

Planning Proposal to amend Guyra Local Environmental Plan 2012 – rezone land at Pearson Street to Residential.

Objectives

- To provide additional land for residential purposes in support of ongoing demand generated from the continuing growth of the Guyra Tomato Farm.
- To enable development of the entirety of Lot 4 in DP714976 (Figure 1) for residential purposes with lot sizes commensurate with those recently developed on land immediately to the north in DP1166745.

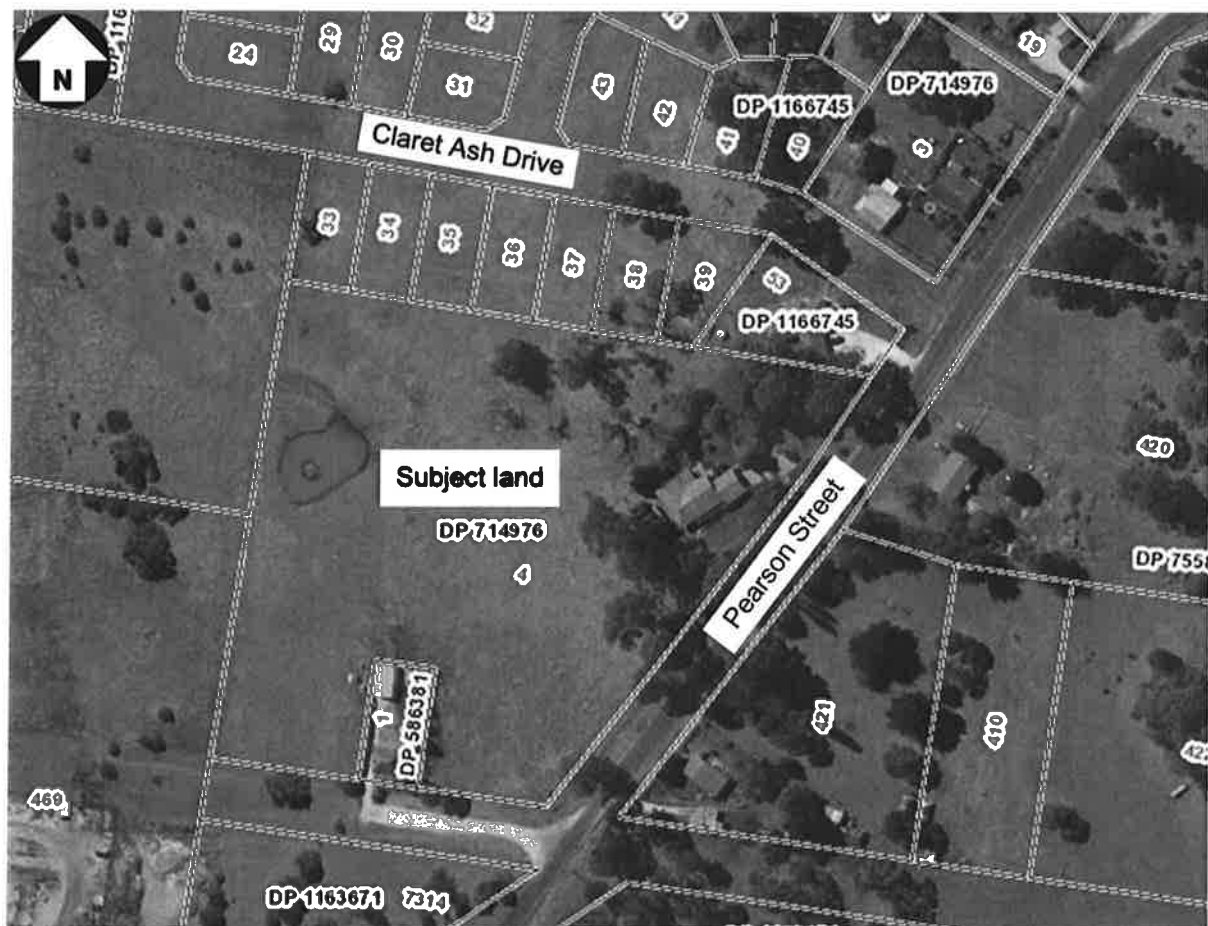


Figure Subject land – just to the south of the recently developed Claret Ash Estate.

Explanation of Provisions

It is proposed to rezone the subject land from R5 (large lot residential) to R1 (general residential) (Figure 2), and to change the minimum permissible lot size (MLS) from 8,000m² to 600m² (Figure 3).

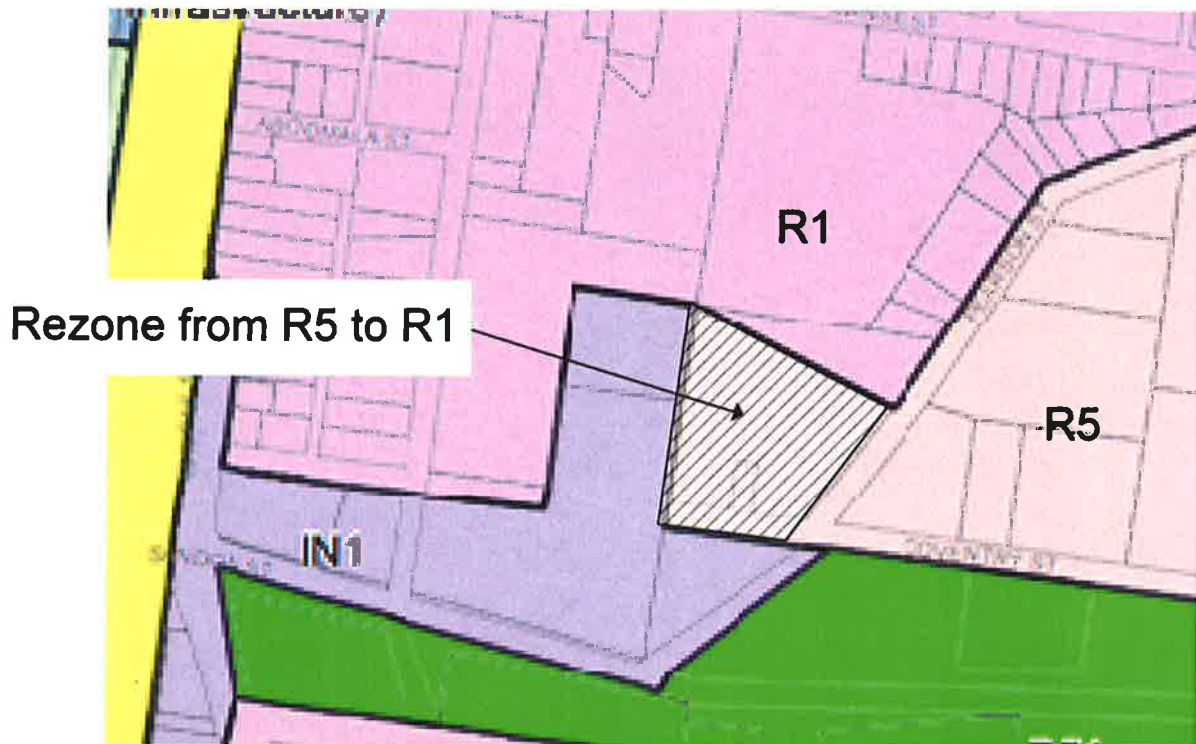


Figure Area proposed to be rezoned from R5 to R1

Note that part of Lot 4 DP 714976 is already zoned R1 with MLS of 600m². This is a result of the historical fact that the residential zone ended on this alignment and with conversion to the template LEP the same line was adopted. The old alignment does not reflect a limit of infrastructure (such as sewer) or other significant feature, and thus does not point to any particular reason why the zone could not be extended.

The proposal also includes the road reserve to the south of Lot 4 DP 714976. This has been included in order for completeness of the zone – otherwise a small strip of R5 with MLS 8,000m² would remain as the road reserve. The proposal to include the road reserve is merely intended to tidy this up from a mapping perspective.

The inclusion of the small holding at Lot 1 DP586381 is also intentional. This lot is already of a size (approx 800m²) commensurate with the proposed changes. In addition, the owners have

indicated informally to Council that they are supportive of having their land included in the rezoning proposal. Again, the inclusion of this lot serves to complete the zone boundary from a mapping perspective.

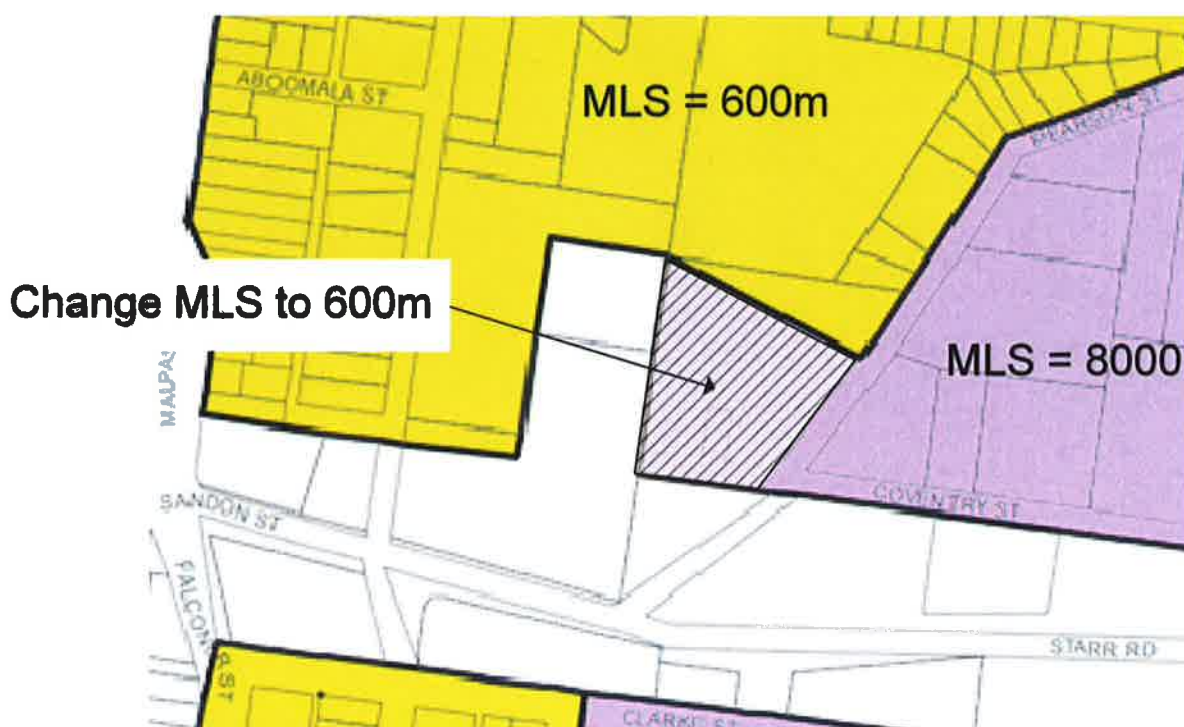


Figure Minimum lot size (MLS) to be change from 8,000m² to 600m².

Justification

Need for the Planning Proposal

Is the Planning Proposal the result of any strategy study or report?

The New England Development Strategy (NEDS) identified that

Demand for residential lots has increased since 2000. Analysis of recent development approvals indicates that 20-25 new dwellings are being constructed in the Guyra LGA each year, of which at least 10 are within Guyra township. (NEDS p.27).

Additional land was rezoned in the recent update to the comprehensive LEP (Guyra Local Environmental Plan 2012), however an ongoing issue with development is that some owners do not wish to develop their land at the present time:

Based on the reluctance of some existing owners to develop zoned land to stimulate a more competitive land supply market, and provide greater choice of lots sizes, it is proposed that additional land be investigated for urban purposes around Guyra, Tingha and Uralla over the next 10 years. (NEDS p 26)

There has also been a strengthening of demand for dwellings in recent months. Expansion of the Guyra tomato farm continues, and this seems to be a major contributor in demand as new workers seek accommodation in Guyra. The recently completed Claret Ash Estate adjacent to the subject land has sold well, and there are very few lots left.

This planning proposal has been initiated by the owner of the subject land, and if approved, will lead to much needed additional lots coming onto the market within a year or two.

Is this the best way of achieving the objectives?

At this stage, this is the *only* land that is being actively considered for development by its owner. Undeveloped residentially zoned land exists however the owners are not presently interested in developing this land.

Relationship to Strategic Planning Framework

Consistency with New England Development Strategy

NEDS has identified the need for additional residential development in Guyra. As noted above, many owners of land already zoned residential are not interested in developing it at this stage. At the time of preparation of NEDS, Guyra Council indicated that "... the current supply of zoned residential land is almost exhausted and needs supplementing as soon as possible" (NEDS p. 27). As at September 2013, this situation continues as, despite the rezoning of additional land in the recent comprehensive LEP, only minimal development has taken place. Of this, the most notable is the Claret Ash Estate which as already noted has now mostly been taken up.

The proposed amendment to the LEP is consistent with the need identified in NEDS for additional zoned land for residential development, particularly given the tendency of many existing holders of residentially zoned land to not develop that land as also identified in NEDs.

Consistency with Council's local strategy

The relevant local strategy is the draft Community Strategic Plan 2013 to 2023. This plan states that "One of Guyra Shire's objectives is to grow its town population of approximately 2,500 residents to sustainable levels. ... Within ten years Guyra township is likely to achieve growth in the order of 500 - 700 residents." This proposal supports the achievement of this objective.

Consistency with applicable State Environmental Planning Policies

Following is a brief review of potentially applicable SEPPs.

SEPP	Comments
State Environmental Planning Policy No 44—Koala Habitat Protection	This SEPP applies as the area in question is greater than 1ha. There are only a few trees on the land. Of these, a clump of eucalypts near the existing dwelling (Figure 4) are of potential interest. There have been no sightings of koalas by the owner since he has been on the property (31 years), and there is no anecdotal evidence of any koalas in the area. It is not expected therefore that koala habitat will be an issue for any development of this land. A review by a suitably qualified expert will be undertaken at development stage as required by this SEPP.
State Environmental Planning Policy No 55—Remediation of Land	Local knowledge indicates that the history of use of this land has been grazing by sheep and cattle for as far back as is known. There is no evidence of any high-risk uses such as orcharding, sheep or cattle dips or fuel storage. It is not considered that contamination will be an issue for this land. However, since use has included agricultural activities (grazing) as listed in Table 1 of the Guidelines, a preliminary investigation will be undertaken after Gateway approval.
State Environmental Planning Policy (Rural Lands) 2008	The land is presently zoned R5 (large lot residential) and is thus not 'rural land' for the purposes of this SEPP. It therefore does not apply.



Figure Eucalypt trees on the subject land

Consistency with s.117 Ministerial Directions

The following s.117 Ministerial Directions are considered relevant to the proposal.

s.117 Direction	Comments
3.1 Residential Zones Objectives (1) The objectives of this direction are: (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 minimise the impact of residential development on the environment and resource lands. Where this direction applies (2) This direction applies to all relevant planning authorities. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within: (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted. What a relevant planning authority must do if this direction applies (4) A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. (5) A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	The proposed rezoning and change in minimum lot size are fully consistent the objectives and requirements of this direction. Adequate provision for servicing is available with connection to the sewage and water networks readily available on adjoining or nearby land. The proposal will serve to increase the residential density of the subject land.

s.117 Direction	Comments
3.4 Integrating Land Use and Transport <i>Objective</i> (6) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. <i>Where this direction applies</i> (7) This direction applies to all relevant planning authorities. <i>When this direction applies</i> (8) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. <i>What a relevant planning authority must do if this direction applies</i> (9) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).	The proposed rezoning and change in minimum lot size are fully consistent the objectives and requirements of this direction. The subject land is immediately adjacent to existing R1 zoned land, and would serve to extend this zoning within a logical boundary provided by Pearson Street. It will provide more residential land within walking distance of the town centre (approx 1.3km), and also within walking and/or cycling distance from the major employment location of the Tomato Farm (approx 1.8km). The proposal provides an extension of the residential zone immediately adjacent to the recently developed Claret Ash Estate, and taken together these locations will provide a consolidated opportunity for public transport to the extent possible within a small rural town.

6.1 Approval and Referral Requirements

Objective

- (10) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

Where this direction applies

- (11) This direction applies to all relevant planning authorities.

When this direction applies

- (12) This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

- (13) A planning proposal must:
- (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
 - (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:
 - (i) the appropriate Minister or public authority, and
 - (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),prior to undertaking community consultation in satisfaction of section 57 of the Act, and
 - (c) not identify development as designated development unless the relevant planning authority:
 - (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and
 - (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.

This planning proposal is fully consistent with the direction.

Environmental, Social and Economic Impact

Any threats to critical habitat, threatened species, populations or ecological communities?

The land is generally degraded and mostly cleared. There are two isolated eucalyptus trees which are in poor health (dead limbs) and showing poor growth. A stand of eucalypts near the existing dwelling are in good health and would potentially be retained in any future development. They do not form part of any significant habitat corridor or remnant stand. A review of flora and habitat will be undertaken in conjunction with the review for SEPP44 as part of any development of the land.

Other likely environmental effects?

Any impacts of development can be managed with the usual conditions that apply to all such development (silt control, hours of operation and noise and so forth). There are no apparent potential effects that would adversely affect the ability to develop the land for residential purposes.

Social and economic effects

The additional residential land that will be developed as a result of this proposal will provide much needed dwellings as discussed above. The subject land is immediately adjacent to the recently developed Claret Ash Estate and the proposed intensification to general residential development is fully consistent with that land use. No adverse social or economic effects are expected.

State and Commonwealth Interests

Is there adequate public infrastructure?

Sewer and water connections can be made into the infrastructure already provided for the Claret Ash Estate development. Advice from Council is that the infrastructure is adequate for this purpose.

Access to the road network will be via Pearson Street which Council's engineer has advised has sufficient capacity to facilitate this.

Views of State and Commonwealth Public Authorities

The land is not bush fire prone and thus no referral to the RFS is required. The land is not flood prone, and there are no heritage items on the land. There do not appear to be any other matters that require referral to State or Commonwealth authorities.

Mapping

Figures 2 and 3 provide a clear indication of the proposed mapping changes required.

Community Consultation

Community consultation will be in accordance with that required for a change to the Guyra LEP. This proposal can be construed as a 'low impact planning proposal' and as such a public exhibition period of 14 days is proposed. The following will be undertaken during the exhibition period as specified in "A guide to preparing local environmental plans":

- notification in the Guyra Argus
- notification on Council's website
- notification in writing to affected and adjoining landowners.

Project Timeline

It is expected that this planning proposal will be finalized within 6 months of Gateway approval.

An indicative project plan is as follows:

Item	Timing
Gateway approval	0
Undertake required studies (fauna, flora, preliminary contamination)	+4 weeks
Council accepts studies and proceeds to consultation	+8 weeks
Consideration of submissions	+10 to 12 weeks
Report to Council and recommendations to proceed	+16 weeks
Submission to Department	+20 weeks