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GUYRA SHIRE COUNCIL

PLANNING PROPOSAL GUYRA LEP 2012 AMENDMENT NO. 3

JULY 2015

BACKGROUND

This is a Planning Proposal prepare under the provisions of Section 55 of the *Environmental Planning and Assessment Act 1979*, in relation to a proposed amendment to Guyra Local Environmental Plan 2012. It will be assessed by the NSW Planning and Environment, and (depending on the Gateway Panel's determination) used for public participation on the proposed LEP amendment.

<i>Proposal</i>	To provide additional provisions within the Guyra Local Environmental Plan 2012 for the subdivision of RU1 Primary Production land and dual occupancy permissibility in the RU1 Primary Production zone.
<i>Property Details</i>	The Planning proposal applies to all land within the RU1 Primary Production.
<i>Applicant Details</i>	Guyra Shire Council
<i>Land Owners</i>	Various
<i>Brief History</i>	Planning Proposal – LEP Amendment No. 3 has been prepared in response to the identification of the lack of a provision to allow rural boundary adjustment subdivisions on allotments less than 90% of the minimum lot size and the lack of provision to allow dual occupancy (detached) in the RU1 Primary Production zone.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objectives of this planning proposal are:

- (i) to permit boundary adjustment subdivisions in the RU1 Primary Production zone, where one or more allotments is less than 90% of the minimum lot size specified for subdivision, subject to the application providing for improved agricultural or environmental outcomes without creating additional opportunities for the establishment of dwelling houses; and
- (ii) to permit dual occupancy, for attached and detached, in the RU1 Primary Production zone.

PART 2 – EXPLANATIONS OF PROVISIONS

Component 1 – Rural Boundary Adjustment

This proposed outcome will be achieved by making the following amendments to the Guyra LEP 2012 instrument:

Insert a new Clause as follows:

4.1C Boundary changes between lots in Zone RU1

- (1) *The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances, to give landowners a greater opportunity to achieve the objectives of a zone.*
- (2) *This clause applies to land in Zone RU1 Primary Production.*
- (3) *Despite clause 4.1 (3), the size of any lot resulting from a subdivision of 2 or more adjoining lots, on land to which this clause applies, may be less than the minimum lot size shown on the Lot Size Map in relation to that land if the subdivision will not result in any of the following:*
 - (a) *an increase in the number of lots,*
 - (b) *an increase in the number of dwellings that may be erected on any of the lots.*
- (4) *In determining whether or not to grant development consent for the subdivision of land under this clause, the consent authority must consider the following:*
 - (a) *the existing uses and approved uses of other land in the vicinity of the subdivision,*
 - (b) *whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,*
 - (c) *whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),*
 - (d) *whether or not the subdivision is likely to be incompatible with a use on land in any adjoining zone,*
 - (e) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),*
 - (f) *whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,*
 - (g) *whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.*
- (5) *This clause does not apply in relation to a subdivision under the Community Land Development Act 1989, the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986.*

Component 2 – Dual Occupancy in rural areas

This proposed outcome will be achieved by deleting ‘Dual Occupancy (attached)’ as a permissible with consent use in the RU1 Primary Production zone and replacing it with ‘Dual Occupancy’. This will allow both “attached” and “detached” dual occupancy uses as permissible with consent in the RU1 Primary Production zone.

PART 3 – JUSTIFICATION

Section A – Need for the planning proposal

(1) Is the planning proposal a result of any strategic study or report?

The planning proposal is consistent with the historic assessment of development applications within the Shire for subdivision.

The planning proposal is consistent with the current provision for dual occupancy uses in RU1 Primary Production zone. However, greater flexibility in siting a dual occupancy will be achieved by expanding on the current dual occupancy (attached) provision to also allow dual occupancy (detached) options.

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

The planning proposal is the best way to achieve the intended outcomes for rural boundary adjustments and rural dual occupancy provisions as it is based on similar provisions approved by NSW Planning and Environment and the Minister for other local government areas.

(3) Is there a net community benefit?

There is a net community benefit in continuing the historic approach to logical rural boundary adjustments.

Allowing greater flexibility in the siting of a dual occupancy will allow for each occupancy to be located independent of the other in the RU1 Primary Production zone. This will be more attractive for living situations for extended families in farm succession scenarios. It will allow for improved environmental sensitive design options for dual occupancies, by not limiting dual occupancies to less desirable site of an existing dwelling. Be more attractive for diversification of farm income, with an addition rental income from an occupancy located away from the other occupancy.

Section B – Relationship to strategic planning framework

(1) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The planning proposal is not inconsistent with the New England North West Strategic Regional Land Use Plan and the New England North West Regional Action Plan.

(2) Is the planning proposal consistent with Council's local strategy or other local strategic plan?

The planning proposal is not consistent with Council's strategic plan.

(3) Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with all applicable state environmental planning policies.

(4) Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with all applicable Section 117 directions.

Section C – Environmental, social and economic impact.

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

It is unlikely that the planning proposal will result in any adverse impacts to threatened species, their habitats or endangered ecological communities. However, should development applications be received under the new provisions, appropriate consideration will be given to environmental impacts including threatened species.

(2) Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

It is unlikely that the planning proposal will result in any adverse environmental impacts. However, should development applications be received under the new provisions, appropriate consideration will be given to environmental impact.

(3) How has the planning proposal adequately addressed any social and economic effects?

The planning proposal allows for logical subdivision to occur.

The planning proposal allows for flexibility in the siting of a dual occupancy on land in the RU1 Primary production zone.

Social and economic impacts can be considered during any subsequent development applications received under the new provisions.

Section D – State and Commonwealth Interests

(1) Is there adequate public infrastructure for the planning proposal?

The planning proposal does not create the need for any additional public infrastructure.

(2) What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Council has not undertake consultation with other government agencies.

PART 4 – MAPPING

The proposed amendment relates only to the written component of the Guyra Local Environmental Plan 2012, as such, no mapping is proposed as part of the amendment.

PART 5 – COMMUNITY CONSULTATION

Council has not undertaken any community consultation concerning this planning proposal. It is anticipated that this will occur as part of the formal exhibition of the planning proposal or as directed through the gateway determination process.

The planning is considered to be low impact and a 14 day exhibition period is proposed for the planning proposal, which includes:

- 1 notification of exhibition in the local and other regional newspapers;
- A display at Council's Administration Centre; and
- Exhibition on Council's website.

PART 6 – PROJECT TIMELINE

Task	Anticipated Timeframe
Date of Gateway Determination	1 August 2015
Completion of required technical information, studies	No further studies expected
Government agency consultation (pre exhibition as required by Gateway Determination)	No consultation expected
Any changes made to Planning Proposal resulting from technical studies and government agency consultations. Resubmit altered Planning Proposal to Gateway panel. Revised Gateway determination issued, if required	August/September 2015
Commencement and completion dates for public exhibition	August/September 2015
Consideration of submissions, report Planning Proposal post exhibition	September/October 2015
Council requests a draft instrument be prepared by parliamentary counsel.	October 2015
Council resolves to adopt and make draft LEP	October 2015
Formal notification of the plan	November 2015

CONCLUSION

The planning is considered to be consistent with relevant statutory and policy provisions. It seeks to insert a clause in the Guyra Local Environmental Plan 2012 to facilitate additional subdivisions consistent with the historic assessment of development applications. It also seeks to allow, both attached and detached, dual occupancy developments in the RU1 Primary Production zone.