasture-based); Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments;

Heavy industries; Home-based child care; Home businesses; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Public administration buildings; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Sewerage systems; Sex services premises; Shops; Tourist and visitor accommodation; Waste disposal facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities”

Development for the purposes of a “service station” is also permissible on the site, pursuant to Schedule 1 of Liverpool Plains LEP 2011. No changes are proposed as part of this Planning Proposal to Schedule 1 of the LEP.

Part 3 – Justification

Section A – Need for the Planning Proposal

Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not a result from any strategic study or report. The site is currently zoned RU1 Primary Production. The objectives of the RU1 Primary Production are associated with the encouragement and protection of resource lands and primary industry. The current and approved uses on the site are more closely related to the objectives of the IN2 Light Industrial zone which are associated with the encouragement of employment opportunities and providing a range of light industrial land uses. The site, with an area of approximately 8 hectares, is considered too small for a meaningful primary production use.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the Planning Proposal is the best means. There is no better way to rezone the land.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The planning proposal is consistent with the *New England North West Strategic Regional Land Use Plan* (SRLUP). The site has a long standing history of industrial use (truck depot and grain handling facility) and is only 8 hectares in size. The rezoning will not prevent the protection of agricultural land and the sustainable management of resources.

The draft New England North West Regional Plan is currently on exhibition until 20 March 2017. The draft plan has five goals for the Region:-

- A growing and diversified agricultural sector;
- A diversified economy through the management of mineral and energy resources including renewable energy generation;
- Communities resilient to change, with housing choice and services that met shifting needs and lifestyles;
- Prosperous urban centres with job opportunities; and
- Protected water, environment and heritage.

The rezoning is not inconsistent with the above goals.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The Planning Proposal is consistent with the objectives of Council's adopted Land Use Strategy - the *Liverpool Plains Growth Management Study and Strategy* (2009). Liverpool Plains Growth Management Study and Strategy (GMSS), prepared by EDGE Land Planning in 2009, was prepared to guide the zoning of land under LPLEP 2011. The strategy discusses the traditional village infrastructure in Willow Tree which has helped sustain and support the residents of Willow Tree.

"This traditional village infrastructure, which may include a general store, school, community hall, sportsground and local park, are essential components of community life which play an important role in sustaining these communities."

The Planning Proposal will have no effect on the traditional village infrastructure in Willow Tree. The rezoning of the site will allow some forms of development which fall into the category of "retail premises", however these forms of development are unlikely to compete with the traditional village infrastructure in the Willow Tree village.

The GMSS includes a five-order hierarchy for settlement. Under this hierarchy, Quirindi is seen as a district centre, Werris Creek as a town and then the villages are underneath. Willow Tree is seen as a village under this settlement hierarchy.

The GMSS recommends that Willow Tree be limited to the current RU5 Village and that no expansion occur outside of the village zone. The reasons stated for this were that there was no reticulated sewerage, limited water supply, limited community and shopping facilities and drainage and slope constraints. Given that the village of Willow Tree is unlikely to expand towards the site, the rezoning of the land is unlikely to have an effect on the future vision of Willow Tree.

The vision under Liverpool Plains Shire Council's Community Strategic Plan is:-

"That the Liverpool Plains Shire area achieves higher levels of growth and generates improved quality of life through expanded opportunities for economic and social development being realised within an environmentally and financially sustainable framework."

The rezoning is consistent with the vision outline in the currently adopted Community Strategic Plan.

A key strategy from the Community Strategic Plan is to:-

"Strengthen and grow the economic prospects of the Shire and create more sustainable job opportunities"

The Planning Proposal will do this by creating more opportunities for employment generating activity on the site by making more employment generating land uses permissible on the site.

Q5. Is the planning proposal consistent with application of State Environmental Planning Policies?

The Planning Proposal is considered to be consistent with all relevant State Environmental Planning Policies (SEPPs), as demonstrated in the table below:-

SEPP	Objectives of SEPP	Consistency
SEPP No. 30 – Intensive Agriculture	The SEPP relates to cattle feedlots and piggeries of a certain size and requires certain matters to be considered when determining a DA for such a use.	Consistent. The long standing history of the site and its size do not make the land suitable for intensive agriculture.
SEPP No. 33 – Hazardous and Offensive Development	The SEPP includes definitions of hazardous and offensive industries and requires certain matters to be considered and certain information to be provided by Applicants when proposing a DA for such uses.	Consistent. This will be a relevant consideration at the DA stage.
SEPP No. 44 – Koala Habitat Protection	This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.	Consistent. The site is largely devoid of trees and has been used for industrial purposes for over 30 years. Any DA on the site will need to consider the provisions of SEPP No. 44, however given the highly disturbed nature of the site it is unlikely that the site will comprise core Koala habitat.
SEPP No. 55—Remediation of Land	The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.	Consistent. See Comments below.
SEPP No. 64 – Advertising and Signage	The SEPP relates to the regulation of signage and advertising to ensure it is compatible with the desired amenity and visual character of an area.	Consistent. Any future DA for signage on the site will need demonstrate compliance with the provisions of the SEPP.
SEPP No. 65—Design Quality of Residential Apartment Development	This SEPP applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component. The SEPP aims to improve the design quality of residential apartment development in New South Wales.	Consistent. Residential accommodation, which includes residential flat buildings, shop top housing or mixed use developments with a residential accommodation, will be prohibited in the IN2 Light Industrial zone.
SEPP (Affordable Rental Housing) 2009	The SEPP relates to affordable housing and providing effective	Consistent. Residential accommodation will be

	means of delivering affordable housing.	prohibited in the IN2 Light Industrial zone.
SEPP (Building Sustainability Index: BASIX) 2004	The SEPP aims to encourage sustainable residential development.	Consistent. Residential accommodation will be prohibited in the IN2 Light Industrial zone.
SEPP (Exempt and Complying Development Codes) 2008	The SEPP aims to provide streamlined assessment processes for development that complies with specified development standards.	Consistent. This will be a relevant consideration when future development occurs on the site.
SEPP (Housing for Seniors or People with a Disability) 2004	The SEPP aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability.	Consistent. The land is not currently zoned for urban purposes and will not be zoned for urban purposes once the rezoning takes place.
SEPP (Infrastructure) 2007	The aim of this Policy is to facilitate the effective delivery of infrastructure across the State.	Consistent. The site has a frontage to a "classified road" and therefore the provisions of the SEPP relating to roads and traffic will be applicable to the site. It is recommended that the RMS be consulted prior to the Planning Proposal going on exhibition to ensure that the Planning Proposal contains sufficient information for the RMS. Given that the site contains a truck depot, grain handling facility and has an approved service station on the site, it is unlikely that the planning proposal will have a significant effect on road safety or traffic. The RMS was consulted as part of DA No. 79/2015 and they requested that certain conditions be placed on the approval, which were included in the consent. The RMS raised no objection to DA No. 79/2015.
SEPP (Rural Lands) 2008	The main aim of this Policy is to facilitate the orderly and economic use and development of rural lands for rural and	Consistent. The site has a long standing history of use for purposes other than agricultural production. The site has been used for the purposes of a truck

	related purposes.	depot for approximately 30 years, a grain handling facility for approximately 20 years and a DA was recently approved for a service station on the site. The land is approximately 8 hectares in size and is unsuitable for intensive agriculture. The rezoning of the site, given the long standing use of the existing site, is unlikely to create any land use conflicts with surrounding rural land.
SEPP (State and Regional Development) 2011	The SEPP relates to State Significant Development and State Significant Infrastructure and also confers certain functions on planning panels to determine certain DAs.	Consistent. This will be a relevant consideration at the DA stage.

SEPP No. 55 – Remediation of Land

Clause 6 of SEPP No. 55 states:-

“6 Contamination and remediation to be considered in zoning or rezoning proposal

(1) In preparing an environmental planning instrument, a planning authority 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

(b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and

(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.

Note. In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.

(2) Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

(3) If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).

(4) The following classes of land are identified for the purposes of this clause:

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

(5) In this clause, planning authority has the same meaning as it has in section 145A of the Act.”

The site has been subject of an amendment to Liverpool Plains LEP 2011 (Amendment No. 5) to include “service station” as a permissible use on the site. A DA for a self-service fuel station (DA No. 79/2015) was approved by Council on 24 February 2016.

The following statement, regarding SEPP No. 55, was made during the assessment of DA No. 79/2015:-

“A search of Council’s historic records has not produced any previous investigations or approvals for known contaminating activities on the subject land, particularly in reference to the activities listed under Table 1 of the SEPP 55 guidelines. The subject land is not known to be regulated through licensing for contaminating activities or subject to any contamination notices issued by the EPA.

....

It is considered that the site is suitable for the intended use and no further investigation or remediation work is necessary in this instance.”

Based on the above information, the Planning Proposal is considered to be consistent with the provisions of SEPP No. 55.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent with the relevant Section 117 directions, as demonstrated in Table 1, below:

Table 1 - Consistency of the Planning Proposal with Section 117 Ministerial Directions

Direction No.	Provisions	Consideration
1.1 Business and Industrial Zones	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). What a relevant planning authority must do if this direction applies A planning proposal must: (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 Director-General of the Department of Planning. Consistency 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 objective of this direction, or (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) of minor significance.	Consistent. The Planning Proposal does not relate to an “employment area” but rather one individual allotment of land. The Planning Proposal does not reduce the total floor space area available for employment/industrial uses and is generally consistent with the New England North West Regional Land Use Plan (SRLUP).

1.2 Rural Zones	What a relevant planning authority must do if this direction applies Clause 4(a) of this direction applies to all relevant planning authorities and states that a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. Liverpool Plains Shire Council local government area is not specified in Clause 2(b) as being required to comply with Clause 4(b). This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). Consistency 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 objectives of this direction, (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) Is of minor significance.	The Planning Proposal is consistent with this direction, as it is considered to be of minor significance. The site has an area of approximately 8 hectares and has been used as a truck depot for approximately 30 years. The site has not been used for agricultural production for over 30 years and as such the Planning Proposal will not affect the agricultural production value of the land.
1.5 Rural Lands	When this direction applies This direction applies when: (a) A relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or (b) A relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone. Consistency 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	The Planning Proposal is consistent with this direction, as it is considered to be of minor significance. The site has an area of approximately 8 hectares and has been used as a truck depot for approximately 30 years. The site has not been used for agricultural production for over 30 years and as such the Planning Proposal will not affect the agricultural production value of the land.

	provisions of the planning proposal that are inconsistent are: (a) Justified by a strategy which: (i) Gives consideration to the objectives of this direction, (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 and is in force, or Is of minor significance.	
2.1 Environment Protection Zones	What a relevant planning authority must do if this direction applies A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in an LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change in a development standard for minimum lot size in accordance with clause (5) of Direction 1.5 “<i>Rural Lands</i>”.	This Planning Proposal does not reduce the environmental protection standards applying to any land. It is therefore considered that the Planning Proposal is not inconsistent with this direction.
2.3 Heritage Conservation	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal. What a relevant planning authority must do if this direction applies A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people. Consistency 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:	Consistent. Liverpool Plains LEP 2011 already contains provisions which protect places of heritage significance. The Planning Proposal does not seek to change/amend those controls.

	(a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or (b) the provisions of the planning proposal that are inconsistent are of minor significance.	
3.4 Integrating Land Use and Transport	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. What a relevant planning authority must do if this direction applies 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). Consistency 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 objective of this direction, or (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) of minor significance.	Consistent. The site is currently zoned RU1 Primary Production.
4.4 Planning for Bushfire Protection	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.	Consistent. Consultation with the Commissioner of the NSW Rural Fire Service will need to be undertaken following receipt of a gateway determination and

	What a relevant planning authority must do if this direction applies In the preparation of a planning proposal the relevant planning 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 prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made, A planning proposal must: (a) have regard to Planning for Bushfire Protection 2006, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. A planning proposal must, where development is proposed, comply with the following provisions, as appropriate: (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with, (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for firefighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area. Consistency 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 council has obtained written advice from the Commissioner of	prior to community consultation taking place.
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	the NSW Rural Fire Service, to the effect that, notwithstanding the noncompliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.	
5.10 Implementation of Regional Plans	Where this direction applies This direction applies to land to which a Regional Plan has been released by the Minister for Planning. When this direction applies This direction applies when a relevant planning authority prepares a planning proposal. What a relevant planning authority must do if this direction applies Planning proposals must be consistent with a Regional Plan released by the Minister for Planning. Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary), that the extent of inconsistency with the Regional Plan: (a) is of minor significance, and (b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions.	Consistent. As outlined above, the Planning Proposal is considered to be consistent with the New England North West Regional Land Use Plan (SRLUP).
6.1 Approval and Referral Requirements	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal. What the relevant planning authority must do if this direction applies 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: (i) the appropriate Minister or public authority, and (ii) 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 (c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the	This Planning Proposal is consistent with this direction. There is no concurrence, consultation or referral required in order to facilitate the proposed amendment.

	Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) 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. Consistency A planning proposal must be substantially consistent with the terms of this direction.	
6.3 Site Specific Provisions	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out. What a relevant planning authority must do if this direction applies A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) 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 (c) 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. A planning proposal must not contain or refer to drawings that show details of the development proposal. Consistency 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 of minor significance.	Consistent. The Planning Proposal has not been accompanied by a DA for a particular development nor has the request identified a particular form of development on the site.

Section C – Environmental, social and economic impact

Q7. 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 proposal?

No. It is not expected that the amendment will have an adverse impact upon critical habitat or threatened species, populations or ecological communities, or their habitats. Detailed assessment of these effects (if any) will occur upon submission of a site-specific Development Application.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No direct adverse environmental impacts are expected to arise as a result of the Planning Proposal.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal is considered unlikely to result in adverse social or economic impacts. Furthermore, is it anticipated that the Planning Proposal is likely to achieve positive social and economic effects, particularly through further employment opportunities on the land.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The site currently accommodates a truck depot, grain handling facility and a service station has been approved on the site. It is unlikely that the Planning Proposal will have a significant impact on public infrastructure given the range of current/approved uses on the site.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with relevant state authorities will occur where specified as part of the Gateway determination.

Part 4 - Mapping

The following map will be affected by the Planning Proposal:

Land Zoning:

- LZN_005A: 4920_COM_LZN_005A_020_20120731

A copy of the current land zoning map is provided in Appendix A. A copy of the proposed land zoning map is provided in Appendix B.

Part 5 – Community Consultation

Public consultation will be undertaken in accordance with the requirements of the Gateway determination and the Department's 'guide to preparing local environmental plans'.

It is expected that the Planning Proposal will be exhibited for a period of not less than 28 days and that this will include:

- Quirindi Advocate – public notices section;
- Fixed exhibit at Administration building;
- Liverpool Plains Shire Council website;
- Media release via social media;
- Notification to all landowners deemed likely to have an interest in the Planning Proposal;
- Planning staff being available to answer questions via telephone, email and face to face interviews.

Consultation will also be conducted with the NSW Rural Fire Service prior to the public exhibition of the Planning Proposal.

Part 6 – Project Timeline

Action	Indicative Date
Council Resolution	March 2017
Anticipated Gateway Determination	April 2017
Government Agency Consultation (NSWRFS)	April 2017 – May 2017
Public Hearing	Not Applicable
Public exhibition Period	April 2017 – May 2017
Submission assessment	May 2017
Assessment of Planning Proposal and exhibition outcomes including report to Council	June 2017
Drafting of instrument and finalisation of mapping	June 2017
LEP finalised (if delegated)	July 2017
Plan forwarded to the Department of Planning & Environment for notification	August 2017

Appendices

Appendix A – Current Land Zoning Map [this will be prepared with the final planning proposal]

Appendix B – Proposed Land Zoning Map [this will be prepared with the final planning proposal]