

Subject: (DPE) Planning Proposal - Housekeeping LEP

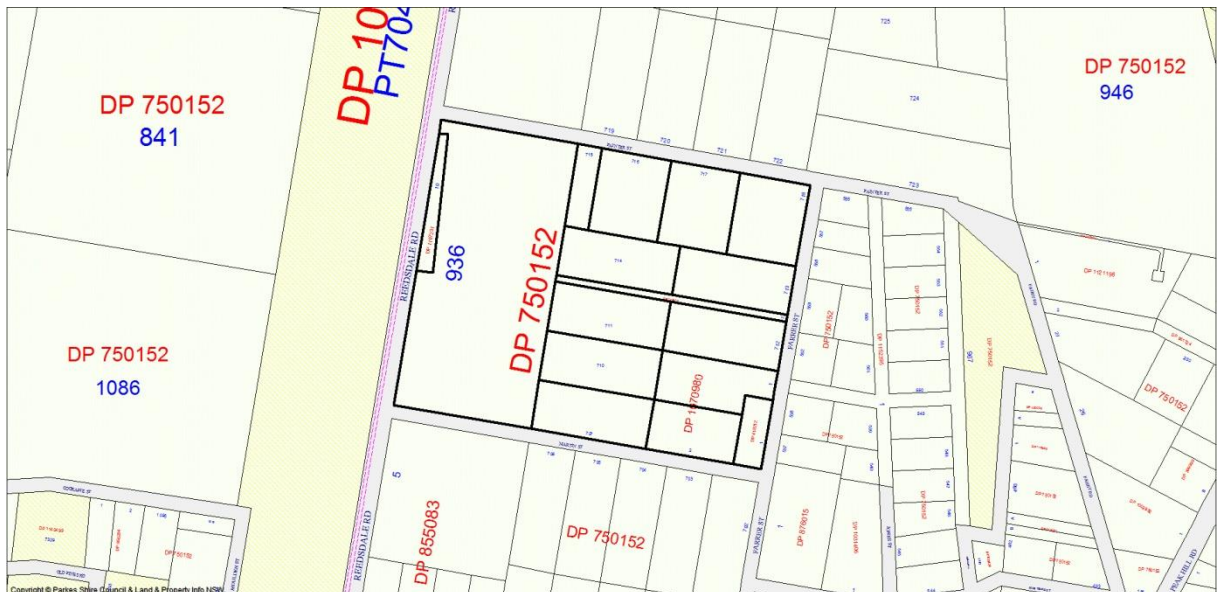
Executive Summary

A planning proposal has been prepared to amend the Parkes Local Environmental Plan 2012 (PLEP 2012) to enable a development application to be submitted for Stage 1 of Development Application No. DA05196 for the Seniors Housing Development and Community Title Subdivision.

The planning proposal has been prepared in accordance with the NSW Department of Planning and Infrastructure's Guideline titled "A guide to preparing planning proposals" and is attached to this report.

The planning proposal relates to the following land:

- Lots 707, 710, 711, 712, 713, 714, 715, 716, 717, 718, 936 DP750152,
- Lot 1 DP418212,
- Lots 1, 2 DP1070980,
- Lot 10 DP1107231,
- Lot 7 DP 113810



Background Information

Development Consent No. DA05196 was issued for a Seniors Housing Development and Community Title Subdivision under the Parkes Local Environmental Plan 1990. The Development Consent is for a Master Plan Approval and is subject to 385 conditions of consent, which includes the requirement for a new development application to be lodged for each stage of the development.

Since Council granted Development Consent No. DA05196, the PLEP 2012 was gazetted and the zoning of the land changed from 1(c) Rural Small Holdings to R5 Large Lot Residential.

Council has recently obtained legal advice that confirms that due to the current zoning and minimum lot size of the land, Council could not approve a development application for the first stage of the development as "seniors housing" is not permitted in the R5 Large Lot Residential zone under the PLEP 2012 and the current minimum lot size does not permit all of the proposed lots within the community title subdivision.

Legislative, Policy & Management Planning Implications

The PLEP2012 is Council's principal statutory planning instrument that governs land use planning decisions within the Parkes LGA.

Budget & Financial Aspects

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

Recommendation

That Council:

1. Receive and note the planning proposal for the proposed housekeeping amendments LEP.
2. Forward the Planning Proposal to Department of Planning and Environment for Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.
3. A further report be presented to Council following the public exhibition period, to demonstrate compliance with the Gateway Determination and to provide details of any submissions received throughout that process.
4. Council request that the Department of Planning and Environment delegate the plan making powers to Council in accordance with Section 59(2) of the Environmental Planning and Assessment Act 1979.

Report

The planning proposal has been prepared in accordance with the NSW Department of Planning and Infrastructure's Guideline 'A guide to preparing planning proposals'.

The planning proposal relates to an amendment to the PLEP2012 for the following:

- Amending the Parkes LEP Land Zoning Map to rezone the land from R5 Large Lot Residential to R1 General Residential.
- Amending the Parkes LEP Lot Size Map by reducing the minimum lot size from 4ha to 600m² to be consistent with surrounding R1 General Residential zoned land.

The proposed amendments are consistent with the Parkes Land Use Strategy 2012, which identifies the subject land for future residential zoned land.

Further explanation of the proposed amendments are included in the attached Planning Proposal.

Attachments

1. Planning Proposal - Amendment to the Parkes Local Environmental Plan 2012 - Housekeeping LEP.

Planning Proposal

**Amendment to the Parkes Local Environmental Plan 2012
Housekeeping LEP**

May 2015

Planning Proposal - General Amendments

Contents

Introduction	3
Part 1: Objectives or Intended Outcomes.....	3
Part 2: Explanation of Provisions	3
Part 3: Justification of Proposed LEP Amendments	4
Section A - Need for the planning proposal	4
Section B - Relationship to Strategic Planning Framework.....	4
Section C - Environmental, Social and Economic Impact.....	6
Section D - State and Commonwealth Interests	6
Part 4: Mapping.....	7
Part 5: Community Consultation.....	7
Part 6: Project Timeline.....	7
Appendix A: Section 117 Ministerial Directions Analysis	8
Appendix 2 - Mapping	10

Planning Proposal - General Amendments

Introduction

In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, this planning proposal has been prepared to amend the Parkes Local Environmental Plan 2012 (PLEP 2012) to enable a Development Application to be submitted for Stage 1 of Development Application No. DA05196 for a Seniors Housing Development and Community Title Subdivision.

Development Consent No. DA05196 was issued for a Seniors Housing Development and Community Title Subdivision under the Parkes Local Environmental Plan 1990. The Development Consent is for a Master Plan Approval and is subject to 385 conditions of consent, which includes the requirement for a new development application to be lodged for each stage of the development.

Since Council granted Development Consent No. DA05196, the PLEP 2012 was gazetted and the zoning of the land changed from 1(c) Rural Small Holdings to R5 Large Lot Residential.

Council has recently obtained legal advice that confirms that due to the current zoning and minimum lot size of the land, Council could not approve a Development Application for the first stage of the development as "seniors housing" is not permitted in the R5 Large Lot Residential zone under the PLEP 2012 and the current minimum lot size does not permit all of the proposed lots within the community title subdivision.

In order to proceed, the PLEP 2012 will need to be amended to permit seniors housing and other ancillary aspects of the proposal on the land and reduce the minimum lot size. As such, it is proposed to rezone the land to R1 General Residential and reduce the lot size to 600m² so that it is consistent with surrounding R1 General Residential zoned land.

The planning proposal relates to the following land:

- Lots 707, 710, 711, 712, 713, 714, 715, 716, 717, 718, 936 DP750152,
- Lot 1 DP418212,
- Lots 1, 2 DP1070980,
- Lot 10 DP1107231
- Lot 7 DP113810

The planning proposal has been prepared in accordance with the NSW Department of Planning and Infrastructure's Guideline 'A guide to preparing planning proposals'.

Part 1: Objectives or Intended Outcomes

The objective of the planning proposal is to rezone the land to R1 General Residential and reduce the minimum lot size to 600m² to enable Stage 1 of Seniors Housing Development approved in Development Application DA05196 to proceed.

Part 2: Explanation of Provisions

The proposed outcome will be achieved by:

- Amending the Parkes LEP Land Zoning Map in accordance with the proposed zoning map shown at Attachment 1.
- Amending the Parkes LEP Lot Size Map in accordance with the proposed lot size map in Attachment 2.

Planning Proposal - General Amendments

Part 3: Justification of Proposed LEP Amendments

In accordance with the Department of Planning's 'Guide to Preparing Planning Proposals', this section provides a response to the following issues:

- Section A: Need for the planning proposal
- Section B: Relationship to strategic planning framework
- Section C: Environmental, social and economic impact
- Section D: state and commonwealth interests

Section A - Need for the planning proposal

Is the planning proposal a result of any strategic study or report?

This planning proposal is a result of Council obtaining legal advice which confirms that Stage 1 of DA05196 cannot proceed given that the development (as approved) is now prohibited in the R5 Large Lot Residential zone pursuant to the Parkes LEP 2012.

Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?

Amendment to the PLEP2012 is the only method to achieve the objectives of the planning proposal and for the development to proceed.

Section B - Relationship to Strategic Planning Framework

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

There is no regional or sub-regional strategy for the Parkes Local Government Area.

Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The planning proposal is consistent with the Parkes Shire Land Use Strategy 2012. The site is identified as "proposed residential areas".

Planning Proposal - General Amendments

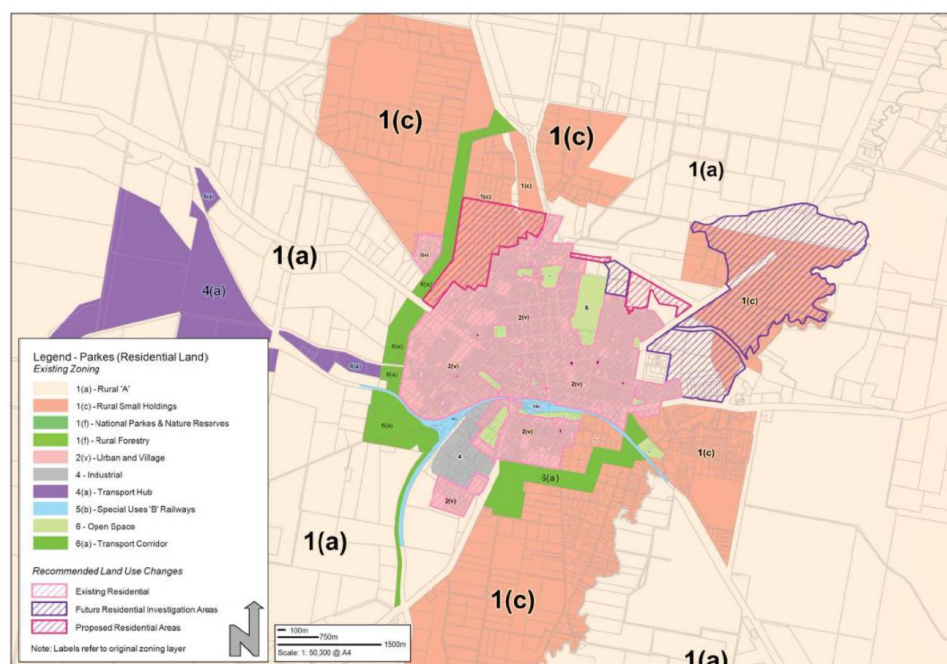


Figure 1: Parkes Land Use Strategy 2012: Mapping of key spatial actions for residential development in Parkes Township

Is the planning proposal consistent with applicable State Environmental Planning Policies?

An analysis of the applicable State Environmental Planning Policies (SEPP) is included in the following table. It is noted that the proposal is either consistent with or not inconsistent to any applicable SEPP's.

State Environmental Planning Policy	Consistency/Response
1 - Development Standards	Not relevant
21 - Caravan Parks.	Not relevant
30 - Intensive Agriculture	Not relevant
32 - Urban Consolidation (Redevelopment of Urban Land)	Not relevant
33 - Hazardous and Offensive Development	Not relevant
36 - Manufactured Home Estates	Not relevant
44 - Koala Habitat Protection	The subject land does not contain any vegetation that is a koala feed tree species and therefore is not a potential koala habitat.
55 - Remediation of Land	The subject land is not affected by contamination.
62 - Sustainable Aquaculture	Not relevant
64 - Advertising and Signage	Not relevant
65 - Design Quality of Residential Flat Development	Not relevant

Planning Proposal - General Amendments

(Affordable Rental Housing) 2009	Not relevant
(Building Sustainability Index: BASIX) 2004	Not relevant
(Exempt and Complying Development Codes) 2008	Not relevant
(Housing for Seniors or People with a Disability) 2004	The subject development is for the purpose of seniors housing.
(Infrastructure) 2007	Not relevant
(Major Development) 2005	Not relevant
(Mining, Petroleum Production and Extractive Industries) 2007	Not relevant
(Rural Lands) 2008	Not relevant
(State and Regional Development) 2011	Not relevant

Is the planning proposal consistent with applicable ministerial directions (s. 117 directions)

The relevant section 117 Directions are addressed in Appendix 1. The proposal is consistent with those 117 Directions that are relevant to the site.

Section C - Environmental, Social and Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject land is cleared of all trees and has been used for agricultural activities for a number of decades. The subject land does not contain any critical habitats, threatened species, populations or ecological communities.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed.

The subject land is not affected by any natural hazards including flooding or bushfire.

How has the planning proposal adequately addressed any social and economic effects?

There is no likelihood of adverse social or economic impacts as a result of this Planning Proposal.

The subject land does contain any items of European or Aboriginal cultural heritage.

Section D - State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

The seniors housing development was approved subject to conditions of consent which require the provision of infrastructure including, reticulated water, sewerage management, electricity, public transport, waste management and upgrade of surrounding local roads.

Planning Proposal - General Amendments

What are the view of state and commonwealth public authorities consulted in accordance with the gateway determination.

Consultation will be carried out in accordance with the requirements in the gateway determination.

Part 4: Mapping

Please refer to Appendix 2.

Part 5: Community Consultation

In accordance with Section 57(2) of the Environmental Planning and Assessment Act 1979, this planning proposal must be approved prior to community consultation is undertaken.

The planning proposal would be notified on Council's website and in the Parkes Champion Post as per the requirements detailed in the EP&A Act, EP&A Regulation and Gateway Determination.

The written notice would provide:

- a description of the objectives or intended outcomes of the planning proposal;
- the land affected by the planning proposal;
- advise and when the planning proposal can be inspected;
- give the name and address of the Council for the receipt of submissions; and
- indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection:

- the planning proposal, in the form approved for community consultation by the Director General of Planning;
- the gateway determination; and
- any studies or reports relied upon by the planning proposal (such as the Report to Council).

Part 6: Project Timeline

The following provides an anticipated project timeline for completion:

Table 1 - Project Timeline Task	Anticipated timeframe
Gateway Determination	Late May 2015
Additional technical information	Nil
Government agency consultation (pre exhibition as required by Gateway Determination)	No additional consultation is anticipated.
Commencement and completion dates for public exhibition.	June 2015
Consideration of submissions	June/July 2015
Anticipated date Council to make the plan	July 2015

Planning Proposal - General Amendments

Appendix A: Section 117 Ministerial Directions Analysis

Section 117 Direction		Applicable to PP	Consistent	Remarks
1. Employment and Resources				
1.1	Business and Industrial Zones	No	N/A	N/A
1.2	Rural zones	No	N/A	N/A
1.3	Mining, Petroleum Production and Extractive Industries	No	N/A	N/A
1.4	Oyster Aquaculture	No	N/A	N/A
1.5	Rural Lands	No	N/A	N/A
2. Environment and Heritage				
2.1	Environment Protection Zones	No	N/A	N/A
2.2	Coastal Protection	No	N/A	N/A
2.3	Heritage Conservation	No	N/A	N/A
2.4	Recreation Vehicle Areas	No	N/A	N/A
3. Housing, Infrastructure and Urban Development				
3.1	Residential Zones	Yes	Yes	This planning proposal will affect land within an existing residential zone. The existing development consent requires the site to be adequately serviced as part of the Seniors Housing Development.
3.2	Caravan Parks	No	No	N/A
3.3	Home Occupations	No	N/A	N/A
3.4	Integrating Land Use and Transport	No	N/A	Nothing in this Planning Proposal affects the aims and provisions of this direction.
3.5	Development Near Licensed Aerodromes	No	N/A	N/A
3.6	Shooting Ranges	No	N/A	N/A
4. Hazard and Risk				
4.1	Acid Sulfate Soils	No	N/A	N/A
4.2	Mine Subsidence and Unstable Land	No	N/A	N/A
4.3	Flood Prone Land	No	N/A	N/A
4.4	Planning for Bushfire Protection	No	N/A	N/A
5. Regional Planning				
5.1	Implementation of Regional Strategies	No	N/A	N/A
5.2	Sydney Drinking Water Catchment	No	N/A	N/A

Planning Proposal - General Amendments

5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	N/A
5.4	Commercial and Retail Development along the Pacific Highway North Coast	No	N/A	N/A
5.8	Second Sydney Airport: Badgerys Creek	No	N/A	N/A
5.9	North West Rail Link Corridor Strategy	No	N/A	N/A
6. Local Plan Making				
6.1	Approval and Referral Requirements	Yes	Yes	Will be consistent with Ministerial Direction
6.2	Reserving Land for Public Purposes	No	N/A	N/A
6.3	Site Specific Provisions	Yes	No	

Planning Proposal - General Amendments

Appendix 2 - Mapping Propose Land Zoning Map



Planning Proposal - General Amendments

Proposed Lot Size Map

