

**Proposed rezoning of 69 Hardinge Street and Lot 12 DP 1105250 Decimus Street
Deniliquin**

Proposal Title :	Proposed rezoning of 69 Hardinge Street and Lot 12 DP 1105250 Decimus Street Deniliquin		
Proposal Summary :	Rezone Lots 1-3 DP585942 & Lot 2 DP383553 No 69 Hardinge Street from zone R1 General Residential to zone B2 Local Centre and Lot 12 DP 1105250 Decimus Street from zone RE1 Public Recreation to zone R1 General Residential - Deniliquin		
PP Number :	PP_2015_DENIL_001_00	Dop File No :	15/05040

Proposal Details

Date Planning Proposal Received :	01-Apr-2015	LGA covered :	Deniliquin
Region :	Western	RPA :	Deniliquin Council
State Electorate :	MURRAY DARLING	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	69 Hardinge		
Suburb :	City :	Deniliquin	Postcode : 2710
Land Parcel :	Lots 1-3 DP 585942 and Lot 2 DP 383553 rezone from zone R1 General Residential to zone B2 Local Centre		
Street :	Decimus		
Suburb :	City :	Deniliquin	Postcode : 2710
Land Parcel :	Lot 12 DP 1105250 - rezone from zone RE1 Public Recreation to zone R1 General Residential		

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings (where relevant) : 0
Gross Floor Area : 0	No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment : No known communications or meetings with lobbyists

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The planning proposal clearly states that the objectives of the planning proposal are to permit the development of 69 Hardinge Street for commercial purposes and to correct a zoning anomaly for land located in Decimus Street.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The planning proposal states that the proposed items will be achieved by the following:
Item 1 - 69 Hardinge St - amend map LZN_005 by changing the zone from R1 General Residential to B2 Local Centre
Item 2 - Decimus St - amend map LZN_005 by changing the zone from RE1 Public Recreation to R1 General Residential to Lot 12 DP 1105250.

To ensure consistency with existing zones and lot sizes, a condition will be placed on the Gateway determination to amend the Lot Size map LSZ_005. This will result in the following Lot Size changes:

Item 1: 400m2 to nil.

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Item 2: Nil to 400m2.

These lot size changes will result in all B2 Local Centre zoned land within the vicinity of item 1 with a minimum lot size of nil and all R1 General Residential zoned land within the vicinity of item 2 with a minimum lot size of 400m2.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

3.1 Residential Zones

3.5 Development Near Licensed Aerodromes

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

e) List any other matters that need to be considered :

Section 117 directions

1.1 Business and Industrial zones: This direction applies when a planning proposal affects land within an existing or proposed business or industrial zone. As item 1 of the planning proposal seeks to rezone land from residential to a commercial use, this direction applies. The direction states that a planning proposal must retain employment areas and not reduce the floor space areas for such uses. The direction also states that any new employment areas must be in accordance with an approved strategy. The planning proposal will result in additional area of 2360m2 zoned B2 Local Centre, providing additional employment lands. However, Deniliquin does not have an approved strategy therefore this item is inconsistent with the direction. Although this item is inconsistent with the direction, this inconsistency is considered of minor significance as the site is located on a corner lot and opposite an existing B2 Local Centre zone and is considered to be consistent with the aims of the direction. The General Manager Western Region can be satisfied that this inconsistency is of minor significance and no further work is required.

3.1 Residential zones: This direction applies when a planning proposal affects land within an existing or proposed residential zone. As item 1 and 2 of the planning proposal are current residential zones proposed to be rezoned to other uses, this direction applies. The direction states that the planning proposal must broaden the choice of housing within the housing market, make efficient use of services and infrastructure and reduce the consumption of land for housing and associated urban development. Item 1 of the planning proposal seeks to rezone land from zone R1 General Residential to zone B2 Local Centre to permit a commercial opportunity of the site. This will result in the loss of 2360m2 of residential land. Item 1 is inconsistent with this direction, however this inconsistency is considered of minor significance as Council states that there is in excess of over 120 hectares of available land zoned R1 General Residential within the LGA and the subject site represents less than 1% of available R1 General Residential zoned land within the LGA. The General Manager Western Region can be satisfied that this inconsistency is of minor significance and no further work is required.

Item 2 of the planning proposal seeks to rezone land from zone RE1 Public Recreation to zone R1 General Residential as the land is in private ownership and adjoins land zoned R1 General Residential. Item 2 is consistent with this direction as the rezoning will provide an access point for the development of a 7 lot subdivision delivering additional residential development within the LGA.

3.4 Integrating Land Use and Transport: This direction applies when a planning proposal creates, alters or removes a zone relating to urban land, including land zoned for residential and business. Item 1 affects land within an existing residential zone and proposes to rezone to a business zone and item 2 proposes to rezone from a recreation

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zone to a residential zone, therefore this direction applies to both items. This direction states that a planning proposal must locate zones that give effect to the Department's 'Improving Transport Choice – Guidelines for planning and development' and 'The Right Place for Business and Services'. Item 1 is located within the existing town centre and is a suitable location for commercial purposes and is consistent with the direction. Item 2 is located in an existing residential area and as the subject site is privately owned and adjoins land currently zoned R1 General Residential, is considered a zoning anomaly. The site will utilise existing services and is in an appropriate location. Therefore item 2 is also consistent with this direction.

3.5 Development near Licensed Aerodromes: This direction applies when a planning proposal will create, alter or remove a zone relating to land in the vicinity of a licensed aerodrome. Council indicates that all land within the Deniliquin LGA is within the vicinity of a licensed aerodrome. The direction states that if a planning proposal affects land within the vicinity of a licensed aerodrome, the Civil Aviation Safety Authority are to be consulted. A condition will be imposed on the Gateway determination to consult with the Department of the Commonwealth as part of agency consultation.

SEPPS

SEPP 55 – Remediation of Land: Clause 6 of SEPP 55 states that a planning proposal to amend an LEP must consider whether the land is contaminated. The planning proposal states that for items 1 and 2, the history of the property does not indicate any uses that may have contaminated the land. The planning proposal states that given there is no evidence of any potential contamination and the land is already zoned for urban purposes, no further investigation of the land is required. On the basis of this information, the planning proposal is consistent with this SEPP.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Adequate locality mapping has been provided. A condition will be imposed on the Gateway determination requiring the preparation of an amending LZN_005 Land Zoning Map and LSZ_005 Minimum Lot Size map in accordance with the standard technical requirements for LEP maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The planning proposal states that Council will exhibit the planning proposal for 14 days in local media and on Council's website. A sign will also be placed on both sites and letters sent to adjoining owners.

The planning proposal is considered to be low impact as it is consistent with the surrounding land use patterns and does not require new infrastructure or servicing requirements. A condition will be placed on the Gateway determination for a 14 day public consultation period.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

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Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Deniliquin LEP 2013 was notified on 23 December 2013.

Assessment Criteria

Need for planning
proposal :

Item 1: This item proposes to rezone land from zone R1 General Residential to zone B2 Local Centre to permit development of a bulky goods premises. A planning proposal is the only mechanism to permit this development.

Item 2: This item proposes to rezone land from zone RE1 Public Recreation to R1 General Residential. As the subject land is in private ownership and is sought to be included as part of a 7 lot subdivision, this item is considered to be rectifying an anomaly. A planning proposal is the only mechanism to rectify this error.

Consistency with
strategic planning
framework :

No specific strategy has been prepared for land use within Deniliquin LGA.

In assessing the proposed items, items 1 and 2 are considered to have merit and recommended to proceed as both items will result in land use patterns consistent with the surrounding areas.

Environmental social
economic impacts :

There are no known environmental, social or economic impacts that may arise from the planning proposal. Any localised issues may be considered at development assessment stage.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
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Timeframe to make LEP :	12 months	Delegation :	RPA
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Public Authority Consultation - 56(2) (d) :	Other
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	Yes
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If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

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Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name

DocumentType Name

Is Public

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 3.1 Residential Zones
 3.5 Development Near Licensed Aerodromes

Additional Information : **The following conditions are recommended:**

1. Prior to community consultation the planning proposal is to be amended and approved by the Department of Planning and Environment to include amendments to the Minimum Lot Size Map LSZ_005 as follows:

Item 1 - 69 Hardinge Street, Deniliquin: 400m2 to nil.

Item 2 - Lot 12 DP 1105250 Decimus Street, Deniliquin: nil to 400m2.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:

(a) The planning proposal is required to be made publicly available on exhibition for 14 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

(b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs.

3. Consultation is required with the Civil Aviation Safety Authority under Section 56 (2) (d) of the EP&A Act and/or to comply with the requirements of relevant section 117 Directions and addressed in the Section 59 reporting.

The Civil Aviation Safety Authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the planning proposal prior to community consultation.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

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5. Prior to submission of the planning proposal under Section 59 of the EP&A Act, the LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP maps'.

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons : Item 1 of the planning proposal will result in additional land for commercial purposes and is considered to be appropriate and consistent with the surrounding land uses. The loss of residential land is not expected to detrimentally impact on the availability of residential land within the LGA.

Item 2 of the planning proposal seeks to rectify an error by ensuring the zoning of the land reflects the private ownership nature. The land is not identified as being for acquisition purposes.

Signature:

Nicole Dukinfeld

Printed Name:

Nicole Dukinfeld

Date:

14/4/15

Endorsed

Wgamsey 14/4/15
TL WR