

PLANNING PROPOSAL

**AMENDMENT TO GLOUCESTER LOCAL
ENVIRONMENTAL PLAN 2010**



GET
Economic Environmental and Planning Services

Prepared by GET Economic Environmental and Planning Services
a division of Gloucester Shire Council
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PART 1: OBJECTIVES, INTENDED OUTCOMES and BACKGROUND

In accordance with Clause 55 of the Environmental Planning and Assessment Act 1979, this planning proposal has been prepared to make administrative adjustments and to enable the rezoning and development of land fronting Church Street Gloucester to be rezoned from R3 Medium Residential and E3 Environmental Management to B4 Mixed Use under the Gloucester LEP 2010.

This planning proposal has been prepared in response to a request from Gloucester Shire Council to amend the Gloucester LEP 2010 to undertake administrative amendments identified in the new Gloucester LEP 2010 where changes and errors have occurred during the development of the instrument that change the intended outcomes required. Further that Council has received an application under the Gloucester LEP2000 for a major retail development on land zoned 3(a) General Business and 7(d) Environmental Protection(Scenic) that required the land to be rezoned to a permissible use to allow this development to continue. Gloucester Shire Council has resolved at its meeting of 18th August 2010 that the administrative amendments and the land identified under DA 2009/1866 being Lot 11 and Part Lot12 Dp 1078402, Lot 10 Dp 37029, lot 8 Dp708955 and Lot 9 Dp 779143 and the existing commercial land around this development being lot7 Dp 741876 and lot2 Dp517814, be rezoned and that a planning proposal to be submitted to the NSW Department of Planning.

This proposal seeks to modify the Gloucester LEP2010 to make administrative amendments to the maps of the LEP to reflect the land use to be undertaken based on the conversion of zones from the Gloucester LEP2000, the correct identification of land as identified in the Gloucester LEP2010 and for the recognition of development under the Gloucester LEP2000 as indicated;

Item 1.

Council has identified that minor administrative amendment is required to correctly identify land in accordance with its land use under the Gloucester LEP2000 as shown on Map LZN002 that indicates E3 which should be E2. The zone under LEP2000 was 7(l) and during the conversion of maps to the new zone descriptors this zone inadvertently was mapped as E3 instead of its direct conversion to E2.

Item 2.

Council has identified that minor administrative amendments are required to correctly identify land in accordance with its land use under the Gloucester LEP2010 as shown on Map LZN009 to completely identify the RE2 land surrounding the Gloucester Country Club (golf course), and the correct identification of a Motel adjacent to the golf course in SP1 (currently listed as hotel Accommodation).

Schedule 1 of the Gloucester LEP2010 correctly identifies the land operated by the Gloucester Country Club and the map requires correction to identify the whole land parcel.

It has also been identified that the SP1 zone identifying the Motel adjacent to the Golf club has a notation as to its use as a "Hotel". Due to the changes in permissible use between these facilities the correction of the notation to "Motel" should be undertaken.

Item 3.

A change is required to plan LZN009 to amend the B4 Mixed Use zone to encompass the existing and proposed use. This land has been identified as a development application remains before Council applying for approval under LEP2000 for a commercial land use and that an existing commercial land use has existed for many years adjacent to the development site.

The extension of the mixed use zone is considered to be consistent with the adjoining land uses of this area. A minor adjustment to the R3 zone and E3 zone is required to correctly identify the approved uses and this is considered to not be detrimental to future land uses in this location. The land was zoned 3(a) General Business and 7(d) Environmental Protection (Scenic) under the Gloucester LEP2000. These zones permitted commercial land uses to occur subject to consent of Council. The change proposed to the maps is to identify the land use (retail premises, service stations and carparking) and contain further commercial development to the B4 Mixed Use zone. Council received (14th September 2009) advertised DA 2009/1866 to the public and received comments. The majority of comments received related to the 7(d) land use zone and permissibility of development without a rezoning occurring. This proposal was subject to a number of reports being submitted and a requirement for a detailed report on flood impacts and effects due to the site being identified in a flood area. Council was not prepared to rezone the land under the Draft Gloucester LEP 2010 without the required studies being available for public review. The applicant submitted these detailed reports for public review after the notification of the Gloucester LEP2010 in June 2010. Based on the detailed advice prepared by the applicant Council has supported this rezoning.

Item 4.

That the E3 Zone Land use tables include Dual Occupancies and Farm stay accommodation. This omission prevents dual occupancies and farm stay accommodation from occurring in the E3 zone. The E3 zone is similar in land use requirements as the RU1 zone due to the rural land use and should permit dual occupancies and farm stay accommodation. The E3 zone covers a very large extent of Gloucester Shire and is in principle a scenic protection zone and is used extensively for agricultural activity.

Item 5.

That the Floor Space Ratio Map – Sheet FSR-009 be amended to increase the maximum floor space ratio (n:1) for area “D” from 0.5: to 0.75 and that the R2 low residential zoned land is included to have a maximum floor space ratio of 0.5:1.

The 0.75:1 ratio existed under the Gloucester LEP2000 for residential buildings in the commercial zone areas. The LEP2010 has highlighted a special zone for Medium Density Residential and the density limits are the same as the R2 Low Density zoned land. The R2 zone will permit multi unit residential buildings and duplexes and should have a 0.5:1 ratio to preserve the residential character, prevent overshadowing and neighbourhood characteristics.

Item 6.

Council has been requested by NSW Planning Legal Branch's to amend clause 6.2. There is a minor error in Gloucester LEP 2010 under clause 6.2 Development in areas subject to airport noise; the definition for 'low impact noise' is incorrect as it refers to the area shown as 'high impact noise'. Councils resolution does not include Item ^ as this was proposed by NSW Planning after the submission of the draft Planning

Proposal for inclusion. Council is aware of the change proposed to Clause 6.2 and shall permit its inclusion for public consultation and assessment purposes.

Gateway process

As this planning proposal is for administrative amendments of a minor nature and a change in zoning of parcels of land that permitted commercial land use under LEP2000, it is recommended to the Gateway review panel that this request could be easily completed in a period of three (3) months.

This period would allow Gloucester Shire Council to undertake the required public consultation under Part 4 and to complete all maps and required amendments to the Gloucester Local Environmental Plan 2010 to meet the Department of Planning requirements.

PART 2: EXPLANATION of PROVISIONS

The objective of this Planning proposal is intended to be achieved by amending the Gloucester Local Environmental Plan 2010. The amendments would involve a change to the instrument as described in Table 1 and shown in the proposed maps in Appendix 1

Table 1: Proposed zoning change

Land Description	Current Zoning	Proposed Zoning
Map LZN002	E3 Environmental management	E2 Environmental Conservation
Map LZN009 RE2 – Lot 3 DP 625997 SP1 – Lot 4 DP625997	RE2 and SP1(Hotel)	RE2 and SP1(Motel)
Map LZN009 Lot 11 and Part Lot12 DP 1078402 ,Lot 10 Dp 37029, lot 8 Dp708955 and Lot 9 Dp 779143 and lot7 Dp 741876 and lot2 Dp517814	R3 Medium Density Residential and E3 Environmental Management (LEP2000 – 3(a) General Business and 7(d) Environmental protection (Scenic)	B4 Mixed Use
Instrument E3 Zone Land use Table	E3	E3 – include Dual Occupancies and Farm stay accommodation
FSR-009	area “D” 0.5: R2 low residential zone	area “D” 0.75 and that the R2 low residential zoned land is included to have a maximum floor space ratio of 0.5:1

Note: The major changes proposed by this planning proposal are:

1. **Item 3** - To rezone the land identified as Lot 11 and Part Lot12 DP 1078402, Lot 10 Dp 37029, lot 8 Dp708955 and Lot 9 Dp 779143, lot7 Dp 741876 and lot2 Dp517814 from its current status as R3 Medium Density Residential and E3 Environmental Management to B4 Mixed Use. This land is subject to a pending development application 2009/1866 where the land was zoned 3(a) General Business and 7(d) Environmental Protection (scenic). Lot7 Dp 741876 and lot2 Dp517814 has existing commercial uses and the B4 zone will allow future use to continue.

The objectives of the proposed amendment of the zoning are:

- To promote economic growth and competition through the planning system to ensure that the commercial centre can accommodate growth and

opportunities for economic growth so that effective markets can develop and prosper.

- To identify local and regional growth of supermarkets and other retail outlets
- That the Gloucester Shire Councils "Development Employment Land and Commercial / Retail Strategy: Business Study Gloucester CBD 2006" is not used to restrict supermarket and retail development and competition.

2. **Item 5** - To amend the Floor Space Ratio Map – Sheet FSR-009 to increase the maximum floor space ratio (n:1) for area "D" from 0.5: to 0.75 and that the R2 low residential zoned land is included to have a maximum floor space ratio of 0.5:1.

The 0.75:1 ratio existed under the Gloucester LEP2000 for residential buildings in the commercial zone areas and due to changes in the development of the instrument and maps this 0.75:1 ratio was not carried over.

The R2 zone permits multi unit residential buildings and duplexes and a 0.5:1 ratio is required to preserve the residential character, prevent overshadowing and neighbourhood characteristics.

PART 3: JUSTIFICATION

In accordance with the Department of Planning's "Guide to Preparing Planning Proposals 2009"; this section covers the following issues:

- Section A: Need for planning proposal;
- Section B: Relationship to strategic planning framework;
- Section C: Environmental, Social and Economic Impact; and
- Section D: State and Commonwealth Interests

Section A: Need for Planning Proposal

1. Strategic Study or Report

This planning proposal is not a result of a strategic study or report. Gloucester Shire Council has requested that this proposal be prepared as it has identified that administrative amendments are required to provide flexibility in the zones and to correct errors identified after the notification of Gloucester LEP 2010, and Council would like to amend the zones of land for other employment generating developments that supports the Shires employment growth.

Gloucester Shire did review land use during the compilation of the Draft Gloucester Local Environmental Plan 2009, however it did not change the zones for a supermarket, service station and carparking area as submitted in this proposal due to a need to determine community aspects of flooding, transport and location impacts.

Council supports this Planning Proposal, and Councils resolution has been attached at Appendix 4 to this proposal.

2. Planning Proposal – Achieving Objectives

A planning proposal is considered the best way of achieving the objectives of the administrative amendments and requested rezoning of the land. The alternatives to rezoning this land are contained in Table 2.

The alternatives to undertaking the administrative amendments and rezoning the land are to allow it to remain as is. The requested administrative and rezoning requests can not be dealt with under Clause 4.6 Gloucester LEP2010 as they generally relate to zone tables rather than development standards.

The rezoning of land to for a commercial use such as a supermarket and other retail activities as detailed above could permit employment activities on this land suitable to larger scale employment development.

The amendment of floor space ratios within the Gloucester township areas for R3 and R2 land will allow a greater density of land use consistent with the repealed Gloucester LEP2000.

*Table 2: Options for Planning Proposal Objectives
Proposed change of R3 and E3 zone to B4*

Options	Planning Provisions	Use land for employment use	Consistent with Strategic Directions (LUS)
No Change to Gloucester LEP 2010	consistent	not consistent	consistent
Rezone Land to B4 Zone that permits employment options	consistent and supported by SEPP (Competition) 2010	consistent	Consistent with existing commercial land use and land use of adjoining B4 zone

This proposal is to rezone land identified in the recently released LEP2010 to be zoned B4 Mixed Used. The land is subject to an application before Council to permit the development of a supermarket and other retail developments permissible in the adjoining land zone. This development was not rezoned prior to the notification of the Gloucester LEP 2010 as detailed report where required to identify flooding and other community aspects of the development.

The Gloucester LEP 2000 identified the land as 3(a) General business and 7(d) Environmental Protection (scenic). Both these zones permitted commercial activity. The 3(a) zone permitted a supermarket and service station along with other retail development and the 7(d) zone permitted commercial developments however did not permit a supermarket as it was not listed in the land use tables.

The proposed site is not isolated from the commercial area of Gloucester and is suitable for the location and to allow a large building and associated carparking to be constructed. This proposal will allow economic growth and competition to occur through the planning system into the future.

*Table 3: Options for Planning Proposal Objectives
Proposed change of Floor space ratio in the R3 and R2 zone*

Options	Planning Provisions	Use land for Residential use	Consistent with Strategic Directions (LUS)
No Change to Gloucester LEP 2010	consistent	not consistent	Not consistent
Change of Floor space ratio in the R3 and R2 zone	consistent and supported by repealed LEP2000	consistent	Consistent with existing and proposed land use strategy

The options to not change the floor space ratio of the R3 zoned land shall restrict the use of land and the principles of urban consolidation proposed in the Gloucester Housing Development Strategy 2006. The identification of a floor space ratio for the R2 zone will establish a criteria for the development of multi residential units and other residential buildings to preserve the residential character, prevent overshadowing and neighbourhood characteristics.

3. Community Benefit

The administrative amendments shall assist the community to correctly identify zones, landuse requirements and provide flexibility in to the future for residential type developments.

The propose rezoning of the land identified for B4 Mixed Use may allow for the development of a retail uses which support economic growth and generate employment within the Gloucester or surrounding area.

The planning proposal supports the rezoning of this land in accordance with the SEPP (Commercial) 2010 and reducing restrictions that may be identified by a land use strategy. The utilisation of the identified B4 site is of greater benefit to the local area than its retention as a vacant land area on the edge of the commercial land use zones.

Section B: Relationship to Strategic Planning Framework

❖ Is the Planning Proposal consistent with any regional or subregional strategies

Gloucester Shire Council local government area does not form part of any regional or subregional strategy. The town of Gloucester is located within the Shire and does not have any restrictions under any proposed regional or subregional plan.

Gloucester Shire was subject to the Hunter Regional Plan, however this document has been superseded by other sub regional plans. The proposed land to be rezoned is consistent with the Hunter REP 1989 (repealed).

The Gloucester LEP 2010 identifies item of Regional Heritage. The planning proposal does not affect any item of regional heritage. The planning proposal to rezoned land does not contain any items of heritage or impact on items of heritage as identified in the Hunter REP (heritage) 1989.

❖ Is the Planning Proposal consistent with the Local Community Strategic Plan?

Gloucester Shire Council prepared a strategy documents in 2006 for the new local environmental plan. The LEP was notified in June 2010. The strategy document for commercial areas was based on the known development types that may be commercially viable at the time. A change in community, mining developments and commercial activity has changed this strategy direction. The strategies predicted an increase in residents over a twenty year period and the review of land release was to be undertaken every five years. Due to the time taken to approve the new LEP 2010 the strategy documents and land release areas is being reviewed and will form a future planning proposal to release more residential land areas to meet demand.

The planning proposal is not consistent with the Strategic documents as the land area to be zoned B4 was not identified by the consultants or the existing commercial uses based on the slow development of commercial land in Gloucester and a need to design the area surrounding the commercial centre for an aging community. The proposal to develop a supermarket was not identified as a priority in 2005 /06. The development proposed on this land is consistent with the strategy as it addresses the economic loss due to residents shopping out of town and this proposal if developed will help attract commercial dollars back to the town whilst generating employment in the community.

Council has supported this planning proposal and changes to the relevant strategy documents.

❖ Is the Planning proposal consistent with applicable State Environmental Planning Policies?

Gloucester Shire Council has prepared strategic documents to guide the overall development of the Shire and these documents have addressed the consistency aspects of the environmental planning policies.

It is considered that no substantial changes have been made to the Environmental Planning and Assessment Act, 1979; the State Environmental Planning Policies, with the exception of SEPP1 which has been repealed where a local environmental plan has clauses inserted to cover variations; and to Section 117 Directions and their relevance to Gloucester Local Government area.

It is considered that the Planning Proposal is consistent with the State Environmental Planning policies.

❖ Is the Planning proposal consistent with applicable Ministerial Directions (s117 directions)?

Refer Table below as an overview of Direction Consistency and comments for relevant sections.

Item number	Direction	Comment on consistency
1 Zone change from E3 to E2	Direction 2.1 Environmental Protection Zones	Inconsistent with Clause (5) and of minor inconsistency Clause 6(d) See Notes below
2 Zone change from E3 to RE2	Direction 2.1 Environmental Protection Zones	Inconsistent with Clause (5) and of minor inconsistency Clause 6(d) See Notes below

3 Zone change from E3 to B4	Direction 1.1 Business and Industrial Zones Direction 2.1 Environmental Protection Zones Direction 3.1 Residential Zones Direction 3.4 Integrating Land use and Transport Direction 4.3 Flood prone Land	consistent Inconsistent with Clause (5) and of minor inconsistency Clause 6(d) See Notes below Inconsistent with Clause 5 (b) and of minor inconsistency Clause 6(d) See Notes below Inconsistent with Clause 3, and 4(a & b) and of minor inconsistency Clause 5(d) See Notes below Inconsistent with Clause 4, 5,6 and 8
4 Include Dual Occupancies and Farm Stays in E3 Zone	Direction 2.1 Environmental Protection Zones	Inconsistent with Clause (5) and of minor inconsistency Clause 6(d) See Notes below
5 FSR Increases in R2 and R3 Residential zones	Direction 2.3 Heritage Conservation Direction 3.1 Residential Zones	Consistent See Note below Inconsistent with Clause 5 (b) and of minor inconsistency Clause 6(d) See Notes below
6 Amendment CI 6.2 Definition "Low impact noise"	Nil	No inconsistency

S117 Directions and comments generally for items to be amended

Comments have been included for each item under the Direction Heading where required.

- **Employment and Resources**

1.1 Business and Industrial Zones

Objectives

The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,*
- (b) protect employment land in business and industrial zones, and*
- (c) support the viability of identified strategic centres.*

Item 3

This direction applies as the prepared planning proposal will affect land within an existing medium density residential zone and environmental management zone to convert it to a Mixed use zone (business zone). The change in zone will also include existing businesses that have been included in the medium density and environmental management zone.

A planning proposal must:

1. give effect to the objectives of this direction,
2. retain the areas and locations of existing business and industrial zones,
3. not reduce the total potential floor space area for employment uses and related public services in business zones,
4. not reduce the total potential floor space area for industrial uses in industrial zones, and
5. 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

1. The Objectives of the Direction is complemented by the Gloucester LEP 2010 Zone B4 Mixed Use Objectives that state:

Zone B4 Mixed Use

1 Objectives of zone

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling*

The conversion of the R3 Medium density residential and E3 environmental management zone will allow a complementary business to develop on this land that could generate employment and available land on which to develop them.

2. The planning proposal retains an area that was historically utilised for commercial process. The change in zone title will allow employment opportunities to develop on

land that has sufficient capacity to allow the development of a large isolated building, carparking and associated retail developments. The rezoning of this land will also recognise the existing commercial land uses adjoining this site.

3. The planning proposal does not require a reduction of industrial or employment lands. The conversion to a B4 zone shall allow business opportunities on a parcel of land that can not be used for residential or general use due to flood related issues.
4. This proposal will not reduce the total floor space area. The proposal will increase floor space required under the commercial strategy for retail uses.
5. Council has prepared strategies that support the future commercial expansion to allow for employment generating developments to occur.

2. Environment and Heritage

2.1 Environment Protection Zones

Objective

- (2) The objective of this direction is to protect and conserve environmentally sensitive areas.

Item 1

Clause 5 - The rezoning of the E3 Environmental Management Zone to E2 Environmental Conservation is an administrative amendment to ensure that the land area is similar to the zones identified under LEP2000. The Change from E3 to E2 does not reduce the environmental protection standards that apply to this land and increases the protection status.

Clause 6(d) – This amendment is of minor significance as it increases the protection level.

Item 2

Clause 5 – The amendment proposed to the map is to correct an administrative error only and to correctly identify land in accordance with its land use under the Gloucester LEP2010 as shown on Map LZN009 to completely identify the RE2 land surrounding the Gloucester Country Club (golf course), and the correct identification of a Motel adjacent to the golf course in SP1 (currently listed as hotel Accommodation).

The golf club being the change from E3 to RE2 is of minor significance as the E3 zone is in principle scenic protection and the golf course will maintain the environmental protection requirements.

In accordance with clause 6(d) the proposed change of zone from E3 to RE2 is of minor significance.

Item 3

Clause 5 – The proposed change is to rezone land that adjoins an established B4 zone and to correctly identify land that has existing commercial developments located on them from E3 to B4.

The land is located behind existing dwellings and commercial businesses. The E3 zone is a scenic protection zone in principle and the area requiring amendment is not visually essential to the scenic protection of the locality. (photos attached). The area is open

paddock which adjoins existing dwellings and commercial businesses. The B4 zone proposed is suitable as it allows the business centre of Gloucester to develop without greatly impacting on other higher value land uses. Council believes that the rezoning of this land area will not reduce the environmental protection standards that apply to the large area of the Shire zone E3 and the reduction in land area will be of minor impact.

In accordance with clause 6(d) the proposed change of zone from E3 to B4 is of minor significance.

Item 4

Clause 5 - The inclusion of Dual Occupancies and farm stay developments in the E3 zone is additional to the current activities under the land use tables. Council believes that the inclusion of these development types will not reduce the environmental protection standards that apply to this zone. This zone in principle is a scenic protection area and the low density of these development types will not impact adversely.

In accordance with clause 6(d) the proposed change is of minor significance.

Direction 2.3 Heritage Conservation

Item 5

It is considered that the proposed changes to the FSR within Gloucester town ship are consistent with this direction as the changes do not impact on an item, place, building, works, relics, movable objects or precincts of environmental heritage significance to the area. The FSR amendment will not impact on known Aboriginal objects or places, artefacts or landscapes.

The Heritage items and conservation areas have been identified in the Gloucester LEP 2010 and no changes are proposed to Schedule 5 of the LEP or to the requirements of clause 5.10. There is no change to the Heritage Conservation area identified on the maps.

The FSR changes are to the R2 and R3 zones only and shall provide greater protection to items of heritage significance, due to the identified site coverage limitations. There is no change to the B2 or B4 areas other than the increased zone areas identified in this planning proposal.

Council believes there are no inconsistencies with this direction, however the Department has indicated that there may be minor inconsistencies requiring approval from the Heritage Office. Council is unaware of any inconsistencies however requests under Clause 5(b) that any inconsistencies are of minor significance and may be considered by the Director General as such..

3. Housing, Infrastructure and Urban Development

3.1 Residential Zones

Objectives

- (3) The objectives of this direction are:
- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
 - (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and

- (c) to minimise the impact of residential development on the environment and resource lands.

Item 3

Clause 5(b) – The proposed rezoning from R3 to B4 of the identified land will support the retention of residential development under the Land use tables. The R3 Medium Density Residential zone allows a range of residential types. The proposed change to B4 Mixed Use zone will permit residential buildings including Boarding houses, Residential flat buildings and shop top housing. The B4 zone along with the amendment to the floor space ratio map will permit increased densities of development including residential uses. In accordance with clause 6(d) the proposed change of zone from R3 to B4 is of minor significance.

Item 5

Clause 5(b) - The proposed amendment to the Floor Space Ratio map is to encourage a greater density of residential dwellings and permit a greater variety of dwelling types in close proximity to the commercial and business area of Gloucester. This was identified in the Housing Development Strategy 2006 as prepared for the Gloucester LEP2010. The residential density of the R3 zone is to increase from 0.5:1 to 0.75:1 being consistent with clause 5(b). The identification of a FSR for the R2 zone is due to a requirement to control residential densities of Dual occupancies, residential flat buildings and the like within this zone and retain an open residential perspective in this zone. The FSR of the R2 area is consistent with this direction.

In accordance with clause 6(d) the proposed change of FSR for the R3 and R2 zones is of minor significance.

3.4 Integrating Landuse and Transport

Objectives

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives (a-e).

Item 3

Clause (3) – This proposal is inconsistent with this clause as it is removing the R3 Medium Density Residential zone to create a B4 Multi Use zone. The B4 zone will permit residential buildings to be developed and is considered to be of minor significance.

The change of zone has been considered in accordance with Clause (4) and it is considered that the change to B4 will correct administrative errors in the zone boundaries to include existing commercial developments located in the R3 zone and E3 zone and the proposed amendment is located adjacent to an existing B4 zone and will allow the continuation of commercial and other uses to occur in an area designed for such use. The change in zone for this area will not fragment the existing business area as established under previous local environmental plans.

As Gloucester Shire does not have public transport available to residents, the locating of businesses in a central area is considered to be of great importance.

In accordance with clause 5(d) the proposed change of the R3 zone to a B4 Mixed Use zone is of minor significance.

4. Hazard and Risk

4.3 Flood Prone Land

Objectives

- (4) The objectives of this direction are:
- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and
 - (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

Item 3 - Clauses 4, 5,6,7, 8 and 9

The proposed rezoning of the land identified as B4 on the maps has been subject to the submission of a report by qualified engineers in accordance with the NSW Governments Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. The report has identified that the area is flood liable and that the proposed development submitted under DA2009/1866 will not result in impacts detrimental to other properties. A copy of the flood advice has been submitted with this Planning proposal.

Clause (4) – the proposed has been considered with flood advice from Paterson Consultants as attached and complies with the NSW Governments Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.

Clause (5) - is inconsistent as it proposes to rezone land that is R3 and E3 to a B4 zone and the land is within a known flood area. The Justification for this change is that the proposed change in zone will allow buildings to be developed at a level above the known flood heights and the impacts will be less to the community than if the land remained as an R3 zone due to a higher density of residential development. The E3 zoned land is presently vacant with the exception of commercial businesses requiring an administrative amendment to correct a mapping error.

Clause (6) – This section is inconsistent as described below;

(a) the proposed rezoning is in a floodway area. This is consistent with the Gloucester commercial area, as the main shopping area it is predominantly located in a flood area.

(b) The proposed development (supermarket) subject to this rezoning has provided a flood report as attached. The applicant has submitted a report from Paterson Consultants Pty Ltd June 2010. This report has been considered in this assessment.

The conclusions in the flood study indicate that

- The development will be located in a high hazard flood area
- That the proposed development:
 - will not change the flood hazard in the area;
 - will not affect surrounding buildings to any measurable extent;

- will increase flood flow velocities on the site, but such increases do not propagate beyond the site except along Church Street at the entry and exit point to the development.

The report states that whilst the flow velocities along Church Street are increased, the absolute velocities are not sufficient to increase flood damage or erosion potential. It is further suggested that these flow velocities could be reduced by further elevation of the carpark to building (supermarket) floor level or a low wall is installed to the southern end of the carpark.

(c) The rezoning of land as proposed shall increase the development potential as the land increases the business zones (mixed use) and corrects administrative errors to the maps where existing commercial businesses are located. The area being rezoned allows for a green fields development to occur in support of SEPP (Commercial) 2010. The land as identified in the Gloucester LEP 2000 was zoned general business and environmental protection that allowed commercial activities to occur. The variation being proposed is adjoining the existing B4 zone.

(d) This proposal shall not result in substantial increases in government spending on flood mitigation measures, infrastructure or services.

(e) All development at this location will require development consent unless exempted by regulation.

Clause (7) The planning proposal will not require any changes to the residential flood planning level.

Clause (8) The planning proposal will not require any changes to or be inconsistent with the Floodplain Development Manual 2005. A flood report has been prepared by Paterson Consultants Pty Ltd in support of this clause.

Clause (9)(a) – This proposal is inconsistent with the above mentioned clauses however a flood report has been provided to provide justification that the rezoning of land for a supermarket development will not impact on other properties or increase the flooding effects overall. The proposed administrative amendment to include existing commercial developments will not change the status quo regardless of zone name.

Council requests that in accordance with clause (9) that the Director General permit the inconsistencies as detailed above.

6. Local Plan Making

6.1 Approval and Referral Requirements

Objective

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

Item 3

The proposed amendments to the Gloucester LEP2010 are to encourage the efficient use of the land and that appropriate developments are carried out on the land. The proposed

rezoning of land from R3 and E3 to B4 Mixed use is considered to be an appropriate use of the land due to its flooding aspects and that the land is adjoining an area of existing commercial or business development. This land would have been rezoned prior to the notification of the Gloucester LEP 2010 if the applicant of DA2009/1866 had submitted the flood information and other studies required to ensure that the hazard and risk assessment could be undertaken.

Item 5

The amendment proposed to the floor space ratio map is to ensure that the land is used to a higher capacity to ensure that a variety of residential uses can be developed to meet the needs of an aging community.

6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

Item 3

Council is in receipt of an application to develop land for retail and service station use on land that was zoned 3(a) General business and 7(d) Environmental Protection (Scenic). The zones under LEP2000 permitted commercial developments however the 7(d) zone did not allow a supermarket to be located on the land. This development application remains pending due to the notification of the Gloucester LEP2010. The present R3 and E3 zone is restrictive as it prevents the use of the land for commercial or retail opportunity. The land zoned R3 would be restricted in development potential due to the flood requirements of this area that would prevent or restrict future residential development. The E3 zone is in principle a scenic area and has been retained due to flood limitations on the land.

The area to be rezoned for commercial use was previously 3(a) general business and 7(d) environmental protection (scenic). The change to B4 mixed use is not inconsistent to past land use allowances.

Consistency

This planning proposal will amend another environmental planning instrument (Gloucester LEP 2010) in order to allow future employment development proposals to be carried out. The proposal is consistent with the direction as it will;

- (a) allow that land use to be carried out in the zone the land is situated on, and
- (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, and
- (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.

Consistency S117 Directions Overall

This planning proposal as above requires the Director Generals approval for the minor variations with the terms of the Section 117 Directions. There appears to be no significant inconsistency with the directions as included above except with respect to flooding for which a consultants report has been submitted to justify the development of a supermarket, service station and carparking on site.

Council requests that the Director General permit the minor variations under the S117 Directions to allow this planning proposal to be advertised to the public.

An assessment of the S117 directions does not indicate that any required consultation is required with NSW Government agencies for the preparation of the Planning Proposal. Should the gate way process indicate required consultation with agencies this shall be undertaken in accordance with Part 4.

Section C: Environmental, Social and Economic Impact

❖ Are there any identified threatened species, habitat or ecological communities near this land?

Gloucester Shire Council it is not aware of any identified threatened species, habitat or ecological communities near the subject land.

As no record exists of a threatened species or community in this locality, the requirements of Section 5A of the EP&A Act and the Threatened Species Assessment Guidelines have not been used in the assessment of this planning proposal.

❖ Are there any other Environmental Effects as a result of this planning proposal and how are they to be managed?

The site is located in the Gloucester Flood plain area and the applicant for DA2009/1866 has submitted a detailed report as to flooding effects from the proposed development at the site and one other lands.

The land adjoins the Billabong, an intermittent water channel to the west of the subject land. There are no know endangered species or endangered flora or fauna at the subject site. The land has been used for grazing of stock either side of the water course. There are no significant vegetation communities at this site.

There are no further identified environmental effects of the existing site.

❖ How has the planning proposal adequately addressed any social and economic effects?

The proposed land use is similar in nature to the existing adjoining land use. The land is occupied by dwellings facing Church Street and is vacant towards the west.

The rezoning of this land to a commercial use (B4) would not be detrimental to the use of the land and would not create any greater impacts than that permitted for General Business under the Gloucester LEP2000.

Gloucester Shire Council anticipates the social and economic impacts to be positive. The rezoning of the land from Medium Density Residential and environmental management to a mixed use zoning would facilitate future commercial development in a suitable location. It is therefore considered that from a socio-economic perspective this will benefit the community, possibly providing additional services and employment.

Gloucester Shire Council is not aware of any Aboriginal or European heritage issues or sites that could impact on the proposed rezoning of this land.

Section D: State and Commonwealth Interests

❖ Is there adequate public infrastructure for the Planning Proposal?

It is considered that there is adequate capacity within the existing infrastructure to accommodate the proposed change in land use. The proposed land use does not require any increase in the public infrastructure.

Future developments in the B4 zone shall require an upgrade to roads, water and sewerage supplies. These requirements are as a result of the development proposal not due to the rezoning of land.

❖ What are the Views of State and Commonwealth Public Authorities?

Gloucester Shire Council has advised that it has not consulted with relevant State or Commonwealth agencies at this stage. It is considered that the administrative amendments and the proposed rezoning and floor space ratio changes would not have an impact on State or Federal agency determinations.

Consultation shall be undertaken as part of any required public notification process.

PART 4: COMMUNITY CONSULTATION

In accordance with Clause 57(2) of the Environmental Planning and Assessment Act, this planning proposal must be approved prior to community consultation being undertaken by Gloucester Shire Council.

It is considered that due to the minor nature of the administrative changes and that the proposed retail and service station development has received extensive community advertising on land proposed to be rezoned B4, that the development is classified as having a low impact and as such should be advertised for a period of 14 days.

The recommended advertising to be undertaken should include;

- Notice in the Local newspaper;
- Exhibition of maps and relevant consultation documents at the Councils Administration Building;
- Maps and consultation documents to be made available on the Councils web site; and
- Letters advising land owners and surrounding land of the proposed rezoning and permitted land uses, and advise of how to make a submission in relation to this planning proposal.

At the close of the submission period, Council officers will consider all submissions received and present a report to Council for their endorsement of the proposed rezoning before proceeding to finalise the amendment.

Any additional consultation measures determined under the Gate Way process will form part of the consultation procedure.

Appendix 1: Existing and Proposed Zoning Map

Figure 1: Proposed Amendment E3 to E2

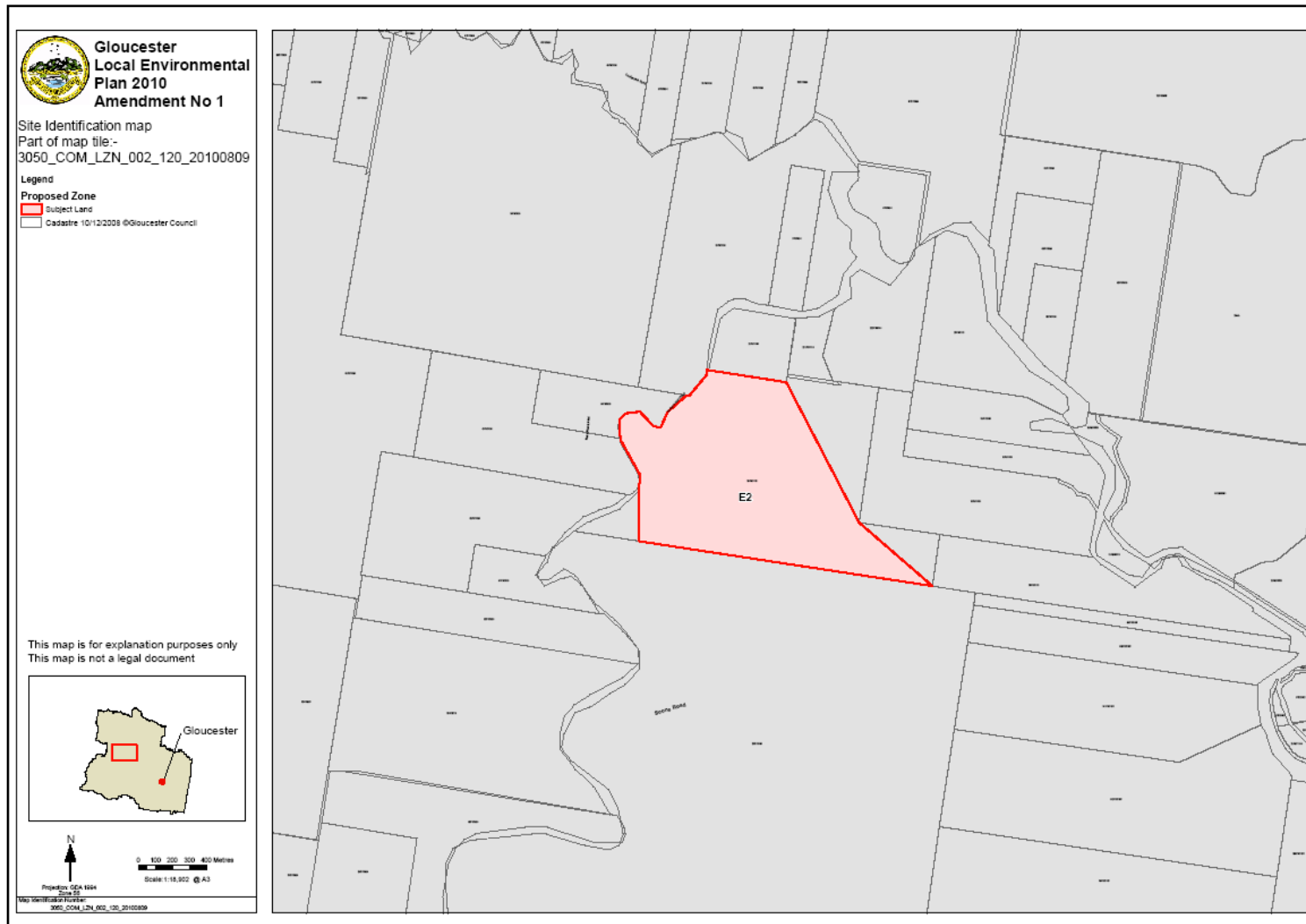


Figure 2: Proposed Amendment E3 to E2 Zoom In Section of Map LZN-002

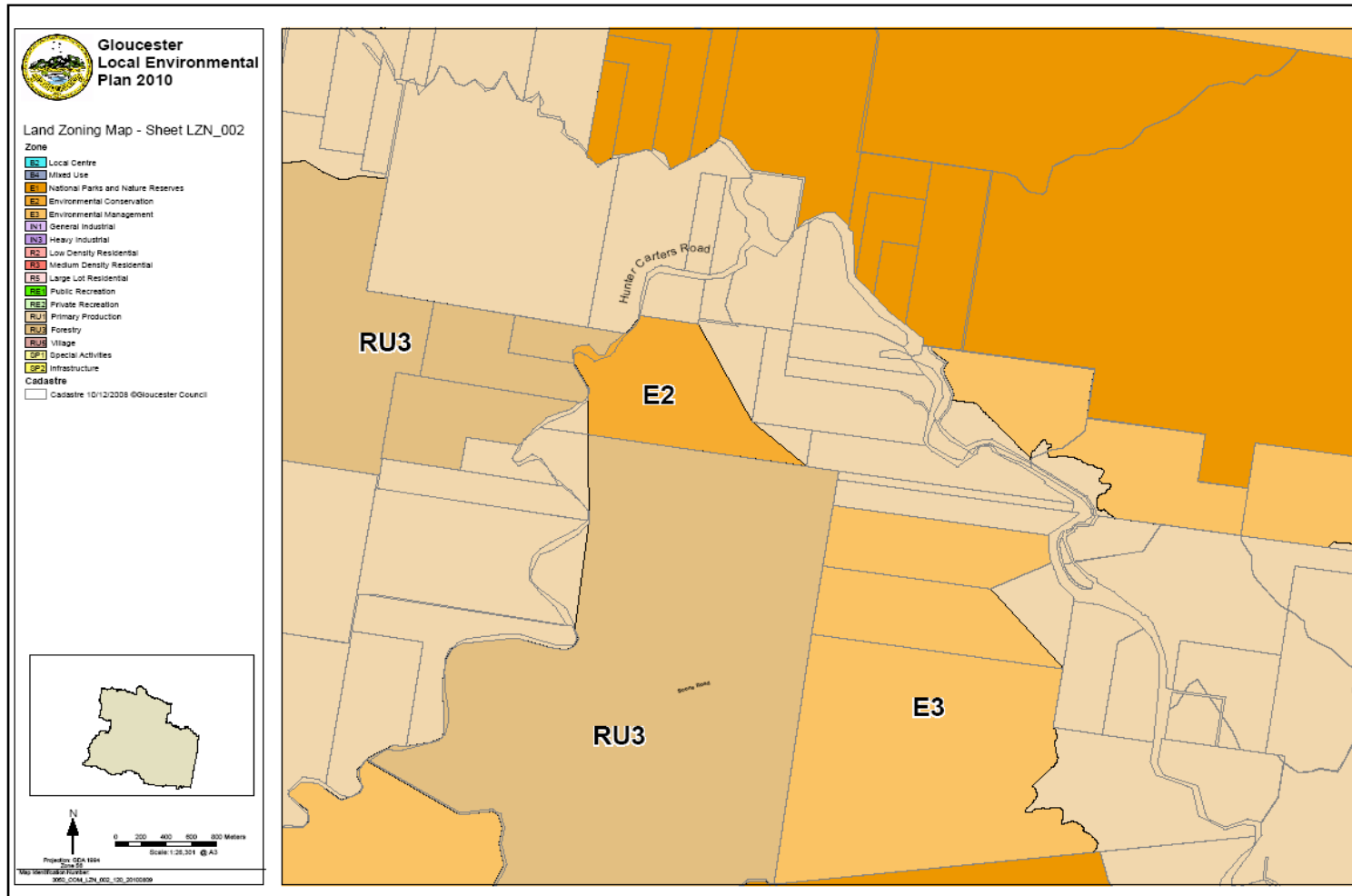


Figure 3: Proposed Amendment E3 to E2 – Land Zoning Map LZN-002

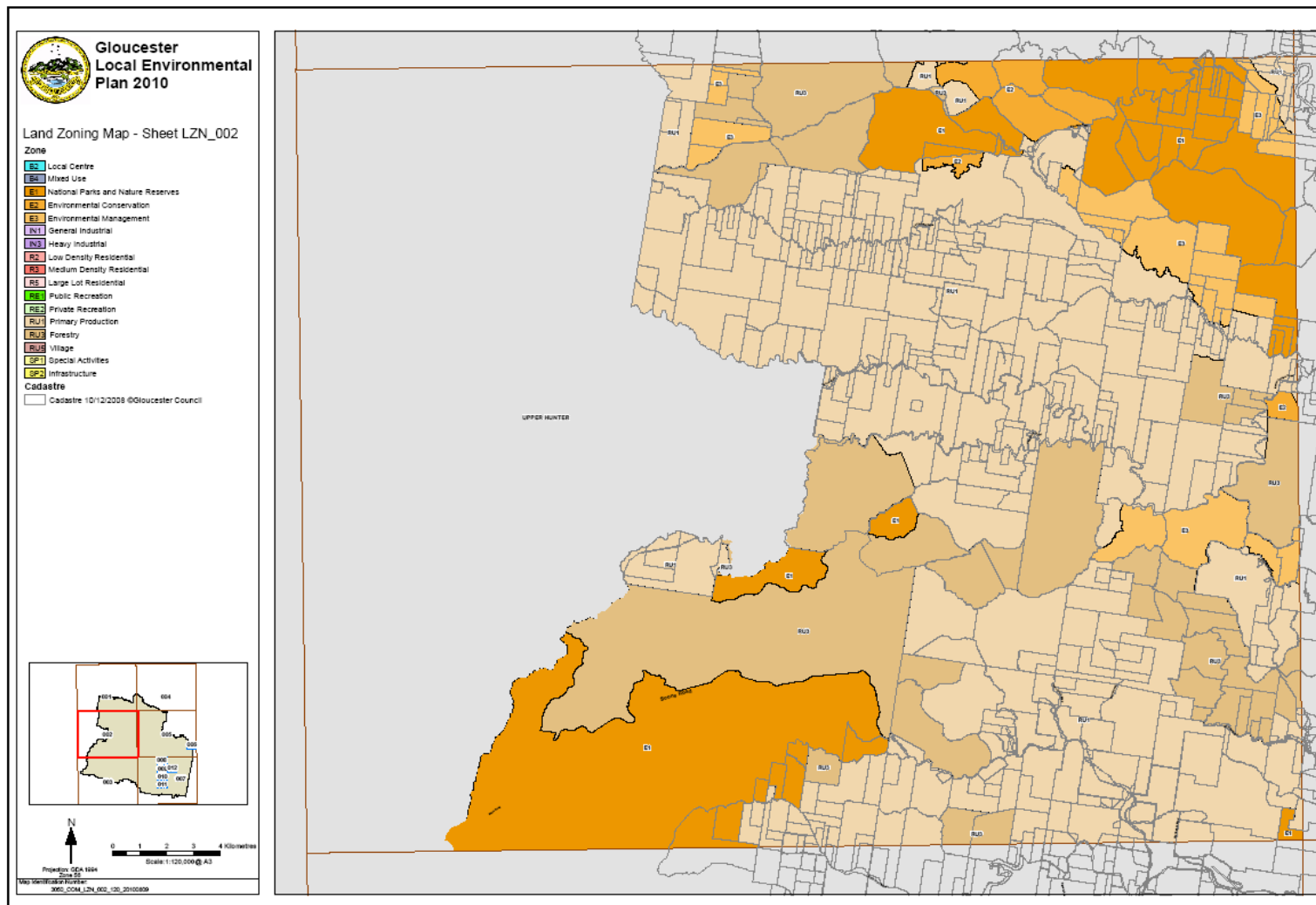


Figure 4: Proposed Amendment LZN-009 Gloucester Country Club (RE2) and Motel (SP1)

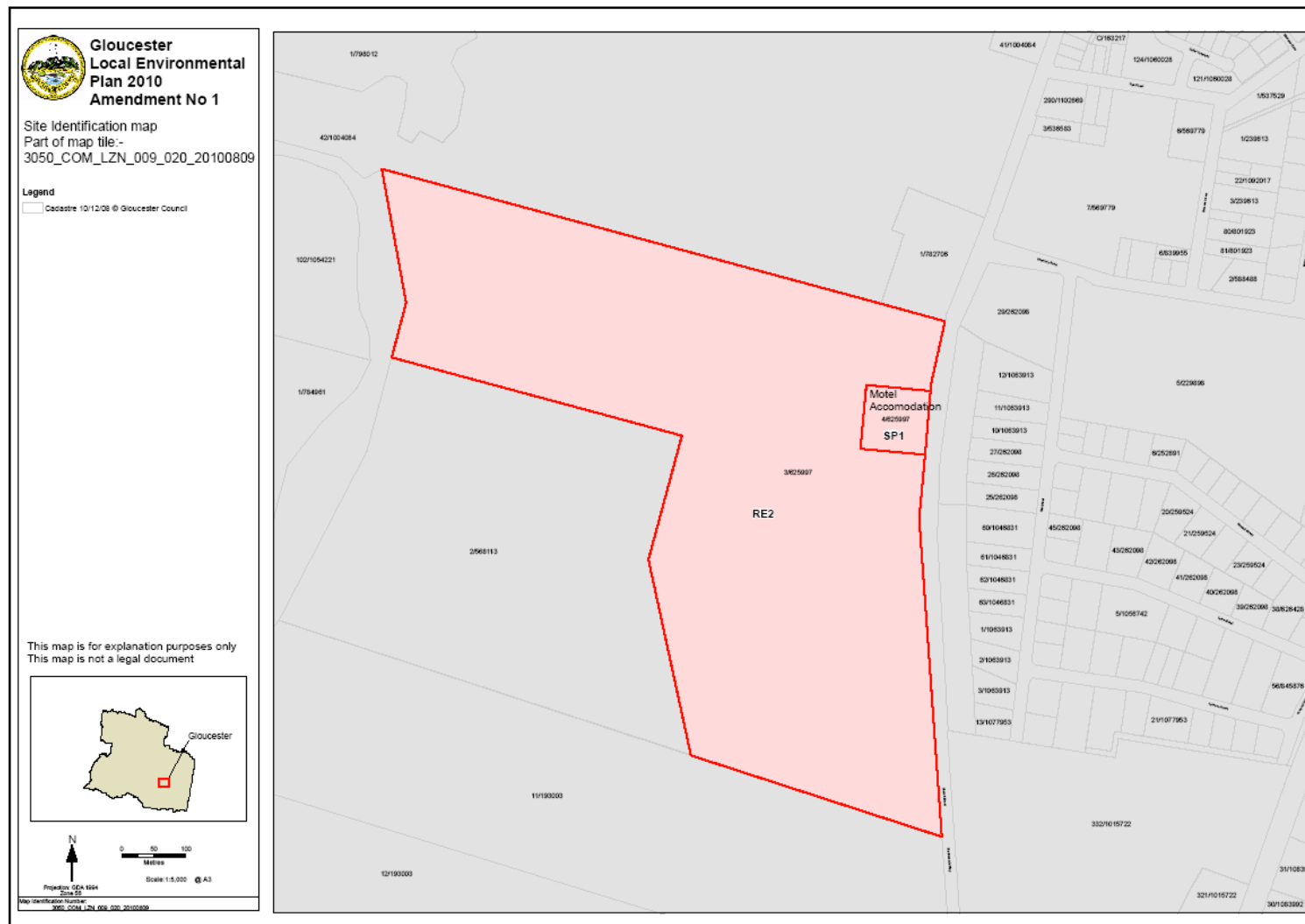


Figure 5: Proposed Amendment LZN-009 Changed to Zones R3 and E3 to B4

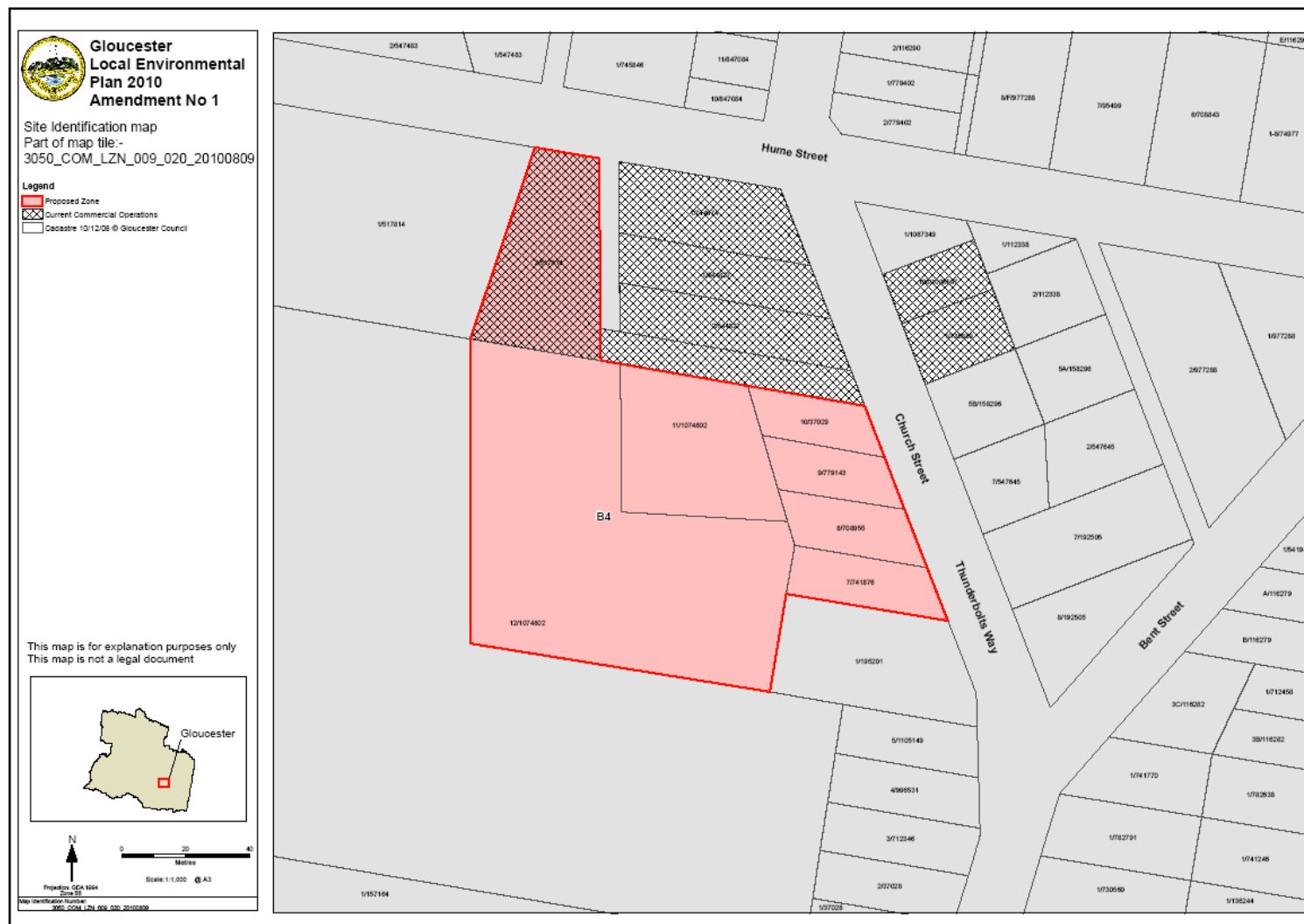
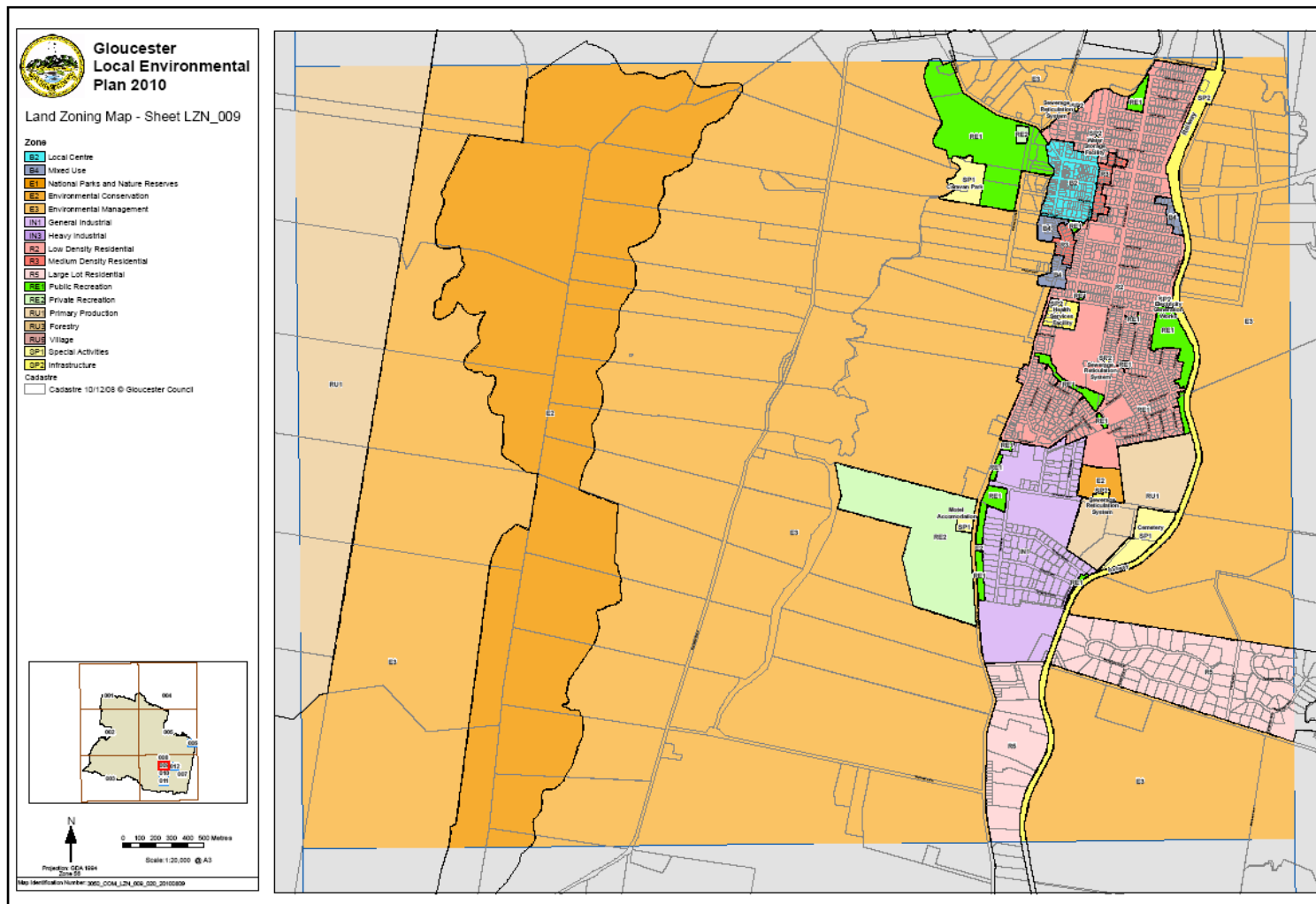


Figure 6: Proposed Amendment LZN-009



INDEX ZONES

1. RESIDENTIAL	12. UNDEVELOPED
2. COMMERCIAL	
3. INDUSTRIAL	
4. OFFICE	
5. RETAIL	
6. MIXED USE	
7. OPEN SPACE	
8. PARKS	
9. CULTURAL	
10. HISTORIC	
11. SPECIAL DISTRICT	

Map prepared by: **WILLIAMSON CONSULTANTS, INC.**
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 TEL: 212-691-1000
 FAX: 212-691-1001
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 WWW: www.williamson-ny.com

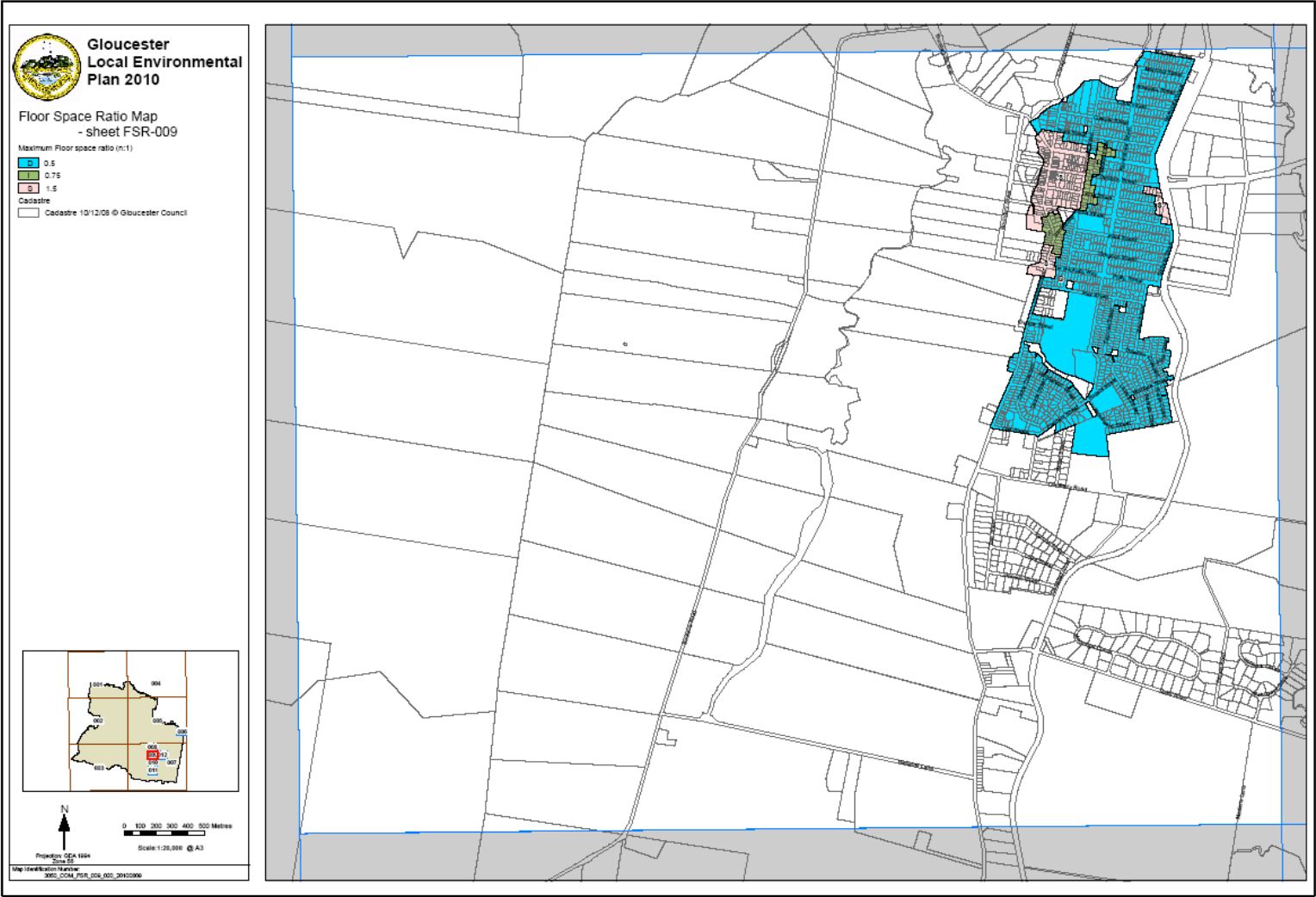
SHIRE OF GLOUCESTER
 GLOUCESTER LOCAL ENVIRONMENTAL PLAN 2000

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

SHEET 1 OF 7 SHEETS

The map displays a residential area with a grid of streets. The streets shown are Cook Street, 10th Street, 7th Street, 5th Street, 3rd Street, 1st Street, and Phillip Street. The lots are numbered and color-coded: yellow for residential (e.g., 2(a), 3(a), 4(a), 5(a)), green for parkland (e.g., 5(a) caravan park, 5(a) bowling club), and blue for commercial/industrial (e.g., 2(a), 3(a), 4(a), 5(a)). A red arrow points to a specific lot labeled 'Proposed B4 zone'.

Figure 9: Proposed Amendment FSR-009



Appendix 2: Summary of NSW State Planning Framework

The Environmental Planning and Assessment Act, 1979

The EP&A Act establishes criteria for the planning in NSW. The Objectives of the Act are:

(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
 - (ii) the promotion and co-ordination of the orderly and economic use and development of land,
 - (iii) the protection, provision and co-ordination of communication and utility services,
 - (iv) the provision of land for public purposes,
 - (v) the provision and co-ordination of community services and facilities, and
 - (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
 - (vii) ecologically sustainable development, and
 - (viii) the provision and maintenance of affordable housing, and
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

STATE ENVIRONMENTAL PLANNING POLICIES AND DRAFT SEPP's

Clause 29 of the Environmental Planning & Assessment (Savings & Transitional) Regulation 1998 affects the provisions of certain State Environmental Planning Policies and how they apply to the land. A copy of clause 29 is attached and should be read in conjunction with the State Environmental Planning Policies listed.

- ***State Environmental Planning Policy No 1 - Development Standards***

Allows development standards to be varied where strict compliance with such standards can be shown to be unreasonable or unnecessary. In considering applications to vary standards Council will examine whether the development is consistent with the underlying objectives of the standard.

- ***State Environmental Planning Policy No 4 - Development without consent and Miscellaneous Complying Development***

Policy aims to permit, without the need for development consent, development which is - of very minor environmental significance; for certain purposes by or on behalf of public authorities; and certain developments on land reserved or dedicated under the National Parks and Wildlife Act, 1974.

- ***State Environmental Planning Policy No 6 - Number of Storeys in a building***

Specifies the manner in which provisions within Environmental Planning Instruments relating to how the number of storeys within buildings are to be interpreted and calculated.

- ***State Environmental Planning Policy No 15 - Rural Landsharing Communities***

Aims to encourage and facilitate development of rural landsharing communities to collectively manage land in an environmentally sensitive and sustainable manner and to provide for low cost housing. The policy establishes criteria for rural landsharing community development, matters for Council consideration, environmental considerations, site analysis and management requirements for development consent proposed under the policy.

- ***State Environmental Planning Policy No 16 - Tertiary Institutions***

Aims to permit any kind of tertiary institution on land zoned for a special kind of tertiary institution.

- ***State Environmental Planning Policy No 21 - Caravan Parks***

Establishes a policy in relation to caravan parks and provides for both short-term stays (whether or not by tourists) and for long term residential purposes.

- ***State Environmental Planning Policy No 22 - Shops and Commercial Premises***

The policy allows, with the consent of Council, a change of use from a shop to another kind of shop to another kind of shop or commercial premises, or alternatively a commercial premises, where the new use is prohibited under an environmental planning instrument. In this circumstance Council must be satisfied that the change of use will not have more than a minor environmental impact and is in keeping with the objectives (if any) of the zone.

- ***State Environmental Planning Policy No 30 – Intensive Agriculture***

This policy aims to provide for greater consistency in the assessment of applications for cattle feedlots and piggeries. The policy requires that cattle feedlots of 50 or more head and piggeries having a capacity of 200 or more pigs or 20 or more breeding sows, need development consent. The policy also provides for public participation in such applications and requires the consent authority to take into consideration various environmental matters when assessing such applications.

- ***State Environmental Planning Policy No 32 - Urban Consolidation***

Policy applies to existing urban land which is no longer required for that purpose and aims to ensure that such land is made available for multi unit housing and related development.

- ***State Environmental Planning Policy No 33 - Hazardous and Offensive Development***

Provides definitions for hazardous and offensive developments as well as potentially hazardous and offensive developments and specifies the way in which applications for such developments are to be considered.

- ***State Environmental Planning Policy No 36 - Manufactured Home Estates***

Policy facilitates the establishment of manufactured home states as a contemporary form of medium density residential development by allowing such estates, with development consent, on certain land where caravan parks are permitted, subject to the land meeting locational criteria specified in the SEPP.

- ***State Environmental Planning Policy No 44 - Koala Habitat Protection***

Policy aims to encourage the proper conservation and management of areas of koala habitat.

- ***State Environmental Planning Policy No 50 - Canal Estate Development***

Prohibits canal estate development.

- ***State Environmental Planning Policy No 55 - Remediation of Land***

This policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

- ***State Environmental Planning Policy No 62 – Sustainable Aquaculture***

Encourages the sustainable expansion of the industry in NSW. The policy implements the regional strategies already developed by creating a simple approach to identify and categorise aquaculture development on the basis of its potential environmental impact. The SEPP also identifies aquaculture development as a designated development only where there are potential environmental risks.

- ***State Environmental Planning Policy No 64 - Advertising & Signage***

Aims to improve the amenity of urban and natural settings by managing the impact of outdoor advertising. The policy responds to growing concerns from the community, the advertising industry and local government that existing controls and guidelines were not effective. SEPP No. 64 offers the comprehensive provisions and consistent approach needed.

- ***Draft State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development***

Aims to improve the design quality of residential flat buildings.

- ***State Environmental Planning Policy (Seniors Living) 2004***

This Policy 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, and make efficient use of existing infrastructure and services, and be of good design.

- ***State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.***

Encourages sustainable residential development.

- ***State Environmental Planning Policy (ARTC Rail Infrastructure) 2004***

Facilitates development for the purpose of rail infrastructure that are subject to arrangements between the Australian Rail Track Corp and State rail authorities. Certain development may be carried out without development consent.

- ***State Environmental Planning Policy (Major Projects) 2005***

Identifies development of significance, to provide a consistent and comprehensive assessment and decision making process.

- ***State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industry) 2007***

Provides guidelines within the management, facilitation and development of mineral, petroleum and extractive industries. Ensures effective utilisation of land containing mineral, petroleum and extractive materials while promoting Ecological Sustainable Development.

- ***State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007***

Provides guidelines to ensure the safety of persons utilising temporary structures or places of public entertainment. Encourages the protection of the environment by minimising impacts arising from (but not limited to) noise, traffic and heritage. Circumstances by which temporary structures may be erected as complying or exempt development are addressed.

- ***State Environmental Planning Policy (Infrastructure)***

Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

- ***State Environmental Planning Policy (Rural Lands)***

This policy encourages the orderly and economic development of rural lands for rural and related purposes. Identifies the rural planning principles and the rural subdivision principles in promoting the social, economic and environmental welfare of New South Wales.

This SEPP also implements measures designed to decrease land use conflicts and identifies state significant agricultural land for the purpose of ensuring the ongoing viability of Agricultural on that land.

Provisions in relation to concessional lots in rural subdivisions are also addressed.

- **State Environmental Planning Policy (Competition) 2010**

This policy aims to promote economic growth and competition and remove anti – competitive barriers in environmental planning and assessment. And standards imposed that restrict development types.

REGIONAL ENVIRONMENTAL PLAN AND DRAFT REGIONAL ENVIRONMENTAL PLAN

[i] **HUNTER REGIONAL PLAN 1989 - GAZETTED 17TH MARCH 1989:-**

Repealed 2009

SECTION 117 DIRECTIONS - RELEVANT TO THE PLANNING PROPOSAL

The following Section 117 Directions apply to the land forming part of this planning proposal. These directions apply to planning proposals lodged with the Department of Planning on or after the date the particular direction was issued.

1. EMPLOYMENT and RESOURCES

1.1 Business and Industrial Zones

Objectives

- (5) The objectives of this direction are to:
- (a) encourage employment growth in suitable locations,
 - (b) protect employment land in business and industrial zones, and
 - (c) support the viability of identified strategic centres.

1.2 Rural Zones

Objective

- (6) The objective of this direction is to protect the agricultural production value of rural land.

1.3 Mining, Petroleum Production and Extractive Industries

Objective

- (7) The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

2. Environment and Heritage

2.1 Environment Protection Zones

Objective

- (8) The objective of this direction is to protect and conserve environmentally sensitive areas.

2.3 Heritage Conservation

Objective

- (9) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

2.4 Recreation Vehicle Areas

Objective

- (10) The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.

3. Housing, Infrastructure and Urban Development

3.1 Residential Zones

Objectives

- (11) The objectives of this direction are:
- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
 - (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
 - (c) to minimise the impact of residential development on the environment and resource lands.

3.2 Caravan Parks and Manufactured Home Estates

Objectives

- (12) The objectives of this direction are:
- (a) to provide for a variety of housing types, and
 - (b) to provide opportunities for caravan parks and manufactured home estates.

3.3 Home Occupations

Objective

- (13) The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.

3.4 Integrating Land Use and Transport

Objective

- (14) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:
- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
 - (b) increasing the choice of available transport and reducing dependence on cars, and
 - (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
 - (d) supporting the efficient and viable operation of public transport services, and

- (e) providing for the efficient movement of freight.

3.5 Development near Licensed Aerodromes

Objectives

- (15) The objectives of this direction are:
 - (a) to ensure the effective and safe operation of aerodromes, and
 - (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and
 - (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

4. Hazard and Risk

4.1 Acid Sulfate Soils

Objective

- (16) The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

4.2 Mine Subsidence and Unstable Land

Objective

- (17) The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

4.3 Flood Prone Land

Objectives

- (18) The objectives of this direction are:
 - (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and
 - (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

4.4 Planning for Bushfire Protection

Objectives

- (19) The objectives of this direction are:
 - (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
 - (b) to encourage sound management of bush fire prone areas.

6. Local Plan Making

6.1 Approval and Referral Requirements

Objective

- (20) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

6.2 Reserving Land for Public Purposes

Objectives

- (21) The objectives of this direction are:
- (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and
 - (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

6.3 Site Specific Provisions

Objective

- (22) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

Appendix 3: Photographs of Proposed B4 zone and surrounding area

Proposed Rezone Area from R3 and E3 to B4 Mixed Use



Street View of area to be rezoned B4 – Church Street



Appendix 4: Report and Council Minute

Draft Amendment to Gloucester Local Environmental Plan 2010 Administrative Planning Proposal (PP).

Précis:

The proposal seeks to modify the Gloucester LEP2010 to make administrative amendments to the maps of the LEP to reflect the land use to be undertaken based on the conversion of zones from the Gloucester LEP2000, the correct identification of land as identified in the Gloucester LEP2010 and for the recognition of development under the Gloucester LEP2000.

Background:

1. Council has identified that minor administrative amendment is required to correctly identify land in accordance with its land use under the Gloucester LEP2000 as shown on Map LZN002 that indicates E3 which should be E2. The zone under LEP2000 was 7(l) and during the conversion of maps to the new zone descriptors this zone inadvertently was mapped as E3 instead of its direct conversion to E2.
2. Council has identified that minor administrative amendments are required to correctly identify land in accordance with its land use under the Gloucester LEP2010 as shown on Map LZN009 to completely identify the RE2 land surrounding the golf course, and the correct identification of a motel adjacent to the golf course in SP1 (currently listed as hotel Accommodation).

Schedule 1 of the Gloucester LEP2010 correctly identifies the land operated by the Golf Club and the map requires correction to identify the whole land parcel.

It has also been identified that the SP1 zone identifying the motel adjacent to the Golf club has a notation as to its use as a "Hotel". Due to the changes in permissible use between these facilities the correction of the notation to "Motel" should be undertaken.

3. A change is required to plan LZN009 to amend the B4 Mixed Use zone to encompass the existing and proposed use. This land has been identified as applying for approval under LEP2000 for a commercial land use and that an existing commercial land use has existed for many years adjacent to the approved development.

The extension of the mixed use zone is considered to be consistent with the adjoining land uses of this area. A minor adjustment to the R3 zone and E3 zone is required to correctly identify the approved uses and this is considered to not be detrimental to future land uses in this location. The land was zoned 3(a) General Business and 7(d) Environmental Protection (Scenic) under the Gloucester LEP2000. These zones permitted commercial land uses to occur subject to consent of Council. The change proposed to the maps is to identify

the land use (retail premises, service stations and carparking) and contain further commercial development to the B4 Mixed Use zone.

4. That the E3 Zone Land use tables include Dual Occupancies and Farm stay accommodation. This omission prevents dual occupancies and farm stay accommodation from occurring in the E3 zone. The E3 zone is similar in land use requirements as the RU1 zone due to the rural land use and should permit dual occupancies and farm stay accommodation.
5. That the Floor Space Ratio Map – Sheet FSR-009 be amended to increase the maximum floor space ratio (n:1) for area “D” from 0.5: to 0.75 and that the R2 low residential zoned land is included to have a maximum floor space ratio of 0.5:1.

The 0.75:1 ratio existed under the Gloucester LEP2000 for residential buildings in the commercial zone areas. The LEP2010 has highlighted a special zone for Medium Density Residential and the density limits are the same as the R2 Low Density zoned land. The R2 zone will permit multi unit residential buildings and duplexes and should have a 0.5:1 ratio to preserve the residential character, prevent overshadowing and neighbourhood characteristics.

Once the planning proposal is forwarded to the Minister for Planning (or Delegate), it is assessed by the Department of Planning. The Planning Proposal and the recommendation of the Department of Planning will then be forwarded to the LEP review panel. The LEP review panel will consider the planning proposal and recommendations of the Department of Planning before providing their own recommended Gateway determination to the Minister. The Minister will consider the recommendations of the LEP Review Panel.

The Gateway determination will indicate the following:

- whether the planning proposal should proceed (with or without variation);
- whether the planning proposal should be resubmitted for any reason (including for further studies or other information, or for the revision of the planning proposal);
- community consultation requirements;
- any consultation required with State or Commonwealth public authorities;
- whether a public hearing is to be held into the matter by the Planning Assessment Commission or other specified person or body;
- the times within which the various stages of the procedure for the making of the proposed LEP are to be completed; and
- whether the function of making the LEP is to be exercised by the Minister for Planning or delegated to the relevant planning authority.

Therefore, in order to proceed with the proposed LEP amendment, Council or the Applicant needs to prepare a planning proposal explaining the intended effect of and justification for the draft LEP and forward the planning proposal to the Minister for a Gateway determination, in accordance with the new plan-making provisions in Part 3 of the EP&A Act.

FORWARD PLANNING COMMITTEE MEETING HELD 11TH AUGUST 2010

Cr 31 RECOMMENDATION

1. That Council resolve to prepare an amendment to *Gloucester Local Environmental Plan 2010* to
 - amend a zone title on map LZN002 that indicates E3 which Should be E2;and
 - amend Map LZN009 to completely identify the RE2 land surrounding the golf course, and correctly identify the motel development adjacent to the golf course in SP1 (currently listed as hotel Accommodation); and
 - amend plan LZN009 to increase the B4 Mixed Use zone to encompass the existing and proposed commercial land developments, and
 - amend the E3 Zone Land use tables to include Dual Occupancies and Farm stay accommodation.
 - Amend the Floor Space Ratio Map – Sheet FSR-009 to increase the maximum floor space ratio (n:1) for area “D” from 0.5: to 0.75 and that the R2 low residential zoned land is included to have a maximum floor space ratio of 0.5:1.
2. That pursuant to section 55 of the *Environmental Planning and Assessment Act 1979*, Council prepares a Planning Proposal explaining the intended effect of the proposed LEP and setting out the justification for making the proposed instrument.
3. That pursuant to section 56(1) of the *Environmental Planning and Assessment Act 1979*, Council forward the Planning Proposal to the Minister for Planning for a Gateway determination.

COUNCIL MEETING 18th AUGUST 2010

The following motions where approved;

1. That Council prepare an amendment to *Gloucester Local Environmental Plan 2010* to
 - i) amend a zone title on map LZN002 that indicates E3 which Should be E2;and
 - ii) amend Map LZN009 to completely identify the RE2 land surrounding the golf course, and correctly identify the motel development adjacent to the golf course in SP1 (currently listed as hotel Accommodation); and
 - iii) amend the E3 Zone Land use tables to include Dual Occupancies and Farm stay accommodation.

- iv) Amend the Floor Space Ratio Map – Sheet FSR-009 to increase the maximum floor space ratio (n:1) for area “D” from 0.5: to 0.75 and that the R2 low residential zoned land is included to have a maximum floor space ratio of 0.5:1.
- 2. That pursuant to section 55 of the *Environmental Planning and Assessment Act 1979*, Council prepares a Planning Proposal explaining the intended effect of the proposed LEP and setting out the justification for making the proposed instrument.
- 3. That pursuant to section 56(1) of the *Environmental Planning and Assessment Act 1979*, Council forward the Planning Proposal to the Minister for Planning for a Gateway determination.

(Cr. Shaw / Cr. Webb)
Passed

- 4. That Council prepare an amendment to *Gloucester Local Environmental Plan 2010* to amend plan LZN009 to increase the B4 Mixed Use zone to encompass the existing and proposed commercial land developments.

(Cr. Germon / Cr. Henderson)
Passed

Note: Item 6 has not been included in the motion or resolution of Council as it was submitted by NSW Planning as an administrative amendment at the time of submission of the draft Planning proposal. Council is aware of the amendment to clause 6.1 and will allow this inclusion for public advertising and consideration.