

Planning proposal – Oban Street

Status: Revised Submission to Department of Planning

Revision E

Date: 11 July 2012

Introduction

This planning proposal explains the intended effect of a proposed local environmental plan that would amend the principle plan applying to the Shire and sets out the justification for making the plan. The proposed local environment plan would rezone an area of land zoned Zone 4 (General Industrial) to Zone 1(c) Rural (Small Holdings) under Guyra Shire LEP 1988, the current principal LEP. The proposed rezoning would facilitate the creation of rural residential lots and would also bring an existing child care facility into a residential/rural residential zone, and out of an industrial zone. The extent of the proposed rezoning and existing land use zones is as shown on **Attachments 1 and 2**.

Part 1 - Statement of Objectives and Intended Outcomes

To rezone the land in consistency with the surrounding 1(c) Rural Residential Zone (or the proposed Large Lot Residential Zone under exhibited Draft Guyra LEP 2012) so as to provide a low density living environment to enable rural residential/large lot residential housing for ongoing growth and to meet demand in Guyra, and to bring an existing child care centre into a residential/rural residential zone.

Part 2 - Explanation of Provisions

Amendment of Guyra LEP 1988 (the current LEP) as outlined below:

1. Rezoning of Lots 55 and 58-62 DP 6060 and Lot 10 DP 1105123 from Zone 4 (General Industrial) to Zone 1(c) Rural (Small Holdings – Horizontal Hatching) in accordance to **Attachment 1**.

Or, depending on the date of Gazettal:

Amendment of Draft Guyra LEP 2012 (the exhibited draft LEP) as outlined below:

1. Rezoning of Lots 55 and 58-62 DP 6060, Lot 81 DP 662163 and Lot 10 DP 1105123 from Rural 1(c) (Rural Residential) to R5 Large Lot Residential; and
2. Inclusion of Lots 55 and 58-62 DP 6060, Lot 81 DP 662163 and Lot 10 DP 1105123 in the Lot Size Map with a minimum area of 8,000 m²

In accordance with **Attachment 2**.

Part 3 - Justification

Section A - Need for the planning proposal

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

The planning proposal has not been the subject of a specific strategic study or report. The proposed development of the bulk of the land has been outlined in the Statement of Environmental Effects submitted with the subdivision application. This outlines the intent of the development of the land to provide rural residential/large lot residential housing over most of the land. The balance of the land is an existing child care centre that would be brought into a more compatible zoning.

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

The bulk of the land is currently used as grazing land and partially developed for the purposes of a dwelling and sheds. One allotment is currently approved for and used as a child care centre. To achieve the intended outcome a change of zone under Guyra LEP 1988 or the draft Guyra LEP 2012 (when gazetted) is the only feasible method.

3. Is there a net community benefit?

The land market of Guyra has a demand for lifestyle living on rural residential lands. The proposal would assist to meet this market demand and would assist in providing an effective range of living options to encourage future growth of the town. This proposal would not restrict the future residential development of the town but would respond to preferred market patterns for peripheral developments.

Another benefit for the community would be the avoiding of conflicting uses in future. By rezoning the land into residential uses it becomes consistent with the surrounding uses. Industrial zones are being concentrated on the area east of the New England Highway. The distance between these different zones avoids land use conflicts for the future.

Section B - Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The relevant regional strategy is the New England Development Strategy which underpins the exhibited draft plan. A draft Strategic Land Use Regional Strategy has also been exhibited, however this is of minimal relevance to the proposal.

The subregional planning context shows Guyra as having a population of 4,411 in 2011. Population has experienced a modest decline over the past 30 years, however the Strategy outlines Guyra is now “exhibiting signs of growth” expecting to have a relatively stable or slightly increasing population during the Strategy time frame. The key land use issues identified in the Strategy include providing additional land for general and large lot residential, plus industrial development. For the

rural area it contains little land use change and the opportunity to assist modest growth around Guyra via small holding zonings. The current planning proposal would assist in responding to the modest growth around Guyra via small holding zones by undertaking a small land use change. The Strategy notes that the segment of the market choosing to live on rural residential/large lot residential holdings is still expected to require good accessibility to urban services and employment. The proposal is within close proximity to Guyra.

The Strategy envisages that Councils would be able to customise the Strategy to meet local needs.

Section 7 of the Strategy addresses the issue of large lot residential and rural small holdings development. The Strategy emphasizes large lot residential and rural small holdings subdivision and development is an “important land use planning issue in the Sub-region.” It has the potential to affect agricultural land uses and viability, and the provision of services and infrastructure. It can also result in a range of environmental impacts including water availability, traffic, and loss of biodiversity. Demand for large lot residential and rural small holdings development is “primarily related to proximity to the towns”.

The proposal makes clear that it is consistent with the objectives in that the value of the land for agriculture is not high. In addition, the land has no constraints in terms of natural vegetation. The demand for rural small holdings development in Guyra is low to moderate. Recent trends suggest that approximately 8-10 rural small holdings are being built upon per annum. The size of the proposal fits within this strategic target frame.

The proposal is considered consistent with the objectives for both large lot residential and rural smallholdings development.

- With its close proximity to the town centre of Guyra it is a suitable location meeting the criteria for future rural small holdings.
- The proposal ensures through appropriate design that, although the demand will be minimal, adequate and appropriate services are available.
- The subdivision of the bulk of the land, although seeking development consent for the whole subdivision, could be conducted in two stages. Lots 1, 2 and 3 could be registered initially, with Lot 4 at some later stage in order to match the market demand. In this regard supply would not exceed demand.
- The land has a minimal agricultural production potential. The development would have a minimal environmental impact and the scenic backdrop is not affected by the proposed development.
- The child care centre is more appropriate in a residential zoning than an industrial zoning particularly in terms of land use conflict.

The strategy identifies a range of policies with respect to large lot residential and rural small holdings development. The proposal is consistent with these policies in that:

- It provides an opportunity for rural small holdings development adjacent to existing rural small holdings west, south and east of the property. The proposals for the land would not affect future urban growth, being outside identified urban growth corridors.

The land is consistent with the strategic outlines in the Strategy.

- The land hubs on the existing town and protects future growth corridors.
- The land is not within a water catchment area.
- The land provides a mix of lot sizes responding to environmental and planning constraints.

The Strategy at this stage has not identified areas for rural small holdings development within Guyra. The land that is the subject of this proposal is in an existing industrial zone, but surrounded by rural small holding zones and a general rural zone. The strategy shows a concentration of industrial zones east of the Highway and south of town. By this means the land affected by the proposal is identified as an appropriate area for rural small holding/large lot residential development consistent with the zoning recommendations of the Strategy.

In summary, although the land was not mapped in the Strategy for rural small holdings or large lot residential development, it should be noted that the Strategy has only given attention to non-urban zone lands in this regard. In every other respect the proposal is consistent with the aims, objectives and policies within the Strategy.

5. Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

The relevant community strategic plan is the Guyra Shire Council Community Strategic Plan 2011-2021.

The community's vision for the planning strategy is to “promote a local environment plan that supports the needs of the township and rural areas to grow and develop”. In this regard the “provision for lifestyle blocks” is mentioned as a main object. The proposal would contribute to a lifestyle option which is in demand and can be satisfied within the Guyra community.

6. Is the planning proposal consistent with applicable state environmental planning policies?

Consideration was given to applicable state environmental planning policies. No state environmental planning policies are considered applicable to the proposal.

7. Is the planning proposal consistent with applicable Ministerial Directions (Section 117 directions)?

1. Employment and Resources

1.1 Business and Industrial Zones

The proposal affects land which is zoned as an industrial zone. In this respect it is inconsistent with this direction.

Although inconsistent with this direction the proposal is consistent with the Strategy. According to the Strategy industrial land provision for the future is focused on lands east of the highway next to the existing industrial zone and south of Guyra. The land affected by the proposal is not part of this. These two new industrial areas “have been identified due to their site characteristics and the nature of surrounding land uses”. Due to rural small holdings as the main surrounding land uses of the proposal an industrial use of the area would cause ongoing landuse conflicts.

Additionally the affected land is of minor significance for the industrial development in Guyra due to its small size, the lack of connection to existing industrial uses, the absence of water and sewer and the fact that the land has not been taken up for industrial uses despite being in this zone for many years.

The land is proposed to be down-zoned from General Industrial to Light Industrial in the Guyra Draft LEP 2012 in part due to potential conflicts with surrounding large lot residential uses.

1.2 Rural Zones

The proposal is consistent with the Direction in that it is not rezoning rural land to an identified zone, nor does it increase densities within a rural zone.

1.3 Mining, Petroleum Production and Extractive Industries

No existing mines, petroleum production operations or extractive industries are affected by the draft LEP.

1.4 Oyster Aquaculture

Not applicable.

1.5 Rural Lands

No rural lands are affected.

2. Environment and Heritage

2.1 Environment Protection Zones

No environmental protection zones are affected. The proposal would not affect any trees on the subject land. No wildlife refuge or item of environmental heritage occurs in the vicinity.

2.2 Coastal Protection

Not applicable.

2.3 Heritage Conservation

No heritage items are affected.

2.4 Recreation Vehicle Areas

Not applicable.

3. Housing, Infrastructure and Urban Development

3.1 Residential Zones

The proposal would change a small area of land to a rural small holdings or large lot residential zone. The proposal is consistent with the objectives of this direction in that it would encourage a variety and choice of housing types within Guyra. Appropriate access to infrastructure and services is available. The land would provide lifestyle blocks for rural residential or large lot residential development. The development is considered consistent with the Direction.

3.2 Caravan Parks and Manufactured Home Estates

The proposal would not affect current provisions relating to caravan parks and manufactured home estates.

3.3 Home Occupations

The draft Plan is consistent with this direction.

3.4 Integrating Land Use and Transport

The development is close to Guyra and is therefore considered consistent with this direction.

3.5 Development near Licensed Aerodromes

There is no airport in the vicinity of the land, although there is a landing strip to the north. The draft plan is therefore considered consistent with this Direction.

3.6 Shooting Ranges

The land is not adjacent to a shooting range, and the draft plan is therefore considered consistent with this Direction.

4. Hazard and Risk

4.1 Acid Sulfate Soils

Not applicable.

4.2 Mine Subsidence and Unstable Land

Not applicable.

4.3 Flood Prone Land

The lands are not known to be flood prone, although ephemeral watercourses occur on the land. These have been considered in the design of the site, including access to dwelling sites, with areas for housing identified clear of lower lying areas.

Therefore the draft plan is consistent with the Direction.

4.4 Planning for Bushfire Protection

The land is not subject to bushfire risk. Grass fires may occur and these would be able to be addressed through appropriate conditions on any dwelling.

Therefore the draft plan is consistent with the Direction.

5. Regional Planning

5.1 Implementation of Regional Strategies

A draft regional land use strategy has recently been exhibited. The strategy is not, however, covered by this Direction.

5.2 Sydney Drinking Water Catchments

Not applicable.

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

Not applicable.

5.4 Commercial and Retail Development along the Pacific Highway, North Coast

Not applicable.

5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)

Not applicable.

5.6 Sydney to Canberra Corridor (Revoked 10 July 1988. See amended Direction 5.1)

Not applicable.

5.7 Central Coast (Revoked 10 July 1988. See amended Direction 5.1)

Not applicable.

5.8 Second Sydney Airport: Badgerys Creek

Not applicable.

6. Local Plan Making

6.1 Approval and Referral Requirements

The Plan is consistent with recent state policy regarding concurrence, consultation or referral. No additional concurrence, consultation or referral is proposed. No additional development has been identified as designated development.

The draft plan is therefore considered consistent with this Direction.

6.2 Reserving Land for Public Purposes

The proposal does not create, alter or reduce existing zonings or reservations of land for public purposes. The proposal is therefore consistent with this Direction

6.3 Site Specific Provisions

The draft local environmental plan proposes to utilise an existing land use zone rather than site specific provisions. This is consistent with the Direction.

Section C - Environmental, social and economic impact

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

The land has been developed for hobby farm purposes. Although it contains small amounts of native vegetation, there are no affects on any trees on the subject land. No wildlife refuge or item of environmental heritage occurs in the vicinity. The area has been cultivated for pasture improvement within the last 10 years. Accordingly, it is not considered an assessment of significance is required or that there would be any adverse effects as a result of the proposal.

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

There are no other likely environmental effects associated with the proposal.

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

The development would have no impact on Aboriginal or European heritage areas. The proposal would have a positive social effect in that it would provide a style of housing demanded within the Guyra market. It would also facilitate the planned subdivision of the land as a low density housing estate.

Section D - State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

The proposal is minor in scope and scale, and consists of a logical extension of the existing rural small holding zone or proposed large lot residential zones west, south and east of it. Existing public infrastructure is satisfactory to serve the proposed development with sealed road access and power available.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Significant consultation with relevant agencies occurred as part of the preparation of the sub regional development strategy with which the proposal is consistent. Additional consultations would be undertaken if required by the gateway determination.

Part 4 - Community Consultation

Community consultation has yet to be undertaken for this proposal.