



Planning Proposal –
PP-2021-7482

Version 1 – 2021

Lachlan Shire Local Environmental Plan
2013 – Schedule 1 Additional Permitted
Use (APU) to allow Vehicle Repair Station
on Lot 68,69 &168 DP 914643,
48 Brownies Lane Tottenham

Contents

Background and Summary of Planning Proposal	3
Planning Context.....	5
Part 1 - Objectives and intended outcomes	6
Part 2 - Explanation of provisions.....	6
Part 3 - Justification	6
Section A - Need for the planning proposal.....	6
Q1 - Is the planning proposal a result of any strategic study or report?	6
Q2 - Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	6
Section B - Relationship to strategic planning framework	7
Q3 - Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?	7
Strategic Context	7
Central West and Orana Regional Plan 2036.....	7
Consistency with relevant SEPPs	8
Consistency with Section 9.1 Directions.....	8
Environmental Social and economic impact.....	9
Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats, will be adversely affected as a result of the proposal?.....	9
Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	9
Has the planning proposal adequately addressed any social and economic impacts?	9
Mapping	9
Community Consultation	10
Project timeline.....	10
Attachments.....	11

Background and Summary of Planning Proposal

During public exhibition of Council's Urban Settlement Strategy (USS), which was held between 11 July 2018 to 8 August 2018, Council received the following submission dated August 8 2018 ,from the owners of 48 Brownies Lane, Ian and Melissa Larkings:

I am writing to you in regards to changing our property zoning rules so that we can set up a registered work shop/vehicle repair station at "Weowna" Tottenham.

Lots 68, 69, 162 DP 753968

At the moment the zoning rules that we are currently in do not allow a vehicle repair station.

The reasons for wanting to change the zoning rules is so that we can expand our business from a mobile mechanic to having a fixed/ mobile mechanical business which in turn will create more employment.

In setting up the workshop on our property it will limit the bigger farming plants and road transport vehicles from the town centre.

Having the work shop on our property also allows us to carry out live testing without interfering with the town centre traffic.

If the zoning rules were to be changed we would be able to set up a RTA Inspection station which needs a registered workshop. The shed we are intending to use has a concrete slab as pre RTA specifications.

Our closest neighbour is 500 metres away. We have spoken to the neighbours and they don't for see any problems with a workshop being set up. The closest facility to us is the town's sewerage treatment plant to the east and to the west is the racecourse.

I'm hoping that the zoning regulation can be changed as it will not only benefit our business but it will help with the town by keeping it local, creating employment and providing a much required service to the local Farming business's.

Following review of the submission and drafting of the USS by consultant Zenith Town Planning the following Action was listed in the draft USS:

Action T4: Include the use of Lots 68, 69 & 162 DP 753968 Tottenham for a vehicle repair station through inclusion in Schedule 1 Additional permitted uses of Lachlan LEP 2013.

A subsequent review of the draft USS by the Department of Planning, Industry and Environment included the following comment to Council on Action T4:

Can this be a Planning Proposal rather than a strategic position for Council?

Whilst the USS is yet to be endorsed by DPIE, the owners of No. 48 Brownies Lane have recently contacted council staff requesting Council progress with the planning proposal as a matter of urgency. This is due to the closure of a similar business within the Tottenham village area, at which they were providing the specialised services.

An amendment is proposed to Schedule 1 of Lachlan LEP 2013 in order to permit the development of a Vehicle Repair Station on the site.

At the 30 June 2021 Ordinary Meeting of Council, Council resolved that:

1. *The Director of Environment, Tourism and Economic Development Report No. R21/157 be received and noted.*
2. *Council endorse the preparation and lodgement of a planning proposal to amend Lachlan Local Environmental Plan 2013, to have "Vehicle Repair Station" listed as an Additional Permitted Use in Schedule 1 at 48 Brownies Lane, Tottenham, being Lots 68, 69 and 162 DP 753968 that is currently zoned R5 Large Lot Residential.*
3. *Council approve the Planning Proposal for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination.*
4. *Council seek authority from the Department of Planning, Industry and Environment to exercise the delegation of all functions of the relevant local plan making authority under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan to put into effect the Planning Proposal.*
5. *Authority be delegated to the General Manager to make any minor variations to the Planning Proposal, following receipt of the Gateway Determination.*
6. *A further report be brought back to Council following the public exhibition of the Planning Proposal detailing any submissions received during the public exhibition period.*

Planning Context

The preferred site for the Vehicle Repair Station (VRS) is identified in **Figure 1**, below.



Figure 1 - Proposed site for Vehicle Repair Station

The site has an area of approximately 23.56 hectares, with the infrastructure located on the eastern side of the site. This includes a dwelling and a number of outbuildings.

An extract of the current zoning map for the site, from Lachlan Local Environmental Plan 2013, is provided in **Figure 2**, below. The site is currently zoned R5 Village.

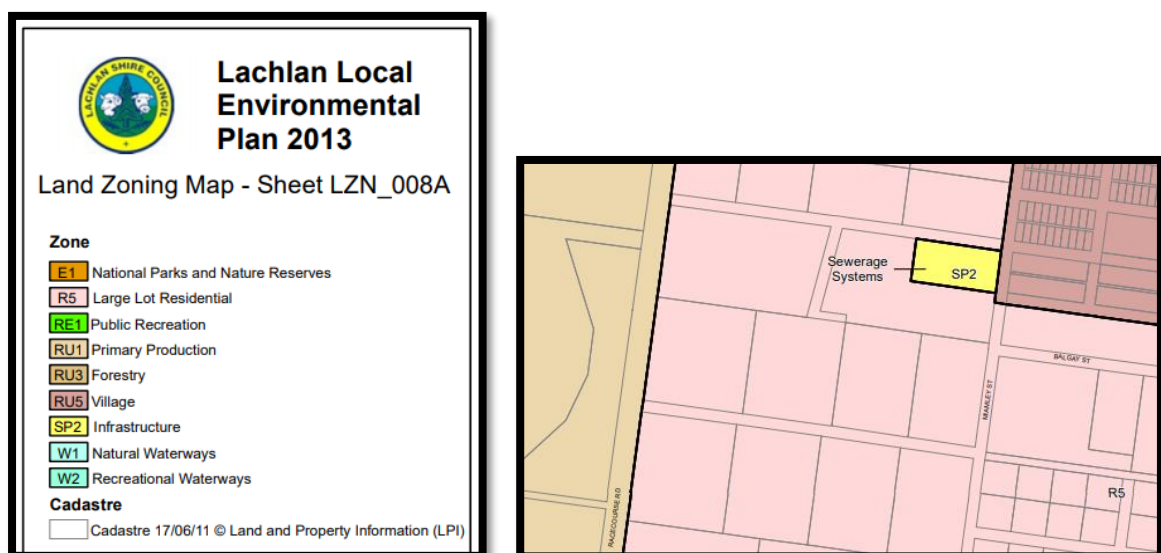


Figure 2 - Land Zoning Map and Sheet LZN_8A

The inclusion of Vehicle Repair Station as an Additional Permitted Use in Schedule 1 for the site currently zoned R5, is necessary to ensure the proposal is permissible with consent under Lachlan Local Environmental Plan 2013 (LLEP 2013).

Part 1 - Objectives and intended outcomes

To amend Lachlan Local Environmental Plan 2013 (LLEP 2013), Schedule 1 Additional Permitted Use, to allow a Vehicle Repair Station to be permitted with consent on Lot 68, 69 & 168 DP 753968, known as 48 Brownies Lane Tottenham ("the site").

Part 2 - Explanation of provisions

To facilitate this objective, Schedule 1 of LLEP 2013 will need to be amended to include "Vehicle Repair Station" as an additional permitted use on Lot 68,69 &168 DP 753968 , known as 48 Brownies Lane Tottenham – The site is currently zoned R5 Large Lot Residential on the relevant land zoning map.

Activities that will be undertaken at the Vehicle Repair Station include the repair and servicing of agricultural machinery and personal vehicles from the Tottenham area.

There are no changes required to Clause 2.3 of LLEP 2013 or the land use table within LLEP 2013.

Schedule 1 – Additional Permitted Uses

The proposed amendment to LLEP 2013 would add the purpose of "Item 2 - vehicle repair station" to Schedule 1 – Additional Permitted Uses. There would be no changes required to the land zoning map 8A.

Part 3 - Justification

Section A - Need for the planning proposal

Q1 - Is the planning proposal a result of any strategic study or report?

Council's Draft Urban Settle Strategy (USS) does identify the need accommodate the Vehicle Repair Station, for the benefit of Tottenham at the site. The VRS would not unreasonably encroach on R5 Large Lot as there is minimal land uses surrounding and a lack of subdivision potential given the minimum lot size.

Q2 - Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Vehicle Repair Station is not currently permitted with consent on Lot 68,69 &168 DP 753968 , known as 48 Brownies Lane Tottenham ("the site") pursuant to LLEP 2013. In addition, an Vehicle Repair Station is not a purpose which would be permissible with consent pursuant to any State Environmental Planning Policy (SEPP). Therefore, amending LLEP 2013 is considered to be the only option available to permit the proposed development on the site.

Council officers have discussed the planning proposal with officers from the Department of Planning, Industry and Environment, who advised through the Urban Settlement Strategy that a Planning Proposal is the required pathway to allow the VRS to be a permissible use on the site under Lachlan LEP 2013.

Section B - Relationship to strategic planning framework

Q3 - Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Strategic Context

The Planning Proposal will make a minor, but important amendment to the LLEP 2013. It will permit “Vehicle Repair Station” as an APU on a large site, that would accommodate the VRS, which is only partially used for a residential purpose in Tottenham. The change is critically important to ensuring that the LLEP 2013 remains contemporary and meets the requirements for land uses that meet the wider community and Council’s overall Strategic land use direction. The planning proposal allows Council to respond to a change in circumstances, in that the size of land required for a Vehicle Repair Station that services large machinery is not available within the Tottenham RU5 Village area, to be appropriately placed within the community and designed to allow the identified strategic outcome from Council’s Community Strategic Plan (CSP) to be achieved.

The proposal is not inconsistent with Council’s strategic direction in the draft Urban Settlement Strategy (USS) for Tottenham.

The proposal is consistent with Council’s draft Rural and Industrial Land Use Strategy, which provides a Town Structure Plan to Tottenham and has identified the R5 Large Lot Residential Area to be rezoned RU6 Transition “*to provide greater flexibility in land use, for example, rural industry, tourist and visitor accommodation*”.

The proposal also has site-specific merit as there are no known environmental values or hazards that can’t be managed on the land and the current use of the site will complement the proposed use – by providing the owners a place to establish a business on the same site as their residence.

Central West and Orana Regional Plan 2036

The planning proposal is considered to be consistent with the Central West and Orana Regional Plan 2036 (CWORP). Council considers that the following directions are most relevant to the planning proposal:

Direction 12: Plan for greater land use capability.

The addition of VRS to the site will permit a use on a suitably sized allotment that is only partially used. This will assist in avoiding any land use conflict situations that arise with such uses being carried out on unsuitable sites within the village, that may be already zoned elsewhere that allow for such purposes.

Direction 23: Build the resilience of towns and villages.

The additional permitted use will permit a VRS on the suitably sized site. By permitting VRS on the site it will create an opportunity for development to be carried out on a site which is compatible with surrounding land uses which can be used to support the sustainability of Tottenham and surrounding villages. The opportunities provided by the development will contribute to the growth and prosperity of the town and village areas.

Q4 - Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The proposal is not inconsistent with Council's endorsed Local Strategic Planning Statement or the strategic direction of the draft Urban Settlement Strategy.

Consistency with relevant SEPPs

N/A - The proposal is not for a rezoning.

Consistency with Section 9.1 Directions

Table 1: S 9.1 Direction Response to each Land Use Zoning Map Amendment

S. 9.1 Direction Applying	Issues	Consistent?
2.6 Remediation of Contaminated Land	No	Yes. Site is not known to have any form of contamination.
3.4 Integrated Land Use and Transport	No	Yes. The additional of a Vehicle Repair Station as an Additional Permitted Use on the property will result in the location of use on land in an appropriate location within the township of Tottenham that can accommodate large vehicles and machinery. Allowing an additional use for a VRS on the site will improve access to required services in a rural location.
4.3 Flood Prone Land	No	Yes. The land is not flood prone as per LLEP 2013 – Clause 5.21 "Flood Planning Map".
4.4 Planning for Bush Fire Protection	No	Yes. The land is not bushfire prone per Council's current BFPL Mapping.
5.10 Implementation of Regional Plans 'Central West and Orana Regional Plan 2036'	No	Yes. The proposed amendment is consistent with this objective, which is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. It is considered that this component of the planning proposal is consistent with the following: Direction 12: Plan for greater land use capability. This will assist in

		<p>avoiding the land use conflict opportunities that arise with such uses being carried out on smaller unsuitable sites in the village area that are already zoned for such purposes.</p> <p>Direction 23: Build Resilience in towns and villages. The APU to allow a VRS on the site will create opportunity for development to be carried out in a zone close to the township. This will support the sustainability of Tottenham, surrounding villages and the wider region.</p>
6.1 Local Plan Making	No	<p>Yes.</p> <p>The VRS use is consistent with the objectives of the direction. It considered that the VPU for the VRS encourages the efficient and appropriate assessment of development.</p>

Environmental Social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats, will be adversely affected as a result of the proposal?

No – A review of NSW Biodiversity Values Map and the Native Vegetation Regulatory Map shows no likelihood of the matters raised in this section being located on the subject site.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

None identified.

Has the planning proposal adequately addressed any social and economic impacts?

None identified.

Mapping

This planning proposal will require the following amendments.

Schedule 1 – Additional Permitted Uses

The proposed amendment to LLEP 2013 would add the purpose of “Vehicle Repair Station” to Schedule 1 – Additional Permitted Uses. There would be no changes required to the land zoning map 8A.



Figure 1 - Proposed site for Vehicle Repair Station

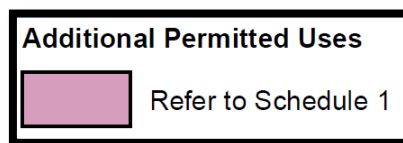


Figure 3 – Additional Permitted Uses Schedule 1 “Item 2”

Community Consultation

The Gateway Determination will confirm community consultation requirements. It is likely that the Proposal will be exhibited for a minimum period of 28 days in accordance with Council’s Community Participation Plan.

Public exhibition of the planning proposal will include notification on the Lachlan Shire Council website, notification in the newspapers that circulate widely in the shire (Condobolin Argus and the Lake News) and in writing to affected and adjacent landowners.

Project timeline

The Project Timeline will assist with tracking the progress of the planning proposal through the various stages of consultation and approval. It is estimated that this amendment to Lachlan Local Environmental Plan 2013 will be completed by April 2022.

Council requests delegation to carry out certain plan-making functions in relation to this proposal. Delegation would be exercised by Council’s General Manager.

Key Stages of Consultation and Approval	Estimated Timeframe
STAGE 1 – Submit planning proposal to Department of Planning, Industry and Environment with request amendment is made. Including seeking authority from the Department of Planning, Industry and Environment to exercise the delegation of all functions of the relevant local plan making authority under Section 3.36 of the Environmental Planning and	2021

Assessment Act 1979 to make the local environmental plan to put into effect the Planning Proposal.	
STAGE 2 – Receive Gateway Determination	January 2022
STAGE 3 – Preparation of documentation for Public Exhibition	January 2022
STAGE 4 – Public Exhibition of the planning proposal	February 2022
STAGE 5 – Review/consideration of submissions received	March 2022
STAGE 6 – Council Report	March 2022
STAGE 8 – Anticipated date Council will forward Plan to the Department for completion	April 2022

Attachments

1. Lachlan Shire Council Report 30 June 2021 – Item 9.4 (attached separately)