



INVERELL
SHIRE COUNCIL

INVERELL SHIRE

Review of Living Lands Strategy



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This report has been prepared for:

Inverell Shire Council

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A. Amended LLS map

1 INTRODUCTION

Habitat Planning has been engaged by Council to provide a review of the *Living Lands Strategy* (LLS) prepared by HDB Planning in July 2009. The review is limited to the matters raised by the NSW Department of Planning (DoP) and any consequent changes required to the text and mapping to address the issues raised.

It is not the intent of this report to provide a complete review of the LLS, which the DoP has acknowledged to be comprehensive and soundly based.

Given our experience in the preparation of new Local Environmental Plans for a number of Councils throughout NSW over the past five years, we have also identified matters that have now become standard practice for dealing with some of these issues, to ensure that the strategic planning work undertaken for Inverell is consistent with current practice.

2 DEPARTMENT OF PLANNING ISSUES

The NSW Department of Planning (DoP) was provided with a copy of the LLS in July 2009. By letter dated 10th September 2009, the DoP advised that:

The Department's review of the strategy has found that, in general, the document has been well thought out and has employed planning principles that will ensure sustainable management of the Shires [sic] agricultural lands through the provision of strategically placed rural lifestyle allotments. Apart from this, the Department would like to provide the following comments for your consideration on how the strategy could be further developed:

- 1. Whilst the strategy has provided a constraint's [sic] analysis and found that a considerable amount of currently zoned residential, future residential and rural residential land is constrained by one or several physical attributes, an assessment of whether this land should be backzoned is not provided.*
- 2. The Department believes that the proposal to create RU4 land with a MLS [minimum lot size] of 4ha (with town water) would be contrary to the objectives of the proposed zone. One of the main objectives of the RU4 zone is 'to enable sustainable primary industry and other compatible land uses'. Essentially, this zone is intended for larger lot sizes that would enable productive agricultural use of the land. The proposed MLS of 4ha would in most cases, be inadequate to achieve this objective. It is suggested that such a lot size is more in keeping with the objectives of the R5 – Large Lot Residential zone. Alternatively, if Council wish to maintain the RU4 zoning, a MLS greater than [the] 4ha proposed could be considered to satisfy the objectives of the zone.*
- 3. Reference to Map 6 of the draft strategy shows several discrepancies with the proposed industrial growth areas as mapped in Council's Employment Lands Strategy (ELS). These relate to both proposed zoning changes and locations of buffer zones. An example of this is the draft LLS proposal to zone the 'Ring Street expansion' area as 'Rural Small Holdings', however this area has been identified in the ELS as an area for potential industrial*

expansion. These have been listed in greater detail on the attached map. It is important that Council have a consistent approach to the intended use of these areas and that this is reflected accurately in all of Council's strategic work.

4. *The potential zoning of the airport land as R5 Residential Large Lot (combination hangar/dwelling style development) will require careful consideration and investigation to ensure that this important piece of infrastructure will not be compromised.*

Consequently, it is considered that the review of the LLS should seek to address these issues and recommend revision of the text and/or mapping where appropriate, or alternatively, provide Council with further justification for the recommendations included in the LLS, to provide the DoP with a greater level of comfort with the recommendations.

The issues raised by the DoP are addressed below in the order raised in their correspondence.

2.1. EXISTING RESIDENTIAL LAND

It is noted that the LLS has identified constraints to the development of some of the existing urban zoned land within Inverell. These constraints may relate to the physical features of the land (slope etc) or natural hazards (such as flooding and bushfire). As well as physical constraints there are some areas such as South Inverell where market resistance to residential development is as much an impediment to development.

However, the LLS does not recommend that these lands be zoned to reduce their development potential or to prevent development that was previously envisaged on the lands (commonly referred to as 'back zoning'). The DoP has requested an assessment of whether these lands should be 'back zoned'.

The existing residential areas, however, do provide some opportunities for infill development and, in many cases, alternative housing forms (such as medium density) owing to their convenient location and the existing subdivision pattern in the area.

The demographics of Inverell are consistent with most regional centres in that they display an aging population and an overall decrease in household size. Over the next 10 to 15 years, these two factors will influence housing design and form and the market will need to deliver alternative housing styles to cater for these sectors of the market. The existing residential areas are ideally located to provide this style of housing, in close proximity to services and recreational areas.

The potentially constrained land in South Inverell comprises a number of larger allotments which total approximately 19 hectares in area. The areas are located south of Macintyre Street and to the east and west of Borthwick Street. These lands are located in close proximity to a substantial network of parkland and open space adjacent to Spring Gully, which joins into the Macintyre River parklands. The affected urban sites are currently zoned 2(a) (Urban Residential Zone) under the Inverell LEP 1988.

The aim of the 2(a) zone *is to set aside lands within Inverell township for predominantly residential purposes. Other uses to be permitted are to be compatible with the residential amenity of land within the zone.*

The objectives of the zone are:

- (a) *to make general provision to set aside land to be used for the purposes of housing and associated facilities;*
- (b) *to allow detailed provision to be made, by means of a development control plan, to set aside specific areas within the zone for varying housing densities as well as other associated urban and tourist facilities;*
- (c) *to allow a variety of housing types within existing and new residential areas;*
- (d) *to encourage greater visual amenity by requiring site landscaping and permitting a greater variety of building materials and flexibility of design; and*
- (e) *to allow development for urban purposes other than housing within the zone only if it does not detrimentally affect the character or amenity of the locality.*

Dwelling houses are the only development permitted without the need to obtain development consent. Uses that are prohibited in the zone are:

Abattoirs; aerodromes; animal boarding establishments, bulk stores; cemeteries and crematoriums; drive-in theatres; extractive industries; forestry; generating works; heliports; institutions; junk yards; liquid fuel depots; mines; motor showrooms; recreation vehicle areas; sawmills; stock and sale yards; timber yards; transport terminals; warehouses.

All other uses are permissible with consent in this zone.

Whilst the primary aim of the zone is to provide land for residential development, the land use table and the zone objectives envisage that other uses will be permitted, and are appropriate, within this zone. Of particular relevance to the current issue are objectives (b) and (e), which enable the development of *other associated urban and tourist facilities* and *urban purposes other than housing*.

The LLS does not attribute any residential development potential to the South Inverell land for the purpose of calculating existing residential land supply within the township. **This does not mean that the land has no development potential at all.**

The LLS recommends retention of the urban zoning of the land. The equivalent zone under the NSW Standard Instrument LEP is R1 General Residential. This zone, similarly to the current zone under the Inverell LEP 1988, also allows for a range of non-residential uses which provide facilities and services that are required by an urban population.

The South Inverell area has a considerable amount of public housing and there are a number of related community facilities and services that are likely to be required and which would be permissible and appropriate in the R1 zone.

Further, the land is located in close proximity to the township of Inverell and enjoys excellent vehicular accessibility via the urban road network and excellent pedestrian and

cycle accessibility via the network of open spaces and parks along the river and creek. The land has access to all urban services. The land is located between existing residential development to the south and open space to the north. Much of the land in the vicinity has been developed for residential development and these larger vacant allotments are anomalous to the residential character of the area.

In reviewing the LLS, we note that it identifies one of the natural constraints to the development of existing zoned urban land is the potential for flooding, particularly in parts of South Inverell. That area of South Inverell subject to flooding is not, in isolation, undevelopable unless the land is located within the floodway and the velocity of the floodwater is a danger to life and property. The subject lands are located some distance from the main flood channel of the Macintyre River and are **not** identified in Appendix Map 3 of the LLS as being located in an area of *“high flood hazard”*. Consequently, appropriately sited and designed development could be undertaken on the land without that development impacting upon the behaviour of floodwaters nor being susceptible to damage from flooding.

It is not considered appropriate for the land to be zoned for open space or environmental protection, given the low level of flood affectation and the existing urban character of the area. An open space zoning would require Council acquisition of the land, which is not warranted for this area given the abundant areas of open space already provided for the current and future residents; and the low level of flood hazard compared to other parts of the township.

Given that dwellings could be built on the land (subject to satisfying Council’s flood level controls and requirements) and that the land could be used for purposes other than dwellings under the existing controls, it is appropriate to recommend an equivalent zoning of the land under the new LEP so that current land owners are not unduly restricted in regard to the future use of their land, nor unduly financially penalised by reduction in land value.

Appropriate adjustment of the wording included in the LLS is recommended in Section 4 of this report, to ensure that there is no confusion regarding the retention of urban development potential, notwithstanding the constraints on the land.

2.2. RURAL SMALLHOLDINGS – 4 HECTARES

The LLS was prepared in 2009, prior to many new Standard Instrument LEPs being gazetted. Over that time, the standard practice of the DoP has been to restrict the use of the rural zones to land where rural production, rural landscape or rural activities are the primary purpose of the land.

Areas traditionally described as ‘rural living’ or ‘hobby farms’ are now considered by DoP to be more residential in nature and they commonly require that areas with this type of character are zoned as large lot residential areas, rather than rural areas.

The LLS includes a recommendation for the areas on the fringes of Inverell to be zoned RU4 – Rural Smallholdings, with varying minimum lot sizes (MLS) between 4 hectares and 12.5 hectares. The 4 hectare minimum is recommended for areas serviced by reticulated water, and the 12.5 hectares is recommended for areas not serviced by

reticulated water as this is the minimum area required to harvest sufficient water for stock and domestic purposes.

Whilst the Standard Instrument LEP allows areas which are zoned similarly to be subject to different minimum allotment sizes, it does not allow the use of additional descriptions in zones to differentiate between areas, such as “inner” and “outer” as contained in the LLS.

Consequently, there are three options available to address this issue:

1. Undertake analysis of the area serviced by reticulated water, or which could be readily serviced by extensions of the existing infrastructure, and zone those areas for denser development (such as R5 Large Lot Residential with a MLS of 4ha) and then apply the RU4 Rural Small Holdings zone to the areas unable to be serviced, with a MLS of 12.5 (or greater) hectares.
2. Apply the R5 zoning to the whole of the land recommended as RU4 Rural Small Holdings zone in the LLS and apply different MLS for the areas serviced and not serviced.
3. Apply the R5 zoning to the whole of the land recommended as RU4 Rural Small Holdings zone in the LLS and apply a MLS of 4 hectares, requiring **all** allotments created to be serviced by reticulated water. This would necessitate the extension of water services to enable subdivision and would ensure that the land is developed in an orderly fashion as services are able to be economically extended.

Whilst it is accepted that land owner demand in fringe areas is for a variety of lot sizes and the requirement to extend water would lead to subdivisions seeking to maximise yield to ensure a financial return on the land, it is considered to be a more efficient, sustainable and environmentally responsible course of action to ensure that the allotments are provided with reticulated water.

Given the location of the land recommended to be zoned as Rural Small Holdings and the extensive network of water infrastructure throughout those areas, it is considered appropriate for the third option to be adopted for these lands. This will involve a change of the mapping and text to amend the reference to these lands to R5 Large Lot Residential and recommend a minimum allotment size of 4 hectares. Other constraints, such as vegetation, slope, watercourses etc will be factored into design and will most probably lead to a variety of lot sizes between 4 and 10 hectares, notwithstanding the minimum available.

Section 4 details the changes required to the LLS to achieve the above.

2.3. MAPPING ANOMOLIES

The DoP has raised concerns with an anomalous situation in the LLS regarding several sites identified in a separate study (the Employment Lands Strategy, or ELS) as being potentially suitable for industrial expansion, or lands identified as part of a buffer to potentially offensive or hazardous land uses. It is not uncommon that land could reasonably, sustainably and economically be used for different (and sometimes seemingly conflicting) purposes. The LLS recognises that some of the land identified for industrial expansion could be alternatively used for residential purposes. The LLS also

acknowledges that there is some residential development already existing within 'best practice' buffers around potentially offensive or hazardous activities.

Since the DoP response on the LLS, Council has clarified that, of the sites identified as being subject to conflicting recommendations, the only area that is being considered for industrial development is the site in the north eastern area of Inverell, near Burtenshaw Road. Consequently, Council has advised the Department that in all other instances, the recommendations of the LLS will take precedence over the ELS.

The area in question represents a very small percentage of the land recommended for residential purposes and it is considered that its removal from the residential supply would have no impact upon the provision of a suitable level of residential lands to service the future needs of Inverell. It is also located in close proximity to existing industrial lands and/or conflicting land uses and the amenity value for residential development is consequently diminished.

Ensuring that Inverell has sufficient industrial land to cater for future growth in this sector is critical to the growth of the town. The ability to respond quickly to a demand for suitably located and serviced industrial land is required so that potential investment and growth is not lost to other regional centres.

2.4. LAND ADJACENT TO INVERELL AIRPORT

The LLS shows land adjacent to Inverell Airport as having potential for large lot residential development. The land is located on the north west edge of the airport in an area which contains some existing small holdings. The Department have queried the justification for this area to be included in a large lot residential area.

There has been some discussion of the site being used for the development of hangar/dwelling accommodation, although this is not identified in the LLS as a preferred development type for the area.

Given the importance of the airport to the future growth and development of Inverell, it is considered that, if proposed large lot residential development in this location was desired by Council, it should be subject to much more detailed investigations prior to any such zoning being applied.

It is therefore recommended that this area be identified in the LLS for investigation as future large lot residential development and that the land be zoned similarly to private land in the vicinity (i.e. a rural zone) until such time as a demand for, or a justification of, large lot residential development in the area is proven.

This would be best dealt with as a separate Planning Proposal, to avoid the potential for this matter to delay the principal LEP whilst the investigations are undertaken.

3 GENERAL ISSUES

Other issues arising from the LLS review include the following.

3.1 CURRENCY OF DATA

The LLS was prepared in 2009 and includes data from the Australian Bureau of Statistics (ABS) and Council in regard to population trends, dwelling construction etc. The baseline data used in the LLS is from a consistent time period and is therefore readily comparable.

The next Census is due to be held in August 2011, with raw data usually being filtered out from the ABS from six months after that date. Reliable data on a range of relevant matters is usually not available until 12 months after the Census, and the earliest that much of the baseline data could be updated is mid-2012.

More recent building and subdivision activity figures are available from Council; however, no newer statistical information is available from the ABS. If the LLS were to be updated in regard to some of the data, but not all of it, it would no longer have consistency and the value of the data would be diminished.

The LLS identified 5 and 10 year trends in the building and subdivision activity and has shown that these are relatively constant, with occasional fluctuations. Overall, the number of allotments produced and the number of dwellings constructed is constant and there appears to be no reason to assume that the figures from 2009-2011 would be greatly different to the figures used in the report.

The data contained in the 2009 LLS is still reliable and it is therefore considered that the data does not need to be updated.

3.2 MAP REFERENCES

At several points in the LLS, reference is made to "Map 7" in the Appendices. There is no Map 7 and it assumed that this is a referencing matter that has not been updated from previous drafts of the LLS. Map 6 in the Appendices shows the recommendations of the LLS and it considered that a simple "search and replace" exercise will ensure appropriate referencing to the Strategy Map.

3.3 RU6 TRANSITION ZONE

The RU6 Transition Zone in the NSW Standard Instrument Template is predominantly used to provide an area of transition between incompatible land uses or zones. It is not able to be used to define future development areas, as proposed in the LLS. As it is not intended to zone the land shown in orange on Map 6 as residential at this stage, these lands should be retained as RU1 Primary Agriculture to protect them from fragmentation in the short to medium term.

The lands can be identified in the LLS as future residential land, as it is a strategy document and can be used for reference in future rezoning, as the need arises. Retaining the land in the LLS as future residential lands gives the community a clear indication of the Council's future desires for that land.

This change will require an amendment to the wording of Section 7.7.

4 RECOMMENDATIONS

As outlined previously, it was not the purpose of this review to comprehensively re-write or question the analysis and recommendations contained in the LLS. The purpose of the review was to address issues raised by the DoP and to ensure that the LLS could be utilised as a sound background strategy to the preparation of the new LEP.

Our review has found that the LLS requires only minor changes and adjustment to address the issues and to provide background to the proposed LEP and zonings.

The following amendments to the LLS are therefore recommended:

1. That all references throughout the LLS to "Map 7" be amended to read **Map 6**.
2. That the wording in paragraph 1 of the executive summary be amended to remove all reference to "*Rural Small Holdings*".
3. That the last dot point on the bottom of Page 8 be amended to remove the reference to "*(inner)*" as such descriptions are not accommodated by the NSW Standard Instrument LEP.
4. That the second last dot point on page 9 be amended to remove the reference to "*RU4 Rural Small Holdings*" and that the words "*where reticulated water is available and minimum 12.5 hectares where no water is available*" be deleted.
5. That the reference to "*Rural Small Holdings*" be removed from the first sentence of the only paragraph on page 13.
6. That the reference to "*Rural Small Holdings*" be deleted from the last sentence of the last paragraph in Section 5.6 of the report (page 36).
7. That the second dot point in Section 6.1 (page 38) be amended to read ***Some land previously identified for urban purposes has not been developed for that purpose due to the constraints applying to the land (e.g. residentially zoned land with significant constraints to development); and ...***
8. That recommendations in Section 6.3 (page 41) relating to future industrial development in Burtenshaw Road be expanded to include the introduction of controls to manage the interface with adjoining low density residential land.
9. That the first dot point in relation to Future Residential Land on Page 56 be amended to read ***"To protect and maintain land that may provide opportunities for future residential growth for Inverell"***.
10. That the second dot point in relation to Future Residential Land on Page 56 be amended to read ***"to retain the rural zoning of the land to minimise fragmentation in the short to medium term"***.
11. That the title of Section 8 be amended by the deletion of the words "*and Rural Small Holdings*".
12. That the third sentence (currently commencing with *The new LEP will include a specific zone for "rural small holdings ..."*) of the second paragraph on page 58 be amended to read ***"the new LEP will not include a specific zone for "rural small holdings", but will instead apply the R5 Large Lot Residential to allotments***

which are considered to be appropriate for larger rural living style development, but which are not of a suitable size for extensive agriculture. Minimum allotment sizes will enable a variation of allotment sizes across this zoning and Council will control development to ensure the protection of the environment and the achievement of desired urban design outcomes (ie. Efficient use of the land and service provision, accessibility to community services and facilities, environmental management, amenity issues and compatibility of land uses etc)."

13. That the first sentence of the second paragraph on Page 60 be amended to read *"It is recommended that the area which has been identified as suitable for "rural living" style allotments (as shown in blue on Map 6 in the Appendices) be zoned R5 Large Lot Residential (as required by the Department of Planning) and that a minimum allotment size of 4 hectares be applied to the land. These allotments should also be required to connect to reticulated water, ensuring that development will occur efficiently as it becomes economic to extend these services. Lots of this size...."*
14. That subsection "vi." commencing on Page 60 be deleted in its entirety and that the following subsections be renumbered accordingly.
15. That the first sentence of the first paragraph on Page 61 be amended to delete the words *"and rural small holdings development"*.
16. That the first sentence of the third dot point on Page 62 be amended by the deletion of the words *"and rural small holdings"*.
17. That the first sentence of the last paragraph in Section 8.3 be amended by the deletion of the words *"and rural small holdings"*.
18. That an additional paragraph be added after the first paragraph of Section 8.4, which reads *"The R5 Large Lot Residential Zone has been applied to a range of rural fringe, rural living and hobby farming areas in the lands surrounding the township of Inverell. There are 3 different subdivision minimum standards proposed, ranging from 2000 square metres to 4 hectares, depending upon location and availability of services. The variation of lot sizes enables larger residential allotments of varying sizes to meet market demand and to address environmental considerations. The Department of Planning considers that allotments within the minimum allotment sizes proposed are residential in nature and discourages the use of the RU4 Rural Small Holdings Zone for those lands."*
19. That the title of Section 8.4.3 be amended to *"Residential Large Lots (4 Hectares) – (Zone "R5 Large Lot Residential" in the Standard LEP Template)"*
20. That the first paragraph of Section 8.4.3 be amended by the deletion of the words *"where reticulated water is available and minimum 12.5 hectares where no water is available"*.
21. That the last paragraph on Page 63 immediately after the dot points, be amended to change the words *"RU4 Rural Small Holdings"* to *"R5 Large Lot Residential"*.

22. That the last paragraph of page 64 be amended by the deletion of the last 2 sentences and their replacement with ***"Reticulated water is readily available to the majority of this land and should be provided as subdivision occurs. This will ensure that subdivision is managed efficiently by ensuring that the lots are only created as the extension of services enables the provision of water in a cost efficient manner."***
23. That the title of Section 9.1.2 be amended by the deletion of the words *"and Rural Small Holdings"*.
24. That the first sentence of the first paragraph on Page 65 be amended by the deletion of the words *"and rural small holdings"* wherever they appear.
25. That the second sentence of the first paragraph on Page 65 be amended by replacing the words *"Rural Small Holdings"* (at the end of that sentence) with ***"Large Lot Residential"***.
26. Inclusion of the amended Living Lands Strategy map.

5 CONCLUSION

The Inverell Living Lands Strategy provides a sound strategic basis for residential zoning through the new Inverell Local Environmental Plan. The DoP has advised that it *"has been well thought out and has employed planning principles that will ensure sustainable management of the Shires [sic] agricultural lands through the provision of strategically placed rural lifestyle allotments."*

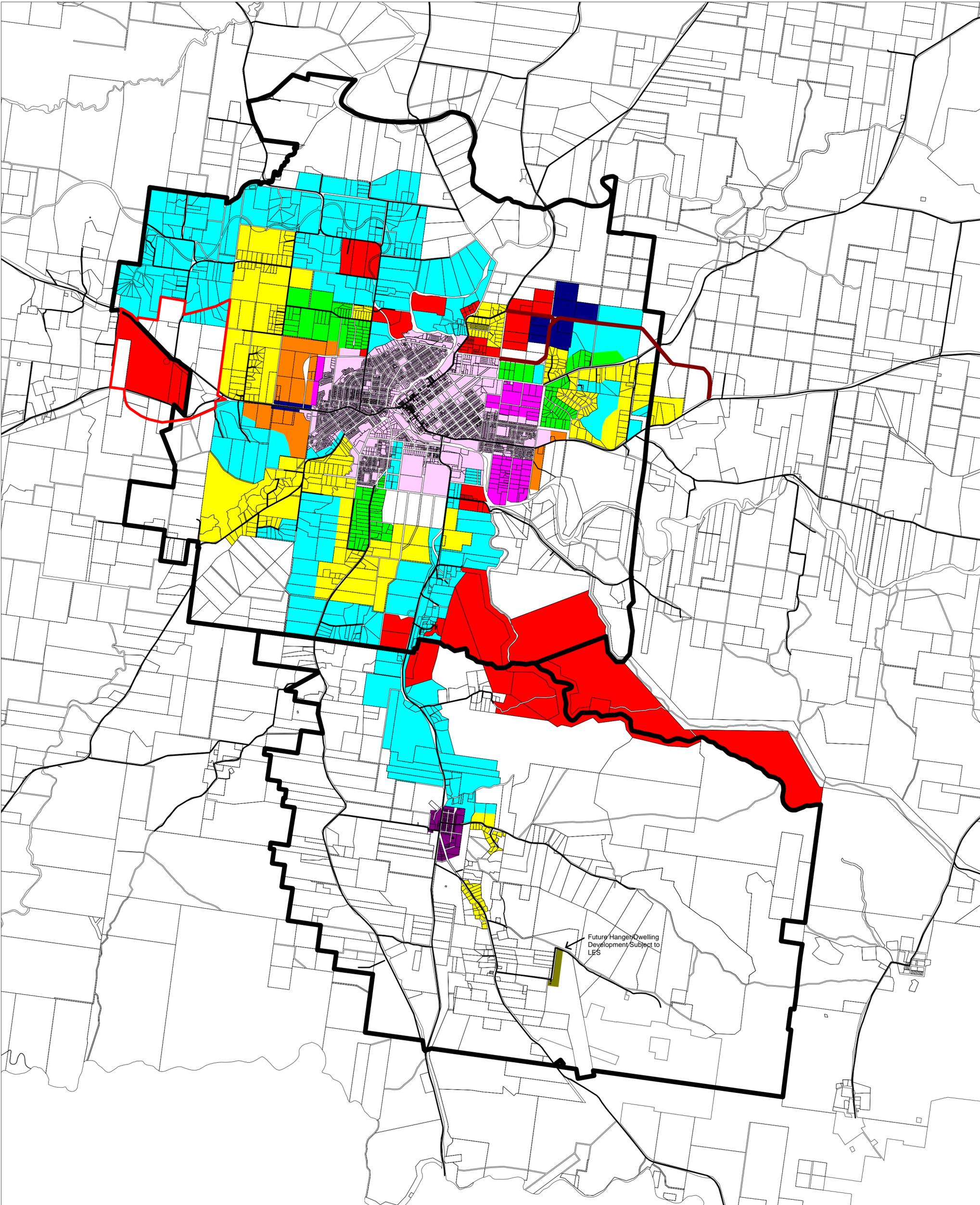
Consequently, this review has sought to address issues raised by the DoP and general issues arising from the passage of time since the preparation of the LLS in 2009, which has resulted in a difference between current practice and the wording of the LLS. We consider that the recommended amendments will address the concerns of the DoP whilst providing internal consistency to the document and will bring its recommendations in line with current practice in zone selection in Standard Instrument LEPS.

APPENDIX A

Amended Living Lands Strategy map

Inverell Living Lands Strategy

AS AMENDED BY LLS REVIEW SEP 2011



<p> R5 Large Lot Residential MLS - 1 Hectare Total Area: Approx 1,414 Ha</p>	<p> R5 Large Lot Residential MLS - 4 Hectares (Water Required) Total Area: Approx 2,846 Ha</p>	<p> Employment Lands Strategy</p>	<p> Parish Boundaries</p>
<p> R5 Large Lot Residential MLS - 2000m2 (Water & Sewer Required) Total Area: Approx 340 Ha</p>	<p> R1 General Residential to be re-zoned Total Area: Approx 153 Ha</p>	<p> Existing Non-Residential Land Use</p>	<p> Abattoir Buffer</p>
<p> Land currently Urban Based Zone under the Inverell LEP 1988</p>	<p> R1 General Residential (Strategy Only) Total Area: Approx 214 Ha</p>	<p> Village (Gilgai)</p>	<p> Proposed Heavy Vehicle Bypass (Future Strategy)</p>

N


Approx. Scale: 1cm = 500m Projection: GDA 94 (MGA Zone 56)

Planning: Brett McInnes, Director Civil & Environmental Services
 Mapping: Chris Faley, Planning Officer

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 (Amend. No. 1)