

Rezone Land in Oban Street and Tuckeys Lane, Guyra from Industrial to Rural Residential

Proposal Title :	Rezone Land in Oban Street and Tuckeys Lane, Guyra from Industrial to Rural Residential		
Proposal Summary :	To rezone 8.9ha of land in Oban Street and Tuckeys Lane, Guyra from industrial to rural residential to be consistent with the surrounding land to the east, west and south of the site.		
PP Number :	PP_2012_GUYRA_001_00	Dop File No :	12/11173

Proposal Details

Date Planning Proposal Received :	10-Jul-2012	LGA covered :	Guyra
Region :	Northern	RPA :	Guyra Shire Council
State Electorate :	NORTHERN TABLELANDS	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street : **Oban Street and Tuckeys Lane**
 Suburb : City : **Guyra** Postcode : **2365**
 Land Parcel : **Lot 55 and Lots 58-62 DP 6060, Lot 10 DP 1105123 and Lot 81 DP 662163**

DoP Planning Officer Contact Details

Contact Name : **Craig Diss**
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RPA Contact Details

Contact Name : **Bob Furze**
Contact Number : **0267707109**
Contact Email : **bfurze@guyra.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A

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MDP Number :	N/A	Date of Release :	
Area of Release (Ha) :	8.90	Type of Release (eg Residential / Employment land) :	
No. of Lots :	4	No. of Dwellings (where relevant) :	3
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes : The Department of Planning and Infrastructure's Code of Practice in relation to communications and meetings with Lobbyists has been complied with to the best of the Region's knowledge. Northern Region has not met any Lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other departmental officers and Lobbyists concerning the proposal.

External Supporting Notes : A Development Application to consolidate the site (except Lot 81 DP 662163) and resubdivide into 4 rural residential lots has been submitted to Council. It is Council's intention that the exhibition of the Development Application and Planning Proposal will occur simultaneously.

Adequacy Assessment

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

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

Comment : The objectives and intended outcomes of the Planning Proposal are adequately expressed in relation to the proposed spot rezoning. The Planning Proposal confirms its intent to rezone the land for rural residential purposes and identifies that this will occur to Guyra LEP 1988 (or Guyra draft comprehensive LEP 2012 if it is made prior to the finalisation of this proposal).

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

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

Comment : The Planning Proposal provides an adequate explanation of the intended provisions to achieve its objective in relation to the spot rezoning. The Planning Proposal outlines the proposed provisions in relation to Guyra LEP 1988 (1(c) Rural Small Holdings with a horizontal hatching and a 2ha minimum lot size) and Guyra draft comprehensive LEP 2012 if it is made prior to the finalisation of this proposal (R5 Large Lot Residential with a 8000m2 lot size).

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

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

The New England North West draft Strategic Regional Land Use Plan was publicly exhibited in early 2012 and applies to the Guyra LGA.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The Planning Proposal is considered to be consistent with all relevant SEPPs and the New England North West draft Strategic Regional Land Use Plan.

The inconsistencies with relevant section 117 Directions are considered to be of minor significance and are discussed below.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Maps illustrating the site and the proposed zoning change under Guyra LEP 1988 are included in the Planning Proposal and are considered adequate.

The Planning Proposal also includes maps showing the proposed zoning and lot size amendments should Guyra draft comprehensive LEP 2012 be made before this matter is finalised. These maps are also considered to be adequate.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

No proposed community consultation details are provided in the current Planning Proposal.

Due to the nature of the proposal, it is considered appropriate that the community be notified and invited to comment on the proposal. The Planning Proposal is considered to be generally 'low impact' in nature and an exhibition period of 14 days is recommended.

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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 : **Guyra draft LEP 2012 is currently on exhibition until 30 July 2012. Council has advised that it anticipates that the draft LEP will be forwarded to the department in August 2012 with a request that it be made.**

The subject land currently has a draft zoning of IN2 Light Industrial with no minimum lot size under the exhibited Guyra draft LEP 2012. The surrounding 1(c) Rural Small Holding (horizontal hatching) lands are proposed to be zoned R5 Large Lot Residential with a 8000m2 minimum lot size (rather than the current 2ha minimum) under the draft comprehensive LEP. If the Planning Proposal amends Guyra LEP 2012, it is proposed that the site be zoned R5 Large Lot Residential with a 8000m2 minimum lot size to be consistent with the other adjoining rural residential lands.

Assessment Criteria

Need for planning proposal :

Council has identified that the subject land is no longer appropriate for industrial use. The site is isolated from other employment uses and is surrounded by rural residential land to the east, west and south and is bordered by rural land to the north. The land is currently not utilised for any industrial purpose and is occupied by a rural shed (that was formerly used in a rural supply business) and by 2 dwellings (with the dwelling on Lot 81 also incorporating a child care facility). The provision of sufficient and well located industrial land in the LGA has also been addressed by the Guyra draft LEP 2012 which proposes to rezone an additional 68ha of industrial land in more appropriate locations consistent with the approved New England Development Strategy. These new industrial locations are located in more central areas or adjacent to existing industrial development. For these reasons Council considers that the land is more appropriately utilised and zoned for rural residential purposes.

The Planning Proposal is the only means available to alter the zoning and minimum lot size that apply to the site.

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Consistency with strategic planning framework :

The Planning Proposal is considered to be consistent with all relevant SEPPs.

While no Regional Strategies apply to the Guyra LGA, the New England North West draft Strategic Regional Land Use Plan was publicly exhibited in early 2012. The Planning Proposal is considered to be consistent with the provisions of this draft Plan.

The New England Development Strategy was prepared by Council (in association with Armidale Dumaresq, Uralla and Walcha Councils) and was approved by the Director General in March 2010. The subject land was not specifically discussed or identified in the strategy. The strategy does however recommend that additional residential and large lot residential land in appropriate locations close to urban areas be provided. In this regard, the proposed rezoning and change to the minimum lot size is considered to be consistent with Council's approved Development Strategy.

The Planning Proposal is considered to be consistent with all applicable section 117 Directions, except in relation to Direction 1.1 Business and Industrial Zones as discussed below:

1.1 Business and Industrial Zones

The Proposal is considered inconsistent with this Direction as it does not retain the area or location of existing industrial land. This inconsistency is considered as minor due to the small area of land involved (8.9ha), the proposed rezoning of 68ha of new industrial land under Guyra draft LEP 2012 in more appropriate locations, and as the current land uses on the site are for non-industrial purposes (extensive grazing, rural residential dwellings and a child care facility).

Environmental social economic impacts :

The Planning Proposal considers the environmental, social and economic impacts associated with the amendment and identifies no adverse impact.

There are no known critical habitats, threatened species, ecological communities or their habitats on the land. The land is not considered to be flood or bushfire prone. A preliminary contamination appraisal has been prepared confirming no evidence of potential contamination on or in the vicinity of the site.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 Month** Delegation : **DDG**

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. :

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If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal - Oban St and Tuckeys Lane Guyra.pdf	Proposal	Yes
Planning Proposal - Council Letter.pdf	Proposal Covering Letter	Yes
Council Report - Planning Proposal.pdf	Proposal	Yes
Amendment Map - Guyra LEP 1988.pdf	Map	Yes
Amendment Map - Guyra draft LEP 2012 - 3650_COM_LSZ_004A_020_20120404.pdf	Map	Yes
Amendment Map - Guyra draft LEP 2012 - 3650_COM_LZN_004A_020_20120404.pdf	Map	Yes
Aerial Photo and Proposed Subdivision Layout.pdf	Map	Yes
Preliminary Site Contamination Assessment.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
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- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information :

- 1. The Planning Proposal be supported;
- 2. The Planning Proposal be exhibited for 14 days;
- 3. The Planning Proposal be completed within 6 months; and
- 4. The Director-General's delegate agree that the inconsistency with s117 Direction 1.1 Business and Industrial Zones is of minor significance.

Supporting Reasons :

The proposal to rezone the land for rural residential purposes is considered to be appropriate and is supported. The proposed zoning and lot size is consistent with the surrounding development to the east, west and south of the site and is considered to be a more appropriate long term use of the land than for industrial purposes.

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Signature:

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Printed Name:

Craig Diss

Date:

12/7/12