

**Griffith LEP 2014 – Schedule 1 Additional Permitted Use – General Industry in B6 Enterprise
Corridor zone – Kidman Way Griffith**

Proposal Title :	Griffith LEP 2014 – Schedule 1 Additional Permitted Use – General Industry in B6 Enterprise Corridor zone – Kidman Way Griffith		
Proposal Summary :	The planning proposal seeks to identify an Additional Permitted Use for 'General Industry' under Schedule 1 of the Griffith LEP 2014. The subject site is zoned B6 Enterprise Corridor, which prohibits industry, other than light industry. The proposed use is for the manufacture and assembly of agricultural equipment at the site.		
PP Number :	PP_2016_GRIFF_001_00	Dop File No :	16/13720-1

Proposal Details

Date Planning Proposal Received :	27-Oct-2016	LGA covered :	Griffith
Region :	Western	RPA :	Griffith City Council
State Electorate :	MURRAY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	912		
Suburb :	Kidman Ave	City :	Griffith
		Postcode :	2680
Land Parcel :	Lot 546 DP 751709		

DoP Planning Officer Contact Details

Contact Name :	Deniz Kilic
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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	Wayne Garnsey
Contact Number :	0268412180
Contact Email :	Wayne.Garnsey@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 :	Yes

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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 :	30

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

If No, comment : No known contact with registered lobbyists.

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment : No known contact with registered lobbyists.

Supporting notes

Internal Supporting Notes :

The planning proposal seeks to identify an Additional Permitted Use for 'General Industry' under Schedule 1 of the Griffith LEP 2014. The subject site is zoned B6 Enterprise Corridor, which prohibits industry, other than light industry. The proposed use is for the manufacture and assembly of agricultural equipment at the site.

The site is located on the corner of Kidman Way and Stafford Road in an area that is undergoing gradual transition, with neighbouring uses including agricultural activities, hardware and building supply outlets and bulky goods premises. The subject site is 2.57ha and currently contains a dwelling and shed structure.

Council has received a development application (DA) for the development of the site for the manufacture of pumping equipment and assembly of large spray irrigator components for the agricultural sector. The existing B6 Enterprise Corridor prohibits industrial use, other than light industry. Council planners have assessed the scope of the DA and deemed it to fall outside the scope of 'light industry' and defined it as a 'general industry'. As such, the DA cannot be determined to permit the proposed use, triggering the need for a planning proposal to amend the Griffith LEP 2014.

The proposed use of Schedule 1 Additional Permitted Use (APU) under the Griffith LEP 2014 is the preferred mechanism of making 'general industry' permissible with consent in this case. The APU mechanism allows for site specific flexibility to facilitate the redevelopment of the subject site, without expanding industrial uses throughout the B6 Enterprise Corridor zone.

As an alternative consideration, a site specific spot rezoning of the site to zone IN1 General Industrial would make the proposed use permissible with consent, however this would create an isolated and irrational land zoning pattern along Kidman Way. Kidman Way serves as the southern gateway into Griffith, hence the expansion of general industrial uses (besides light industry) along this road is undesirable.

The planning proposal contains adequate indicative mapping for consultation purposes.

The following drafting is recommended, under Schedule 1 APU of the Griffith LEP 2014:

" 3 Use of certain land at 912 Kidman Way, Griffith
(1) This clause applies to land at 912 Kidman Way, Griffith, being Lot 546, DP 751709.

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(2) Development for the purposes of general industry is permitted with development consent. ”

It is recommended the Minister's delegate determine that the planning proposal proceed to Gateway determination subject to conditions. The Schedule 1 'Additional Permitted Use' mechanism under the Griffith LEP 2014 is considered appropriate in this case, to facilitate determination of a development application for a 'general industry' on the site.

Given this planning proposal would create a third (3rd) item under Schedule 1 'Additional Permitted Use' of the Griffith LEP 2014, it is recommended an 'Additional Permitted Uses Map' be created identifying all items under Schedule 1. Currently, the Griffith LEP 2014 does not contain an APU Map. An APU Map would make the Griffith LEP 2014 more legible and easier to understand for the community.

Council has requested to exercise delegations and this is considered suitable as the proposal is of local significance.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The planning proposal provides an adequate statement of objectives as follows:**

“The intended outcome of the planning proposal is to facilitate the development of general industry, specifically the manufacture of machinery and equipment for use in agricultural irrigation, on the subject land.”

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal describes that its intended outcomes will be achieved by amending the Griffith LEP 2014 as follows:**

“Amendment of Schedule 1 'Additional Permitted Uses' to permit the use of 912 Kidman Way (legally described as Lot 546 DP751709) for the purposes of 'general industry, being the manufacture of machinery and equipment of agricultural irrigation purposes' with development consent.”

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

2.3 Heritage Conservation

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

The planning proposal identifies the following Section 117 Directions to be relevant in this case:

Direction 1.1 Business and Industrial Zones: This s117 Direction is relevant in this case as the proposal affects land within an existing business zone (B6 Enterprise Corridor Zone).

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The planning proposal demonstrates consistency with this Direction, as the proposed 'Additional Permitted Use' mechanism supports the objectives of the Direction. Despite some components of the proposed use (general industrial) being prohibited under the B6 Enterprise Corridor zone, the overall use to manufacture and assemble agricultural equipment at the site is considered consistent with the objectives of the Direction. The proposed development is deemed to encourage employment growth and does not undermine the business zoned site.

Direction 6.3 Site Specific Provisions: This s117 Direction is relevant in this case as the proposal will allow a particular development to be carried out, namely general industry in a B6 Enterprise Corridor zone, an otherwise prohibited use. The proposal to identify the use under Schedule 1 of the Griffith LEP 2014 as an Additional Permitted Use provides flexibility without imposing unnecessarily restrictive site specific planning controls. Hence, the proposal is consistent with this Direction.

The planning proposal also briefly considers the following Section 117 Directions, however and no relevant inconsistencies are identified in this case:

- Direction 2.3 Heritage Conservation
- Direction 5.1 Approval and Referral Requirements

Further, the planning proposal considers the relevance and consistency of all SEPPs and does not identify any relevant inconsistencies that need to be addressed.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal contains adequate indicative mapping for consultation purposes.

Given this planning proposal would create a third (3rd) item under Schedule 1 'Additional Permitted Use' of the Griffith LEP 2014, it is recommended an 'Additional Permitted Uses Map' be created identifying all items under Schedule 1. Currently, the Griffith LEP 2014 does not contain an APU Map. An APU Map would make the Griffith LEP 2014 more legible and easier to understand for the community.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The planning proposal outlines its community consultation methodology, including a 28 exhibition period, notification of adjoining and surrounding landowners, agency consultations and a notification in a local newspaper. The proposed community consultation is deemed adequate for this proposal.

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 :

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Proposal Assessment

Principal LEP:

Due Date : **March 2014**

Comments in relation to Principal LEP : **The Griffith LEP 2014 was notified on 21 March 2014.**

Assessment Criteria

Need for planning proposal : **The planning proposal is required as it is the only means of achieving the intended outcome of the subject site. A development application for a general industrial use cannot be determined, unless the use is identified under Schedule 1 Additional Permitted Use in the Griffith LEP 2014. The APU mechanism is deemed an appropriate means of achieving the intended outcome in this case, and is preferable to a spot rezoning to an industrial zone.**

Consistency with strategic planning framework : **It is noted that the 'Griffith Land Use Strategy – Beyond 2030 was endorsed by the Department on 17 April 2013. The proposal is considered consistent with Council's endorsed land use strategy, as the proposed APU in a B6 Enterprise Corridor zone is of minor significance.**

The planning proposal sets out consistency with Council's Community Strategic Plan 'Growing Griffith 2030'.

The planning proposal does not identify and address regional strategies to be applicable. However, the Draft Riverina Murray Regional Plan is applicable, though the proposal is of minor significance and does not create inconsistencies with the goals, directions and aims of the draft Plan.

Environmental social economic impacts : **The planning proposal is likely to have an overall positive impact on the Kidman Ave B6 Enterprise Corridor zone and for the greater Griffith LGA. Any potential environmental, social and economic impacts can be assessed further during the development application process.**

The site is stated to have been cleared for a former horticultural use, indicating a low likelihood of containing critical habitats, threatened species, populations or ecological communities. The LEP mapping does not identify the site to be affected by biodiversity or groundwater vulnerability. Any potential environmental impacts can be assessed and mitigated through the development application process.

The economic and social impacts of the planning proposal are likely to be positive and desirable, potentially creating 30-60 jobs, as stated in the planning proposal.

Assessment Process

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

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

Public Authority Consultation - 56(2)(d) :

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

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
1. Cover Letter.pdf	Proposal Covering Letter	Yes
2. Planning Proposal.pdf	Proposal	Yes
3. Council Resolution dated 11 October 2016.pdf	Proposal	Yes
4. Report to Council.pdf	Proposal	Yes
5. Evaluation criteria for the delegation of plan making functions.pdf	Proposal	Yes
6. Initial Request for Gateway determination .pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones
2.3 Heritage Conservation
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions**

Additional Information : **Recommendation:**

It is recommended the Minister's delegate determine that the planning proposal proceed to Gateway determination subject to conditions. The Schedule 1 'Additional Permitted Use' mechanism under the Griffith LEP 2014 is considered appropriate in this case, to facilitate determination of a development application for a 'general industry' on the site.

The following drafting is recommended, under Schedule 1 APU of the Griffith LEP 2014:
" 3 Use of certain land at 912 Kidman Way, Griffith
(1) This clause applies to land at 912 Kidman Way, Griffith, being Lot 546, DP 751709.
(2) Development for the purposes of general industry is permitted with development consent. "

Given this planning proposal would create a third (3rd) item under Schedule 1 'Additional Permitted Use' of the Griffith LEP 2014, it is recommended an 'Additional Permitted Uses Map' be created identifying all items under Schedule 1. Currently, the Griffith LEP 2014 does not contain an APU Map. An APU Map would make the Griffith LEP 2014 more

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legible and easier to understand for the community.

Council has requested to exercise delegations and this is considered suitable as the proposal is of local significance. The Acting Director Regions, Western can determine this planning proposal as the Minister's delegate.

Recommended Gateway conditions:

It is recommended the Minister's delegate determines and supports the planning proposal, subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:

(a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

(b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs.

2. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. 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).

3. Prior to submission of the planning proposal under section 59 of the EP&A Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015. Council is recommended to adopt an 'Additional Permitted Use' Map to support Schedule 1 of the Griffith LEP 2014.

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons : The proposed Additional Permitted Use for a 'general industry' under Schedule 1 of the Griffith LEP 2014 is considered to be of local and minor significance which supports the overall objectives of the B6 Enterprise Corridor zone.

The proposal does not create inconsistencies with Council's endorsed land use strategy, any applicable SEPPs and section 117 Directions.

The proposal is likely to have a positive impact on the Kidman Avenue B6 Enterprise Corridor zone at the southern gateway to Griffith regional city, as an area undergoing transition with recent employment-generating development.

Signature:



Printed Name:

Derry Kilić

Date:

17-11-2016

Endorsed
Wkamay TLWR
17/11/2016

