

10.6 PLANNING PROPOSAL 10

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RECOMMENDATION

Division

In accordance with the requirements of the Local Government Act, it is necessary for Council to call a division when voting on any resolution that involves making a planning decision.

That Council:

1. Prepare a planning proposal to amend the Deniliquin Local Environmental Plan 2013 in accordance with section 3.33 of the Environmental Planning and Assessment Act 1979 to rezone Lot 2 DP1220715 Harfleur Street, Deniliquin, from SP2 Infrastructure to B2 Local Centre;
2. Forward the planning proposal to the Minister for Planning and Public Spaces in accordance with section 3.34(1) of the Environmental Planning and Assessment Act 1979.
3. Request that the local plan making functions in relation to this planning proposal be delegated to Council.

BACKGROUND

A planning proposal has been prepared to amend the Deniliquin Local Environmental Plan 2013 (DLEP 2013) to rezone Lot 2 DP1220715 from SP2 Infrastructure to B2 Local Centre to allow for the development of the land for seniors housing in accordance with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Living SEPP).

Attachment 1 is the planning proposal.

ISSUE/DISCUSSIONSubject Site

The subject site is located on the block bounded by Harfleur, Hardinge, Poitiers and Napier Streets, Deniliquin and was formerly railway land. Figure 1 shows the location of the subject site.

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.



Figure 1 Location of subject site

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. Figure 2 shows the zoning of the subject site and the surrounding land.



Figure 2 Zoning of subject site and surrounding land

Permissibility

Whilst Council intends to develop the land for seniors living, it is currently prohibited under the Seniors Living SEPP. Clause 4(1) of the SEPP states that it applies to land that is zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes but only if development is permitted on the land for the purposes of dwelling houses, residential flat buildings, hospitals, development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries or the land is being used for the purposes of an existing registered club (clause 4(1)(a)). Whilst the subject site adjoins land that is zoned primarily for urban purposes (being the B2 Local Centre zone), the current zoning of the land (being SP2 Infrastructure) prohibits the land uses listed in clause 4(1)(a) of the SEPP and therefore it is considered that the development of the subject site for the purposes of seniors living is prohibited under the Seniors Living SEPP. The rezoning of the site to B2 Local Centre will mean that seniors' accommodation will be permissible with consent on the subject site.

Planning Proposal

A planning proposal has been prepared (attachment 1) to progress the amendment to the DLEP 2013. This has been prepared in accordance with 'A Guide for Preparing Planning Proposal' (Department of Planning and Environment).

The planning proposal is considered to be consistent with Council's Local Strategic Planning Statement (LSPS). Planning priority 5 (Housing) of the LSPS states that the majority of our population resides in Deniliquin and housing in the Edward River LGA is dominated by single dwellings (89% of all housing) with 76% of housing containing 3 or more bedrooms. This trend conflicts with the needs of an ageing population. Therefore the LSPS identifies that it is increasingly important for Council to provide a larger variety of housing choices to cater for the changing demographic including an ageing population and the development of a retirement living facility to support our aging population is being facilitated by Council. This planning proposal supports the development of the subject site for seniors living.

COMMUNITY STRATEGIC PLAN

The planning proposal meets the following targets of the draft community strategic plan:

- Our economy is strong and diverse; and
- Our built environment is managed, maintained and improved.

FINANCIAL IMPLICATIONS

Nil.

LEGISLATIVE IMPLICATIONS

To amend LEP a planning proposal must be prepared in accordance with section 3.33 of the Environmental Planning and Assessment Act (the Act). This planning proposal is then forwarded to the Department of Planning in accordance with section 3.34(1) of the Act and a gateway determination is then issued in accordance with section 3.34(2).

Council will request that the plan making delegation functions be delegated to Council due to the minor nature of the planning proposal.

ATTACHMENTS

1. Planning proposal 10