

Planning and Assessment

IRF20/1966

Gateway determination report

LGA	Edward River LGA
PPA	Edward River Council
NAME	Spot rezoning from zone SP2 to B2
NUMBER	PP_2020_ERIVE_001_00
LEP TO BE AMENDED	Deniliquin LEP 2013
ADDRESS	Lot 2 DP1220715 Harfleur Street, Deniliquin
RECEIVED	20 April 2020 further information received 11 May 2020
FILE NO.	IRF20/1966
POLITICAL DONATIONS	There are no donations known or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no known meetings or communications with registered lobbyists with respect to this proposal
LGA	Edward River LGA

INTRODUCTION

Description of planning proposal

The planning proposal seeks to rezone the subject land from SP2 Infrastructure to B2 Local Centre. The land to be rezoned is identified as Lot 2 DP1220715 Harfleur Street, Deniliquin. The site's existing Infrastructure zone prohibits development of seniors living under the Seniors Living SEPP.

The planning proposal seeks to broaden the range of uses permissible on the subject land. While the intent of the planning proposal is to develop the land for seniors living, which is consistent with the land zoned primarily for urban purposes in the immediate vicinity is to be zoned B2 Local Centre.

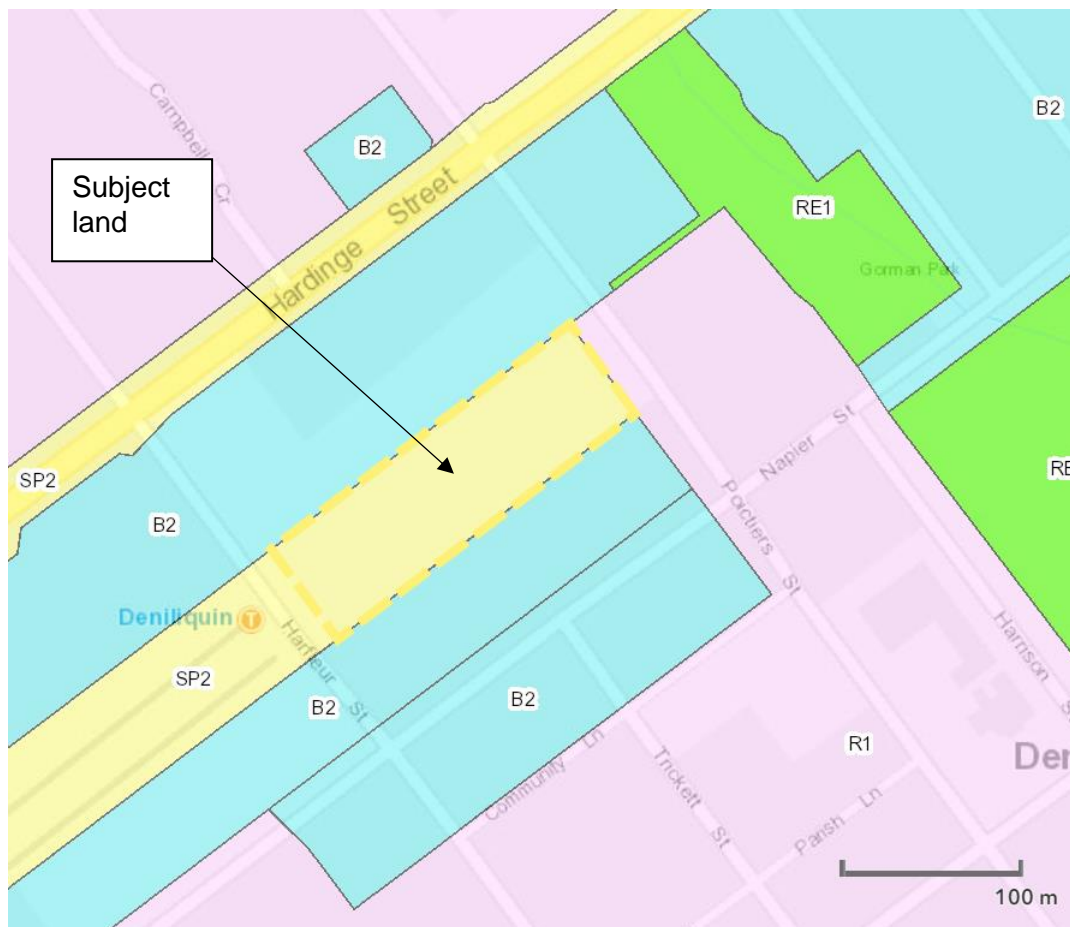
Site description

The subject land is described as Lot 2 DP1220715. The land is classified as operational land under the Local Government Act (Council minute 78/16) and was acquired from Victorian Rail Track for the purposes of residential accommodation. It has an area of approximately 1.2ha and has frontage to Harfleur and Poitiers Streets, Deniliquin. Whilst Figure 1 shows rail infrastructure on the land, this was demolished in 2018 (DA 86/17). The site is currently vacant and there is no significant vegetation on the site. Water and sewer are available to the site and accesses to the site have been constructed on each street frontage. The land is potentially contaminated due to former historical use for railway purposes.



Existing planning controls

The site is currently zoned SP2 Infrastructure (ePlanning Spatial Viewer)



Surrounding area

The site adjoins land zoned B2 Local Centre and part of Poitiers Street which is zoned R1 General Residential. The site is adjoined by vacant land (Lot 1 DP732067) to the north which is owned by Council and zoned B2 Local Centre and grain sheds to the south (also zoned B2 Local Centre). Across Poitiers Street (to the north east) is a nursing home, the band hall and a veterinary clinic. To the south west of the site and across Harfleur Street there is existing railway infrastructure, grain storage and commercial premises.

Summary of recommendation

A conditional Gateway determination is recommended. Given the nature of the proposal it is recommended that Council's request to be provided with plan making delegations is not supported due to Council being the landowner and it is proposed to upzone the land. The timeframe for finalising the plan should be set at 12 months and delegation to finalise the plan should be retained by the Department.

PROPOSAL

Objectives or intended outcomes

The intended outcome of this planning proposal is to amend the DLEP 2013 to enable the development of the subject site for seniors housing.

Explanation of provisions

The intended outcome will be achieved by amending the DLEP 2013 Land Zoning Map – Sheet LZN_005 by changing the zoning of Lot 2 DP1220715 from SP2 Infrastructure to B2 Local Centre. No change in lot size is proposed as the land and surrounding land has no lot size.

Mapping

The planning proposal seeks to amend the Deniliquin LEP 2013 Land Zoning Map – Sheet LZN_005.

NEED FOR THE PLANNING PROPOSAL

Edward River Council has acquired the land as it is no longer required for railway infrastructure and as such, the SP2 Infrastructure zone is no longer appropriate. Secondly it is the Council's intention to develop the land for seniors living and under the current zoning, this type of development is prohibited and therefore a planning proposal is the best way to achieve the intended outcomes. The land will be zoned B2 Local Centre that provides an opportunity for a variety of business uses as well as housing for seniors.

STRATEGIC ASSESSMENT

State

There are no State or regional strategies applicable to the proposal.

Regional / District

The Riverina Murray Regional Plan 2036 applies to the subject land. The proposal is consistent with the direction of this Regional Plan with regards to the relevant directions around promoting business and industrial activities in employment lands and also supporting the growth of the health and aged care sectors as is it proposed

to rezone the land to B2 Local Centre which is consistent with the adjoining land use zones and the subject site is for the purposes of establishing a seniors' living development. This also includes Direction 25: Build housing capacity to meet demand and Direction 26: Provide greater housing choice.

Local

The Edward River Local Strategic Planning Statement (February 2020) (LSPS) identifies that 22.3% of the population is aged 65 years and over, with a median age of 45 years and 32.2% of households are occupied by a lone person. By comparison, the median age in NSW is 38, with 16.2% of the population aged 65 years and over and 23.8% of households are occupied by a lone person. The LSPS recognises that the population is ageing and that it is necessary for Council to accommodate the changes in population by ensuring that suitable services, open space, community facilities and housing options are provided to maintain the high level of liveability valued by the community. The vision for the Edward River local government area includes providing a variety of housing choice to retain ageing population and one of the identified priorities is to *'improve the council area liveability and lifestyle opportunities'*.

Section 9.1 Ministerial Directions

1.1 Business and Industrial Zones

The planning proposal is consistent with this Direction as it will increase land zoned for business by 1.2ha and is located within an existing B2 zoned area.

2.6 – Remediation of Contaminated Land

A preliminary site investigation (PSI) was completed as part of the consideration of DA86/17 (the demolition of two railway platforms and turntable pit infrastructure and filling of the disused turntable, site remediation works and the installation of water and sewer connections) due to the former railway activities on the site. According to the report, it does not appear that the subject site has contaminated soils on the site but the soil test results on the adjacent land indicate a level of heavy metal contamination is present. Council is aware of the potential contamination and further assessment of contamination investigations will be required upon lodgement of DA for the development of the subject site and adjoining lot before the land is used for senior housing purposes. Consultation with EPA will be required. This will satisfy this Direction.

3.1 Residential Zones

The planning proposal will broaden the choice of housing options available for the subject site (within the existing provisions of the B2 zone under the DLEP 2013 and the Seniors Living SEPP), is located in a central location and is within an existing serviced area.

3.5 Development Near Regulated Airports and Defence Airfields

The subject site is located approximately 2.4km of the Deniliquin airport (owned and operated by Council) and is within the OLS. Clause 6.6 of DLEP 2013 addresses

development within OLS but it does not include provisions around noise to the size and nature of the airport.

Given the distance of the subject site from the airport, the nature of the operation of the airport and the dominance of single storey residential development in Deniliquin, any inconsistency with this direction is considered to be of minor significance.

5.10 Implementation of Regional Plans

The proposal is consistent with the Riverina Murray Regional Plan 2036. Specifically, relevant is Direction 4: Promote and diversify regional tourism markets. The proposal is consistent with this Direction to the extent that the proposed B6 Zone will continue to permit other uses that benefit tourism, including hotel or motel accommodation; restaurants or cafes; and takeaway food and drink premises.

Also, Direction 10: Promote business and industrial activities in employment lands, is directly relevant. The planning proposal is consistent with this Direction. A broadening of the commercial/business land use options will increase the potential for the subject land to be used for employment generating activities.

State Environmental Planning Policies (SEPPs)

The planning proposal is consistent with all applicable SEPPs. And no further work is required.

There are no inconsistencies with relevant section 9.1 Directions or SEPP's.

SITE-SPECIFIC ASSESSMENT

Social

There are no known social impacts from the proposed change of zoning from SP2 Infrastructure to B2 Local Centre.

Environmental

There is minimal vegetation on site and as such it is unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal.

A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that there are zero Aboriginal sites and places in or near the proposed site.

Due to the sites previous use as a rail yard, there is a risk of potential contamination. Preliminary reports indicate it does not appear that the subject site has contaminated soils on the site but the soil test results on the adjacent land indicate a level of heavy metal contamination is present. Further assessment of contamination issues will be required upon lodgement of DA for the development of the subject site and adjoining lot. Consultation with the EPA will be required.

Economic

There are no known negative economic impacts from the proposed change of zoning from SP2 Infrastructure to B2 Local Centre.

CONSULTATION

Community

The proposed 28 day exhibition period is deemed to be satisfactory.

Agencies

The proposed consultation with Environment Protection Authority is required due to the potential contamination.

TIME FRAME

It is proposed to provide Council 12 months to complete the amended LEP.

LOCAL PLAN-MAKING AUTHORITY

Given the nature of the proposal it is recommended that Council's request to be provided with plan making delegations not be supported as Council is landowner and has an interest in the land.

CONCLUSION

The planning proposal is consistent with strategy and business uses in the area and is supported to proceed with conditions. The intent of the proposal is supported.

RECOMMENDATION

1. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the *Environmental Planning and Assessment Act, 1979* 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 Local Environmental Plans (Department of Planning & Environment August 2016)*.
2. Consultation is required with the Environment Protection Authority under section 3.34(2)(d) of the Act to address potential contamination of the site.
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the *Environmental Planning and Assessment Act, 1979*. 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 3.36 of the *Environmental Planning and Assessment Act, 1979*, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.
5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.



14.5.20

Wayne Garnsey
Team Leader, Western



18.5.20

Damien Pfeiffer
Director Regions, Western
Planning Services

Contact Officer: Michael Ellis
Planning Officer, Regional Planning Support
Phone: 8289 6880