

Cooma-Monaro Shire Council Planning Proposal

Amendment of Yarrawlumla Local Environmental Plan 2002 to rezone Lot 1 DP 790570 Ryrie Street, Michelago from 1 (a) (General Rural Zone) to 2 (v) (Village Zone)

The Planning Proposal concerns Lot 1 DP 790570, Ryrie Street, Michelago. The lot is currently zoned 1 (a) (General Rural Zone) under the *Yarrawlumla Local Environmental Plan 2002*.

Lot 1 DP 790570 is 6.705 hectares (Cooma-Monaro Shire Council rates data base) and is located on the northern side of the intersection of the Monaro Highway and Ryrie Street, Michelago on the edge of the village of Michelago. The lot contains an operating service station, restaurant, motel and internal access roads. Access to the lot is from Ryrie Street. The location of the lot is shown in Figure 1 below.

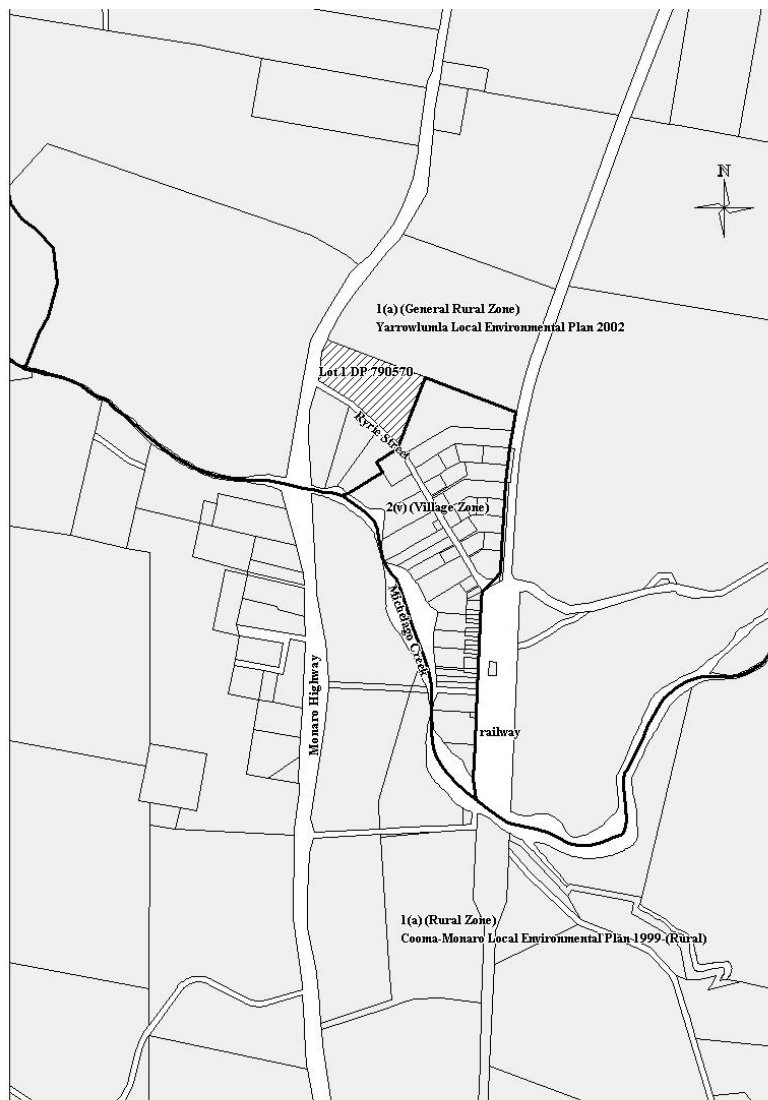


Figure 1Location of Lot 1 DP 790570 and current landuse zoning

The village of Michelago does not have a reticulated water or wastewater system, has a primary school and a general store. There are currently approximately forty dwellings in the village area. The village is forty minutes from Queanbeyan and Canberra via the Monaro Highway and offers a village lifestyle which many people seek as an alternative to that of a large urban area.

Part 1 Intended outcomes

Amendment of *Yarrowlumla Local Environmental Plan 2002* to rezone Lot 1 DP 790570 Ryrie Street, Michelago from 1 (a) (General Rural Zone) to 2 (v) (Village Zone).

Part 2 Explanation of the provisions that are to be included in the proposed local environmental plan

The rezoning of Lot 1 DP 790570 will extend the Michelago 2 (v) (Village Zone) allowing residential development (with consent) to occur on Lot 1 DP 790570.

Part 3 Justification for the intended outcomes and the process for their implementation

Community consultation since 2005 has generally supported the growth of the village. Since 1 July 2006, there have been five subdivision approvals for the creation of a total of 27 residential lots in the 2(v) (Village Zone). There have also been eight approvals for dwellings. Whilst there is a small amount of vacant land remaining in the 2(v) village land use zone, some of it is unsuitable for further residential development primarily due to the shape of the lot and/or the location of existing dwellings.

The village provides an alternative to living in the large urban areas of Canberra and Queanbeyan. There are people in the region who are seeking a village lifestyle.

Section A-Need for the planning proposal

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

Currently there is no published strategic study or report. However, Council has prepared a *draft* Twenty Year Strategic Direction for the whole of the Cooma-Monaro local government area which most likely will be exhibited with the *draft* Local Environmental Plan. The draft is currently being reviewed as some circumstances concerning Michelago have changed. It is probable that the reviewed *draft* Twenty Year Strategic Direction will support the growth of the village of Michelago.

A Structure Plan to be developed by Council will determine the size of the future village, hard and soft infrastructure requirements and the type of land uses required. A Structure Plan would include matters such as:

- the size of the village, future character and areas for future residential development
- the type and amount of land that needs to be allocated to landuses such as recreation, water and wastewater management and waste management
- the amount of land required for commercial and public purposes
- the type and level of soft infrastructure (health, education, recreation and community services facilities and services required)
- road and drainage requirements
- water and wastewater requirements
- flood and groundwater studies

The development of the Structure Plan would enable Council to determine a plan for the inclusion of items in the management plan, provide guidance to developers and Council in regard to development proposals and government in regard to service and infrastructure requirements. The Structure Plan would also enable Council to ascertain the level of development contributions required and the items that would be sought with development contributions.

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

An amendment of the *Yarrowlumla Local Environmental 2002* is the only means of changing the landuse zone of the lot.

3 Is there a net community benefit?

The proposal is of benefit to the community as it will assist in the development of new residential development for which there is a demand and economic opportunities for the Cooma-Monaro local government area.

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 (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

There are no regional plans applying to this proposal.

2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan

There is no Strategic Plan for Cooma-Monaro Shire. As stated above Council has prepared a *draft* Twenty Year Strategic Direction for the whole of the Cooma-Monaro local government area. It is anticipated that this will be exhibited with the *draft* Local Environmental Plan. Cooma-Monaro Shire is a group 3 Council and accordingly a Community Strategic Plan will be completed in 2012.

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

Applicable State Environmental Planning Policies

<i>State Environmental Planning Policy</i>	<i>Consistency</i>
<i>State Environmental Planning Policy No 44—Koala Habitat Protection</i>	The flora and fauna assessment undertaken in 2003 did not identify any koalas on the lot. Koalas are highly unlikely to occur as the site's habitat is unsuitable.
<i>State Environmental Planning Policy No 55—Remediation of Land</i>	A stage 1 contaminated lands assessment has been undertaken in regard to the service station and it recommended that a stage 2 contaminated lands assessment be undertaken. A stage 1 contaminated lands assessment for the remainder of the lot will be required.
<i>State Environmental Planning Policy (Rural Lands) 2008.</i>	The subject lot is not state significant agricultural land. Additionally, the lot is only 6.705 hectares and contains an operating service station, motel and restaurant. This situation makes the lot unsuitable for agriculture. Given, the above it is suggested that whilst the Planning Proposal is inconsistent with the principles of the state environmental planning policy that the inconsistency is minor.

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

Applicable Ministerial Directions (Section 117 directions)

<i>Applicable Section 117 Ministerial Directions</i>	<i>Consistency</i>
1.2 Rural Zones The objective of this direction is to protect the agricultural production value of rural land	<i>Inconsistent</i> The subject lot is only 6.705 hectares and contains an operating service station, motel and restaurant. This situation makes the lot unsuitable for agriculture. The inconsistency is considered to be minor.
1.5 Rural Lands The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes.	<i>Inconsistent</i> The subject lot is only 6.705 hectares and contains an operating service station, motel and restaurant. This situation makes the lot unsuitable for agriculture. The inconsistency is considered to be minor.
2.1 Environment Protection Zones The objective of this direction is to protect and conserve environmentally sensitive areas.	<i>Inconsistent</i> The environmental assessments undertaken in 2003 did not identify any environmentally sensitive areas. The inconsistency is considered to be minor.
2.3 Heritage Conservation The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<i>Inconsistent</i> The Aboriginal cultural heritage assessment undertaken in 2003 did not identify any areas or items of cultural significance. The site does not contain a heritage item which is listed either at state or local level. The inconsistency is considered to be minor.
2.4 Recreation Vehicle Areas The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	<i>Consistent</i> The Planning Proposal will not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>)
3.1 Residential Zones 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.	<i>Inconsistent</i> The inconsistency is considered to be minor as the number of dwellings to be developed will be small.
3.3 Home Occupations The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	<i>Consistent</i> The <i>Yarrowlumla Local Environmental Plan 2002</i> permits home occupations without consent.

3.4 Integrating Land Use and Transport 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>Inconsistent</i> The inconsistency is considered to be minor as the number of dwellings to be developed will be small. Additionally, there is a daily bus service to and from Canberra and a school bus service which provides access to a range of Queanbeyan and Canberra schools.
4.4 Planning for Bushfire Protection The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	<i>Consistent</i> The lot is not mapped as being bushfire prone however, sloping land to the west of the lot is mapped as being bushfire prone. The bushfire assessment undertaken in 2003 makes recommendations for bushfire protection.
6.1 Approval and Referral Requirements The objective of this direction is to ensure that Local Environmental Plan provisions encourage the efficient and appropriate assessment of development.	<i>Consistent</i> The Planning Proposal does not contain concurrence, consultation or referral provisions.
6.2 Reserving Land for Public Purposes The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	<i>Consistent</i> The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	<i>Consistent</i> The Planning Proposal does not impose additional requirements to those in the <i>Yarrowlumlra Local Environmental Plan 2002</i>.

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?

A flora and fauna assessment was undertaken in May 2003. The report states “that there is no threatened flora or fauna issues present as an impediment to the rezoning of this land as part of the village zone, providing the ameliorative measures area adopted.” The ameliorative measures include either the banning or controlling of cats and the limiting of dogs to the building envelope. It is suggested that such measures are impractical.

It is recommended that if the Planning Proposal receives a Gateway Determination allowing it to continue, that the flora and fauna assessment including the recommendations be reviewed (including a site inspection) by a qualified ecologist who is experienced in the flora of the Southern Tablelands prior to the NSW Department of Planning being advised by Council of the results of consultation with the community and government agencies. It is not considered necessary to consult with the NSW Department of Environment, Climate Change and Water unless the review concludes that the site contains threatened species or an endangered ecological community.

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

Aboriginal cultural heritage

The Aboriginal cultural assessment was undertaken in May 2003. The report stated that “there are no Aboriginal or European cultural heritage constraints to the proposed redevelopment of the site of the Michelago Inn, Michelago, NSW”.

Since the assessment was undertaken there have been changes to the requirements concerning the assessment of Aboriginal cultural heritage.

It is recommended that if the Planning Proposal receives a Gateway Determination allowing it to continue that the property owners’ planning consultant be requested to discuss the existing assessment with the NSW Department of Environment, Climate Change and Water and undertake any required work prior to the NSW Department of Planning being advised by Council of the results of consultation with the community and government agencies.

Bushfire hazard assessment

As with the other environmental assessments it is a number of years since this report was prepared (July 2003). In this time there have been amendments to the legislation and policy concerning bushfire hazard assessment.

It is recommended that if the Planning Proposal is supported by the NSW Department of Planning that the property owners’ planning consultant be requested to discuss the

existing assessment with the NSW Rural Fire Service and undertake any required work prior to the NSW Department of Planning being advised by Council of the results of consultation with the community and government agencies.

Site and Soil Assessment (on-site effluent report)

The on-site effluent report was prepared in October 2003. Since the assessment was undertaken there have been changes to the accreditation of systems with the NSW Health Department. There are also changes to the *Local Government General Regulation 2005* and Council has adopted an On-Site Sewage Management Strategy in 2009.

It is recommended that an amended Site and Soil Assessment be prepared to encompass any relevant changes and to identify areas available and a reserve area for effluent disposal on each proposed lot. The amended report shall also include future management of the existing bore located on Lot 1 DP 790570 in relation to effluent disposal areas.

Contaminated Lands Assessment

A Stage 1 Contaminated Lands Assessment prepared for the service station was undertaken in 2008. The assessment recommended that a Stage 2 Contaminated Lands Assessment be prepared. As it is likely that the dwellings would be accessing groundwater in addition to rainwater it is imperative that this assessment be undertaken. Additionally, the remainder of the lot should have a Stage 1 Contaminated Lands Assessment undertaken at the same time.

Clause 58 Yarrowlumla Local Environmental Plan 2002

This clause requires that the visual impacts of development which is to be located within four hundred metres of the Monaro Highway is to be considered.

The residential development of Lot 1 DP 790570 would have a visual impact. It is recommended that consideration be given to this matter at the time the other assessments are being reviewed or undertaken.

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

Given the small number of residential lots (approximately 47 people) to be potentially created it is considered that the impact on existing community, health and emergency services will be minor – assuming that there is a mix of age and needs. It is not possible to comment on the impact on education services as it will depend on the ages of children, their needs and enrollment levels.

The potential increase in the human population and the range of experience and skills this will bring is likely to provide a benefit to the village and surrounds.

There will be a small economic benefit to the local retailers during the construction of the potential dwellings and once the dwellings are occupied.

Section D – State and Commonwealth interests

1 Is there adequate public infrastructure for the planning proposal?

The current level of public infrastructure is considered adequate given the small number of residential lots to be potentially created.

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

There has been no consultation with any State and Commonwealth public authorities.

Part 4 – Community Consultation

There has been no community consultation specifically relating to this Planning Proposal.

The Planning Proposal will be exhibited for 28 days. During the exhibition of the Planning Proposal, a community meeting will be held in Michelago village to discuss the Planning Proposal and the future direction of the village of Michelago. Council will organise and host the community meeting.

Additional information pertaining to the reclassification of land

If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

Not applicable.

The concurrence of the landowner, where the land is not owned by the relevant planning authority.

Not applicable.