



Cover Sheet and Instructions for Scanning Documents to an Objective File

File Number 13/11480

File Name 2013 - SOUTHERN REGION - PLANNING PROPOSAL - HARDEN -

Printed By Kathryn Luskan

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Scanning Instructions

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GENERAL MANAGER'S REPORTS

PRINCIPAL ACTIVITY 2

ENVIRONMENT

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ENVIRONMENT

Incorporating the provision of the following services: Environmental Health; Environmental Monitoring; Public Health; Building Control; Planning and State of the Environment.

2.1 PLANNING PROPOSAL – 136 NEILL STREET, HARDEN

SERVICE

Planning

DEPARTMENT RESPONSIBLE

Environmental Services

ISSUE

Council has received a planning proposal from Mr B Parker in relation to Lot 20, Section 29, DP758737, 136 Neill Street, Harden. This matter was reported to Council in May 2013 in relation to the payment of fees. Prior to staff undertaking any work on the proposal a Council resolution is sought in respect of the proposal.

OPTIONS

1. Council support the Planning Proposal to amend Schedule 1 of Harden Local Environmental Plan 2011 in relation to Lot 20, Section 29, DP758737, 136 Neill Street, Harden;
2. Council not support the Planning Proposal to amend Schedule 1 of Harden Local Environmental Plan 2011 in relation to Lot 20, Section 29, DP758737, 136 Neill Street, Harden.

IMPLICATIONS

Community Strategic Plan

This report relates to strategy 3.2.1 "Implement urban design, planning and building controls that are sustainable and meet community and industry needs" as identified in Council's Community Strategic Plan.

GENERAL MANAGER'S REPORTS

PRINCIPAL ACTIVITY 2

ENVIRONMENT

Policy

There are no policy implications arising as a result of this report.

Legal

There are no legal implications arising as a result of this report.

Financial

There may be financial implications arising as a result of this report due to staff time not being costed as resolved at the May 2013 Council meeting (resolution number 96/05/13) should Council resolve to support this application.

COMMENTARY

Council has received a planning proposal in relation to Lot 20, Section 29, DP758737, 136 Neill Street, Harden. The applicant proposes to amend Schedule 1 of Harden Local Environmental Plan 2011 to permit a storage premises as an additional permitted use for the above parcel.

The parcel of land is located on the south eastern corner of Lucan and Neill Streets, Harden approximately 500m from the Council Chambers. The site has an area of approximately 1,000m². Situated on the site is a disused service station building fronting Neill Street that has not been in operation as a service station for some considerable years.

GENERAL MANAGER'S REPORTS

PRINCIPAL ACTIVITY 2 ENVIRONMENT



Figure 1 – Subject Site

The site is currently zoned R1 General Residential pursuant to Harden Local Environmental Plan 2011(LEP). The objectives of this zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Storage premises are expressly prohibited in the R1 General Residential Zone within the LEP. To permit a storage premises to occur on this site there needs to be an amendment to the LEP through either a change in zoning, a change in the zone land use table or as a permitted use in Schedule 1.

GENERAL MANAGER'S REPORTS

PRINCIPAL ACTIVITY 2

ENVIRONMENT

In drafting the LEP it was resolved to convert the existing provisions of Harden Interim Development Order No. 1, 1976 into the most appropriate zone within the Standard Local Environmental Plans Instrument. In converting the existing provisions land was given a zoning based upon the predominant use of the area and the use of separate zones for individual allotments was avoided to limit land use conflicts. Where there is a use that is not permitted within the provisions of the predominant zone those uses retain existing use rights under certain circumstances in accordance with the provisions of the *Environmental Planning and Assessment Act, 1979*. The ultimate aim being that these uses would eventually cease and the uses of the predominant zone would prevail.

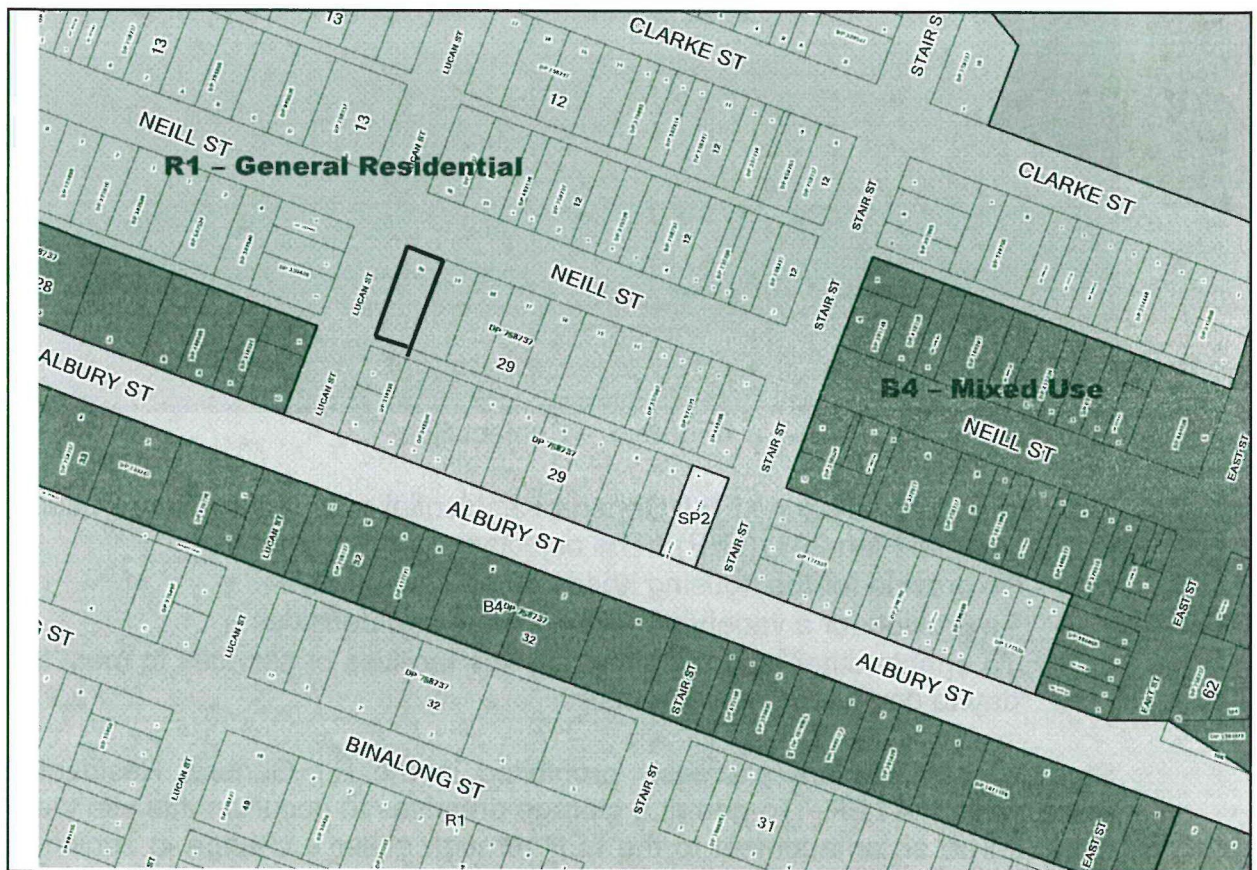


Figure 2 – Zoning of Subject Site and Surrounding Land

In considering whether to support a planning proposal Council needs to be satisfied that the proposal is consistent with any strategy prepared for the area, the zone objectives for the site, any State Environmental Planning Policies and any directions issued by the Minister under Section 117(2) of the *Environmental Planning and Assessment Act, 1979*.

The proponent has justified the planning proposal by stating that the proposed amendment to Schedule 1 is not inconsistent with the objectives of both the

GENERAL MANAGER'S REPORTS

PRINCIPAL ACTIVITY 2

ENVIRONMENT

LEP and the Ministerial Directions. However, when considering site specific amendments to the LEP Council must assess the objectives of the zone, the desired future direction of the area overall and the public interest.

In this instance the site is located within an area that is zoned residential by the LEP whose objectives are focused on housing needs, types and densities as well as facilities that support residents.

Similarly, direction 3.1 Residential Zones issued by the Minister 1 July 2009 focuses on housing and the impact of residential development. Direction 3.1 has the following objectives:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) to maintain the impact of residential development on the environment and resources lands.

It has been identified by both the LEP and Ministerial Direction objectives that the focus of residentially zoned land is housing, efficient use of existing infrastructure and separation of incompatible land uses. Site specific uses that are not compatible with these objectives are not considered to be desirable for the future direction of the area. Wherever possible, non residential uses and uses that do not provide day to day support for residents should be located in other areas so that the focus of the residential area is the residents. Whilst the proposal is not inconsistent with the identified objectives, Council needs to consider if such uses are in the public interest. It could be argued that this is a single site specific request but is a precedence set by allowing such a use in a residential zone?

A copy of the planning proposal as drafted on behalf of the applicant has been forwarded under separate cover for Councillor information. Should Council resolve to support the planning proposal a request will be made to the Department of Planning and Infrastructure for a Gateway Determination as to whether the planning proposal should proceed.

RECOMMENDATION

1. Council not support the Planning Proposal to amend Schedule 1 of Harden Local Environmental Plan 2011 in relation to Lot 20, Section 29, DP758737, 136 Neill Street, Harden.

**MINUTES OF THE ORDINARY MEETING OF THE HARDEN SHIRE
COUNCIL HELD ON WEDNESDAY, 19th June, 2013 IN THE COUNCIL
CHAMBERS COMMENCING AT 5.00 PM.**

2.1 PLANNING PROPOSAL – 136 NEILL STREET, HARDEN

108/06/13 **Resolved** on the motion of Councillors Sanderson and Stadtmiller that Council support the Planning Proposal to amend Schedule 1 of Harden Local Environmental Plan 2011 in relation to Lot 20, Section 29, DP758737, 136 Neill Street, Harden.

Cllr Manchester	For	Cllr Flanery	For
Cllr Campbell	For	Cllr Horton	For
Cllr Stadtmiller	For	Cllr Sanderson	Against
Cllr Reid	For		