

## 6.1 PLANNING PROPOSAL - OPENING BUSINESS AND INDUSTRIAL ZONES

### SUMMARY

To present a report on a draft Planning Proposal seeking an amendment to the *Yass Valley Local Environmental Plan 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.

### RECOMMENDATION

*That:*

1. *The Planning Proposal – Business & Industrial Zones: Closed to Open (PP-2019-03) be endorsed and forwarded to the Minister for Planning to request a Gateway Determination pursuant to s3.34 Environmental & Assessment Act 1979*
2. *Authorisation be requested to exercise Council's delegation as the local plan-making authority under s3.36 Environmental Planning & Assessment Act 1979*

### FINANCIAL IMPLICATIONS

This Planning Proposal has been prepared 'in house' and is provided for in the current Operational Plan.

### 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

The standard instrument *Yass Valley Local Environmental Plan 2013* was prepared and exhibited based on the advice of previous Department of Planning, Industry & Environment (DPIE) staff. The format of the zones within the standard instrument was different to that of previous LEP's in that there were standard definitions to be adopted, as well as the added complexity of parent and child definitions (e.g. a 'Garden centre' is a subset of 'Retail premises', which is a subset of 'Commercial premises'). A 'closed' zone approach was taken for all zones within the Local Environmental Plan (LEP).

A 'closed' zone structure specifies development that is permitted with and without consent. Any other development which is not specified is therefore prohibited in this approach. While 'closed' zones provide certainty to planning staff and the community, 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.

'Closed' zones may be suitable for zones such as Environment Protection or Recreation zones where a more limited range of uses is appropriate. 'Open' zones allow greater flexibility, and avoid the need to undertake LEP amendments to permit additional uses that were not anticipated.

The inflexibility of the current zone structure was identified in August 2017 when investigations into site options for a new companion animal facility. There is no definition for this land use in the LEP nor is it covered by any other defined land use activity. Consequently this land use is prohibited in all zones. Council determined that the zone tables in the LEP (other than Environmental zones) be designed as 'open' zones rather than the current 'closed' format. This has subsequently been identified as a priority project for implementation in the draft Local Strategic Planning Statement.

After six years of application of the LEP, it has become apparent that in particular, the 'closed' zones put limitations on the establishment of some commercial uses. The commercial sector is rapidly evolving due to technology and changes in people's lifestyles. As such, the business and industrial zones need to be agile to accommodate new and unanticipated uses.

The only Business and Industrial zones within the Yass Valley are currently within Yass town, and these zones are considered the highest priority to assist with achieving economic development objectives in the *Tablelands Regional Community Strategic Plan*. While some business and industrial uses can be permitted within other zones, for example RU5 Village or RU1 Primary Production, these zones will be reviewed and considered separately as they cover larger and more diverse areas of Yass Valley and there may be different outcomes of changing the zone structures.

As such, a Planning Proposal has been prepared which seeks to amend the LEP by altering the zone structures of the B1 Neighbourhood Centre, B2 Local Centre, B5 Business Development, B6 Enterprise Corridor, IN1 General Industrial and IN2 Light Industrial zones (refer **Attachment A**).

There have also been some uses identified which were originally omitted through error, or anomalies where similar uses have not been included equally. An example of this is 'tourist and visitor accommodation' had been omitted from the 'Permitted with consent' uses within the B5 Business Development zone, despite three existing motels being located within the zone. Although these existing businesses are able to rely on existing use rights, they are unable to expand. Land use anomalies such as this are proposed to be addressed through this Planning Proposal.

Due to this Planning Proposal being a local, procedural amendments to the LEP, Council should also request authorisation from DPIE to exercise its local plan making functions.

## **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

**ATTACHMENTS:**    A. Draft Planning Proposal