



Planning Proposal

Amend the minimum allotment size for Lot 84 DP 755503

Prepared by

Gunnedah Shire Council

3 January 2012

PART 1 – OBJECTIVES OR INTENDED OUTCOMES OF THE PROPOSED LEP

The objectives or intended outcome of the Planning Proposal are to amend the Gunnedah Local Environmental Plan (LEP) 1998 to alter the allotment size for Lot 84 DP 755503 (243 Stock Road, Gunnedah) to a minimum of 3,000m².

PART 2 – EXPLANATION OF PROVISIONS TO BE INCLUDED IN THE PROPOSED LEP

The objectives or intended outcome of the Planning Proposal are to be achieved by inserting after Clause 12(2):

- (4) Subclause (2) does not apply to Lot 84 DP 755503, known as 243 Stock Road, Gunnedah. The Council must not consent to the subdivision of that land unless each allotment created by the subdivision has an area of not less than 3000 square metres.

PART 3 – JUSTIFICATION

Section A. Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not the direct result of a Strategic Study or Report. This site however, has been identified as a growth area for Gunnedah in the Gunnedah Local Environmental Study 2003 and reinforced in the Gunnedah Rural Land Study 2007. The LES proposed the rationalisation and rezoning of extensive areas of land for rural residential lifestyle purposes. On the advice of the Department of Planning, Council identified specific areas that were contiguous with the existing rural residential area and the Gunnedah township, where the provisions of services can be achieved efficiently and where there is a demonstrated demand for such lots. The land subject to this Planning Proposal was part of this area identified.

The Draft Gunnedah Local Environmental Plan 2011 has been publicly exhibited and identifies the minimum lot size for the subject land as 3,000m². The owner of the subject land has submitted this proposal to ensure that any issues associated with the finalisation of the draft comprehensive LEP will not delay the assessment and gazettal of the proposed new land use framework for the subject land.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The subject land is currently zoned 1(d) Future Urban under the Gunnedah Local Environmental Plan 1998. Clause 11 of the GLEP 1998 stipulates that:

The Council must not consent to a subdivision of land to which this clause applies unless:

- (a) *in the case of land within:*
- (ii) *Zone No 1(d) an area of not less than 40 hectares, and*
- (b) *a ratio of depth to frontage satisfactory to Council, having regard to the purpose for which the allotment is, or is intended to be, used, and*

(c) where the allotment has frontage to an arterial road, a frontage to that road of not less than 400 metres,

and the land is free of noxious weeds to the council's satisfaction.

The existing minimum lot size requirement applying to the subject land constraints the efficient use of land suitable for urban large lot residential subdivision. An amendment to the minimum lot size requirement in this case is the only viable option to facilitate in the future development of this land.

3. Is there a net community benefit?

There is unlikely to be any overall change to the community benefit as a result of the change to the minimum lot size of this site. The planning proposal involves a small area of 9.57ha and will result in an increase of residential development opportunities within Gunnedah. The economic benefit arising from this future development will be considerable particularly due to Gunnedah's current and projected population growth with growing demand for new lots.

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 exhibited draft strategies)?

The Namoi 2030 Regional Resource Strategy was a joint initiative between Councils in the Namoi catchment for the purpose of producing a regional land use management strategy with a focus on sustainable growth. The report refers to the current and projected growth of the Gunnedah region; in particular the anticipated growth in mining and the impact this will have on local housing stocks. The impact of mining on the settlement patterns within the region are expected to be significant and it is anticipated that much of the demand for new housing will be facilitated by developers.

2. Is the Planning Proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Planning Workshop Australia was engaged by Gunnedah Shire Council to conduct a study to assess the effectiveness of land-use controls under the current (1998) Local Environmental Plan and recommend any required amendments. The review process also examined social and economic development trends in relation to the needs of the Shire and made recommendations in relation to zoning.

The study identified issues with regard to fringe development and the need to consolidate existing vacant lands within the urban hierarchy. The following is an extract from the reports recommendations:

Urban consolidation within existing settlements should be pursued as the primary form of residential development within the Shire. This is of particular relevance to Gunnedah Township where scope currently exists for infill development and development on existing

vacant land. This may comprise rezoning of small areas of land to higher density residential land uses. (Gunnedah LES 2004).

The report also recommended the current 1 (d) Future Urban Zone to be re-named 2 (c) Transitional Rural Residential, with a minimum lot size requirement of 2000m² to better manage residential development on the fringe of townships. While it appears that the recommendation to re-name the 1 (d) zoning has not been taken up by Gunnedah Shire Council the intent of the recommendation is in keeping with the representation made in this planning proposal with regard to a minimum lot size reduction for the subject site.

At the time this Study was written, Gunnedah had been experiencing a population decline for some years. The report projected that even if this trend reversed and population growth resumed there would still be a need to consolidate existing land stocks within the urban hierarchy in order to prevent unnecessary urban sprawl.

Gunnedah Shire Rural Strategy 2007

The Strategy outlines a rural vision, growth management philosophy, development principles, objectives, strategies and actions related to the strategic growth and development of the rural areas of the Gunnedah Shire. The Strategy aims to assist in co-ordinating the future development of the region by providing for an orderly and efficient supply of lands to satisfy demand and encourage efficient settlement hierarchies and economic development, in an environmentally acceptable way.

While the Strategy appears mostly focused on the strategic management of rural lands the proposed land rezoning is not considered to be inconsistent with the Gunnedah Shire Rural Strategy.

3. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is considered to be consistent with applicable State Environmental Planning Policies (refer to Appendix 1).

4. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is considered to be consistent with all the applicable S.117 Ministerial Directions, except for:

1.2 Rural Zones

This Planning Proposal is inconsistent with this Direction as it increases the permissible density of land with a rural zone. However, the inconsistency is considered of minor significance due to the small size (9.57 ha) and the Planning Proposal provides for only a moderate increase in density. The land is currently utilised for future urban purposes and is adjacent to residential zoned land in the Gunnedah Township. This Planning Proposal does not conflict with the objectives of this Direction due to the nature of the current land use and its proximity to agricultural land.

1.5 Rural Lands

This Planning Proposal is inconsistent with this Direction as it does not comply with State Environmental Planning Policy (Rural Land) 2008. The variation is considered of a minor nature as the subject land does not lend itself for agricultural purposes. The site is zoned 1 (d) Future Urban and is within a serviced area and is compatible with adjacent and surrounding land.

4.4 Planning for Bushfire Protection

The Direction requires that Council consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination.

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?

The Planning Proposal does not change the land use of the site, it only changes the minimum allotment size for the subject land. Therefore, it is unlikely that critical habitat or threatened species, populations or ecological communities or their habitats, will be subject to any additional adverse impacts as a result of the Planning Proposal proceeding.

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

The Planning Proposal does not change the land identified for large lot residential development, it only changes the minimum allotment size for the subject land. Therefore, it is unlikely that environmental factors (such as natural hazards like bushfire and land slip) and how they are addressed as part of a development will be significantly different to the current situation, should the Planning Proposal proceed.

3. How has the Planning Proposal adequately addressed any social and economic effects?

It is proposed to zone the subject land R5 Large Lot Residential under the Draft Comprehensive Gunnedah LEP, with a minimum allotment size of 3,000m². A positive social and economic effect is expected as a result from the Planning Proposal, with additional larger residential allotments becoming available for development adding housing choice within Gunnedah

Section D. State and Commonwealth Interests

1. Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal is expected to have a similar impact on existing infrastructure as residential subdivisions carried out under the current development standards. In terms of future subdivisions and associated need for new infrastructure, this would be required to be provided in similar manner and in accordance with Council's requirements.

2. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?

To be completed following consultation with the State and Commonwealth Public Authorities that may be identified in the Gateway Determination.

PART 4 – COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN

It is proposed to exhibit the Planning Proposal for 14 days, with notice of the public exhibition being given:

- in a newspaper that circulates in the area affected by the Planning Proposal – the “Namoi Valley Independent” newspaper, and
- on Council’s web-site at www.infogunnedah.com.au

Appendix 1 Consideration of State Environmental Planning Policies

The following SEPP's apply to the Gunnedah local government area, as at 22 February 2010.

SEPP	Applicable	Consistent
No. 1 Development Standards	Yes	Yes
No. 4 Development without Consent and Miscellaneous Exempt and Complying Development	No	Not applicable
No. 6 Number of Storeys in a Building	No	Not applicable
No. 21 Caravan Parks	No	Not applicable
No. 22 Shops and Commercial Premises	No	Not applicable
No. 30 Intensive Agriculture	No	Not applicable
No. 32 Urban Consolidation Re-development of Urban Land	No	Not applicable
No. 33 Hazardous and Offensive Development	No	Not applicable
No. 36 Manufactured Home Estates	No	Not applicable
No. 44 Koala Habitat Protection	Yes	Yes
No. 50 Canal Estate Development	No	Not applicable
No. 55 Remediation of Land	Yes	Yes
No. 62 Sustainable Agriculture	No	Not applicable
No. 64 Advertising and Signage	No	Not applicable
No. 65 Design Quality of Residential/Flat Development	No	Not applicable
Affordable Rental Housing 2009	Yes	Yes
Building Sustainability Index: BASIX 2004	Yes	Yes
Exempt and Complying Development Codes 2008	Yes	Yes
Housing for Seniors and People with a Disability 2004	Yes	Yes
Infrastructure 2007	No	Not applicable
Major Developments 2005	No	Not applicable
Mining, Petroleum Production and Extractive Industries 2007	No	Not applicable
Rural Lands 2008	Yes	Not consistent (refer to 2.4)
Temporary Structures and Places of Public Entertainment 2007	No	Not applicable