



IRF22/1527

Gateway determination report – PP-2022-1593

Rezone High Street, Hillston to E1 Local Centre

May 22

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Gateway determination report – PP-2022-1593

Subtitle: Rezone High Street, Hillston to E1 Local Centre

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal – High Street.pdf (2022)

1 Planning proposal

1.1 Overview

Table 2 - Planning proposal details

LGA	Carrathool
PPA	Carrathool Shire Council
NAME	Rezone High Street, Hillston to E1 Local Centre
NUMBER	PP-2022-1593
LEP TO BE AMENDED	Carrathool Local Environmental Plan 2012
ADDRESS	High Street, Hillston
DESCRIPTION	Multiple lots specified in Table 1 of the planning proposal.
RECEIVED	3/05/2022
FILE NO.	IRF22/1527
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 objectives of the planning proposal are to:

- Rezone land around High Street, Hillston (as specified) to restrict residential dwellings in the commercial precinct of Hillston.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Carrathool LEP 2012 per the changes below:

Table 3 - Current and proposed controls

Control	Current	Proposed
Zone	RU5 Village	E1 Local Centre
Minimum lot size	600m ²	No change*
Number of dwellings	N/A	N/A
Number of jobs	N/A	N/A

* It is recommended that the Lot Size Map be amended (see Section 4.2)

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The subject land is defined as lots that front onto High Street, Hillston. The site is approximately 11 hectares in size and includes 15 local heritage items. It also adjoins the Lachlan River to the north and west and the railway corridor to the east. (See Figure 1). Hillston town is located 110km north west of Griffith, western NSW (See Figure 2)

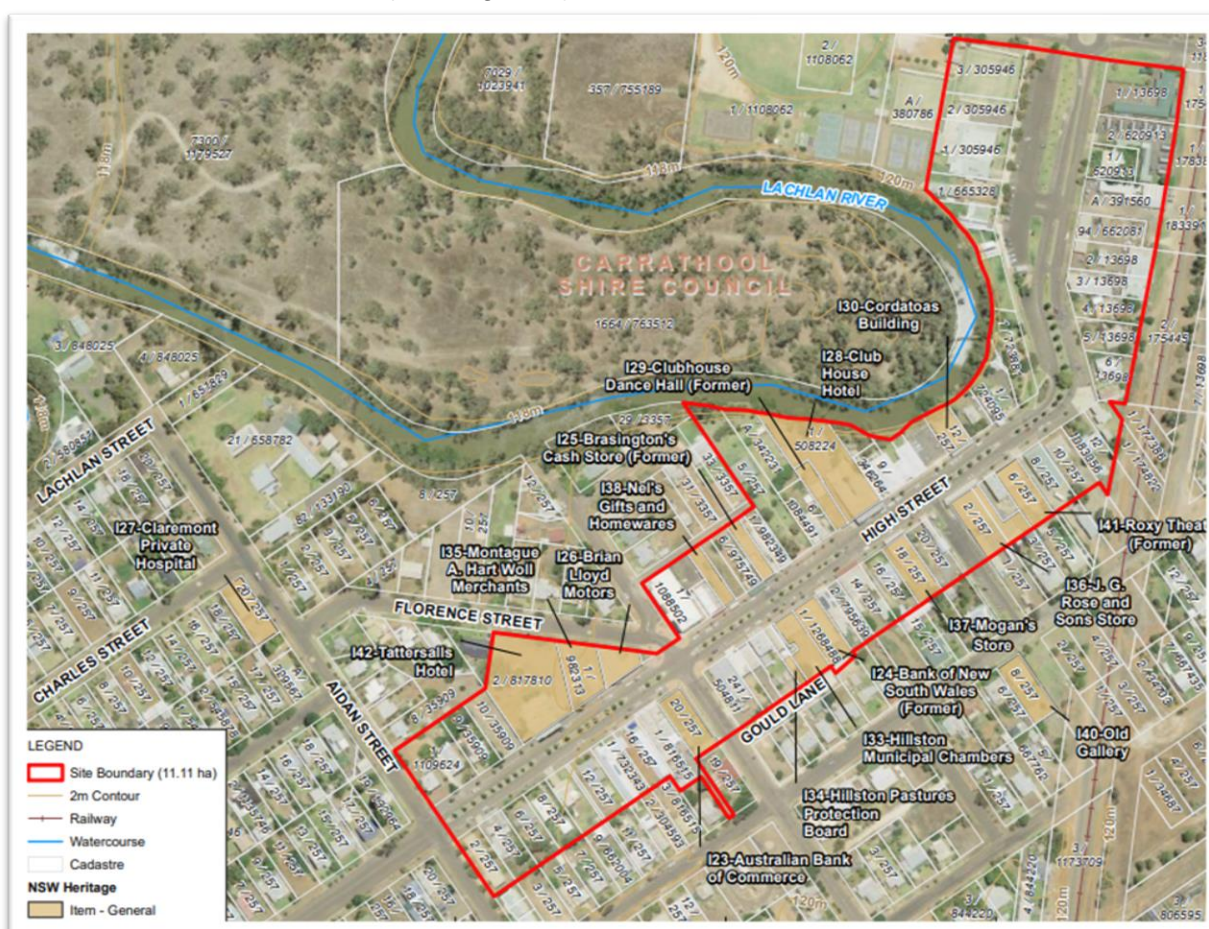


Figure 1 Subject site (source: Planning Proposal PP-2022-1593)



Figure 2 - Site context (source: Planning Proposal PP-2022-1593)

The planning proposal affects 112 lots. Table 1 of the planning proposal lists all the Lot and DPs included in the subject land.

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Carrathool LEP 2012 maps, which are suitable for community consultation.

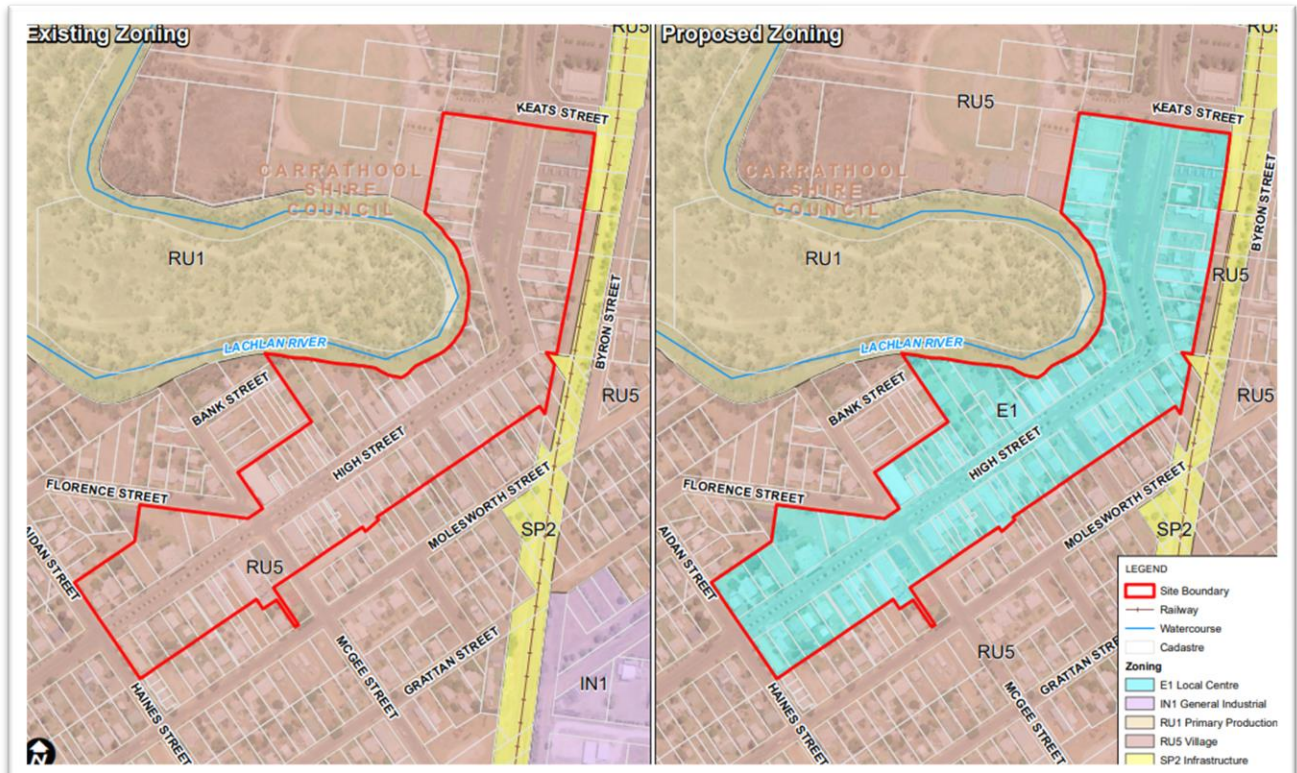


Figure 3 Current and proposed zoning map



Carrathool Local Environmental Plan 2012

Lot Size Map - Sheet LSZ_009A

Minimum Lot Size (m²)

M	600
V	2000
W	4000
Z	2ha
AB	40ha
	Refer to Clause 4.1 (4A)

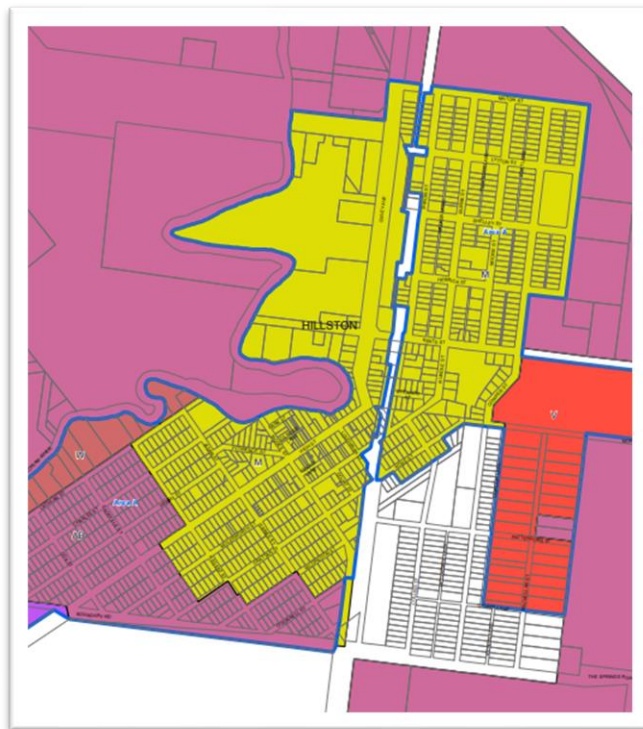


Figure 4 Current lot size map

2 Need for the planning proposal

The planning proposal states that due to a shortage of accommodation in Hillston, there have recently been undesired changes of use in the High Street business precinct – changing from small business & community services to short term accommodation. As the planning proposal does not elaborate on where, when or the quantity of these changes, it is difficult to understand the extent of the “problem”.

Despite the lack of detailed justification, the proposal to limit residential development in the commercial precinct is supported. This is consistent with the development controls of many other similar-sized town centres. The RU5 Village Zone provides flexibility to respond to changing community needs and opportunities, but without a development control plan to guide development outcomes within the precinct, there are risks that the connectivity and function of the commercial centre could be undermined with incompatible development. Therefore, the planning proposal is considered appropriate in relation to the proposed zone change.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Riverina Murray Regional Plan 2036.

Table 4 - Regional Plan assessment

Regional Plan Objectives	Justification
Direction 4 – promote business activity in industrial and commercial areas	The objective includes an action to accommodate future commercial and retail activity in existing commercial centres. This proposal will achieve this outcome by ensuring that the commercial precinct of Hillston is protected from incompatible uses.
Direction 7 – promote tourism opportunities. Direction 23 – build resilience in towns and villages	While the planning proposal identified these two Directions as relevant to the proposal, the regional plan does not clearly articulate outcomes that relate to this proposal.
Carrathool Local Narratives	A priority was identified to enhance community wellbeing through better access to services, particularly health and education. The proposal will support this through a more appropriate local centre zoning to minimise incompatible land uses with services that are more appropriately located in the town centre.

3.2 Section 9.1 Ministerial Directions

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

Table 5 - 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.2 Implementation of Regional Plans	Yes	Discussed in Table 4 above. The proposal is consistent with Direction 4 and the priorities for Carrathool.
3.2 Heritage Conservation	Yes	The proposal includes 15 local heritage items. The change to a business zoning will ensure these commercial heritage buildings continue to function within the commercial precinct of the town and incompatible uses will be minimised. Should the heritage item be under threat then clause 5.10 of the LEP will continue to be available.
5.1 Integrating Transport and Land Use	Yes	The proposal will support the outcomes identified in the Direction by ensuring the commercial centre functions appropriately and is not undermined by incompatible development.
7.1 Business and Industrial Zones	Yes	The proposal aims to support the commercial use of the main street of Hillston by limiting residential development to shop top housing, thus improving the commercial, retail and service role of the town centre.

6.1 Residential Zones	No	<p>The proposal is inconsistent with the Direction as it states that a proposal must include provisions that encourage housing that will achieve a range of stated outcomes and that it must not contain provisions which will reduce the permissible residential density of land.</p> <p>The inconsistency is justified as the proposal is in accordance with the Regional Plan that seeks to strengthen the role and function of existing commercial centres for retail and business activity. The proposal to restrict incompatible residential development supports this outcome.</p> <p>It should be noted that Council has concurrently submitted a planning proposal (PP-2022-1594) to rezone additional land RU5 in McGregor Street, Hillston to address the residential land supply issue.</p>
9.1 Rural Zones	No	<p>The proposal is inconsistent with the Direction as it states that land must not be rezoned from a rural zone to a business zone.</p> <p>The inconsistency is justified as the proposal is in accordance with the Regional Plan that seeks to strengthen the role and function of existing commercial centres for retail and business activity. The subject land is technically a rural zone, but it functions as an urban zone. The RU5 Village Zone does not achieve the objective of the Direction to protect the agricultural production value of rural land anyway. Therefore, the proposal to restrict incompatible residential development supports this outcome.</p>

3.3 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs. The planning proposal states that no SEPPs apply to the proposal. As the proposal will facilitate similar future development outcomes to those already permissible (except for dwellings), there are unlikely to be any SEPPs that now apply to the subject land that didn't apply already.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 6 - Environmental impact assessment

Environmental Impact	Assessment
Contamination	Rezoning the subject land will not increase the potential for contamination impacts. The planning proposal did undertake an initial contamination assessment and found there were no issues of concern.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 7 - Social and economic impact assessment

Social and Economic Impact	Assessment
Non-Aboriginal heritage	Future development of the site is not expected to have any new impacts on the existing heritage items located in the subject area.
Zoning/permissible use changes	<p>The proposal states that there would be socio-economic benefits from a dedicated local centre.</p> <p>The planning proposal does not, however, undertake an analysis of the land use tables from the existing RU5 Village Zone compared to the proposed E1 Local Centre Zone. It states that the current zone “permits a number of development types that are not conducive to the provision of a dedicated local centre” but it does not articulate what these development types are or why they are not compatible.</p> <p>A preliminary review of the land use tables identifies the following:</p> <ul style="list-style-type: none"> land uses that would no longer be permissible under the E1 zone include: Car parks; Registered clubs; Vehicle body repair workshops; Vehicle repair stations Development consent will now be required for Home businesses, Home industries and Home occupations Land uses that are currently prohibited in the RU5 Zone but would be permissible in the E1 zone include: Local distribution premises; medical centres. <p><i>NB. This is not a complete analysis of the two land use tables.</i></p> <p>The planning proposal should be amended to include an analysis of the land uses permitted and prohibited under the existing and proposed zones to enable the reader to easily identify and understand the reason for the permissibility changes.</p> <p>The proposed zoning will not alter the function and character of the main commercial precinct other than to strengthen its commercial role by removing residential development from the main street. This is considered suitable and appropriate to ensure the continued functioning and viability of the main street for commercial and social services.</p> <p>The planning proposal does not include a change to the Lot Size Map and therefore the lot size would remain as 600m² for the subject land. An analysis of other similar sized main streets was undertaken. Where they have zoned the main street for a business zone, most LEPs have removed the lot size completely. Lot size is particularly effective when identifying the size of land required for a dwelling house. In a business zone, it is more effective to leave the lot size flexible to enable business and commercial uses to design development outcomes to suit the business needs.</p> <p>Therefore, the planning proposal should be changed to amend Lot Size Map LSZ_009A to show no lot size on the subject land.</p>

4.3 Infrastructure

As the proposal will facilitate similar future development outcomes to those already permissible (except for dwellings), there are unlikely to be any additional infrastructure requirements generated by the proposal.

5 Consultation

5.1 Community

Council proposes a community consultation period of 30 days.

The proposal would be categorised as 'standard' and a maximum consultation period is 20 working days.

The exhibition period proposed is considered appropriate and is included in the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted. It is agreed that no agencies are required to be consulted for this proposal.

6 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 if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

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

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the site/planning proposal is unlikely to be contentious and the outcomes of the changed zoning are very similar to current permissible land uses (except for dwellings and other minor land uses) the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

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

- the proposal is relatively standard in nature. While the zoning is proposed to change, most of the land uses in the subject area will not.
- the prohibition of dwellings (other than shop top housing) is considered appropriate to protect and enhance the main street business and commercial activities. Council is proposing an area in McGregor Street for housing (refer to PP-2022-1594).

As discussed in the previous sections 4 and 5, the proposal should be updated to:

- include an analysis of the land uses permitted and prohibited under each zone to ensure permissibility changes are easily identifiable and the reason for the changes are clear.
- the lot size map should be amended to remove any lot size applying to the subject land to ensure business and commercial enterprises can achieve outcomes that suit their business needs.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 6.1 Residential Zones and 9.1 Rural Zones are minor or justified and no further work is required.

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

1. The planning proposal is to be updated to:
 - include an analysis of the land uses permitted and prohibited under the existing and proposed zones to ensure permissibility changes are easily identifiable and the reason for the changes are clear
 - amend Lot Size Map LSZ_009A to show no lot size on the subject land.
 - amend to reflect six (6) months timeframe to finalise Plan
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. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



(Signature)

31 May 2022

(Date)

Wayne Garnsey

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Noted



(Signature)

3 June 2022

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