

Gloucester Local Environmental Plan 2010 - Amendment No.2 - Housekeeping

Proposal Title : **Gloucester Local Environmental Plan 2010 - Amendment No.2 - Housekeeping**

Proposal Summary : **The Planning Proposal seeks to carry out 4 administrative amendments to Gloucester LEP 2010.**

Item 1: Rezone a council owned site through amendment to Land Zoning Map sheet LZN 009 from RE1 Public Recreation to R2 Low Density Residential to facilitate the development of an aged care facility. There is no need to reclassify this land which is already classified as operational.

Item 2: Amend the Floor Space Map sheet FSR 009 to provide a FSR for the land zoned residential in Item 1

Item 3: Amend permissible uses in the land use tables for IN1, RU1, B2 and E3 zones.
- IN1 in order to facilitate the relocation and expansion of the local hardware and building supplies store from the town centre.
- IN1, RU1, B2 and E3 zones to reflect changes identified as required for consistency with existing uses and uses previously permissible under the former LEP 2000 and to not unnecessarily restrict development.

Item 4: Correct a zone boundary mapping error in LZN 009. This amendment affects R2 and E2 zoned land.

PP Number : **PP_2012_GLOUC_001_00**

Dop File No : **11/19117**

Proposal Details

Date Planning
Proposal Received : **04-Dec-2012**

LGA covered : **Gloucester**

Region : **Hunter**

RPA : **Gloucester Shire Council**

State Electorate : **UPPER HUNTER**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street : **Clement St**

Suburb : **Gloucester**

City : **Gloucester**

Postcode : **2422**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : paul Maher
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RPA Contact Details

Contact Name : roger stimson
Contact Number : 0265385250
Contact Email : roger.stimson@gloucester.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha)		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	9	No. of Dwellings (where relevant) :	9
Gross Floor Area :	1,764.00	No of Jobs Created :	150

The NSW Government Lobbyists Code of
Conduct has been
complied with : Yes
If No, comment :

Have there been meetings or
communications with
registered lobbyists? : No
If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **Item 1: To rezone Council land from RE1 Public Recreation to R2 Low Density Residential for the purpose of aged care housing and residential development.**

Item 2: Amend the Floor Space Map in accordance with Item 1

**Item 3 – Change the Land Use Table in the RU1, B2, IN1 and E3 zones to amend land use permissibility in the zones. This ensures consistency with existing uses and uses previously permissible under the former LEP 2000 and will render the zones open and closed as recommended by Planning Circular PS 11-011.
The Proposal also seeks to include two new land uses in the IN1 zone.**

Item 4: Correct a zone boundary mapping error in the Land Zoning map by rezoning approximately 4,000m2 of E2 land to R2 zoned land.

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

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

Comment : **Item 1: Amend LZN_009 as indicated in Figure 1b in the planning proposal.**

Item 2: Amend FSR_009 as indicated in Figure 2b in the planning proposal.

Item 3: Amend the Land Use Table under RU1, B2, IN1 and E3 zones as per Table 1 in the planning proposal.

Item 4: Amend LZN_009 as indicated in Figure 3b in the planning proposal.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

1.5 Rural Lands

2.1 Environment Protection Zones

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required?

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

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Housing for Seniors or People with a Disability) 2004

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

SEPP 55 Remediation – The land referred to in item 1 & 2 has been used for agriculture. A suitable assessment of the site for contamination will be required through the development application.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Inconsistency with relevant s117 directions is considered to be adequately justified however requires the agreement of the Director General's delegate;

1.1 Business and Industrial Zones – Item 3 (changes to land uses in the IN1 zone) is inconsistent with clause (4)(c) as it may reduce the floor space available to traditional

industrial uses by allowing 'hardware and building supplies' and 'rural supplies' in the zone. It is considered that the impact of the planning proposal on the IN1 zone within Gloucester is of minor significance, as relocation of larger, bulkier outlets are more suited to general industrial areas in rural LGA's than their traditional heritage town centres. The Director General's agreement that this inconsistency is minor under subclause 5 (d) is required.

2.1 Environment Protection Zones – Item 4 (correct mapping anomaly from E2 to R2) is technically inconsistent with clause (5) as it reduces the environmental protection standards on the land. The land however was zoned residential under the former LEP 2000 and construction of the subdivision has been completed. It was incorrectly mapped in LEP 2010. Although the intention of Item 4 is to correct a mapping anomaly, it is considered necessary to consult with OEH on the rezoning of approximately 4,000m² of land from E2 Environmental Conservation to R2 Low Density Residential zoned land. Consistency or otherwise with this direction will be resolved after this consultation.

4.4 Planning for Bushfire Protection – Item 3 (changes to land uses in the IN1 zone) will affect bushfire prone land as changes to the land use table will be shire wide. However, no new land uses will be permitted without consent. Therefore it is considered that consistency with the NSW Rural Fires Act 1997 will be assessed at the development assessment stage and consultation is not required as specified under clause (4). The Planning Proposal is considered sufficiently consistent with this direction.

6.2 Reserving Land for Public Purposes – Items 1 and 2 of the planning proposal are inconsistent with clause 4 as it intends to reduce the existing zonings of a reserve. The area of reserve to be rezoned is 5,000 m². Improvements to the surrounding recreation area have been carried out which improve connectivity between surrounding residential areas and the reserve. The reserve acts as a stormwater channel for the residential catchment to the north and south. The reserve is considerably wider at the point of the proposed rezoning and it is considered that the larger width of the reserve is not required as the channel can act adequately under a reduced reserve width. Impact of stormwater capacity in the channel on any future residential or senior housing use can be determined via assessment of the development application. As the excess reserve land is not required for the disposal of stormwater, it is considered that the proposed rezoning is of minor significance. The Planning Proposal will be consistent with this direction if the Director-Generals' delegate approves of the reduction as per clause 4 of the direction.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Gloucester LEP has standard instrument mapping. The mapping provided within the planning proposal is adequate to clearly communicate the intention of the amendment to the public through exhibition. The maps provided illustrate before and after land zoning maps and floor space ratio maps for Items 1 and 4.

The maps are not strictly as required by the 'Standard technical requirements for LEP maps for amending an LEP Version 1.2' in that the site identification map is not provided and the amending maps do not show entire map sheets.

However, the maps are adequate to progress to Gateway for consideration and for exhibition. It is recommended that maps consistent with the technical guidelines are conditioned to be prepared and submitted at s58.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : It is recommended that the planning proposal be exhibited for a period of 14 days as it contains matters of a minor nature and administrative changes.

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 :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Principal LEP completed June 2010.**

Assessment Criteria

Need for planning proposal :

Item 1: Council identified a need for suitable aged care land in close proximity to Gloucester Hospital, Gloucester High School and the town centre. The subject site, owned by Council, is able to accommodate an approximately 100 bed aged care facility and 9 residential lots. A development application has been lodged for the subdivision of the residential lots from the 5 hectare parent parcel and it is intended to invite the private sector to tender for the development of the aged care facility.

Assessment of the land zoned RE1 has identified that the full extent of the land is not required for the management of stormwater as it had been intended. The proposal is justified as it will provide much needed seniors housing, with the loss of only a minor portion of RE1 zoned land, that is no longer required for its intended purpose. The proposal will also generate employment through the construction period and through servicing the aged care facility.

Item 2: Changes to the FSR map – the justification for this amendment is to align the FSR map to the rezoning proposed in Item 1.

Item 3 Changes to the Land Use Table.

RU1 Primary Production: Permitting backpackers' accommodation and emergency services facility will align the zone to the existing and permitted land uses in the previous LEP 2000. Permitting 'function centres' aligns LEP 2010 with LEP 2000 which permitted 'reception establishment'.

B2 – Local Centre – Including hostels is consistent with the permissible uses in LEP 2000. Other uses are to be prohibited to safeguard against land use conflict and direct certain development to industrial areas where they are considered more appropriately located.

IN1 zone – include as permitted with consent 'hardware and building supplies' as well as 'rural supplies'. Gloucester Commercial Strategy 2006 identified that large-footprint retail such as hardware stores are incompatible with the main street. It is considered that likely expansion of larger retail types could not be accommodated on the relatively fine grain subdivision pattern of the town centre. The established hardware supply shop in Gloucester is unable to expand to meet current needs as the land available is insufficient. The expanded hardware store requires additional floor space and land to accommodate a pick-up and drop-off area and storage space.

The existing subdivided industrial land is predominantly in use however there are some vacant parcels. The remainder of the industrial zoned land, about one third of the zone, is

undeveloped and unused. Therefore the proposed permissibility of hardware and building supplies does not threaten traditional industrial uses from using the zone. The zoned but undeveloped land in the IN1 zone is seen as more flexible and could more readily accommodate the necessary parking and storage associated with hardware stores.

Rural supplies already operate in the IN1 zone as approved under LEP 2000 and it is considered there is a healthy demand for this use and should be accommodated in the industrial area for the reasons listed above. It is an appropriate use in a rural town employment area and it is consistent with the objectives to the zone. It is noted that Council are not proposing to permit bulky goods within their industrial zones.

PS 11-011 (Amendment to the Standard Instrument (Local Environmental Plans) Order 2006) clarifies that hardware and building supplies is listed as appropriate in the B5 Enterprise Development and B7 Enterprise Corridor zones. This is appropriate in a higher order, more complex urban network but not in rural townships. Establishment of these zones in Gloucester LEP 2010 is not feasible. The town centre does not have the expenditure base to sustain stand alone employment/business types by zones. The rural town is better served by a general industrial zone that can provide the platform and flexibility for a range of land uses that require large floor space and loading facilities for larger commodities.

PN 11-002 (Preparing LEPs using the Standard Instrument standard zones) indicates that hardware and building supplies and rural supplies are both more suited to IN1 than B2 as described in the purpose of each of the zones.

DOPI Draft Centres Policy cautions about eroding industrial zones with retail land uses, however states that hardware and building supplies may be an exception; and types of retail uses that are acceptable in the industrial zone.

Item 4: The justification to amend the Land Zoning map in accordance with Figure 3(b) is to correct an obvious mapping error.

Consistency with strategic planning framework :

Items 1 & 2: The planning proposal is consistent with the aims of SEPP (Housing for Seniors or People with a Disability) 2004.

Item 3: The planning proposal is consistent with the Department Planning Circulars and Draft Centres Policies as described above.

The planning proposal is also consistent with Council's draft Town Centre Study and Gloucester Commercial Strategy 2006

Environmental social economic impacts :

Items 1 & 2: Flooding – Council flooding engineers have reviewed the proposal and found that a localised flood study is not required as the site is not affected by storm events and drainage will be improved as part of the development of the site.

Item 3: (Changes to Land use Table IN1) - Parking and Traffic - It is expected that hardware and building supplies will generate more traffic movement and require more parking than general industrial uses. It is considered that there is adequate land available to accommodate this higher rate of usage. Council will address this matter when determining the development application.

The housekeeping amendment will provide economic benefits to Gloucester by allowing the aged care and residential development to occur in an infill situation. The relocation of the hardware store will stimulate employment opportunities in the industrial zone and free up a key site in the town centre for more complementary businesses.

The changes to the land use table will provide flexibility in the zones that will attract greater investment in the LGA.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 Month** Delegation : **DG**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage - NSW National Parks and Wildlife Service**

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
AMENDMENT 2 - DECEMBER 2012.docx	Proposal	Yes
PP Covering letter 4-12-12.pdf	Proposal Covering Letter	Yes
Item 4 LEP 2000 map.jpg	Map	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**
- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.4 Planning for Bushfire Protection**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**

Additional Information : **1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:**

- (a) the planning proposal must be made publicly available for 14 days; and
- (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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage for protection of conservation zones.

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. 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).

However it is required, in relation to Items 1 & 2, that Council's ownership of the subject site and its intended use is made clear to the public through exhibition.

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

5. Noting that the Director General has agreed to inconsistencies with Directions 1.1 Business and Industrial Zones and 2.1 Environment Protection Zones and agrees to the reduction in the reservation of land for public purposes as per direction 6.2 Reserving Land for Public Purposes.

Supporting Reasons :

The proposal seeks to make a number of minor changes to the LEP 2010, the majority of which reflect administrative matters. The two amendments that will result in more substantial change seek to facilitate an aged care development (Item 1 and 2) and facilitate the relocation and expansion of a hardware supplies shop (Item 3). It is considered that these changes are beneficial for the planning administration within Gloucester LGA, the provision of adequate housing options and ongoing economic development.

Signature:



Printed Name:

KOFLAHERTY Date: 7-12-12