

PLANNING PROPOSAL GUNDAGAI LOCAL ENVIRONMENTAL PLAN 2011

Part 1 - Objectives or Intended Outcomes

The primary objective of the PP is to amend the Gundagai LEP to allow for the activity of function centres to be undertaken with consent of Council in the RU1 Primary Production zone and to allow for the minimum lot size of 1500m² in the R1 General Residential zone to be reduced to 450m² where the land can be connected to the council reticulated sewer.

Part 2 - Explanation of Provisions

The PP would amend the Gundagai LEP in the following manner:

- (i) Amend the land use table for the RU1 Primary Production zone to remove the defined use of "Function centres" from item 4, prohibited and place it in item 3, permitted; and
- (ii) Amend part 4 – Principal development standards to include an additional clause under 4.1 – Minimum subdivision lot size, as follows:-
 - 4.1(5) The minimum lot size in the R1 General Residential zone may be reduced to 450m² where it can be demonstrated that the land can be connected to the Council's reticulated sewer.

Part 3 - Justification

Section A - Need for the Planning Proposal

Q1 - Is the proposal a result of any strategic study or report?

Comment: Part 1 of the PP is a result of a private landholder on a large rural holding in the primary production zone proposing to undertake a development on the land to provide some diversification and use of existing infrastructure that is no longer in use for any primary production purposes. Due to the nature of this proposal it is not considered necessary to undertake any form of strategic study.

Part 2 of the PP to enable the reduction in the minimum R1 lot size follows on from the preparation of the Gundagai Standard Instrument LEP. The strategic work underpinning the LEP has identified the land suitable for zoning as General Residential and as such the PP does not seek to rezone any further areas of land, but to better utilize that land already zoned and utilize existing Council infrastructure.

Q2 - Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Comment: It is considered that the PP is the best means of achieving the objectivess and intended outcomes as it involves only relatively minor textual amendments to the LEP, without any rezoning of land or changes to mapping.

With regard to the reduction of the R1 minimum lot size, while it would be possible to deal with applications for smaller lot size subdivisions utilizing Clause 4.6 of the LEP, this adds an additional burden of cost for the process and it is considered that Clause 4.6 would only be intended for use in relatively rare circumstances and not as the general process for subdivision application and assessment.

Section B - Relationship to Strategic Planning Framework

Q3 - Is the proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

Comment: There are no Regional or Sub-Regional strategies applicable to Gundagai at this time.

Q4 - Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Comment: The proposal is consistent with the zone objectives of the Gundagai LEP, which for the RU1 Primary Production zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage the efficient use and conservation of water resources.
- To protect significant scenic landscapes.
- To encourage development that does not adversely impact nearby agricultural activities.
- To protect, enhance and conserve the natural environment, including native vegetation, wetlands and wildlife habitat.
- To ensure development prevents or mitigates land degradation.

And the objectives of the R1 General Residential zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Q5 - Is the planning proposal consistent with applicable State Environmental Planning Policies?

Comment: It is considered that the PP is consistent with State Environmental Planning Policies.

Part 1 of the PP relative to the RU1 Primary Production zone is not at odds with the SEPP (Rural Lands) 2008. This SEPP is primarily concerned with the subdivision / fragmentation of rural lands and erection of dwellings on rural lands. The PP would not impact or create any issues with regard to these matters.

Part 2 of the PP relative to R1 General Residential zone is not affected by any specific SEPP.

Q6 - Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Comment: Ministerial s. 117 directions that would be relevant to this PP are:

Directions 1.2 & 1.5 – Rural Lands, 1 July 2009;

Direction 3.1 – Residential zones, 1 July 2009; and

Direction 6.1 – Approval & Referral requirements.

It is considered that the PP is consistent with the provisions of the relevant s. 117 directions.

Section C - Environmental, social and economic impact

Q7 - 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?

Comment: It is not considered that the proposal would not increase any likelihood of any adverse impacts on critical habitat, threatened species, populations or ecological communities or their habitats. While the proposal contains provisions to enable certain types of development, any future applications would be assessed on their merits under the provisions of the Environmental Planning and Assessment Act 1979.

Q8 - Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Comment: In general, any environmental effects would be identified and assessed following lodgement of development applications, as part of the normal DA process. It is not considered that the objectives or intended outcomes of the PP would create any specific environmental effects by virtue of the fact that those provisions were adopted.

Q9 - Has the planning proposal adequately addressed any social and economic effects?

Comment: Social effects of the proposal could be classified as beneficial. In the case of the proposed change in the RU1 zone, the type of development that would be permitted is an activity that would be generally well received by members of the local community as it would allow for such things as wedding receptions and other community functions to be held in the areas and settings that hold a lot of attraction for country for country people.

With regard to the lot size changes in the R1 zone it allows more flexibility in the use of existing land stocks to maintain and build on the current fabric of local communities.

Economic effects of the proposal would be beneficial in a number of ways. With regard to the proposed RU1 changes it allows an opportunity for rural land holders to find other ways of diversifying their incomes while still remaining on their land. This type of development would be relatively low impact and as such would not impose any additional costs on provision of public infrastructure.

Changes to the R1 minimum lot size would bring benefits to both the community and Council. The utilization of existing zoned land that can be connected to reticulated sewer will reduce development costs for housing and thereby make housing more affordable for a greater number of people. The utilization of existing infrastructure will in the longer term reduce costs for Council and provide a larger rate base to pay for the recurrent operating costs of the water and sewer infrastructure.

Based on a review of current land stocks within the R1 General Residential zone, there may be potential to develop in excess of 150 additional residential allotments over time without the need for additional construction of water and sewer infrastructure by Council.

Section D - State and Commonwealth interests

Q10 - Is there adequate public infrastructure for the planning proposal?

Comment: There is adequate public infrastructure to cater for both parts of the PP.

Q11 - What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Comment: Due to the nature and extent of the PP the views of State and Commonwealth public authorities have not been sought at this time. Formal consultation will be undertaken as required by the Gateway determination when received.

Part 4 - Mapping

The PP only deals with textual amendments and will not require any mapping changes.

Part 5 - Community Consultation

Subject to the requirements of a Gateway determination, community consultation will consist of public exhibition of the proposal for a minimum period of 30 days, in conjunction with any required public authority consultations. Following this a determination will be made as to the necessity for any public meetings to be held. A report will be prepared for Council to consider any matters identified during the exhibition process.

Part 6 - Project Timeline

The indicative timeline for completion of the project would be approximately five (5) months from the receipt of a Gateway Determination authorizing the project to proceed. This timeline would be subject to any particular time requirements imposed under the Gateway Determination.

It is considered this timeline would allow an adequate period to receive comments from agency consultations and undertake community consultation on the project.