

Parkes Local Environmental Plan 2012 (Amendment 4) - Farrer Street - Seniors Housing

Proposal Title : **Parkes Local Environmental Plan 2012 (Amendment 4) - Farrer Street - Seniors Housing**

Proposal Summary : **The Planning Proposal seeks to rezone land at Farrer Street, Parkes from zone R5 Large Lot Residential to zone R1 General Residential and reduce the minimum lot size to 600m2. The Planning Proposal is as a result of a proposal to develop the land for Seniors Housing (DA05196 for a Seniors Housing Development and Community Title Subdivision).**

PP Number : **PP_2015_PARKE_001_00** Dop File No : **15/08708**

Proposal Details

Date Planning Proposal Received : **01-Jun-2015** LGA covered : **Parkes**

Region : **Western** RPA : **Parkes Shire Council**

State Electorate : **DUBBO** Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street : **Farrer Street**

Suburb : City : **Parkes** Postcode : **2870**

Land Parcel : **Lots 707, 710-718, 936 DP 750152; Lot 1 DP 418212; Lots 1 and 2 DP 107 0980; Lot 10 DP 1107231; Lot 7 DP 113810**

DoP Planning Officer Contact Details

Contact Name : **Jenna McNabb**

Contact Number : **0268412180**

Contact Email : **jenna.mcnabb@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Annalise Cummings**

Contact Number : **0268612333**

Contact Email : **Annalise.Cummings@parkes.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Wayne Garnsey**

Contact Number : **0268412180**

Contact Email : **wayne.garnsey@planning.nsw.gov.au**

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

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

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

Council issued a staged development consent DA05196 for a Seniors Housing Development and Community Title Subdivision under the Parkes Local Environmental Plan 1990. Since Council granted the staged Development Consent (DA05196), the Parkes LEP 2012 was notified and the zoning of the land changed from 1(c) Rural Small Holdings to zone R5 Large Lot Residential.

Council conditioned the consent with requirements for a new development application to be lodged for each stage of the development and has now received DA05196 for stage 1.

Council has recently obtained legal advice that confirms that due to the current zoning and minimum lot size of the land, Council cannot approve the Development Application for the first stage of the development. 'Seniors housing' is not permitted in zone R5 Large Lot Residential under the Parkes LEP 2012 and the current minimum lot size of 4ha does not permit all of the proposed lots within the community subdivision.

SEPP (Housing for Seniors or People with a Disability) 2004 does not permit the proposed development either.

The Planning Proposal seeks to rezone land at Farrer Street, Parkes from zone R5 Large Lot Residential to zone R1 General Residential and reduce the minimum lots size to 600m².

The Planning Proposal is consistent with the endorsed Parkes Shire Land Use Strategy 2012 with the site being identified as proposed residential area.

The proposed seniors housing development on this land has been under consideration since 2005. It was not the intention of the Strategy or Parkes LEP 2012 to prevent the proposed seniors housing development from being developed on this land.

The proposal can be supported as it facilitates a long standing seniors housing development on the land that has received a staged development approval.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The objective of the Planning Proposal is clear in that it is to rezone the land from zone R5 Large Lot Residential to zone R1 General Residential and reduce the minimum lot size from 4ha to 600m2 to permit the use of the land for seniors housing.**

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

Is an explanation of provisions provided? **Yes**

Comment : **Council identifies that the proposed outcome will be achieved by:**

- Amending the Parkes LEP Land Zoning Map Sheet LZN_005D**
- Amending the Parkes LEP Lot Size Map Sheet LSZ_005D**

This is the appropriate mechanism to achieve the objective of the Planning Proposal.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Housing for Seniors or People with a Disability) 2004

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

3.1 Residential Zones – this Direction applies as the planning proposal affects land within an existing residential zone and proposes to alter the zone from zone R5 Large Lot residential to zone R1 General Residential. The Direction requires that the planning proposal include provisions that encourage housing that broadens the choice of building types and locations available in the housing market, makes efficient use of existing infrastructure and services and reduces the consumption of land for housing and associated development on the urban fringe. The Planning Proposal must contain requirements that residential accommodation is not permitted until land is adequately serviced and not contain provisions that reduce the permissible residential density of land.

The Planning Proposal seeks to permit use of the land for seniors housing and will encourage housing that broadens the choice of building types available and seeks to reduce the minimum lot size from 4ha to 600 square metres and rezone land (increasing the permissible residential density of land). The subject site is located north west of the town centre and is currently not serviced by reticulated water and sewerage. The Planning Proposal is consistent with this Direction.

3.4 Integrating Land use Transport – This Direction applies as the proposal intends to rezone land from zone R5 Large Lot Residential to zone R1 General Residential in order to facilitate a Seniors Housing Development. The proposal is anticipated to follow the planning objectives outlined in the direction including increasing the choice of available transport and reducing the dependence on cars, as identified in the Parkes Landuse Strategy 2012.

Through the provision of planned residential accommodation in proximity to existing and future services, achieving cost-effectiveness and infrastructure provision and high levels of accessibility to urban services including pedestrian and cycle links, as outlined in the Parkes Landuse Strategy 2012, the proposal is considered consistent with this Direction.

6.1 Approval and Referral Requirements – the proposal ensures that the LEP encourages the efficient and appropriate assessment of development. The Planning Proposal is consistent with this Direction.

SEPP(Housing for Seniors or People with a Disability) 2004 – The proposal is consistent with the SEPP as the subject development is for the purpose of seniors housing and will encourage housing that broadens the choice of building types available.

SEPP 44 Koala Habitat Protection – Council have identified that the subject land does not contain any vegetation that is a koala feed tree species and therefore consider that the site does not have potential to be a koala habitat. The Planning Proposal is consistent with this SEPP. This matter would have been considered as part of Council's staged development consent DA05196.

SEPP 55 Remediation of Land – Council have identified that the subject land is not contaminated and therefore the Planning Proposal is consistent with this SEPP. This matter would have been considered as part of Council's staged development consent DA05196.

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 : **An adequate locality map is included in the Planning Proposal.**

A condition will be recommended to be imposed on the Gateway determination requiring the preparation of amending zoning maps in accordance with the Standard Technical requirements for LEP maps – to be submitted with the planning proposal under section 59.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council have identified that the Proposal will be notified on Councils website and in the Parkes Champion Post as per the requirements.**

The Planning Proposal is not a low impact proposal, accordingly 28 days is considered an appropriate period for public exhibition.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2012**

Comments in
relation to Principal
LEP :

Assessment Criteria

Need for planning proposal :	The Planning Proposal is as a result of Council obtaining legal advice which confirms that Stage 1 of DA05196 cannot proceed given that the development (if approved) is now prohibited in zone R5 Large Lot Residential zone under the Parkes LEP 2012. The seniors housing development is not permitted under SEPP (Housing for Seniors or People with a Disability) 2004 either. Therefore the Planning proposal is required to facilitate the proposed seniors housing development on the subject land.
Consistency with strategic planning framework :	The Planning Proposal is consistent with the objectives of the endorsed Parkes Shire Land Use Strategy 2012 which includes providing residential accommodation in proximity to existing and future services, achieving cost-effectiveness and infrastructure provision and high levels of accessibility to urban services including open space, pedestrian and cycle links. The Planning Proposal seeks to zone land which will contribute to a variety of lot sizes and housing choices within a proposed residential area of Parkes. The subject land is in a location accessible to the Parkes District Hospital (major community infrastructure) situated within 1km of the site and linked by a proposed pedestrian and cycle network which is identified within the Strategy.
Environmental social economic impacts :	The subject land is cleared of all trees and has been used for agricultural activities. The subject land is not known to contain any critical habitats, threatened species, populations or ecological communities. There is no known adverse social or economic impacts as a result if this Planning Proposal.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :			
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :			
Resubmission - s56(2)(b) :	No		
If Yes, reasons :			
Identify any additional studies, if required. :			
If Other, provide reasons :			
Identify any internal consultations, if required :			
No internal consultation required			

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
1 Request for Initial Gateway Determination.pdf	Proposal	Yes
2 Evaluation Criteria.pdf	Proposal	Yes
3 Council Report - Planning Proposal.pdf	Proposal	Yes
5 - Copies of Maps.pdf	Proposal	Yes
Letter received from Council dated 21 May 2015.pdf	Proposal Covering Letter	Yes
Ordinary Council Meeting Minutes 19 05 2015.pdf	Proposal	Yes
Parkes Amendment 4 Planning Proposal.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones**
 3.4 Integrating Land Use and Transport
 6.1 Approval and Referral Requirements

Additional Information : 1. Community Consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:

 a) the planning proposal must be made publicly available for a minimum of 28 days; and

 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 (Department of Planning & Infrastructure 2013).

 2. No consultation is required with agencies.

 3. 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).

 4. Prior to submission of the planning proposal under section 59 of the EP&A Act the relevant Land Zoning Map and Lot Size Map that apply to the subject land are to be prepared compliant with the Department's 'Standard technical requirements for LEP maps'.

 5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

 6. Parkes Shire Council be authorised to exercise delegation to make the LEP.

Supporting Reasons : The objective of the Planning Proposal is to rezone the subject land from zone R5 Large Lot Residential to zone R1 General Residential and reduce the minimum lot size to 600m2 to permit use of the land for seniors housing.

The Planning Proposal is consistent with the endorsed Parkes Shire Land Use Strategy 2012 with the site being identified as proposed residential area.
The land is currently zoned for urban living purposes.

The Planning Proposal can be supported as it will facilitate a seniors housing development on this land that has been in consideration since 2005.

It was not the intention of the endorsed Parkes Shire Land Use Strategy 2012 or the Parkes LEP 2012 to prevent the subject land from being developed for seniors housing.

Signature:

W Garnsey

Printed Name:

WAYNE GARNSEY

Date:

3/6/15

Endorsed

Ashley Albany
GMWR