

PLANNING PROPOSAL

AMENDMENT No. 2

GLOUCESTER LOCAL ENVIRONMENTAL

PLAN 2010

4th DECEMBER 2012



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

This report has been prepared in accordance with clause 55 of the *Environment Planning and Assessment Act 1979* to make a number of minor amendments to the recently adopted Gloucester Local Environment Plan 2010, which was made in accordance with the standard instrument. There have been some unintended consequences from the change in this instrument where previous uses are no longer permissible under the standard instrument. The amendments proposed are relatively minor and are intended to achieve the following outcomes;

- a consolidated site for a much-needed local facility for the care and accommodation of aged residents
- minor amendments to mapping to clarify floor space ratio standards for recently rezoned land
- adjustments to permissible uses an industrial area in Gloucester to enable a range of large-scale uses that rely on vehicular access (hardware and building supplies, rural supplies, vehicle sales, etc) to facilitate transition of such uses from Gloucester's changing Town Centre, where historically some such businesses are located. This will consolidate industrial, manufacturing and large scale retailing uses in the industrial area when there is capacity for growth, and enable desired changes in the town centre in accordance with a new Town Centre Strategy being considered by Council.
- Adjustments to a residential subdivision area to correct a mapping error.

Below is a summary of the individual items being proposed:

Item 1

Council has identified that an amendment is required to identify land as shown on Map LZN009 that indicates RE1 which will be changed to R2. The land area will be a split zone on the completion of the consolidation and boundary adjustment subdivision of the land and contains an area of RE1 Public recreation and R2 Low density residential. The land is classified as Operational under the *Local Government Act 1993*. The land is identified in figures 1a and 1b, which are attached to this proposal. There are no easements or trusts over the subject land.

Item 2

A change is required to the Floor space ratio map FSR_009 to amend the area in line with the proposed changes to LZN009 (item 1). The area is identified on Figure 2a and 2b, which are attached to this proposal. Assessment of this item is similar, if not identical to the assessment conducted for item 1. Any variations to this are contained in this proposal.

Item 3

Council has identified that administrative amendments are required to the land use tables under Part 2 of the Gloucester Local Environmental Plan 2010. The changes being proposed are in part the result of administrative amendments undertaken by NSW Planning as part of the Standard Instrument (Local Environmental Plans)

Amendment Order 2011 and changes identified to definitions contained within the Dictionary to the local environmental plan. This amendment will more closely align future permissible land use with activities that were permissible under the previous instrument and are operating without concern.

Item 4

Council has identified that administrative amendments are required to Map LZN009 to make an adjustment to the location of the zone boundary. The purpose of this adjustment is to correct an error to the mapping system, signed off as part of LEP2010. This amendment will not increase or decrease the areas of land zoned E2 Environmental conservation, R2 Low density residential or other adjacent zones. The error has been created due to successive plan layers being developed as part of the LEP process.

GENERAL

As part of Amendment No. 1, Council requested to rezone the following land from E3 and R3 to B4:

- Lot 11 and part Lot 12 DP 1078402
- Lot 10 DP 37029
- Lot 8 DP 708955
- Lot 9 DP 779143
- Lot 7 DP 741876
- Lot 2 DP 741876

As a result of correspondence from the Department of Planning dated 17 November 2011, it has been brought to the attention of Council that the relevant FSR and building height maps for the above land were not updated to reflect the zoning change.

Floor space ratio map: At this stage, Council would prefer to leave the FSR of 0.75:1 for the subject lots. Consequently, there are no changes proposed to the current FSR map, number FSR_009.

Building height map: The current map (HOB_009) shows the maximum building height for the subject lots as being 7.5 metres. Council is satisfied that this height is consistent with the desired future development of this area. Consequently, there are no changes proposed to the current FSR map, number HOB_009.

Gateway process

This planning proposal consists of administrative amendments of a minor nature and a change in zoning of parcels of land under Council ownership, that permitted residential and public recreational land use under LEP2010. It is recommended to the Gateway review panel that this request could be easily completed in a period of approximately 6 months, although Council has accepted delegations in regard to plan making which may assist in achieving a lesser time.

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. The proposed changes have been assessed against the Land Use Matrix, and are not listed as prohibited in the respective zones:

Table 1: Proposed changes to the land use tables

Land Description	Current Zoning	Proposed Zoning	Further information
Item 1 Map LZN_009 Lot 4 in DP 582158 and Lot106 DP 861914 - Clement Street Gloucester.	RE1 Public recreation (Classified as Operational)	R2 Low density residential	See figures 1a and 1b attached to this proposal.
Item 2 Map FSR_009 Lot 4 in DP 582158 and Lot106 in DP 861914 - Clement Street Gloucester	FSR not identified on Map009 (coloured white)	FSR will become 0.5 (Blue), to match that of the surrounding R2 land.	See figures 2a and 2b attached to this proposal, and assessment contained in this proposal.
Item 3 Part 2 Land Use Tables <u>RU1 Zone</u>	<u>Permitted without consent (insert)</u> Horticulture; Viticulture	<u>Permitted with consent (insert)</u> Agricultural produce industries; Backpackers accommodation; Boat launching ramps; Cemeteries, Community facilities; Emergency services facility; Function centre; Veterinary hospital; Waste or resource transfer station.	<u>Prohibited (insert)</u> No change
<u>B2 Zone</u>	No Change	Insert- Hostels; Any other development not specified in item 2 or 4.	Insert- Prohibited Agriculture; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Depots; Eco-tourist facilities;

			Electricity generating works; Farm buildings; Forestry; Freight transport facilities; Helipads; Home occupations (sex services); Industrial training facilities; Industries; Liquid fuel depots; Mortuaries; Offensive industry; Offensive storage establishment; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Rural industries; Sex services premises; Transport depots; Truck depots; Vehicle repair stations; Waste disposal facilities; Waste or resource management facilities
<u>IN1 Zone</u>	Delete – Roads Insert - Nil	Insert- Funeral homes; Garden centres; Hardware and building supplies; Kiosks; Mortuaries; Roads; Rural industries; Rural supplies; Takeaway food and drink premises; Timber yards; Vehicle sales or hire premises; Any other development not specified in item 2 or 4.	Insert- Agriculture; Camping grounds; Caravan parks; Eco-tourist facilities; Entertainment facilities; Farm buildings; Forestry; Function centres; Home-based child care; Hospitals; Information and education facilities; Medical centres; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Retail premises; Schools; Tourist and visitor accommodation.
<u>E3 Zone</u>	No change	Insert – Camping grounds; Caravan parks; Eco-tourist facilities; Backpackers accommodation; Cellar door premises; Dual occupancies; Horticulture; Viticulture. Delete - Dual occupancies	No change

		(attached).	
Item 4 Administrative amendment to Map LZN009	No change	No change	

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

Item 1

To rezone the land identified as Lot 106 DP861914 and Lot 4 DP 582158 from their current status as RE1 Public recreation to R2 Low density residential. This land is subject to a pending development application 2011/2061 where the land shall be used as aged care residential development. Council is the owner of this land and has proposed to establish the use of the major part of the land for aged accommodation and a small area of the land to be rezoned for low density residential development.

The land is classified as operational under the Local Government Act 1993 and can be developed as proposed.

The objectives of the proposed amendment of the R2 zoning are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provides facilities or services to meet the day to day needs of residents.

Refer to Figure 1a and 1b (Appendix 1).

Item 2

To amend the floor space ratio map to be in line with the proposed amendments made to the zone as contained in item 1. The floor space ratio of this land will be the same as the adjoining R2-zoned land areas of 0.5 (blue colour). Refer to Figure 2a and 2b (Appendix 1).

Item 3

To undertake amendments to the land use tables in Part 2 of the Gloucester LEP 2010.

It is proposed to undertake an amendment to the land use tables for the RU1 Primary Production; B2 Local Centre; IN1 General Industrial and E3 Environmental management zones. The changes are to allow new definitions (landuse descriptors) to be inserted due to changes made to the Standard Instrument by NSW Planning and to allow for future changes to be undertaken to the standard instrument without a need to make major corrections to the Gloucester LEP 2010 land use tables due to changes in terminology.

IN1 Industrial zone

The additional uses to be inserted into the IN1 zone will allow greater flexibility in this area, facilitate the relocation of a hardware from the town centre area, encourage similar commercial activities that are not currently permissible in the Shire and align

the permissible activities in the IN1 area with businesses approved under the previous planning instruments that are operating without concern.

Item 4

To undertake administrative amendments to Map LZN_009 to make an adjustment to the location of the zone boundary to correct an error identified in the mapping. Refer to Figure 3a and 3b for location and extent of amendment area (Appendix 1).

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

Is the planning proposal a result of any 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 the amendments by the *Standard Instrument (Local Environmental Plans) Amendment Order 2011*. Specific comments relating to Items 1 and 3 are contained below. As items 2 and 4 are of an administrative nature, and as such, no specific comment has been made.'

Consideration by Council

The request to undertake an amendment to the current instrument was initially made to Council on 21 September 2011. On this occasion Council resolved to proceed with the amendment – See appendix 4 of this proposal.

After consideration of subsequent correspondence from the Department of Planning, together with concerns raised from the community, a second request was made to Council on 27 June 2012 to make a number of changes to the amendment. On this occasion Council resolved to proceed with the amendment – See appendix 5 of this proposal.

Accordingly, Council has resolved to prepare this Planning Proposal (as revised) and request it be forwarded to the Minister's Delegate for gateway determination.

Item 1

Gloucester Shire Council did review land uses during the compilation of the Draft Gloucester Local Environmental Plan 2009, however it did not change the zones as

identified in item 1. Council had identified a need for aged care land, and during the development of the Gloucester LEP 2010 the land subject to item 1 was maintained as the zones identified in the Gloucester LEP 2000. Council has resolved the issues of land subdivision and a need for positive covenants to restrict development for aged care residential development. The subject land is located near the Gloucester Hospital and the Gloucester High School in the urban area of Gloucester, and as such is very suitable for the proposed development.

Item 3

Council has recently undertaken a Draft Town Centre Study which, among other things, seeks to relocate industrial businesses and large-footprint retail businesses from the town centre to a more suitable location. Such businesses have been historically part of the town centre, however the study has revealed that their relocation will bring about several benefits to the town centre.

Is the planning proposal the best means of achieving the objectives or intended outcome, or is there a better way?

The administrative and rezoning requests cannot be dealt with under Clause 4.6 Gloucester LEP2010, as they generally relate to zone tables rather than development standards. Consequently, a planning proposal is considered the best way of achieving the desired outcomes, and facilitates the orderly and sustainable development within the Shire. The following points are provided in further support of the components of the proposal:

Item 1

The rezoning of land for a residential use would generate significant employment in the construction of residential accommodation and residential care facility on the site. Furthermore, long term employment benefits would be generated by ongoing staffing and service needs in the aged care sector.

Item 2

The purpose of this item is to maintain consistency with the item 1, and is considered an item of administrative nature only. Accordingly, the objectives for this item are the same as that detailed for item 1.

Item 3

It is requested that a number of administrative changes be made to the following land use tables: RU1 Primary Production, B2 Local Centre, IN1 Industrial and the E3 Environmental management zone. These changes will allow future land uses to be consistent with a number of past land uses that are presently operating without Council concern. The amendment will therefore provide an element of consistency between present and future land uses, and not unduly restrict orderly development. The following information provides further insight into the background details that prompted this aspect of the proposal:

RU1 – Primary Production

Proposed administrative amendment will more closely align many current rural land uses with future usage, for example, backpackers' accommodation, emergency services facility.

The inclusion of function centres as a permissible use within the RU1 zone is to provide consistency between LEP200 and LEP 2010. Previously, a 'reception establishment' was permissible with consent in the RU1 zone (then known as the 1a rural zone). It is felt that a function centre is the most closely aligned and

therefore the most suitable definition to allow consistency between the previous and the current plan. It is considered that function centres, given appropriate circumstances, will be able to demonstrate consistency with the objectives of the RU1 zone.

B2 - Local Centre

The addition of numerous prohibited land uses will safeguard against land use conflict, and direct such development to more appropriate parts of the Shire. A number of industrial and transport businesses were historically present within the local centre, which are now seen to be inconsistent with the zone objectives. The proposed changes will act as a driver to locate future businesses of this nature to more appropriate areas, such as the industrial estate.

IN1 – General Industrial

Many of the proposed additions to the 'permissible with consent' column reflect land uses that currently operate in the zone. The amendment will allow for greater consistency between the previous and current instrument. In particular, a need has been identified for 'hardware and building supplies' as well as 'rural supplies' to be permissible within the IN1 zone. The reasons for this include:

- The Gloucester Commercial Strategy (2006) identified four large-footprint retail businesses (including a hardware) that presently occupy approximately 3,200m² of floor area in the main street precinct; the same study predicted that an additional 4,000m² of floor area will be required in the main street by 2021, to meet the retail demands of the community. Relocation of an existing hardware from the main street area is one possible mechanism to meet the community needs in this regard;
- The relocation of an existing hardware business from the main street would allow the expansion of an existing local business and provide better measures for parking, storage and general business efficiency;
- Council has been approached by a land owner who would like to facilitate the relocation of an existing hardware business from the main street. This would allow expansion of an existing local business and provide better measures for parking, storage and general business efficiency;
- Council has received a number of enquiries from businesses/individuals regarding some form of hardware/rural supplies usage in the IN1 area.
- Council has previously approved a rural supplies business (Gloucester Rural Supplies) in the industrial zone, in accordance with the provisions of LEP 2000. This business was approved as a 'New industrial shed - storage and retail sale of rural supplies'. The 79C planning assessment that was made at the time does not make a clear reference to the permissible use; it is assumed the assessing officer has deemed the proposal to be a warehouse, with the minor retail component being deemed 'development ancillary to, or usually associated with or similar to, development listed in this subclause.' The owner now wishes to significantly expand his business to meet community needs, which is prohibited under the current LEP.

Consideration of a more appropriate zone

The environmental constraints and town size/design does not allow for a B6 Enterprise Corridor or B5 business development zone between the town centre and the industrial land, being a common planning practice in urban/metropolitan local government areas. Specifically, the area in question comprises of an existing residential area and the local hospital. The only remaining un-developed land is located on a flood plain under private ownership (grazing land).

It is noted that in Planning Circular PS 11-011 that rural supplies or hardware and building supplies are not identified within the industry group term (page 21). Council submits that in light of the unique nature of present land use practices, geographic restrictions between the commercial centre and the industrial area and the rural nature of the Shire, that this request to amend the IN1 land use table be given favourable consideration.

It is also noted in Planning Circular PS 11-011 that rural supplies and hardware and building supplies are land uses within the 2011 retail premises hierarchy (page 19). Council is mindful of the dangers of allowing all types of retail within the IN1 zone, and no request for any other type of retail premises is being made.

Intended purpose of the IN1 zone

The intended purpose of the IN1 zone is discussed in the LEP practice note PN 11-002, and allows a range of industrial uses and 'other compatible land uses generally catered for in an industrial zone.' It is the opinion of Council that, given the background information stated above, the inclusion of rural supplies and hardware and building supplies is consistent with the intended purpose of this zone.

The Department of Planning document *Draft Centres Policy – Planning for Retail and Commercial Development* proposes six planning principles to achieve strong, sustainable growth and, meet the needs of the community and capacity of infrastructure. Page 19 of this policy describes how industrial zones have historically been eroded by various land uses that ultimately create conflict with the industrial zone. Accordingly, retail and commercial development is not considered appropriate in these areas. Notwithstanding these concerns, the policy allows for several forms of commercial and retail uses that may be an exception, one of which being 'hardware and building supplies'. Given the rural setting of the Gloucester Shire, it is considered that 'rural supplies' is consistent with hardware and building supplies, and is therefore included for favourable consideration as part of this proposal. The uses requested for inclusion in the IN1 land use table are consistent with the planning principles of the Draft Centres Policy, in particular Principle 1 (improving amenity and liveability of commercial centres), Principle 5 (supporting a wide range of retail premises) and Principle 6 (accessible and well-designed development).

Meeting core objectives

PN 11-002 also describes how the core objectives clarify the role and function of a zone, and are used to ensure a consistent approach therein. The core objectives of the IN1 zone are contained below, together with a supporting statement as to why the inclusion of rural supplies and hardware and building supplies is not inconsistent with these objectives or the mandated uses within the zone:

Zone IN1 General Industrial

1 Objectives of zone:

- *To provide a wide range of industrial and warehouse land uses.*

rural supplies and hardware and building supplies will allow greater flexibility of land uses, whilst complementing the existing and traditional uses of the zone. The major component of these premises will typically include a warehouse of some type; a rural supplies and hardware and building supplies premises are therefore consistent with the built form, storage and handling practices undertaken as part of similar uses, ie warehouse and distribution centres and storage premises.

- *To encourage employment opportunities.*

Rural supplies and hardware and building supplies will allow the relocation and expansion of such businesses from the local centre zone. Submissions from a local land owner, planning consultant and builder all indicate the potential for both short and long-term benefits to local employment. An existing rural supplies premises (Gloucester Rural Supplies) has been operating in the IN1 zone for a number of years, and has recently lodged a development application with Council to expand his business to cater for increased demand within the community. Presently, such expansion is not permissible.

- *To minimise any adverse effect of industry on other land uses.*

Given that a rural supplies premises has been operating in the IN1 zone for several years without issue, it is not anticipated that the proposed inclusion will cause any adverse effect.

- *To support and protect industrial land for industrial uses.*

The Shire is fortunate to have an ample supply of IN1 land available. Figure 4 in the Appendix shows the existing IN1 area that is presently being used for industrial purposes, which includes Britten St to the north, and lots between Tate St and Campbell St to the south. It is estimated that at least 30% of this land un-developed and is available for future growth. In addition to the present supply, land to the north of Kendall St (shown as Lot 5) and land to the south of Johnson St (shown as Lot 332) has also been zoned IN1. These two lots are not presently used for industrial purposes, and will undergo development in the medium/long term to meet demand. Accordingly, it is believed that rural supplies and hardware and building supplies premises will support and complement the permissible uses, without fear of reducing the availability of land required for traditional IN1 land uses.

- *To conserve biological diversity and native vegetation corridors, and their scenic qualities, in an industrial setting.*

Council's Development Control Plan 2010 ensures that all development within the IN1 zone meets certain objectives relating to landscaping. Such measures will ensure the scenic qualities are maintained within the context

of an industrial area. No biological diversity or vegetation corridors will be affected.

Council believes that the inclusion of rural supplies and hardware and building supplies premises will not undermine the integrity of the IN1 zone, and to the contrary, will provide numerous benefits to both the B2 Local Centre and IN 1 zone, as previously described.

Potential Impacts

Commercial impact – allows an existing rural supply business to expand in order to meet increased demand from the community.

Relocation of a hardware premises from the local centre zone will ‘free up’ crucial floor space for uses more consistent with the B2 zone. Currently, all of the bulky goods premises and hardware premises within the local centre benefit from having main street frontage, being a location more suited to retail and commercial premises.

Traffic implications

The existing road network within the IN1 zone is more than capable of catering for traffic flows associated with rural supplies and hardware and building supplies. Conversely, the relocation of such premises away from the town centre will have a beneficial impact on the current traffic flows; less heavy vehicle movements will improve pedestrian and vehicle safety, while a reduction in the display and storage of bulky goods on and adjacent to high pedestrian activity will also have positive safety implications.

In summary then, it is considered that the impacts of the proposed inclusions within the IN1 zone (e.g. hardware and building supplies, rural supplies etc) would be comparable to that of the industrial uses that are currently permissible.

Parking implications

Council's Development Control Plan 2010 prescribes the extent of required parking for future development, which is based on the *RTA Guide to Traffic Generating Developments*. The following requirements are specified in section 4.2 and 4.8 of this DCP:

Development type	Spaces required
Retail	1 space per 40m ² of gross floor area
Retail - ancillary to an industrial use	1 space per 30m ² of gross floor area
Retail - bulky goods	1 space per 70m ² of gross floor area

Gloucester Rural Supplies was approved with a requirement for only 1 space per 100m² of floor area, and does not experience any parking difficulties on site or impact adjoining traffic flow.

Discussions with Council's Manager of Works and Services has revealed that 'Rural supplies' and 'Hardware and building supplies' will be assessed as bulky goods retail and require a 1 parking space per 70m² of gross floor area. This is considered a conservative approach that will ensure adequate parking is provided on site, and that adjacent uses are not unduly impacted.

Item 4

Council has identified that administrative amendments are required to Map LZN009 to make an adjustment to the location of the zone boundary. The purpose of this adjustment is to correct an error to the mapping system, signed off as part of LEP2010. Inclusion of this item into the planning proposal is considered the most efficient way to resolve this error.

The amendment of land use tables (item 3) will provide a greater flexibility and reduce the need to continually amend the LEP due to State administrative changes.

Is there a net community benefit?

The administrative amendments shall assist the community to correctly identify zones, landuse requirements and provide flexibility for future development. The following specific benefits relate to each item subject of this proposal:

Item 1 and Item 2

The propose rezoning of the land supports economic growth by generating employment within the Gloucester and surrounding area, through the provision of a future residential care facility and seniors housing. The current objectives of the R2 zone will be consistent with this anticipated use. ABS data indicates that the population of the Shire is aging, and the present level of residential care and housing facilities are insufficient to meet the predicted demand. The location is located in close proximity to the commercial centre, local hospital and ancillary medical services in the town. There are no known alternative locations (of this scale) that would be more suitable in meeting the need for additional care facilities in the Shire.

The present needs for aged care accommodation in the Shire are currently being met by Council and the Hunter-New England Area Health Service. Council currently owns and maintains two small blocks of aged care units (approximately 20 one-bedroom units in total), which have become a financial burden. Limited aged care accommodation is also available adjacent to the local hospital. Waiting lists apply to both of these options and the ability of the existing aged care accommodation to cater for the needs of the future is of deep concern. An additional residential care facility for the Shire would drastically lessen the burden on both Council and NSW Health, and assist in meeting the aged care needs of the future.

Item 3

Changes to the RU1 land use table

- Positive economic benefit by allowing a range of compatible uses within the zone, including tourism.
- Align the current planning instrument with existing land uses that are operating in the RU1 area without concern.

Changes to the B2 land use table

- Encourage a range of accommodation types by permitting hostels;
- Creating an open/flexible zone by permitting 'any other development not specified in 2 or 4'

Changes to the IN1 land use table

The industrial area is relatively new, with at most, 70% of blocks having been developed and two large portions of land that have been zoned and await development to meet future demand. Consequently, existing transport infrastructure and land supply in the industrial

area can more than cater for the minor increase in the range of permissible uses, as proposed. Similarly, less heavy vehicle movements within the local centre (due to the relocation of a hardware business) will contribute to a safer town centre for motorists and pedestrians.

Changes to the E3 land use table

The proposed changes to the E3 land use table will provide the following community benefits:

- Permitting a wider range of tourism activities, which in turn will promote sustainable development within the local community.
- Allowing both attached and detached dual occupancies will increase the range of housing options for land in the near vicinity of the township, and provide consistency with the housing types in the adjacent RU1 zone.

Item 4

The purpose of this adjustment is to correct an error to the mapping system, signed off as part of LEP2010. Inclusion of this item into the planning proposal is considered the most efficient way to resolve this error. The proposal, if approved, will benefit the community by allowing the construction of dwellings on the land.

For the reasons outlined above, it can be established that the proposal will provide a net community benefit to the people and visitors of the Gloucester Shire.

Section B: Relationship to Strategic Planning Framework

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

Gloucester Shire is subject to the Upper Hunter Strategic Regional Land Use Plan. This planning proposal is consistent with the plan as follows:

Item 1- Rezone land from RE1 to R2.

Chapter 6 of the UHSRLP identifies a lack of housing choice, especially that of smaller and more affordable housing. This item will meet the objectives of this plan, by addressing the housing needs of the community, improving supply and fostering a liveable community.

Item 3 - administrative amendments to the land use tables

Chapter 5 of the UHSRLP identifies that the current industry profile of the Gloucester area is dominated by agriculture. It is also acknowledged that significant and well-established agricultural activities need opportunities to develop and grow in order to withstand competition from mining companies. This proposal aims to provide a greater level of agricultural support for local agriculture, by allowing the expansion of an existing rural supplies business and an existing hardware business. Accordingly, the proposed changes to the land use tables meet the objective of the UHSRLP, as this proposal will not unduly affect the supply of land for the needs of industry, and builds economic resilience by encouraging expansion of local businesses in an appropriate setting.

Heritage

The Gloucester LEP 2010 identifies items of Regional Heritage. The planning proposal does not affect any item of regional heritage. The planning proposal to rezone 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 adopted the Community Strategic Plan on 27 June 2012. The Plan sits at the top of Council's planning framework and will influence all the activities that Council will undertake during the coming 10 years. This planning framework is determined by the Integrated Planning and Reporting (IP&R) requirements of the *Local Government Act 1993*.

The following components of the Community Strategic Plan are relevant to this proposal:

Item 1 and Item 2

Direction three: Creating a strong economy. One of the key indicators for achieving this direction is "An increase in the range of health services and aged care options in the Shire".

This proposal will allow the construction of a residential care facility on the site. Specifically, the land proposed to be re-zoned will provide access to the site, while land adjacent to the nearby public street (Clement Street) can be retained for other residential uses.

Additional aged care accommodation in the Shire would also allow Council to dispose of its aged care units (18 one-bedroom units). These units require considerable maintenance and expenditure by Council, and their sale would allow budget funds to be re-directed to other infrastructure, such as roads and other public assets.

Direction four: An engaged and supportive community. One of the strategies for achieving this direction is "Encourage investment in housing to meet the needs of the aged population".

This proposal will enable the large-scale development of land for a wide range of residential uses, including residential care, seniors housing and the like. Need for such accommodation has been identified in the Community Strategic Plan.

Item 3

Direction three: Creating a strong economy. Two of the key indicators for this direction are 'An increase in the range and efficiency of agricultural activity' and 'Increased Manufacturing Activity'.

The inclusion of several compatible land uses within the IN1 zone will allow the relocation of a hardware business and the expansion of a rural supplies business that currently operate in the Shire.

Allowing the expansion of an existing rural supplies business will directly foster agricultural activity. Agricultural activity is dependent on the availability of goods and materials needed for optimum productivity, and permitting 'rural supplies' in the IN1 zone would allow expansion of existing businesses and benefit agricultural activity.

Relocation of a hardware business from the B2 zone will increase manufacturing activity by increasing the volume and range of products that will be locally available to the manufacturing sector; for example building and manufacturing in the Shire is often made difficult or delayed because of the geographic distance to surrounding major centres

where materials and products are sourced (typically 80kms away). Providing a greater range and volume of products and materials locally will therefore support the creation of a strong economy.

Item 4

Administrative amendment only – reference to the Community Strategic Plan is not applicable.

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

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

The following table describes in detail whether the various components of this proposal are consistent or otherwise with State Policies. Item 4, being a request to correct a mapping error, has not been included in this part of the proposal.

Relevant SEPP	Requirement	Consistent?
SEPP 44 – Koala Habitat Protection	Encourage proper conservation and management of koala habitat.	<u>Item 1 & 2</u> Council's Sustainability Officer has undertaken an assessment of this land, and is of the opinion that the land is not koala habitat. <u>Item 3</u> This item relates to land that is already zoned for industrial purposes. A SEPP 44 assessment has been previously conducted as part of the creation of the original industrial area.
SEPP 55 – Remediation of land	State-wide planning approach to the remediation of contaminated land.	<u>Item 1 & 2</u> The subject land has been used for grazing for many years. Council records indicate that there is no record of contamination thereon. <u>Item 3</u> The proposed land uses will not affect the operation of SEPP 55 within the IN1 zone.
SEPP (Housing for Seniors or People with a Disability) 2004.	Encourage the provision of housing (including residential care facilities).	<u>Item 1 & 2</u> The subject land satisfies the Site-related requirement in Part 2 of this SEPP. <u>Item 3</u> Does not apply to the IN1 zone.

Based on the supporting information above, it is considered that all aspects of the Planning Proposal are consistent with the State Environmental Planning policies.

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

All components of this planning proposal have been assessed against the Section 117 Directions. Where the specific directions apply, information is provided to show how the proposal is consistent with the objectives of the direction. Where the planning proposal is inconsistent, information is provided to demonstrate that the inconsistencies are of a minor significance.

Table 3(a): Compliance with relevant Section 117 Directions – Item 1 and Item 2.

S117 Direction	Item 1 - Re-zone land from RE1 to R2 – Map LZN_009 Item 2 – Adjust Floor Space Ratio Map to match Item 1 – FSR_009.
1.1 Business and Industrial Zones	Does not apply
1.2 Rural Zones	Does not apply
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply – the land is within an existing residential area of the township.
1.4 Oyster Aquaculture	Does not apply
1.5 Rural Lands	Does not apply
2.1 Environment Protection Zones	Does not apply – the land is not in or adjacent to an environmental protection zone.
2.2 Coastal Protection	Does not apply
2.3 Heritage Conservation	Does not apply – the land is not in or adjacent to any items of heritage significance
2.4 Recreation Vehicle Areas	Does not apply
3.1 Residential Zones	Applies – This item is consistent with the objectives for the following reasons: 1. The re-zoning will allow un-utilised Council land to be used for a broad choice of building types. 2. The re-zoning will reduce the consumption of land for housing, by allowing residential care facilities and residential uses that maximize the residential density of the land. 3. All services are available to the land, and exist on the adjacent land. Confirmation as to the adequacy of services would be required before any development consent is issued (as per

	Part 5(a) of Direction). 4.No provision is proposed that will have the effect of reducing the permissible residential density of the land (as per Part 5(b) of Direction). 5.Newly constructed infrastructure (pathway/cycle way, foot bridge) will provide non-vehicle transport options, in accordance with objective 1(b).
3.2 Caravan Parks and Manufactured Home Estates	Does not apply
3.3 Home Occupations	Applies – This item is consistent with the objectives for the following reasons: 'Home occupations' are permissible without development consent under both the LEP and SEPP (Exempt and Complying Development Codes) 2008.
3.4 Integrating Land Use and Transport	Applies – This item is consistent with the objectives for the following reasons: 1.This proposal meets the critical objectives of the DoP document <i>Improving Transport Choice</i> (2001) , and; 6.The subject land is in a realistic proximity to the commercial area of the town via walking, cycling or motorised mobility aids. The community bus service currently operates in the vicinity of the land, which further reduces reliance on car travel. This item therefore meets the objectives of the DoP document <i>Integrating land use and transport</i> (2001)
3.5 Development near Licensed Aerodromes	Does not apply
3.6 Shooting Ranges	Does not apply
4.1 Acid Sulfate Soils	Does not apply
4.2 Mine Subsidence and Unstable Land	Does not apply
4.3 Flood Prone Land	Does not apply – none of the land subject to this proposal is located on or adjacent flood prone land.
4.4 Planning for Bushfire Protection	Does not apply - the land is not bushfire prone.
5.1 Implementation of Regional Strategies	The regional strategies listed in this direction do not relate to the Gloucester Shire.
6.1 Approval and Referral Requirements	Applies – This item does not require concurrence, consultation or referral to a Minister or public authority (Parts 4a and 4b),

	and; The item will not allow for designated development (Part 4c)
6.2 Reserving Land for Public Purposes	Inconsistent This item is inconsistent with 6.2 as it seeks a minor reduction in land reserved for public purposes by re-zoning to R2. Part 8 of clause 6.2 allows a planning proposal to be inconsistent with the terms of this direction, only if it can be satisfied that 'the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance' (Part 8d). The following information is provided to demonstrate that Item 1 is of <u>minor significance</u>: 1. The area of land to be re—zoned is relatively small (approx 5,000 m²). Figure 1a and 1b further demonstrate the minor nature of the proposed change. 2. Extensive upgrades have recently been undertaken to the remaining area of public land, comprising: a masonry foot bridge, concrete pathway linking the adjacent residential areas to the town centre, and landscaping. The area of public land is now of much greater benefit to the community and is used many times a day. 3. The present and future use of this public land area will be unaffected by the minor reduction in land area, and does not compromise the present or future enjoyment of the land. 4. The proposal will increase the area of R2 land that will be serviced by the pathway; increased access to pedestrian pathways will encourage walking and cycling, and decrease reliance on motor vehicle transport. 5. Photograph 1 (Appendix 3) shows the newly constructed pathway and bridge. The dashed line denotes the approximate location of the current zoning boundary, while the solid line denotes the approximate location of the proposed zoning boundary. From this photograph it can be seen that the proposal does not impact on the use of the remaining land for public purposes, and is of a minor significance. Based on the forgoing assessment, it is considered that the item is of a minor significance and maintains adherence with the objectives of the Direction.
6.3 Site Specific Provisions	Does not apply – This proposal does not propose any site-specific planning controls.

Table 3(b): Compliance with relevant Section 117 Directions – Item 3.

S117 Direction	Item 3 Change to land use tables
1.1 Business and Industrial Zones	Applies to the IN1 zone only– This item is consistent with the objectives for the following reasons: 1. Adding compatible uses into the land use tables will foster employment and enhance the flexibility of the zone. 2. Existing areas of industrial land will be maintained. This item is inconsistent with Direction 1.1(4)(c) in that it will reduce (to a small degree) the total potential floor space area for industrial uses of a more traditional nature. The following information is provided to demonstrate that this inconsistency is of minor significance: 3. Permitting 'Rural supplies' will be consistent with the existing uses that were approved under a previous planning instrument. 4. 'Hardware and building supplies' will be compatible with the existing land uses within the IN1 zone, and is not predicted to give rise to conflict or create impacts other than those typically expected within the zone. 5. 'Hardware and building supplies' are not dissimilar to rural supplies in terms of the building types, day-to-day activities and anticipated traffic movements. As such, this use will meet the objectives of the Direction and of the IN1 zone. 6. The industrial area is relatively new, and has, at best, only 70% development of all lots. Additional large parcels of land adjacent to the north and south have been zoned IN1 and will be developed in the future as need arises. Consequently, there is an ample supply of IN1 that will protect employment that is traditionally associated with industrial land. Based on the forgoing assessment, it is considered that the inconsistency is of a minor significance and upholds the objectives of the Direction.
1.2 Rural Zones	Applies The rezoning of rural land does not form part of this proposal.
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply – this proposal does not propose to prohibit or unreasonably restrict mining or related development.
1.4 Oyster Aquaculture	Does not apply

1.5 Rural Lands	Applies (sub clause 3(a) only) – This item is consistent with the objectives for the following reasons: 1. Allowing minor changes to the RU1 land use table will not jeopardise the agricultural production value of the land, and will increase the range of primary production activities permissible therein. 2. The changes sought will facilitate development for rural purposes (e.g. horticulture, viticulture) and allow other compatible uses with consent (e.g. agricultural produce industries, backpackers' accommodation etc).
2.1 Environment Protection Zones	Does not apply – this proposal will not impact on any environmental protection zones.
2.2 Coastal Protection	Does not apply
2.3 Heritage Conservation	Does not apply – the proposal will not impact any items of heritage significance.
2.4 Recreation Vehicle Areas	Does not apply
3.1 Residential Zones	Does not apply
3.2 Caravan Parks and Manufactured Home Estates	Does not apply
3.3 Home Occupations	Does not apply
3.4 Integrating Land Use and Transport	Does not apply
3.5 Development near Licensed Aerodromes	Does not apply
3.6 Shooting Ranges	Does not apply
4.1 Acid Sulfate Soils	Does not apply
4.2 Mine Subsidence and Unstable Land	Does not apply
4.3 Flood Prone Land	Does not apply – the creation, removal or alteration of a flooding provision does not form part of this proposal.
4.4 Planning for Bushfire Protection	Applies (to RU1 and E3 zones only) – This item is consistent with the objectives for the following reasons: 1. The proposed changes are of an administrative nature only, so as to more closely align the LEP with the previous instrument and current land use practices within the Shire. 2. The proposed uses are similar to existing uses, and as such, will be permissible only where Section 79BA (bushfire) assessment allows.

5.1 Implementation of Regional Strategies	There are no regional strategies that relate to the Gloucester Shire.
6.1 Approval and Referral Requirements	Applies – This item does not require concurrence, consultation or referral to a Minister or public authority (Parts 4a and 4b), and; The item will not allow for designated development (Part 4c)
6.2 Reserving Land for Public Purposes	Does not apply – this aspect of the planning proposal will not create, alter or reduce zones or land reserved for public purposes.
6.3 Site Specific Provisions	Does not apply – This proposal does not propose any site-specific planning controls.

Table 3(c): Compliance with relevant Section117 Directions – Item 4.

S117 Direction	Item 4 – Correct a mapping error between the E2 and R2 zones on Map LZN_009
1.2 Business and Industrial Zones	Does not apply
1.2 Rural Zones	Does not apply
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply
1.4 Oyster Aquaculture	Does not apply
1.5 Rural Lands	Does not apply
2.1 Environment Protection Zones	Applies – This item is consistent with the objectives for the following reasons: 1. The proposal is of an administrative nature only, and as such, does not reduce the protection standards that apply to the land. 2. The correction will provide greater clarity with which to guide future approved uses in and around the E2 zone.
2.2 Coastal Protection	Does not apply
2.3 Heritage Conservation	Does not apply – the land is not in or adjacent to any items of heritage significance.
2.4 Recreation Vehicle Areas	Does not apply

3.1 Residential Zones	Applies – This item is consistent with the objectives for the following reasons: 1. Correcting the mapping error will allow the release of previously approved housing blocks, and in doing so, provide for the future housing needs of the Shire. 2. Correcting the zoning boundary will confirm the location of the adjacent environmental protection zone. 3. The residential land is adequately serviced and a road network has been constructed. 4. This item relates to an administrative amendment only (correcting a minor mapping error) and does not affect the objectives of this direction or any provisions therein.
3.2 Caravan Parks and Manufactured Home Estates	Does not apply
3.3 Home Occupations	Applies – This item is consistent with the objectives for the following reasons: 'Home occupations' are permissible without development consent under both the LEP and SEPP (Exempt and Complying Development Codes) 2008.
3.4 Integrating Land Use and Transport	Applies – This item is consistent with the objectives for the following reasons: 1. This item relates to an administrative amendment only (correcting a minor mapping error) and does not affect the objectives of this direction or any provisions therein.
3.5 Development near Licensed Aerodromes	Does not apply
3.6 Shooting Ranges	Does not apply
4.1 Acid Sulfate Soils	Does not apply
4.2 Mine Subsidence and Unstable Land	Does not apply
4.3 Flood Prone Land	Does not apply – none of the land subject to this proposal is located on or adjacent flood prone land.
4.4 Planning for Bushfire Protection	Does not apply - the land will not affect bushfire prone land, and is not in proximity to any such land.
5.1 Implementation of Regional Strategies	The regional strategies listed in this direction do not relate to the Gloucester Shire.
6.1 Approval and Referral Requirements	Applies – This item is consistent with the objectives for the following reasons:

	1. This item does not require concurrence, consultation or referral to a Minister or public authority (Parts 4a and 4b), and; 2. The item will not allow for designated development (Part 4c) 3. This item relates to an administrative amendment only (correcting a minor mapping error) and does not affect the objectives of this direction or any provisions therein.
6.2 Reserving Land for Public Purposes	Does not apply – This item does not affect public services or reserves.
6.3 Site Specific Provisions	Does not apply – This proposal does not propose any site-specific planning controls, as it relates to an administrative amendment only (correct a minor mapping error).

Consistency S117 Directions Overall

Tables 3(a), 3(b) and 3(c) outline whether the proposed items are consistent with the S.117 Directions, and a number of inconsistencies were identified. However, close assessment has concluded that the inconsistencies are of minor significance and it has been demonstrated that the objectives of each relevant direction can be satisfied.

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 conclude that consultation with State agencies is required, 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 (all items proposed).

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?

There are no identified environmental effects (all items proposed). The following table details the nature of the assessment undertaken to explore any potential environmental effects:

Table 4: Environmental effects associated with the planning proposal

Potential impact	Item 1	Item 2	Item 3	Item 4
Significant habitat/vegetation?	Previously cleared grazing paddock. No significant habitat or vegetation.	Same land as Item 1.	Cleared and developed industrial area – no concerns.	N/A - Correct mapping error to align residential property boundaries with zoning boundaries.
Bushfire threat?	Not bushfire prone, or adjacent land so designated.	Not bushfire prone, or adjacent land so designated.	Relates to all RU1 and E3 zone land in the Shire, some of which is bushfire prone land.	Not bushfire prone, or adjacent to land so designated.
Aboriginal archaeology?	No Council record of listing.	No Council record of listing.	No Council record of listing.	No Council record of listing.
European heritage?	No Council record of listing.	No Council record of listing.	No Council record of listing.	No Council record of listing.
Stormwater and hydrology issues?	The subject RE1 land also contains a stormwater channel. The proposal will not compromise drainage – no concerns raised. Council Engineers have reviewed this item, and have advised that a localised flood study is not required for the following reasons: 1.The land to be zoned R2 is outside of the area impacted by storm events, and; 2.Drainage from the land will be improved by	Same land as Item 1.	All land use within the IN1 land is subject to the approval of suitable stormwater retention. The industrial area is not flood prone.	No issues.

Potential impact	Item 1	Item 2	Item 3	Item 4
	infrastructure associated with the future residential development.			
Access and traffic issues?	The proposal will facilitate more suitable and safer access to the adjacent land to the north - no concerns raised.		RU1, B2, E3 – no anticipated impact on access/traffic. IN1 – Existing road network is sufficient to cater for any traffic increase.	N/A - Correct mapping error only.
Groundwater issue?	No known issues.	No known issues.	N/A	N/A - Correct mapping error only.
Visual impact?	Minor change – no anticipated change to existing views or character, as a result.	As per item 1	N/A - Administrative amendment to land use tables only.	N/A - Correct mapping error only.
Noise?	No issues relating to noise have been identified.	As per item 1	N/A - Administrative amendment to land use tables only.	N/A - Correct mapping error only.

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

The proposed land uses are similar in nature to the existing adjoining land use, for all items considered. For this reason it is not anticipated that any adverse social or economic effects will be generated by the items proposed.

Section D: State and Commonwealth Interests

❖ Is there adequate public infrastructure for the Planning Proposal?

Item 1

The proposed minor change to the zoning boundary of RE1 land will not impact on existing civil infrastructure or communications. The proposal fosters the use of alternative

transport measures to reduce reliance on motor vehicle transport. No public road works are proposed as part of this item. Notwithstanding this, future developments in the R2 zone may require an upgrade to roads, water and sewerage supplies. These requirements are as a result of future development proposals not due to the rezoning of land.

Item 2

This item is on the same land as Item 1, and as such the same comments apply (above).

Item 3

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

Item 4

Not applicable – the purpose of this item is to correct a mapping error only, by aligning residential property boundaries with zoning boundaries.

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

Due to the minor and administrative nature of the planning proposal, Gloucester Shire Council does not consider it necessary to consult 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

Community consultation will be undertaken in accordance with the document 'A guide to preparing local environmental plans'.

Notification of the planning proposal will be undertaken by the following means:

- 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.

It was considered that due to the minor nature of the rezoning and administrative changes that the planning proposal be classified as having a low impact and as such it is to be advertised for a period of 14 days. Accordingly, a public hearing is unlikely to be held, unless deemed warranted by the community reaction during the submission period.

Conclusion

This planning proposal seeks a number of administrative amendments and minor changes to the land use tables only. The planning proposal is consistent with council's Community Strategic Plan (2006) and, if approved, will directly benefit a number of key indicators therein.

At the close of the consultation process, Council officers will consider all submissions and present a report to Council for their endorsement before proceeding to finalisation of the planning proposal and draft LEP amendment.

Appendix 1: Existing and Proposed Zoning Maps

Gloucester Local Environmental Plan 2010 Planning Proposal – Amendment number 2

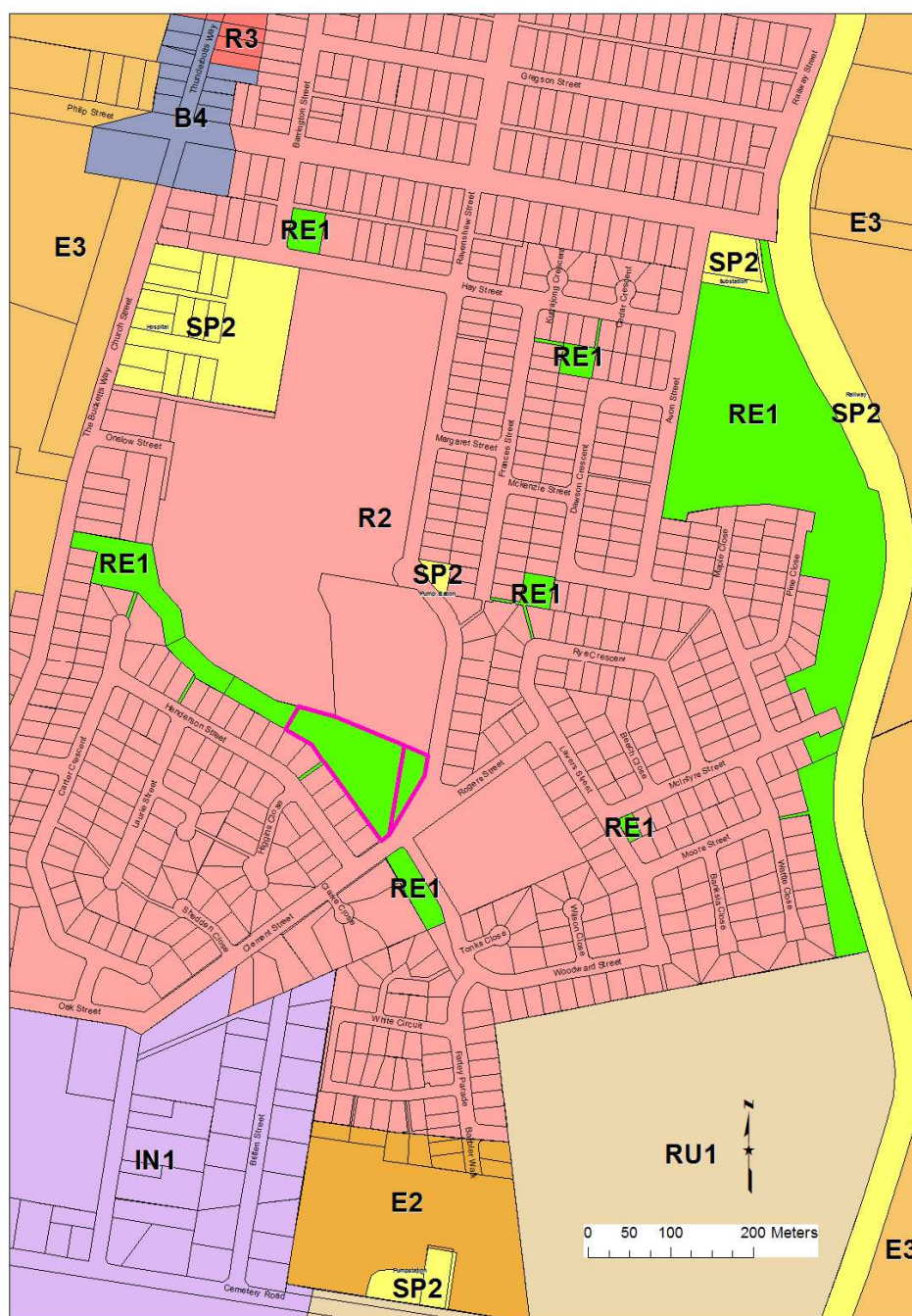


Figure 1a – Existing zone boundary on map LZN 009

Request to re-zone part of Lot 4 in DP 582158 and part of Lot 106 in DP 861914 from RE1 (Operational) to R2 residential – see item 1 of proposal.



Enquiries: (02) 6538 5250
Facsimile: (02) 6558 2343
council@gloucester.nsw.gov.au

Legend:

= Subject land

Gloucester Local Environmental Plan 2010 Planning Proposal – Amendment number 2

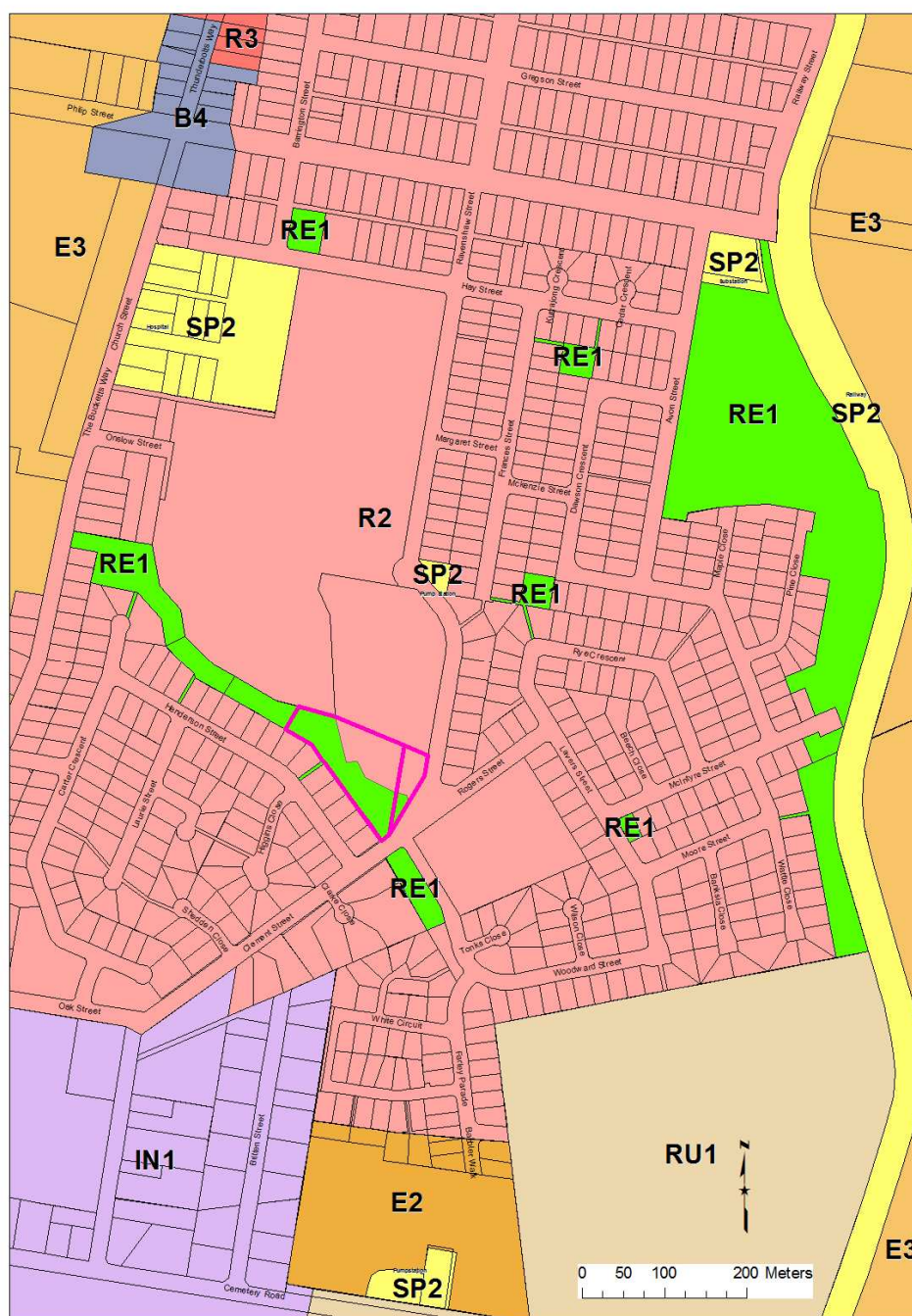


Figure 1b – Proposed zone boundary on map LZN 009

Re-zone part of Lot 4 in DP 582158 and part of Lot 106 in DP 861914 from RE1 (Operational) to R2 residential – see item 1 of proposal.



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Facsimile: (02) 6558 2343
council@gloucester.nsw.gov.au

Legend:

= Subject land

Gloucester Local Environmental Plan 2010 Planning Proposal – Amendment number 2

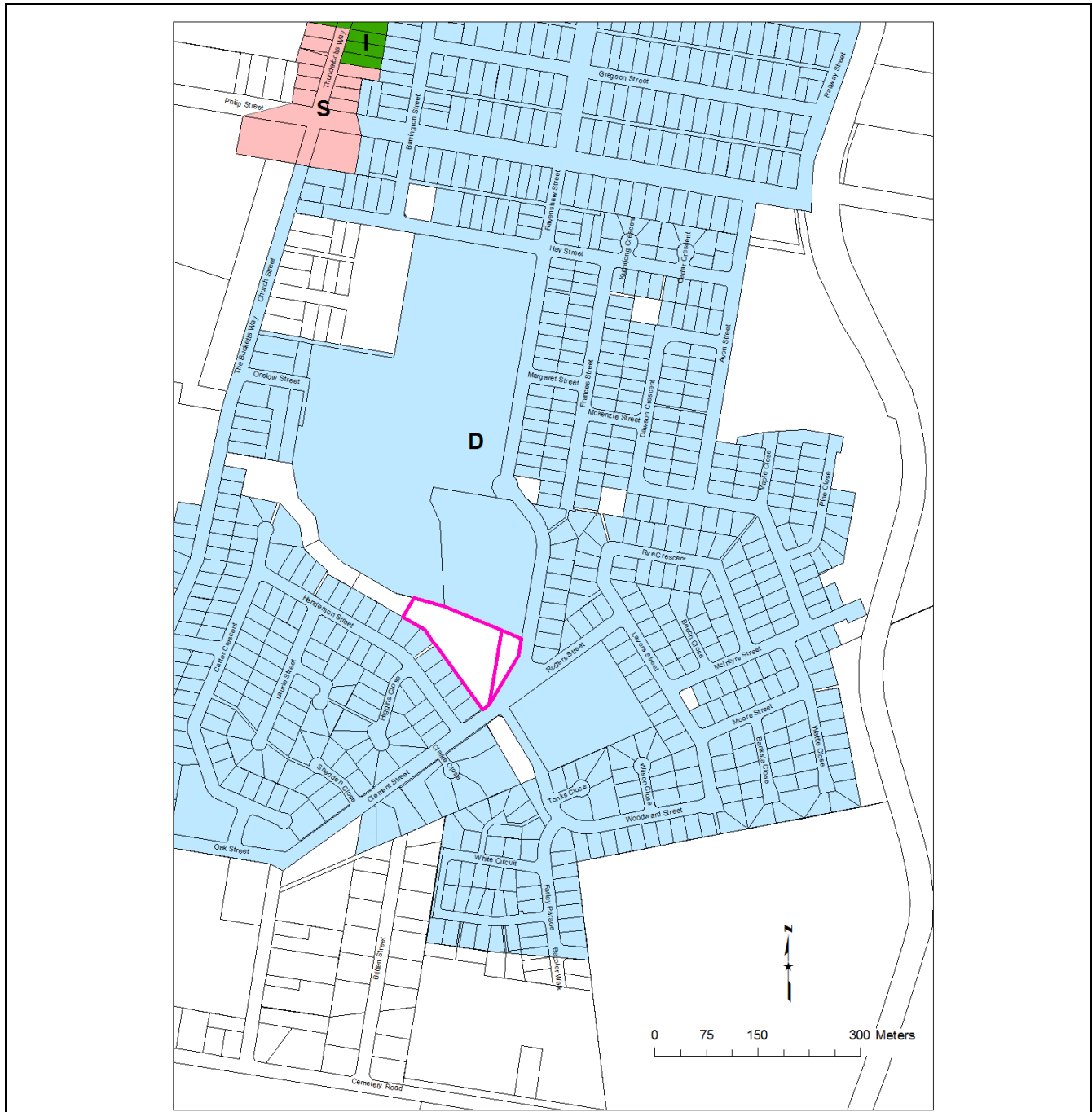


Figure 2a – Existing floor space ratio on map FSR 009.

Request to revise floor space ratio map in accordance with item 2 of this proposal.



Enquiries: (02) 6538 5250
Facsimile: (02) 6558 2343
council@gloucester.nsw.gov.au

Maximum Floor space ratio (n:1)

D	0.5
I	0.75
S	1.5

Gloucester Local Environmental Plan 2010 Planning Proposal – Amendment number 2

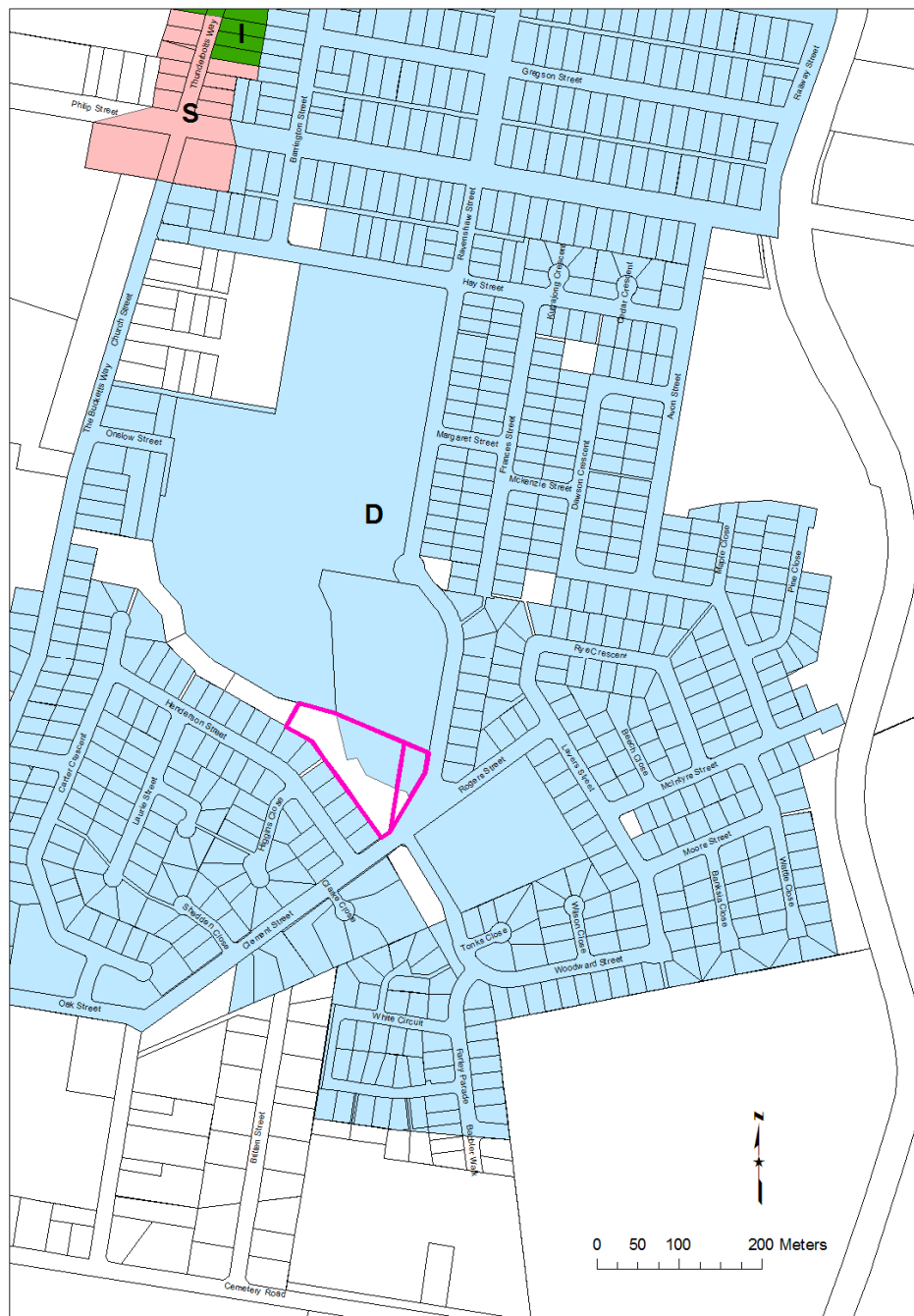


Fig 2b – Proposed change to floor space ratio map FSR 009.

Request to revise floor space ratio map in accordance with item 2 of this proposal.



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council@gloucester.nsw.gov.au

Maximum Floor space ratio (n:1)

D	0.5
I	0.75
S	1.5

Gloucester Local Environmental Plan 2010 **Planning Proposal – Amendment number 2**

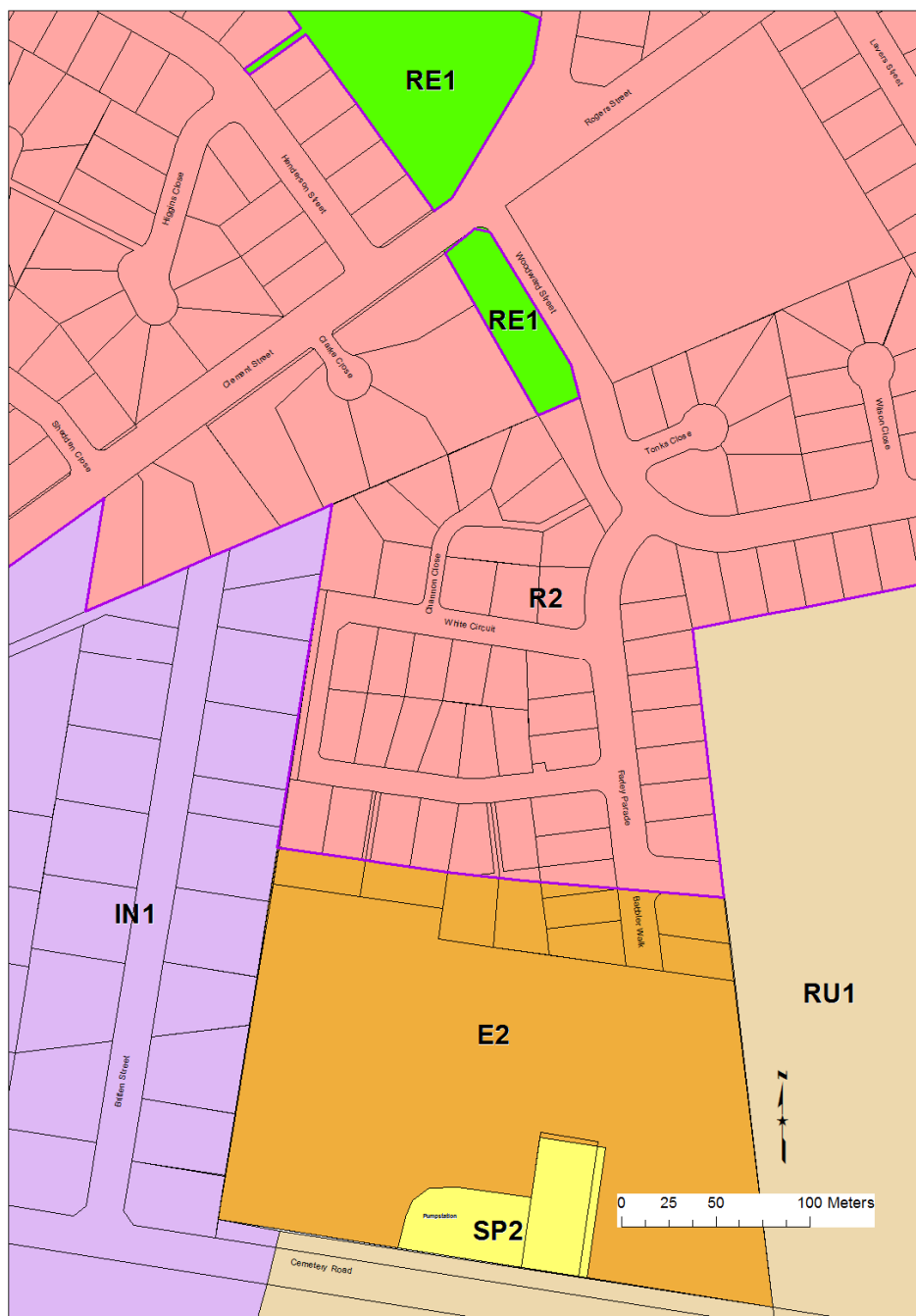


Figure 3a – Existing zone boundary

Request to correct the zone boundary between the E2 environmental conservation and R2 residential zones, on map LZN_009 - see item 4 of proposal.



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Gloucester Local Environmental Plan 2010

Planning Proposal – Amendment number 2

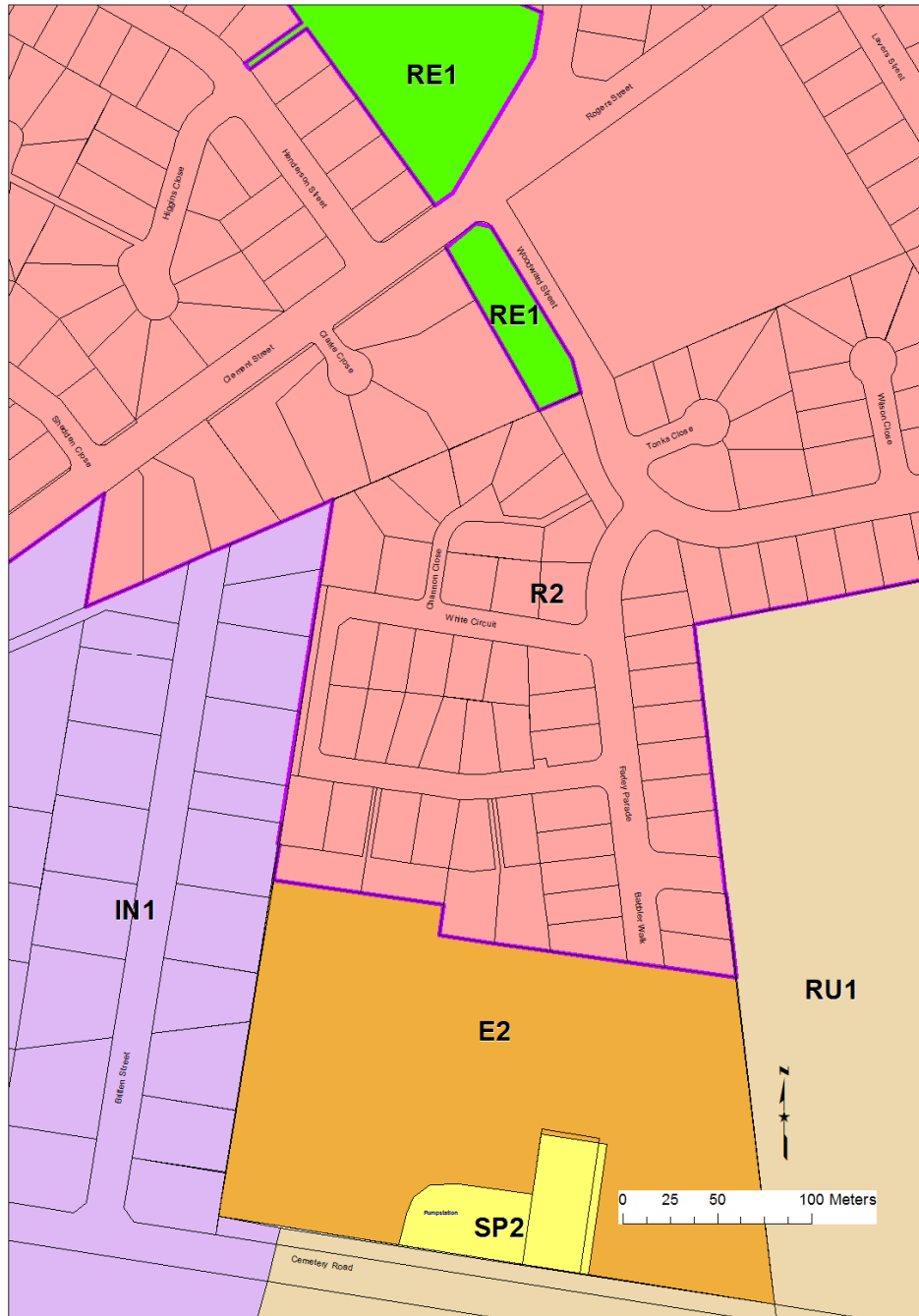


Figure 3b – Proposed zone boundary.

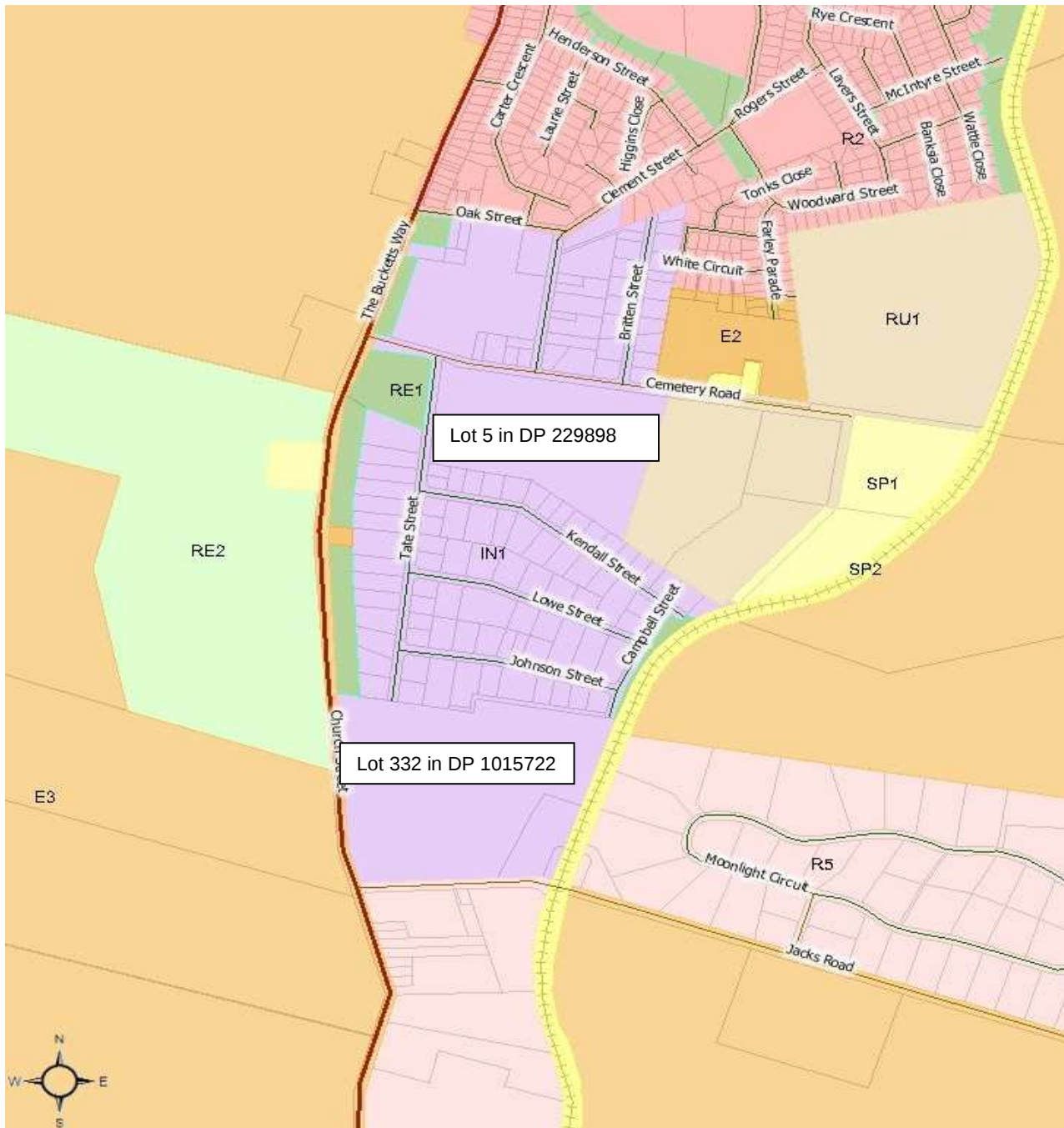
Request to correct the zone boundary between the E2 environmental conservation and R2 residential zones, on map LZN_009 – see item 4 of proposal.



Enquiries: (02) 6538 5250
Facsimile: (02) 6558 2343
council@gloucester.nsw.gov.au

Appendix 2: Gloucester Industrial Area

Figure 4: Gloucester Industrial Estate and surrounding land



Appendix 3: Photographs of Proposed RE1 and R2 zone and surrounding area



Photograph 1: North-facing view of Lot 4 in DP 582158 and Lot106 in DP 861914 - Clement Street Gloucester.

Land to the north of the stone bridge and concrete pathway (approx 5,000m²) is proposed to be zoned from RE1 public recreation to R2 residential, in order to facilitate a future residential care facility on land adjacent and to the north. Refer to item 1 and 2 of this proposal for further information.

Appendix 4: Council Report and Minute to rezone land 19 October 2011.

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

4. GLOUCESTER LOCAL ENVIRONMENTAL PLAN – AMENDMENT 2

Council has previously considered advice that the NSW Planning has undertaken and operational amendment to include new definitions and vary some land use tables. Due to these amendments some activities in the zones have been changed or altered. As part of the general review of the LEP 2010 a small number of Council amendments should also be undertaken to amend zoning maps that will correct boundaries on Council land.

The required amendments are to the RU1 Primary production, B2 Local centre, IN1 General industrial, E3 Environmental Management and zoning map LZN009. Attached are the existing and required amendments to the land use tables and maps requiring amendment. The highlighted words are the changes being proposed.

Before Council can proceed to this stage, it will be required to prepare a planning proposal for NSW Planning, apply to the Gateway process and seek approval to advertise the proposed amendments. The planning proposal shall need to be submitted to a Council meeting seeking a resolution to proceed to make the required applications.

Recommendation to Council

That Council prepare a planning proposal to undertake amendments to the land use tables and zoning maps in the RU1 Primary production, B2 Local centre, IN1 General industrial, E3 Environmental Management and zoning map LZN009.

FORWARD PLANNING COMMITTEE MEETING HELD 31st AUGUST 2011

Cr 250 RECOMMENDATION

1. That Council prepare a planning proposal to undertake amendments to the land use tables and zoning maps in the RU1 Primary production, B2 Local centre, IN1 General industrial, E3 Environmental management and zoning map LZN009.

COUNCIL MEETING 21st September 2011

Item 3. Minutes of the Forward Planning Committee held 31st August 2011.

223/11 RESOLVED that the minutes of the Forward Planning Committee Meeting held 31st August 2011 be adopted.

COUNCIL MEETING 19th October 2011

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

Précis:

The attached planning proposal seeks to modify the Gloucester LEP2010 to make administrative amendments to the land use tables to reflect the land use definitions in the amended State Template and contained in the Gloucester LEP2010, the amendment of land zones to reflect changes in land ownership and to enhance access to land of a residential nature, and to make administrative amendments to the floor space ratio map to reflect the amendments made for zoning changes.

Background:

1. Council has identified that an amendment is required to identify land as shown on Map LZN009 that indicates RE1 which should now be R2. The land area will be a split zone on the completion of the consolidation and boundary adjustment subdivision of the land and contain an area of RE1 Public recreation and R2 Low density residential. The land is classified as Operational under the Local Government Act 1993. The land is identified as Area 1 on the map LZN009 attached to this statement.
2. A change is required to plan LZN009 to amend the E3 Environmental Management zone to that of RE1 Public recreation to allow land purchased for public recreation to be included into the Gloucester district park. This area of land is identified as Area 2 on map LZN009.
3. A change is required to the Floor space ratio map FSR009 to amend the area in line with the proposed changes to LZN009. The area is identified on the sample map attached to this document and is marked Area 1.
4. Council has identified that administrative amendments are required to the land use tables under Part 2 of the Gloucester Local Environmental Plan 2010. The changes being proposed are in part the result of administrative amendments undertaken by NSW Planning of the Standard Instrument (Local Environmental Plans) Amendment Order 2011 and changes identified to definitions contained within the Dictionary to the local environmental plan. This amendment changes the format of the land use tables to allow

for future changes in land use and definition without a immediate need to undertake future amendments to the Gloucester LEP 2010.

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 has prepared a planning proposal explaining the intended effect of and justification for the draft LEP. The planning proposal may now be forwarded to the Minister for a Gateway determination, in accordance with the new plan-making provisions in Part 3 of the EP&A Act.

RECOMMENDATION:

That Council forward the completed planning proposal to NSW Planning for Gateway determination.

Note: On the advice of NSW Planning Item 5 being an amendment to the GIS template to correct a mapping error over the Reaves subdivision was discussed. Council was advised that this amendment makes no change to the land area in the E2 Environmental Conservation zone and does not require any other change to land use or function. The error was not picked up in the final development of the Maps for the Gloucester LEP2010 due to the size of maps and that the subdivision had not been registered.

*****11 RESOLVED** that Council forward the completed planning proposal to NSW Planning for Gateway determination and include an administrative adjustment to map LZN009 to correct the zone boundary identified across the residential subdivision in Reeves estate.

Appendix 5: Council Report and Minute to rezone land 27 June 2012.

5.3 Amendments to Gloucester LEP 2010

Report by Graham Gardner

Executive Summary

The Gazettal of LEP 2010 in accordance with the State template has had some unintended consequences in regard to land use is permissible within various zones. Of particular concern is the limitation in our General Industrial and Business Mixed Use zones, where a range of previously approved land uses are now no longer permissible. It is desirable that the LEP be amended to broaden the range of land uses permissible in the zones, and to enable the flexibility in the land use table in regard to uses that are "permitted with consent", rather than those that are "prohibited".

Detailed Report

In drafting LEP 2010 Council adopted the state template for much of the document. The template limits the range of uses permitted with consent in both the I N1 Industrial General and

B4 Business Mixed Use Zones. There are a range of land uses that are now prohibited in these zones that cover land uses Council has previously issued consent to and which are operating within the zones without causing any difficulties. The range of uses is as follows;

Zone I N1 General Industrial

timber yards, vehicle sale and vehicle hire establishments, hardware and building supplies, rural supplies, garden centres, bulky goods retail, funeral homes/mortuaries and kiosks

Zone B4 Mixed Use

landscaping material supplies, wholesale supplies

Alignment with Strategic Plan/Program

This proposal supports Council's objective of encouraging development in its Light Industrial Zone.

Financial and Resource Implications

There are no financial applications for Council in regard to this matter.

Policy Implications

The proposed amendment to the LEP will have the strategic benefit of facilitating an increased range of permissible land uses within the Industrial and Business Mixed Use zones to facilitate increased employment generating development. This accords with stated intentions in councils draft community strategic plan.

Risk Considerations

There are no risk implications in regard to this matter.

Statutory/Regulatory Considerations

This proposal seeks to amend Council's LEP to achieve an improved planning instrument.

Recommendation

That Council resolved to amend LEP 2010 by the inclusion of the additional uses listed in this report and making a nominated land uses as permissible with consent rather than prohibited uses.

Attachments

Request from Essential Solutions regarding this matter.

**MINUTES OF THE ORDINARY MEETING OF THE GLOUCESTER SHIRE COUNCIL
HELD ON 27 JUNE 2012**

5.3 Amendments to Gloucester LEP 2010

138/12 **RESOLVED** that Council amend LEP 2010 by the inclusion of the additional uses listed in this report and making nominated land uses as permissible with consent rather than prohibited uses.

(Cr Tersteeg/Cr Henderson)

Resolution 138/12

For	Crs Slack, Henderson, Germon, Lyford, Rosenbaum, Shaw, Smith, Tersteeg and Webb.
Against	Nil