

Planning and Assessment

Gateway determination report

Gunnedah Gateway determination: PP_2020_GUNNE_001_00

Purpose: To recommend the Director, as delegate of the Minister, determine that planning proposal PP_2020_GUNNE_001_00 should proceed.

Analysis: The planning proposal seeks to rezone Lot 4 DP 954766, 19 Abbott Street, and the adjoining Little Barber Street road reserve, Gunnedah, from R3 Medium Density Residential to B4 Mixed Use and amend development standards. The planning proposal is considered to have merit and should proceed subject to conditions.

Approval required (if applicable): 1 October 2020

Reason for deadline (if applicable): The Gateway determination is to be issued by the above date, being 20 since receiving the planning proposal.

1. INTRODUCTION

LGA	Gunnedah
PPA	Gunnedah Shire Council
NAME	Rezone Lot 4 DP 954766, 19 Abbott Street, and the adjoining Little Barber Street road reserve, Gunnedah, from R3 Medium Density Residential to B4 Mixed Use and amend development standards (0 homes, 0 jobs)
NUMBER	PP_2020_GUNNE_001_00
LEP TO BE AMENDED	Gunnedah LEP 2012
ADDRESS	19 Abbott Street, and the adjoining Little Barber Street road reserve, Gunnedah
DESCRIPTION	Lot 4 DP954766 and the adjoining Little Barber Street road reserve
RECEIVED	3 September 2020
FILE NO.	IRF20/28494
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1.1 Description of planning proposal

The planning proposal seeks to rezone Lot 4 DP 954766, 19 Abbott Street, and the adjoining Little Barber Street road reserve, Gunnedah, from R3 Medium Density Residential to B4 Mixed Use. It is also proposed to amend the development standards to align with the adjacent B4 zone by removing the existing 450m² minimum lot size and applying a floor space ratio of 1.5:1.

1.2 Site description

Lot 4 is located on the corner of Abbot Street (Oxley Highway) and Little Barber Street, adjacent to the commercial centre of Gunnedah (Figure 1). The lot is approximately 1,500m² with a residential house, a separate detached storage building and a shed. The residence is currently used for a health services facility (Gunnedah Physiotherapy Centre). The subject site is approximately 120m to the main street, Conadilly Street, and under 300m to the B2 Local Centre area. Little Barber Street is a formed and sealed roadway.

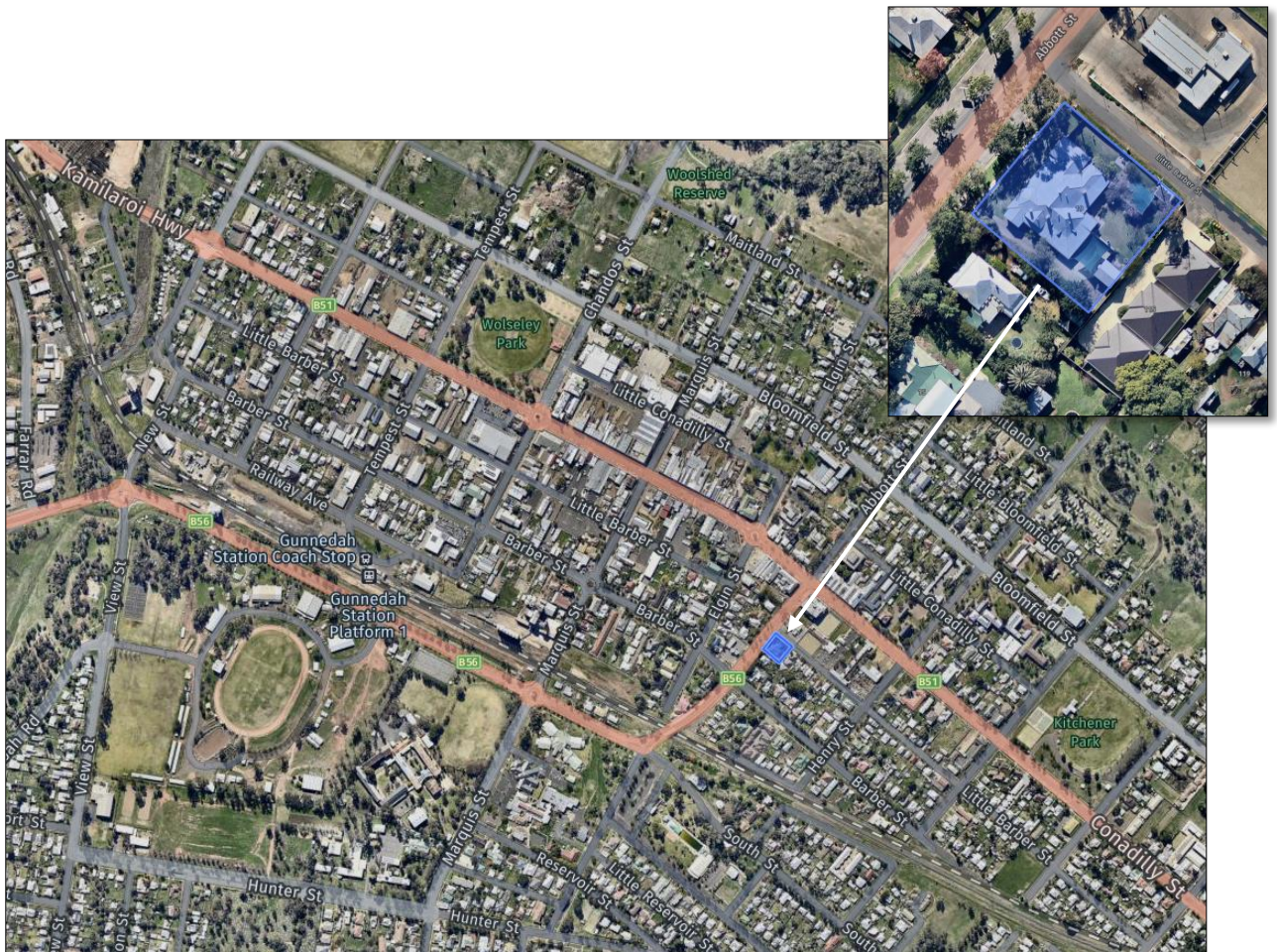


Figure 1 – Location 19 Abbott Street and adjoining Little Barber Street road reserve, Gunnedah
Source: <https://apps.nearmap.com/maps>

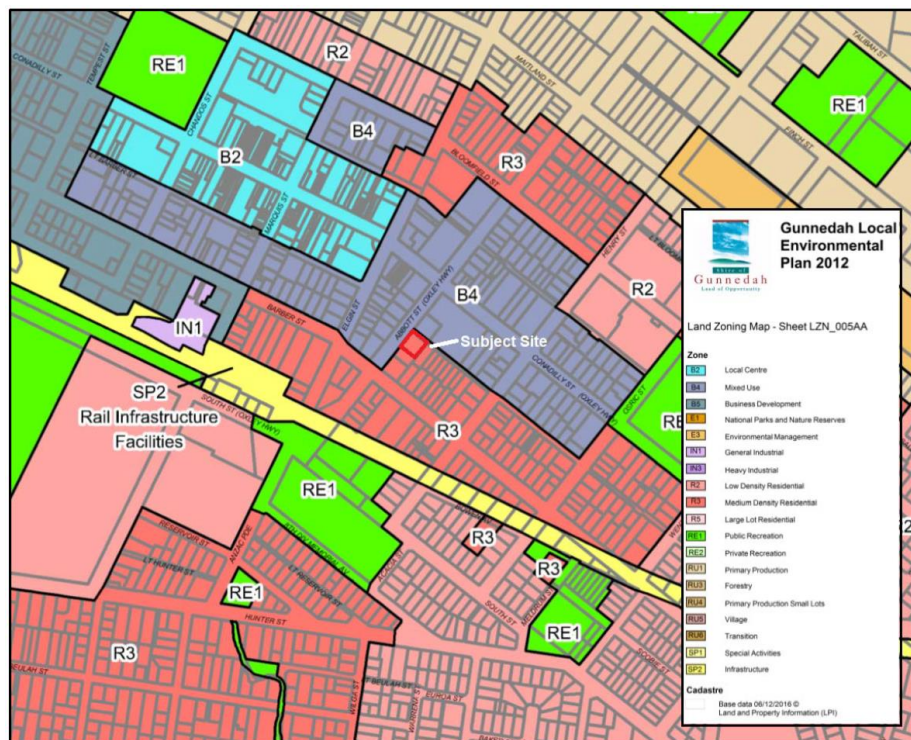


Figure 2 – Current Land Zoning
Source: Submitted PP

1.3 Existing planning controls

The subject land is currently zoned R3 Medium Density Residential (Figure 2) and has a 450m² minimum lot size (Figure 3). The land is not identified as bush fire prone or flood prone and is not listed as a heritage item in the Gunnedah LEP (GLEP) 2012.

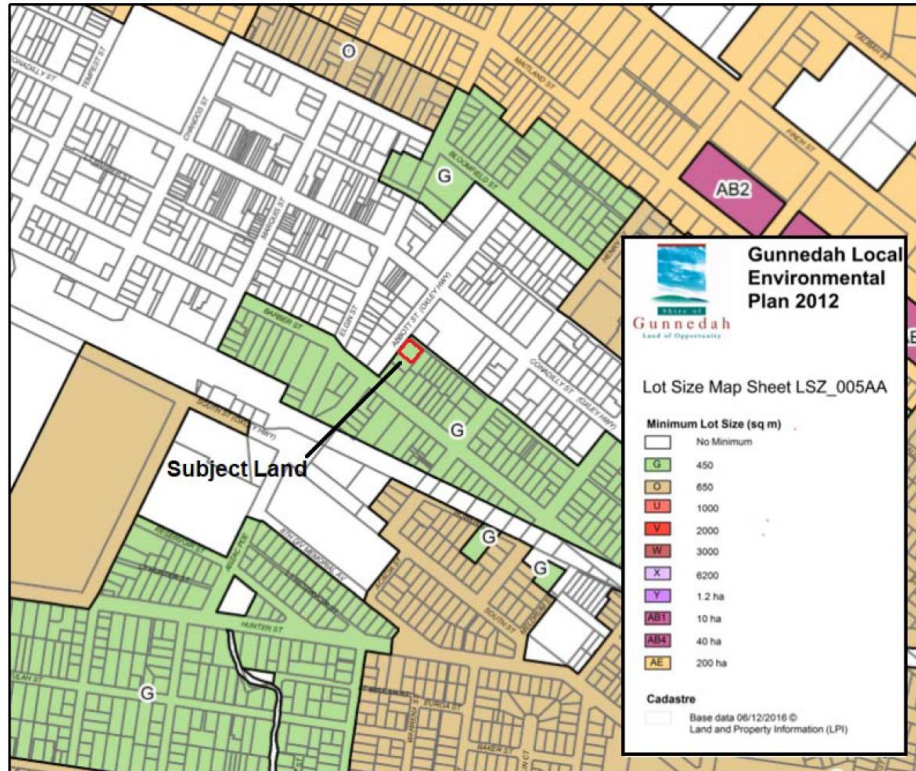


Figure 3 – Current Minimum Lot Size
Source: Submitted PP

1.4 Surrounding area

The immediate area to the south of the subject site is an R3 Medium Density Residential area; north-east and north-west (opposite sides of Abbott and Little Barber streets) is a B4 Mixed Use zone. Immediately to the north-east is a Caltex service station and the Services & Bowling Club and to the west a Mobil service station. Abbott Street is also identified as the Oxley Highway (Route B56) and the railway overpass is to the south-west of the subject site (Figure 4).

1.5 Summary of recommendation

It is recommended that the proposal proceed as:

- it involves only a minor extension of the existing B4 Mixed Use zone;
- the site is relatively close and can help reinforce the commercial town centre;
- a number of other non-residential and commercial uses are adjoining and adjacent to the site and the proposal is not out of character with those uses;
- the site has already been used for non-residential purposes (physiotherapy centre) for a number of years; and
- it will provide greater flexibility for the site's on-going future usage.



Figure 4 – Surrounding Area
Source: <https://apps.nearmap.com/maps>

2. PROPOSAL

2.1 Objectives or intended outcomes

The proposal adequately outlines the objectives of rezoning the subject site to B4 Mixed Use and amending associated development standards to provide greater flexibility for its future use consistent with its current non-residential use and other surrounding land uses.

2.2 Explanation of provisions

The proposal adequately explains the objectives of the planning proposal will be achieved by:

- amending the Land Zoning Map to B4 Mixed Use;
- amending the Lot Size Map so that no minimum lot size applies consistent with the adjoining B4 Mixed Use zone; and
- amending the Floor Space Ratio Map to apply a maximum FSR of 1.5:1 to the land consistent with adjoining B4 Mixed Use zone.

2.3 Mapping

The proposal contains maps which adequately identify for community consultation the subject land and illustrate the proposed changes to the Land Zoning Map, Minimum Lot Size Map and Floor Space Ratio Map.

Maps consistent with the Standard Technical Requirements will also need to be prepared before the making of the LEP amendment.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is needed to provide greater flexibility and facilitate the on-going non-residential use of Lot 4. The proposal confirms that a development application is being lodged concurrently with the planning proposal with a view to gaining consent for and regularising a commercial use of the subject site.

The proposal outlines 3 alternative approaches that could possibly achieve the intended outcomes including amending the current R3 Medium Density Residential zone land use table and identifying commercial activities on the land as an additional permitted use. The preferred approach was to rezone the land as it was considered that commercial premises were generally not consistent with the R3 zone objectives.

The B4 Mixed Use zone was identified as the most suitable land use zone as it would permit an appropriate level of commercial activity for the locality that was consistent and not out of character with the existing B4 Mixed Use zone adjoining the site.

4. STRATEGIC ASSESSMENT

4.1 State

The planning proposal does not contain any matters of state or regional significance and is not inconsistent with the Premier's Priorities.

4.2 Regional / District

The planning proposal is not inconsistent with the New England North West Regional Plan 2036 (NENWRP). In particular the proposal helps support Direction 7 Build strong economic centres.

4.3 Local

The proposal is consistent with the Gunnedah Shire Commercial and Industrial Land Strategy (August 2008) and the Gunnedah Urban Land Use Strategy (2016), Volume 2. The subject site is suitably located within proximity to two services stations (Figure 5) that are identified as key potential redevelopment sites in the Land Use Strategy and will not reduce the current employment zoned area. It is noted that neither strategy is however Department endorsed.

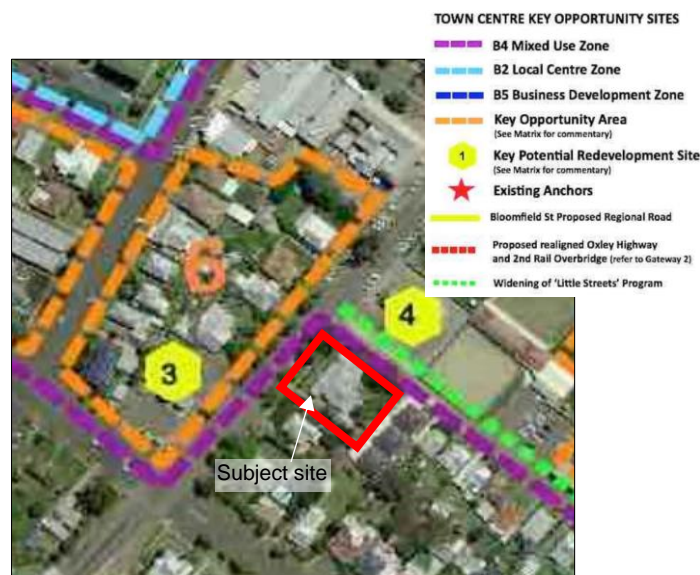


Figure 5 – extract from the Gunnedah Urban Land Use Strategy (2016) Vol 2.

The proposal is also not inconsistent with the Gunnedah Local Strategic Planning Statement Future 2040, and supportive in particular of PP2 Develop industrial, commercial and agricultural land and PP8 Re-imagine and re-energise the Gunnedah CBD. It is recommended however that prior to community consultation that the proposal be updated to address its consistency with the LSPS.

4.4 Section 9.1 Ministerial Directions

The proposal is considered to be consistent with all relevant s9.1 Directions except for the following.

1.1 Business and Industrial Zones

The proposal is inconsistent with this Direction as it does not ensure new employment areas are in accordance with a Department approved strategy. The inconsistency is considered to be of minor significance as the proposal:

- is adjoining the existing B4 Mixed Use zone;
- the site is already being used for business purposes;
- will not reduce the current employment zoned area;
- will not reduce the total potential floor space area for employment uses and related public services in business zones; and
- is not inconsistent with the NENWRP 2036 and Gunnedah LSPS.

3.1 Residential Zones

The proposal is inconsistent with this Direction as it is affecting land within the existing R3 Medium Density Residential zone. The inconsistency is considered to be of minor significance as:

- the site is already being used for business purposes;
- certain residential uses on the site can still occur in the future under the proposed B4 Mixed Use zone; and
- it is not inconsistent with the NENWRP 2036 and Gunnedah LSPS.

4.5 State environmental planning policies (SEPPs)

State Environmental Planning Policy (Koala Habitat Protection) 2019

The land is not affected by the SEPP as it is less than 1 hectare in size. The SEPP does however identify the site on the Koala Development and Site Investigation Area maps (Figure 6). It is noted that there is no vegetation proposed to be removed from the subject site associated with the proposal and it is considered that any future vegetation removal and potential koala impacts can be appropriately addressed at the development application stage by Council.

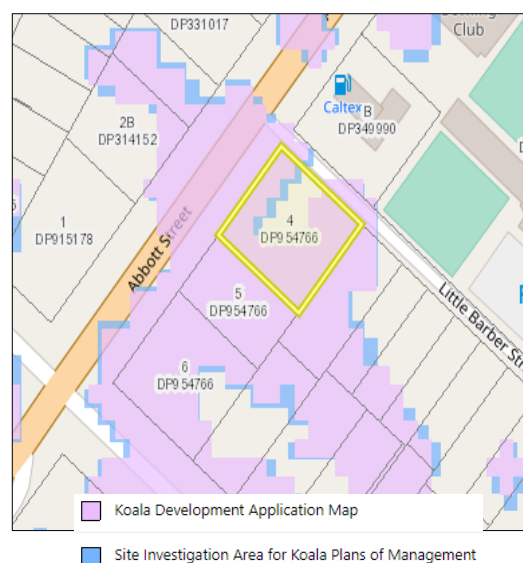


Figure 6 – SEPP (Koala Habitat Protection) 2019

Source: <https://webmap.environment.nsw.gov.au/Html5Viewer291/index.html?viewer=KoalaSEPP.htm5>

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The proposal confirms that a search of the Aboriginal Heritage Information Management System (AHIMS) has identified no Aboriginal sites on or within proximity to the subject site.

Rezoning the site to facilitate the on-going business use will have social benefits for the local community and surrounding villages by helping to reinforce the adjoining town centre and allowing people greater local access to professional services.

5.2 Environmental

No adverse environmental impacts are anticipated. The site is already developed, used for business purposes, is on a high traffic arterial route (Abbott Street/Oxley Highway Route B56) and no significant vegetation to be removed has been identified on the site. The site is not bushfire prone, identified as potentially contaminated or flood effected.

5.3 Economic

The proposal will have a positive impact economically as there will be ongoing employment opportunities for professional personnel. The proposal does not displace any employment lands and will not negatively impact upon other employment centres.

6. CONSULTATION

6.1 Community

It is considered that the community consultation period should be 14 days as a low impact proposal. Council will need to advertise the proposal via the Council's website, a local newspaper advertisement and adjoining landowners in writing.

6.2 Agencies

No agency consultation is considered necessary.

7. TIME FRAME

The proposal includes a project timeline which estimates completion of the LEP amendment by March 2021. It is considered that a nine month time frame for completion of the LEP amendment to ensure an adequate period to complete the proposal would be appropriate.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested that it be issued with an authorisation to exercise plan making functions. As the proposal deals only with matters of local significance it is considered appropriate that Council be provided authorisation to act as the local plan-making authority.

9. CONCLUSION

It is recommended that the proposal proceed as:

- it involves only a minor extension of the existing B4 Mixed Use zone;
- the site is relatively close and can help reinforce the town centre;
- a number of other non-residential and commercial uses are adjoining and adjacent to the site and the proposal is not out of character with those uses;
- the site has already been used for non-residential purposes (physiotherapy centre) for a number of years; and
- it will provide greater flexibility for the site's on-going future usage.

10. RECOMMENDATION



It is recommended that the Director, as delegate of the Secretary:

1. **agree** that any inconsistency with section 9.1 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones is justified in accordance with the terms of the Directions.

It is recommended that the Director, as delegate of the Minister:

1. **note** the planning proposal (**Attachment A**);
2. **determine** that the planning proposal should proceed subject to the following conditions:
 1. The planning proposal should be made available for community consultation for a minimum of 14 days.
 2. The time frame for completing the LEP is to be nine months from the date of the Gateway determination.
 3. Given the nature of the planning proposal, Council should be the local plan-making authority to make this plan.
 4. The Planning Proposal be amended prior to consultation to include a discussion on its consistency with Gunnedah Local Strategic Planning Statement Future 2040.
3. **sign** the Gateway determination (**Attachment B**) noting that Gunnedah Shire Council is the local plan-making authority and the letter to Council (**Attachment C**).

Approval

 Craig Diss Manager, Local and Regional Planning, Northern Region Date: 18-9-2020	 Jeremy Gray Director, Northern Region Local and Regional Planning Date: 28-9-2020
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Assessment officer: Helen Willis
Admin Para Planner, Northern
Phone: 5778 1489

Attachments

Attachment	Title
A	Planning proposal
B	Gateway determination
C	Letter to Council