



Council's Ref: GWP:GD

22 June 2017

Department of Planning & Infrastructure  
PO Box 550  
TAMWORTH NSW 2340

Attention: Craig Diss

Dear Sir,

**Submission of Planning Proposal 2017-01 for Section 56 Gateway Determination.**

Council has prepared a planning proposal under section 55 of the *Environmental Planning and Assessment Act 1979*, to amend *Glen Innes LEP 2012*. Council now seeks a gateway determination under section 56 of the Act.

Enclosed are copies of:

- The Council resolution to prepare the planning proposal.
- The planning proposal, prepared in accordance with the Department's "A Guide to Preparing Planning Proposals", excluding hard copy maps.

In addition, Council seeks to use its delegations to process the planning proposal once the gateway determination has been accepted.

Should you require any further information, please contact Council's Development, Regulatory and Sustainability Services Department on 6730 2350.

Yours faithfully,

Greg Doman  
**MANAGER OF REGULATORY AND  
PLANNING SERVICES**

Encl.

## **9.16 Planning Proposal - Annual Review of the Glen Innes Severn Local Environmental Plan 2012**

**REPORT FROM: DEVELOPMENT, PLANNING AND REGULATORY SERVICES**  
**Author: Libby Cumming - Senior Town Planner**

### **ANNEXURES**

Annexure A Section 55 of the Environmental Planning & Assessment Act 1979  
Annexure B Planning Proposal - Annual Review May 2017

### **ECM INDEXES**

Subject Index: LAND USE AND PLANNING: Planning

### **PURPOSE**

The purpose of this report is for Council to consider submitting a Planning Proposal to the **NSW Department of Planning and Environment (NSW DP&E)** to undertake minor amendments (housekeeping/review) to the **Glen Innes Severn Local Environmental Plan 2012 (GIS LEP)**.

### **EXECUTIVE SUMMARY**

This Planning Proposal is the third general review of the GIS LEP and incorporates a number of amendments to the GIS LEP that have arisen from strategic and development matters occurring over the preceding two (2) years. The amendments include: a new R2 Low Density Residential zone, the prohibition of animal boarding and training establishments in the RU5 Village zone, identification of land with a dwelling opportunity, inclusion of the former Queenswood Grammar School as an item of environmental heritage, and the reclassification of Community land to Operational land for the Northern Tablelands Fire Control Centre.

### **BACKGROUND**

The GIS LEP commenced on 14 September 2012, as the primary environmental planning instrument for the Glen Innes Severn **Local Government Area (LGA)**. Since the commencement of the GIS LEP, Council has undertaken two (2) previous GIS LEP amendments, following the identification of administrative and minor errors within the GIS LEP and a proponent led amendment to rezone land in Grafton Street Glen Innes from R1 General Residential to IN1 General Industrial.

Reviewing and amending the GIS LEP meets the recommendations of the Glen Innes Severn Land Use Strategy *to monitor and conduct a regular review of the new LEP* and is the most appropriate means of ensuring that the GIS LEP is accurate, reliable and meets current environmental planning requirements.

#### **(a) Relevance to Integrated Planning and Reporting Framework**

A key strategic objective in the 2016-17 Operational Plan is to engage the community in integrated planning through land use and social policy that reflects and retains the character of the built environment. The administration and ongoing maintenance of the provisions contained within the GIS LEP assists Council to facilitate the identified strategic objective.

**(b) Financial Considerations**

The preparation of a Planning Proposal to undertake the necessary housekeeping amendments to the GIS LEP is dealt with by Council staff and therefore the financial cost to Council is considered to be minor.

**COMMENTARY**

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and is attached to this report as Annexure A. Determination of the Planning Proposal is made through the NSW DP&E's Gateway Panel. In summary, it is proposed to amend the GIS LEP as follows:

**1. Modify Land Zoning Map – LZN\_003A and include a new zone, R2 Low Density Residential, in the GIS LEP 2012.**

The affected land is identified as the Hunter Street Urban Release Area. It is intended to amend the present R1 General Residential to R2 Low Density Residential.

The reason for the amendment is to limit the type of residential accommodation that is permissible with consent in the Hunter Street Urban Release Area to low density dwellings and dual occupancies. The amendment will better reflect the residential development controls of *Chapter 10 Hunter Street Urban Release Area* of the *Glen Innes Severn Development Control Plan 2014*.

**2. Modify the land use table to prohibit Animal Boarding and Training Establishments in the RU5 Village zone.**

The need for this LEP amendment arose during the processing of LEP Amendment No.2 whereby the **Parliamentary Counsel Office (PCO)** misread the Gateway Determination. As a result of this error, "Animal boarding or training establishments" were listed in the land use table for the RU5 Village zone as permissible with consent, rather than prohibited.

Prohibiting "Animal boarding or training establishments" from the RU5 zone was the intention of LEP Amendment No.2. Prohibiting "Animal boarding or training establishments" from the RU5 zone is the intention of this amendment.

**3. Modify the Dwelling Opportunity Maps to identify certain parcels of land with a dwelling opportunity.**

These dwelling entitlements were identified through:

- a. The development assessment process whereby certain approvals for dwellings on rural lots, that are below the minimum lot size for a dwelling entitlement, may lapse prior to substantial commencement of those developments; and
- b. Identification as existing holdings pursuant to Clause 4.2A(2) of the GIS LEP. Whilst the definition of 'existing holding' at Clause 4.2A(5) provides for unused dwelling entitlements, it relies on the land owner's ability to demonstrate that the land was a holding as at 31 October 1975.

It is considered that unused or un-commenced dwelling entitlements, whether they are granted through the DA process or they are identified as existing holdings, should be identified on the dwelling opportunity map.

**4. Include the former Queenswood Grammar School located at 82 Wentworth Street in Schedule 5 Environmental Heritage.**

Council's Heritage Advisor, Mr Graham Wilson, advised that the former school building "Queenswood" should be a locally listed heritage item. A Statement of Significance is provided in the attached Planning Proposal.

**5. Reclassification of Community Land to Operational land – 100 Lambeth Street, Glen Innes for the Northern Tablelands Fire Control Centre.**

Council resolved on 23 March 2017 *that a proposal to reclassify the land at Lots 1, 2, 4 and 4 in Deposited Plan 270710 as operational land be included within the next review of Council's Local Environmental Plan (LEP).*

A draft Plan of Management for Community Land at 100 Lambeth Street proposing to categorise the land as "General Community Use" was publicly exhibited between 25 March 2017 and 8 May 2017 with a Public Hearing held on 9 May 2017.

There were no submissions made to the exhibition of the Public Hearing. A further report is included in the Business Paper confirming that there were no submissions made to the exhibition and Public Hearing, attaching a copy of the Public Hearing Report and minutes of the meeting.

The specific objective of the draft Plan of Management and reclassification of the land is to establish the Northern Tablelands Fire Control Centre within the site. A Development Application (DA 60/16-17) has been lodged for a change of use of the existing commercial, bulky goods and indoor recreational premises for use as an emergency services facility and will be determined by Council on 25 May 2017. Council's planning staff have prepared a report to Council and recommend approval subject to a number of consent conditions.

The proposed amendments are recommended to keep the GIS LEP up-to-date and accurate and to provide the best balance in effective planning to achieve and facilitate good development outcomes. Given the complexity of the GIS LEP document and associated mapping, this is an important continuous improvement process.

The LEP amendment will involve mapping amendments and inclusion of an additional zone, the R2 Low Density Residential zone, to the GIS LEP document. Council has the following options available to progress this matter:

1. Proceed with the Planning Proposal as recommended, which will result in an amendment to GIS LEP;
2. Proceed with the Planning Proposal with amendments or alternatives to the contents of the Planning Proposal; or
3. Not proceed with the Planning Proposal and reject the recommendation provided to Council.

This report recommends that Council pursue option one (1) as outlined above. Should Council resolve to endorse the recommendation, the NSW DP&E 'Gateway Determination' process is summarised as follows:

## Item 9.16

1. **Gateway:** the Minister (or delegate) determines whether the Planning Proposal is to proceed. This gateway acts as a checkpoint to ensure that the proposal is justified before further studies are done and resources are allocated to the preparation of a plan. A community consultation process is also determined at this time. Consultations occur with relevant public authorities and, if necessary, the proposal is varied.
2. **Community consultation:** the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days). A person making a submission may also request that a public hearing be held.
3. **Assessment:** the relevant planning authority (Council) considers public submissions and the proposal is varied as necessary. Parliamentary Counsel then prepares a draft local environmental plan; the legal instrument.
4. **Decision:** with the Minister's (or delegate's) approval the plan becomes law and is published on the NSW legislation website.

The Planning Proposal provided at Annexure B relating to this report, includes further details and mapping of the proposed GIS LEP amendments.

Overall, the amendments are of a minor nature and meet the requirements of the Ministers S117 Directions for LEP amendments and are consistent with relevant State Environmental Planning Policies.

There has been internal consultation regarding issues as appropriate. Consultation has also been undertaken with NSW DP&E regarding some of the issues contained in this PP. Subject to the requirements of the gateway determination from NSW DP&E, it is expected that there will be a 14 day public exhibition of the proposed changes to the LEP. There will be a further report prepared for Council's consideration following the exhibition.

**(a) Governance/Policy Implications**

A review of and amendments to the Glen Innes Severn LEP 2012 will assist Council in the administering of its provisions and the orderly and economic development of land within the LGA.

**(b) Legal Implications**

Once processed by the Department of Planning and Environment and published in the Government Gazette, the amendments requested in the Planning Proposal will be included in the Glen Innes Severn LEP 2012 and become legally enforceable.

**(c) Social Implications**

Regular monitoring and review of the LEP allows for minor adjustments to keep the LEP up to date and accurate so that the LEP continues to meet community expectations.

**(d) Environmental Implications**

The Glen Innes Severn LEP 2012 continues to provide greater certainty and transparency as to where development opportunities exist. This review aims to ensure that development in the Glen Innes Severn LGA continues to be carried out in an environmentally sustainable manner.

**(e) Economic/Asset Management Implications**

The review of Glen Innes Severn LEP 2012 aims to ensure clarity of outcomes which assists the local economy.

**CONCLUSION**

This report outlines the findings of the third regular "housekeeping" review of Glen Innes Severn LEP 2012 and includes a number of minor issues for consideration and correction.

The recommended course of action includes proceeding with the Planning Proposal as the best way to address the anomalies as outlined in this report and its attachment. If endorsed by Council, the Planning Proposal will be forwarded to NSW DP&E for the purposes of seeking a "gateway determination". Following receipt of the gateway determination, the Planning Proposal will be publicly exhibited for at least 14 days.

**RECOMMENDATION**

1. *That Council endorses the proposed Planning Proposal, which includes minor amendments to the Glen Innes Local Environmental Plan 2012, and forwards it to the NSW Department of Planning and Environment seeking a "Gateway Determination".*
2. *That Council publicly exhibits the Planning Proposal following the Gateway Determination by the NSW Department of Planning and Environment and displays the relevant documents at the Glen Innes Library/Learning Centre, Council's Town Hall and Church Street Offices, Emmaville Post Office, Deepwater Post Office and Glencoe Post Office.*
3. *That Council delegates authority to the General Manager to make any minor amendments to the Planning Proposal prior to public exhibition of the proposal.*
4. *That Council requests the Director of Development, Planning and Regulatory Services to present a further report, together with all submissions received, to Council at the conclusion of the public exhibition period for Council's consideration and adoption.*

## 9.16 Planning Proposal - Annual Review of the Glen Innes Severn Local Environmental Plan 2012

**REPORT FROM:** DEVELOPMENT, PLANNING AND REGULATORY SERVICES  
**Author:** Libby Cumming - Senior Town Planner

Moved Cr A Parsons      Seconded Cr C Price

### 18.05/17 RESOLUTION

1. That Council endorses the proposed Planning Proposal, which includes minor amendments to the Glen Innes Local Environmental Plan 2012, and forwards it to the NSW Department of Planning and Environment seeking a "Gateway Determination".
2. That Council publicly exhibits the Planning Proposal following the Gateway Determination by the NSW Department of Planning and Environment and displays the relevant documents at the Glen Innes Library/Learning Centre, Council's Town Hall and Church Street Offices, Emmaville Post Office, Deepwater Post Office and Glencoe Post Office.
3. That Council delegates authority to the General Manager to make any minor amendments to the Planning Proposal prior to public exhibition of the proposal.
4. That Council requests the Director of Development, Planning and Regulatory Services to present a further report, together with all submissions received, to Council at the conclusion of the public exhibition period for Council's consideration and adoption.

A division was called for, voting on which was as follows:

For	Against
Cr C Sparks	
Cr G Frendon	
Cr D Newman	
Cr A Parsons	
Cr C Price	
Cr J Smith	

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The division was declared CARRIED by 6 votes to 0.

**CARRIED**

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