

Gunnedah LEP 1998 Amendment No 25

Proposal Title : Gunnedah LEP 1998 Amendment No 25

Proposal Summary : The Planning Proposal seeks to reduce the minimum lot size for subdivision of Lot 84 DP 755503, 243 Stock Road, Gunnedah from 40ha to 3000m2 to permit the creation of approximately 22 low density residential allotments.

PP Number : PP_2012_GUNNE_001_00 Dop File No : 12/01598

Proposal Details

Date Planning Proposal Received :	11-Jan-2012	LGA covered :	Gunnedah
Region :	Northern	RPA :	Gunnedah Shire Council
State Electorate :	TAMWORTH	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	243 Stock Road		
Suburb :	City :	Gunnedah	Postcode : 2340
Land Parcel :	Lot 84, DP 755503		

DoP Planning Officer Contact Details

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RPA Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	Yes

MDP Number :		Date of Release :	
Area of Release (Ha) :	9.57	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	22	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
 If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
 If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **The land is currently zoned part 1(d) Rural (Future Urban) under the Gunnedah LEP 1998. The Planning Proposal intends to amend the LEP to reduce the minimum allotment size for Lot 84 DP 755503 from 40ha to 3000m2 to be more consistent with the surrounding subdivision pattern to the north and east.**

The subject site is approximately 9.57ha in area.

Council's Planning Proposal proposes to identify the subject land as having a minimum lot size of 3000m2 in Clause 12 (What are the provisions relating to the subdivision of land within Zone No 1 (c) for residential purposes?) of the Gunnedah LEP 1998 to permit the development. Council staff have confirmed that this is a typographical error and should refer to Clause 11 (Can land within Zone No 1 (a), 1 (b), 1 (d), 1 (f) or 7 (d) be subdivided?). This error will be corrected prior to public exhibition of the Planning Proposal.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcomes of the Planning Proposal to amend the Gunnedah LEP 1998 so that Lot 84 DP 755503 has a minimum lot size for subdivision of 3000m2, is adequately expressed.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal provides an explanation of the intended provisions to achieve its objective; however, this explanation is incorrect as it refers to the wrong clause. It outlines that Clause 12 of the Gunnedah LEP 1998 is proposed to be amended by adding a subclause that excludes the subject land from the current minimum lot size and apply a 3000m2 minimum lot size to the subject site. Council Staff have confirmed that his should refer to Clause 11 and the Planning Proposal will be corrected prior to public exhibition.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA : **1.2 Rural Zones**

* May need the Director General's agreement **1.5 Rural Lands**
4.4 Planning for Bushfire Protection

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified? **SEPP No 1—Development Standards**
SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Rural Lands) 2008
SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered : **The Planning Proposal is generally consistent with Council's Strategic Planning work. The Gunnedah Local Environmental Study Bridging Report 2010 recommends the land be rezoned for residential purposes. This Planning Proposal does not propose to rezone the land. It proposes to alter the minimum lot size for subdivision to allow for the development of the site for low density residential development.**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **The Planning Proposal currently does not include any maps as it proposes to amend only the written instrument to achieve its intended outcome.**

Prior to exhibition it is considered that the Planning Proposal should be amended to include appropriate maps identifying the subject land to better inform the public consultation process.

Maps identifying the subject site have been prepared by the Department's Regional Team and are attached to this report for information.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes to exhibit the Planning Proposal for 14 days. Notice is to be given in the local weekly newspaper and on Council's website. No specific community groups have been identified by Council for consultation.**

Given the nature of the proposed amendment, it is considered to be a low impact Planning Proposal and an exhibition period of 14 days as proposed by Council is considered to be appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment : **The Planning Proposal is considered to meet the adequacy criteria as all relevant information as outlined in s55 of the Environmental Planning and Assessment Act 1979 has been provided.**

Proposal Assessment

Principal LEP:

Due Date : June 2012

Comments in relation
to Principal LEP :

A certificate permitting the exhibition of the draft comprehensive Gunnedah LEP 2011 was issued to Council on 29 August 2011. Exhibition of the draft comprehensive LEP commenced on 19 October 2011 and finished on 30 November 2011. The draft Comprehensive LEP proposes to zone the subject site R5 Large Lot Residential with a minimum lot size of 3000m2.

The Regional Office is not aware of any submissions objecting to the proposed zoning or minimum lot size for this site or surrounding land arising from the exhibition of the draft comprehensive LEP.

If publication of this planning proposal occurs before the Comprehensive LEP, the LEP will be drafted to amend the existing Gunnedah LEP; otherwise the R5 zoning proposed through the Comprehensive LEP will apply. The exhibition of the amendment should reflect this.

Gunnedah Shire Council has also received LEP Acceleration Funding to help finalise its draft Comprehensive LEP.

Assessment Criteria

Need for planning
proposal :

The site has been identified as a residential growth area for Gunnedah in the draft Gunnedah Local Environmental Study 2003 and the Department endorsed Gunnedah Local Environmental Study Bridging Report 2010. The land was identified as being suitable for rezoning in these studies due to the existing fragmented land use pattern in the area, its proximity to the Gunnedah Township and the ability to extend services to the land.

Due to possible delays associated with the draft comprehensive LEP, Council has resolved to bring the potential development of the subject land forward in a separate planning proposal to help address the potential shortage of this type of residential land in the area. Anecdotal evidence indicates that demand for housing, and a choice of housing types, in Gunnedah is steadily increasing due to the continuing development of the Gunnedah coal basin.

Consistency with strategic planning framework :

The Planning Proposal is consistent with all State Environmental Planning Policies that apply to this land.

There is no Regional Strategic Plan that applies to the Gunnedah Shire.

Council has undertaken numerous strategic planning exercises to inform the preparation of their draft comprehensive LEP. This includes the draft Gunnedah Shire Local Environmental Study (LES) 2003 and the Gunnedah Shire Rural Strategy 2004 (endorsed by the Department). In 2010 Council prepared the Gunnedah Local Environmental Study Bridging Report that brought the recommendations from each of the studies and strategies together to become the overarching strategic planning document for the Shire. The Bridging Report was endorsed by the Department in 2010.

The Planning Proposal is generally consistent with the Department endorsed Bridging Report. The Bridging Report, which considered recent development pressures, refines the recommendation of the draft LES 2003 by stating that the 1(d) Rural (Future Urban) Zone should be converted to a residential zone when released. Although this Planning Proposal does not propose to rezone the land for residential purposes, the change in the minimum lot size will facilitate low density residential development and is therefore consistent with the intent of the endorsed strategy work.

The approach of reducing the minimum lot size without changing the zone is consistent with other Planning Proposals (PP_2011_GUNNE_005_00 and PP_2011_GUNNE_004_00). Council has advised that it wishes to await the gazettal of the draft comprehensive LEP to change the zone of this area in a single co-ordinated fashion rather than through a piecemeal approach. This is considered satisfactory.

Council identifies that S117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 4.4 Planning for Bushfire Protection apply to this Planning Proposal.

The Planning Proposal is considered to be consistent with S117 Direction 1.5 Rural Lands but inconsistent with S117 Direction 1.2 Rural Zones and 4.4 Planning for Bushfire Protection. The inconsistency with s117 Direction 1.2 is considered to be of minor significance and is discussed below.

S117 Direction 1.2 Rural Zones

The Planning Proposal is inconsistent with this Direction as it contains provisions that will increase the permissible density of land within a rural zone. The Planning proposal is considered to be justifiably inconsistent as a matter of minor significance due to its proximity to existing rural residential zoned lands, the existing zoning clearly identifying the land for future urban purposes and the small size of the subject land (9.57ha). The land currently adjoins the urban zone of the Gunnedah Township and is surrounded by rural residential lots to its east and north. The Planning Proposal therefore does not conflict with the objective of this Direction to protect the agricultural production value of rural land as no land currently being used for agriculture will be alienated.

S117 Direction 4.4 Planning for Bushfire Protection requires Council to consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act. Council has indicated that this will be undertaken. However until this occurs, the proposal remains inconsistent with the direction.

Environmental social economic impacts :

The Planning Proposal considers the environmental, social and economic impacts associated with the amendment and concludes no adverse impact. The Planning Proposal identifies that a positive social and economic impact is expected with the additional low density residential allotments adding to the housing choice currently available in Gunnedah and helping to meet the demand being generated by the development of the Gunnedah coal basin.

As the land is already cleared, it is unlikely that critical habitat or threatened species, populations or ecological communities or their habitats, will be subject to any increased impacts as a result of the Planning Proposal proceeding. Possible impacts of specific development will continue to be assessed as part of determining future development

applications for residential development on the land.

The land is not subject to flooding, is not bushfire prone and has not been identified as being affected by any potential contamination.

Assessment Process

Proposal type : **Routine** Community Consultation **14 Days**
Period :

Timeframe to make **6 Month** Delegation : **DDG**
LEP :

Public Authority
Consultation - 56(2)(d)
:

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover_Letter.pdf	Proposal Covering Letter	Yes
Council_Report.pdf	Proposal	Yes
Planning_Proposal.pdf	Proposal	Yes
Location_Map.pdf	Map	Yes
Potential_Subdivision_Layout.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.2 Rural Zones**
1.5 Rural Lands
4.4 Planning for Bushfire Protection

Additional Information : **It is recommended that:**

1. the Planning Proposal be supported;

2. the Planning Proposal be considered as 'low impact' and be exhibited for a period of 14 days;
3. the Planning Proposal be amended prior to public exhibition to include appropriate maps identifying the site;
4. the typographical error in Part 1 of the planning proposal be rectified by replacing reference to Clause 12 with reference to Clause 11, prior to proceeding with community consultation;
5. Exhibition of the LEP should make it clear that the Planning Proposal will either amend the existing Gunnedah LEP or be absorbed into the Gunnedah Comprehensive LEP, depending on timing;
6. the Planning Proposal should be completed within 6 months; and
7. the Director General (or an officer of the Department nominated by the Director General) agree that the inconsistency with s117 Direction 1.2 Rural Zones is of minor significance; and note that the inconsistency with Direction 4.4 will be resolved when Council consults with the Rural Fire Service.

Supporting Reasons : The proposed reduction in minimum lot size for a subdivision on the land reflects the strategic intent for the area identified under the Department endorsed Bridging Report. It is also expected that the proposal will have a positive social and economic impact with the additional residential allotments adding to the housing choice currently available in Gunnedah, thus helping to meet the demand for housing being created by the development of the Gunnedah coal basin.

Signature: _____

Printed Name: _____

Date: _____

