

## 6.3 PLANNING PROPOSAL - OPENING BUSINESS AND INDUSTRIAL ZONES

### SUMMARY

To present the outcomes of the public exhibition of the Planning Proposal seeking an amendment to the *Yass Valley Local Environmental Plan (LEP) 2013* by amending the land use table structure for the B1 Neighbourhood Centre, B2 Local Centre, B5 Business Development, B6 Enterprise Corridor, IN1 General Industrial and IN2 Light Industrial zones, from 'closed' to 'open' zones.

It is recommended that the Planning Proposal be adopted and the amendment to the *Yass Valley Local Environmental Plan 2013* be made as a local plan-making authority.

### RECOMMENDATION

*That:*

1. *The Planning Proposal - Business and Industrial Zones: Closed to Open (PP.2019.03) be adopted and the amendment to the Yass Valley LEP 2013 be made by Council as a local plan-making authority under s3.36 Environmental Planning & Assessment Act 1979*
2. *The amendment to the Yass Valley LEP 2013 be forwarded to the Parliamentary Counsel's Office to request formal legal opinion that the amendment can be made*

### FINANCIAL IMPLICATIONS

Nil - This Planning Proposal was prepared 'in house' by staff.

### POLICY & LEGISLATION

- *Yass Valley Local Environmental Plan 2013*
- NSW Practice Note PN 11-002 'Preparing LEPs using the Standard Instrument'
- Tablelands Regional Community Strategic Plan.

### REPORT

#### 1. Background

The land use table of all zones under the *Yass Valley LEP 2013* are structured as 'closed' zones. The 'closed' zones provide certainty to planning staff and the community, however, they do not provide scope to consider uses which were not anticipated at the time the LEP was prepared or uses which do not sit neatly within the LEP definitions.

The 'open' zones allow greater flexibility and avoid the need to undertake unnecessary LEP amendments to permit additional uses that were not anticipated during the preparation of the LEP.

The inflexibility and limitations of establishing some commercial uses because of the current 'closed' zone structure was identified as an issue in the past. All zone tables in the LEP will be reviewed progressively as resources permit, however business and industrial zones are considered highest priority.

#### 2. Planning Proposal

A Planning Proposal (refer **Attachment A**) was prepared to amend the LEP by amending the land use table structure for the B1 Neighbourhood Centre, B2 Local Centre, B5 Business Development, B6 Enterprise Corridor, IN1 General Industrial and IN2 Light Industrial zones, from 'closed' to 'open' zones.

The proposed amendment requires rearranging the land use table by including some uses as:

- 'Permitted without consent' under item 2 which are currently prohibited or permitted with consent
- 'Permitted with consent' under item 3 which are prohibited at present, as well as inserting the words 'Any development not specified in item 2 or item 4'
- 'Prohibited' under item 4

The Planning Proposal was endorsed in November 2019. The Department of Planning, Industry & Environment (DPIE) was subsequently requested to issue a Gateway determination.

### **3. Gateway Determination**

DPIE issued a Gateway determination (refer **Attachment B**) on 17 January 2020, authorising Council to proceed with the proposal subject to conditions. Council was required to consult with the community, however, no consultation was required with public agencies.

### **4. Public Consultation**

The Planning Proposal was placed on public exhibition from 29 January to 28 February 2020. The notification of public consultation was placed on Council's website, e-newsletter, Facebook page and Council's notice page within the Yass Tribune.

No submissions or objections have been received to the Planning Proposal.

### **5. Conclusion**

The proposed amendment will ensure the flexibility and responsiveness of the LEP to meet rapidly evolving business needs. Considering no submissions were received, the amendment to the LEP can be made by Council as the delegated local plan-making authority.

## **STRATEGIC DIRECTION**

Key Pillar	1. Our Environment
CSP Strategy	EN4 - Maintain a balance between growth, development and environmental protection through sensible planning
Delivery Program Action	EN4.1 - Ensure Council's statutory planning instruments are up to date and reflective of the community needs
Operational Plan Activity	EN4.1.1 – Undertake ongoing strategic land use planning and reviews of existing instruments

<b>ATTACHMENTS:</b>	A. Planning Proposal - Business & Industrial Zones (Closed to Open)
	B. Gateway Determination