



IRF 22/110

Gateway determination report – PP-2021-7482

Amend Schedule 1 of Lachlan LEP 2013 to add
vehicle repair station as an additional permitted use at
48 Brownies Lane, Tottenham

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Contents

1	Planning proposal.....	3
1.1	Overview.....	3
1.2	Objectives of planning proposal	3
1.3	Background	3
1.4	Explanation of provisions	4
1.5	Site description and surrounding area.....	4
1.6	Mapping.....	6
2	Need for the planning proposal	6
3	Strategic assessment	7
3.1	Regional Plan	7
3.2	Local.....	8
3.3	Section 9.1 Ministerial Directions	9
3.4	State environmental planning policies (SEPPs)	11
4	Site-specific assessment	11
4.1	Environmental.....	11
4.2	Social and economic.....	11
4.3	Infrastructure	12
4.4	Community	12
4.5	Agencies.....	12
5	Timeframe	12
6	Local plan-making authority	12
7	Assessment summary	12
8	Recommendation.....	13

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal to amend Schedule 1 of the Lachlan LEP 2013 lodged January 2022
Council Report – Council Meeting Agenda dated 30 June 2021

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Lachlan Shire Council
PPA	Lachlan Shire Council
NAME	Amend Schedule 1 of the Lachlan LEP 2013 to add vehicle repair station as an additional permitted use at 48 Brownies Lane, Tottenham
NUMBER	PP-2021-7482
LEP TO BE AMENDED	Lachlan Local Environmental Plan 2013
ADDRESS	48 Brownies Lane, Tottenham
DESCRIPTION	Lots 68, 69 and 162 in DP 753968
RECEIVED	18/01/2022
FILE NO.	IRF22/110
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal. The planning proposal seeks to amend the Lachlan LEP 2013 by inserting Vehicle Repair Station (VRS) as an additional permitted use for Lots 68, 69 and 162 in DP 753968 known as 48 Brownies Lane, Tottenham.

The objectives of this planning proposal are clear and adequate.

1.3 Background

On 8 August 2018, during the exhibition of the draft Urban Settlement Strategy 2018, Council received a submission from the landowners of 48 Brownies Lane Tottenham expressing their interest to expand their mobile vehicle repair business by setting up a local vehicle repair shop on their land. Council factored in the submission and Action T4 of the updated draft Urban Settlement Strategy 2018 (dUSS) specifically recommends permitting 'vehicle repair station' as an additional permissible use on Lots 68, 69 and 162 in DP 753968. The dUSS has not been submitted to the Department for endorsement.

The landowners have since lodged a planning proposal with Lachlan Shire Council seeking to include VRS as an additional permitted use.

1.4 Explanation of provisions

The planning proposal (page 6) contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. The planning proposal seeks to amend the Lachlan LEP 2013 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed	Change
Zone	R5 Large Lot Residential	R5 Large Lot Residential	No change
Schedule 1 (Additional Permitted Use) for 48 Brownies Lane, Tottenham	Nil	Vehicle Repair Station	One additional use proposed

1.5 Site description and surrounding area

The planning proposal applies to Lots 68 (approx. 6.5ha), 69 (approx..7ha) and 162 (approx..10ha) in DP 753968 known as 48 Brownies Lane, Tottenham.

The site is zone R5 Large lot residential with a minimum lot size of 400ha under the Lachlan LEP 2013.

The total site area of the three lots is approximately 23.56ha in size and contains a dwelling house, a number of outbuildings and two farm dams, all of which occupy the eastern end of the site. The site appears to be currently used for rural broadacre activities.

The site is located approximately 500m west of the Tottenham town centre. The site adjoins other R5 Large Lot Residential land with rural dwellings to the east and south east. These R5 zoned lots appear to be used as grazing or pastoral land. To the west of the site, across Racecourse Road, is the Tottenham Racecourse. To the north east of the site, is the Tottenham Sewage Treatment plant. Further north is land zoned RU1 Primary Production and appears to be used for agricultural activities.

Figure 1 shows an aerial view of the site and its surrounds



Figure 1 Site context (source: Council's planning proposal report)

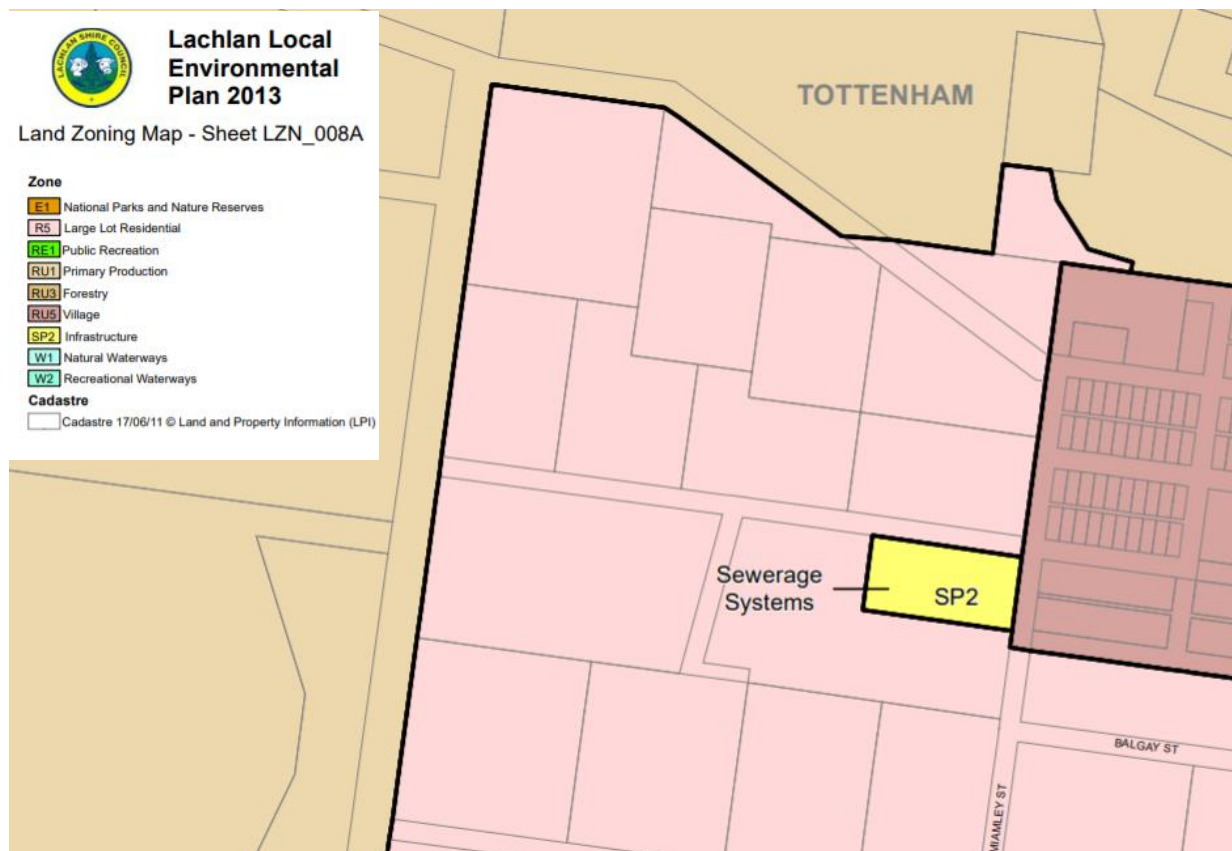


Figure 2 Land Zoning Map (source: Lachlan LEP 2013, Sheet LZN_008A)

1.6 Mapping

Council proposes to add the additional use 'in words' under Schedule 1 of the Lachlan LEP 2013. An additional permitted use map will be required.

2 Need for the planning proposal

Justification for the proposed amendment has been provided on page 6 of the planning proposal.

The planning proposal submits that the landowner of 48 Brownies Lane, Tottenham wish to expand their mobile vehicle repair business by setting up a local vehicle repair workshop on their site. The proposal notes that the site is zoned R5 Large Lot Residential and vehicle repair stations are currently a prohibited use. A planning proposal is therefore required to rezone the site or permit the use as an exception (i.e. an additional permitted use).

Council notes that the proposal is in keeping with Council's draft Urban Settlement Strategy 2018 for their LGA. The dUSS has not been submitted to the Department for endorsement. This strategy provides a structure plan for Tottenham and other towns in the LGA. Action T4 of strategy specifically recommends permitting 'vehicle repair station' as an additional permissible use on Lots 68, 69 and 162 in DP 753968.

The Department notes that the proposal is also broadly consistent with Council's draft Industrial and Rural Strategy 2041. The strategy came off exhibition on 1 February 2022 and is yet to be endorsed by Council. The strategy notes large areas of land zoned R5 Large Lot Residential in Tottenham that remains undeveloped and recommends rezoning these R5 Large Lot Residential zones to RU6 Transition for greater flexibility of land uses that are compatible with a rural residential area. Council submits that the proposal is therefore also consistent with the future town structure plan and character of the area.

Council submits that in this instance, a site specific planning proposal is warranted given other businesses in Tottenham town centre providing vehicle repair services have closed and the consistency with the town structure plan for Tottenham.

The Department acknowledges the immediate demand near Tottenham town centre for land that can accommodate a VRS use and similar specialised services, noting that the Tottenham structure plan recommended by the draft Industrial and Rural Strategy 2041 (dIRS) is unlikely to be implemented in the short to medium term. It is to be noted that the dIRS has not yet been supported by Council or submitted to the Department for endorsement.

Tottenham

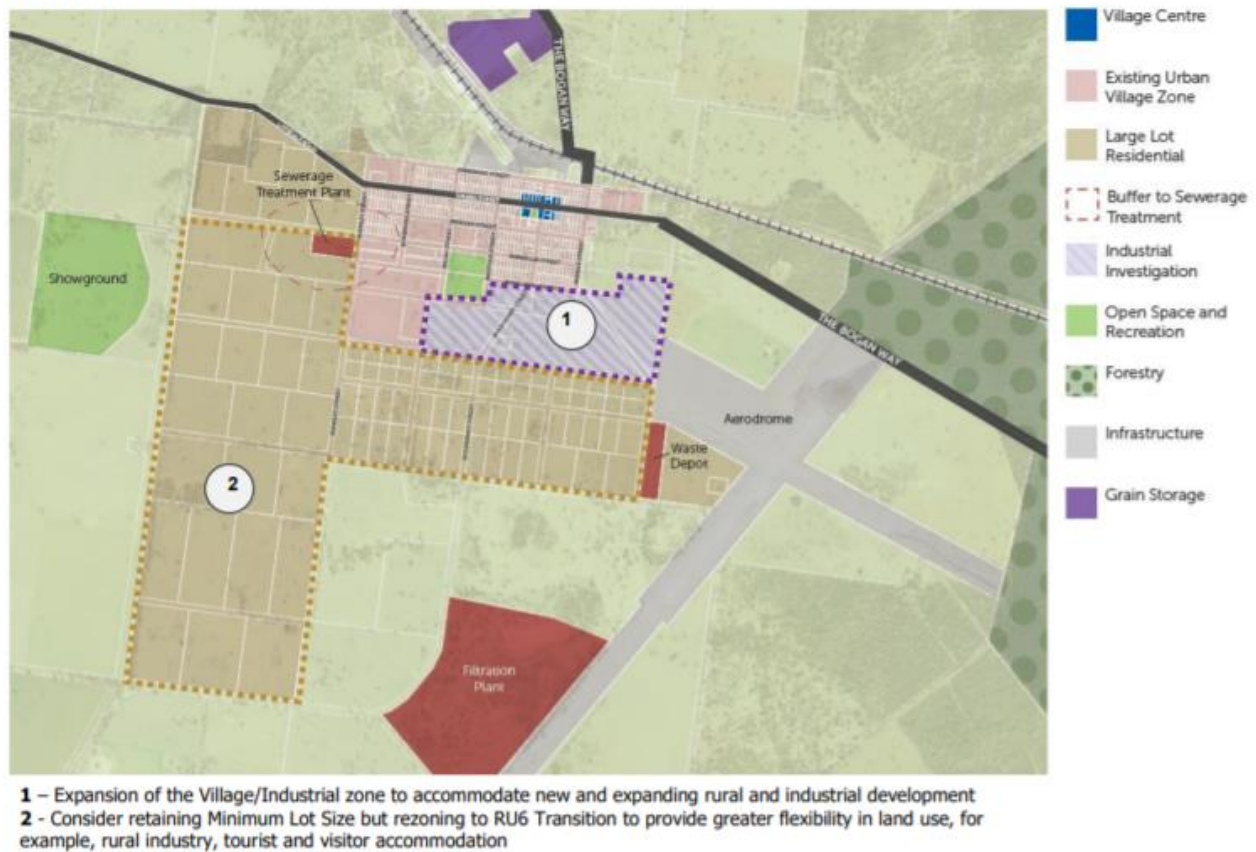


Figure 3 Draft town structure plan for Tottenham (source: Draft Industrial and Rural Lands Strategy 2041) – Note not endorsed by Council or the Department.

3 Strategic assessment

3.1 Regional Plan

The planning proposal has undertaken an assessment against the Central West and Orana Regional Plan on page 7. The Department also recommends that the planning proposal have regard to the draft Central West and Orana Regional Plan 2041 which went on exhibition on 22 November 2021. The following table provides an assessment of the planning proposal against relevant aspects of the Regional Plan.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Direction 12: Plan for greater land use capability.	The planning proposal will enable use of an underutilised site for the purposes of a VRS. Council's proposal notes that this additional use will not result in any neighbouring land use conflicts due to the large size of the lot and the opportunities to locate the repair station away from the site boundaries. Further, Council notes that the draft structure plan for Tottenham town centre recommends rezoning the site and surrounding R5 Large Lot Residential lots to RU6 Enterprise which would permit a wide variety of uses including rural industries – noting that this has not been endorsed by Council or the Department. The Department acknowledges that the proposal is consistent with the future character envisaged for the area and the VRS use is unlikely to result in any land use conflicts in the short to medium term. The proposal is therefore in keeping with this direction.
Direction 23: Build the resilience of towns and villages.	Council's report submits that the proposal is broadly in keeping with this direction, noting the urgent need for a local VRS in Tottenham with the recent closure of similar businesses in the local town centre. The proposal will allow for specialised services to be provided for the benefit of Tottenham and surrounding towns.

3.2 Local

The planning proposal (page 8) demonstrates the proposal's consistency with relevant local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 5 Local strategic planning assessment

Local Strategies	Justification
Lachlan Local Strategic Planning Statement 2020	The proposal is broadly consistent with the Lachlan LSPS 2020 and its actions. The proposal will provide specialised services close to Tottenham town centre. In addition to servicing private vehicles, the VRS will also provide repair and servicing of agricultural machinery thereby underpinning and supporting surrounding agribusinesses and community.
Draft Urban Settlement Strategy 2018 (dUSS)	This strategy provides a structure plan for Tottenham and other towns in the LGA. The proposal directly implements Action T4 of strategy, which recommends permitting 'vehicle repair station' as an additional permissible use on Lots 68, 69 and 162 in DP 753968. Noting that the dUSS has not been endorsed by Council or the Department.
Draft Industrial and Rural Strategy 2040 (dIRS)	This strategy notes large areas of land zoned R5 Large Lot Residential in Tottenham that are undeveloped and underutilised. The strategy recommends rezoning these R5 Large Lot Residential zones to RU6 Transition for greater flexibility of land uses that are compatible with a rural residential area. Noting that the dIRS has not been endorsed by Council or the Department.

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.2 Rural Zone	Not Applicable	The proposal does not rezone rural land. It only seeks to include an additional permitted use under Schedule 1 of the Lachlan LEP 2012 for the purposes of a VRS at 48 Brownies Lane, Tottenham on land that is zone R5 large lot residential.
1.3 Mining Petroleum Production and Extractive Industries	Consistent	There are no potential or known mineral or extractive industries in proximity to any of the affected lots in this proposal. There is no change to the permissibility of mining as a result of the proposal
2.6 Remediation of Land	Consistent	Council's report concludes that the site is not known to have any form of contamination

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.1 Residential Zones	No	<p>The planning proposal is inconsistent with this Direction as it seeks to amend land relating to an existing residential zone (R5 Large Lot Residential zone). The Department considers the proposal's inconsistency with these Directions as minor significance for the following reasons:</p> <ul style="list-style-type: none"> • The proposal is generally in keeping with the directions and actions of the Central West and Orana Regional Plan 2036 and the Lachlan LSPS. • The proposal directly responds to recommendations set out in Council's Draft Urban Settlement Strategy 2018 and is generally consistent with the intent of recommendations outlined in the Draft Industrial and Rural Lands Strategy 2040. • The proposal notes that this additional use will not result in any land use conflicts with neighbouring residential or rural landowners due to the large size of the lot and the opportunities to locate the repair station away from the site boundaries. Further, the VRS can be accommodated within one of the existing outbuildings on the eastern edge of the site and the closest neighbour is 500m away. • The Department notes that the land zoned R5 Large Lot Residential in proximity to the subject site is underutilised and undeveloped. The VRS is considered to be a compatible use for the site, noting that the proposal is unlikely to result in land use conflict with neighbouring residential lots and will provide specialised services that could benefit the broader town.
3.4 Integrated Land Use and Transport	Consistent	<p>The proposal is generally in keeping with this direction. The VRS is located 500m from the town centre. Council's proposal notes that the location of the VRS outside of the town centre will reduce potential traffic impacts in the centre caused by testing of large agricultural machinery. Given the size of the lot, testing of vehicles could be carried out on site without impacting local roads. The Department notes that the proposal is not located far from the town centre and is still located in an accessible part of the town.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.3 Flooding	Not Applicable	The site is not identified as flood prone land under the Lachlan LEP. Council has not undertaken or prepared any flood study or management plan that applies to Tottenham.
4.4 Planning for Bushfire Protection	Consistent	The lands subject to this proposal has not been mapped as bushfire prone land.
5.10 Implementation of Regional Plans	Consistent	The proposal is largely consistent with the Direction (see discussion in Section 3.1 of this report).
6.1 Approval and Referral Requirements	N/A	The proposal is consistent with the Direction as it does not intend to introduce any new referral or consultation requirements.

3.4 State environmental planning policies (SEPPs)

The planning proposal does not identify SEPPs that apply to the proposal. The Department considers that the following SEPPs are relevant for the planning proposal:

- SEPP (Infrastructure) 2007
- SEPP (Koala Habitat Protection) 2020 and 2021
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The planning proposal is not inconsistent with any of the objectives within the identified SEPPs above. The specific controls and provisions in each of the SEPPs are not relevant to determining the strategic or site-specific merit of the planning proposal and may be considered as part of any future development applications for the relevant lots.

4 Site-specific assessment

4.1 Environmental

The planning proposal is not located on bush fire prone land, contaminated land, flood prone land or land mapped as containing biodiversity and does not contain any heritage listed items. As such the amendments to include VRS as an additional permitted use on the site is unlikely to result in any significant adverse environmental impact.

4.2 Social and economic

The proposal will provide the following social and economic benefits:

- to maintain and create new jobs in Tottenham
- will ensure that land close to the town centre is optimally used
- support agribusiness and agriculture as well as provide specialised services for Tottenham and neighbouring towns

4.3 Infrastructure

Council's proposal notes that the VRS use can be accommodated within an existing shed / outbuilding on the site. The shed has a concrete slab which meets Transport for NSW (previously RTA) specifications for a registered vehicle repair workshop.

The planning proposal has not addressed the required access to all essential services and infrastructure utilities that will be required for a VRS. The proposal prior to finalisation should address capability of the site to access and provide essential infrastructure and utilities to support the proposal. Council will need to address these matters at the development application stage however the planning proposal should include a high-level assessment to ensure there are no restrictions that would make the proposed additional land use unfeasible.

4.4 Community

Council proposes a community consultation period of 28 days. The exhibition period proposed is considered appropriate and forms one of the conditions of the Gateway determination.

4.5 Agencies

The proposal does not specifically raise which agencies will be consulted. Consultation with agencies is not considered warranted.

5 Timeframe

Council proposes a 4 month time frame to complete the LEP.

The Department recommends a time frame of 6 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that council update the specified milestone dates on page 11 of the planning proposal in line with the Gateway determination.

A condition to the above effect is recommended in the Gateway determination

6 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the site/planning proposal is of local and low risk nature the Department recommends that Council be authorised to be the local plan-making authority for this proposal. Council advises that the land is privately owned.

7 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The planning proposal provides positive social and economic benefits for Tottenham and surrounds by providing a specialised service in town.
- The proposal will underpin and support agribusinesses and other agricultural uses in Tottenham
- The proposal will enable optimum use of the site which is currently underutilised
- The site is well located to accommodate a VRS. The proposal will not result in any land use conflicts with neighbouring sites, is not environmentally sensitive land and or affect the viability agricultural lands

As discussed in the previous section 2, the proposal prior to finalisation should address capability of the site to access and provide essential infrastructure and utilities to support the proposal.

8 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistency with section 9.1 Direction 3.1 Residential Zones is minor.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal prior to community consultation be updated to:
 - (a) address services and infrastructure utilities to support the proposed VRS and
 - (b) the Project Timeline
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
4. Consultation with agencies is not warranted.
5. An additional permitted use map is required to be prepared prior to finalisation.
6. Given the nature of the proposal, Council should be authorised to be the local plan-making authority



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