

MINUTES of Ordinary Meeting of Gunnedah Shire Council held on Wednesday 16 November 2011

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
GA Griffen C Fuller S Benham L Mills H Allgayer SJ Smith AJ Marshall	KJ Martin	T Duddy	

Committee Recommendation

Moved Councillor S Benham, seconded Councillor GA Griffen

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GA Griffen C Fuller S Benham L Mills T Duddy H Allgayer KJ Martin AJ Marshall		SJ Smith	

Council Resolution

Moved Councillor C Fuller, seconded Councillor GA Griffen

121.18 PROPOSED DRAFT AMENDMENT TO THE GUNNEDAH LOCAL ENVIRONMENTAL PLAN, 1998 - LOT 84 DP 755503, 243 STOCK ROAD, GUNNEDAH

Councillor Martin left the Council Chambers at this point due to a pecuniary interest in the following item.

Manager Development & Planning Report

POLICY	Nil
LEGAL	Environmental Planning & Assessment Act, 1979 & Gunnedah Local Environmental Plan, 1998
PLANNING DECISION	Local Government Act 1993 – Section 375A A division is required to be called whenever a motion for a planning decision, that is where an exercise of a function of Council under the Environmental Planning & Assessment Act, 1979 relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan, is put at a meeting of Council or a Council committee.
FINANCIAL	Nil

INTRODUCTION

This report is seeking Council's endorsement of a planning proposal to amend the minimum allotment size for Lot 84 DP 755503, 243 Stock Road, Gunnedah.

BACKGROUND

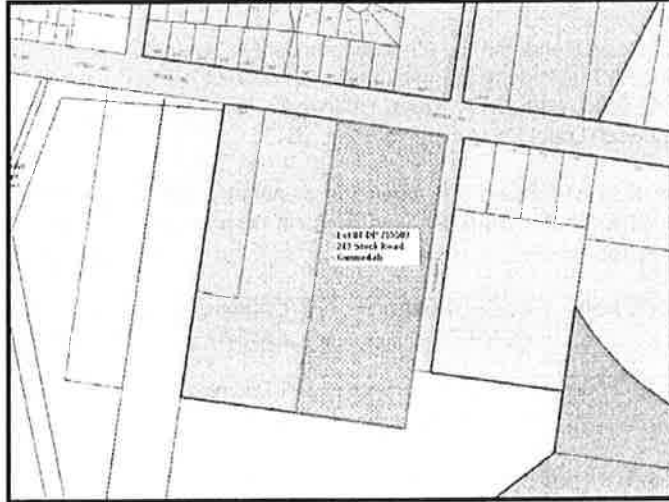
Council has received a planning proposal for Lot 84 DP 755503 (243 Stock Road, Gunnedah) on 10 October 2011. The site is currently zoned 1(d) Rural (Future Urban), under the provisions of the Gunnedah Local Environmental Plan, 1998. The applicant, Stewart Surveys Pty Ltd, is seeking to amend the minimum area of a lot created by subdivision within Lot 84 DP 755503 to 3,000m².

The Draft Gunnedah Local Environmental Plan, 2011 is currently on exhibition. However, there is concern with the consideration of the proposed rezoning in the context of the preparation of the Draft GLEP 2010, in that it may result in extensive delays. The owner's preference is for the planning proposal to proceed as a spot rezoning. This would ensure that any issues in the Draft GLEP 2010 that may be controversial, will not delay the assessment and gazettal of the proposed new land use framework for this site.

COMMENTARY

Context

The subject land adjoins land zoned 1(d) Rural (Future Urban). The site is currently occupied by a dwelling and associated residential outbuildings. It slopes gently to the north-west with water, sewer and drainage infrastructure established within the Stock Road.



Proposal

The applicant has requested that for the subject land, a minimum lot size of 3000m². A proposed plan of subdivision has not been prepared for the subject land.

Justification for Proposal

The proposed minimum allotment size is consistent with existing development along Stock Road and Kurrumbede Lane. The development of the site would provide additional larger residential allotments, in which there is a genuine demand for premium large-lot residential land in the area. In addition, the characteristics of the site include views and natural aesthetics that allow an attractive living environment.

It is also highlighted that the subject land is identified in the Draft Gunnedah Local Environmental Plan 2011 for large-lot residential development with a minimum allotment size of 3,000m². Consequently, the planning proposal is considered appropriate as it is consistent with Council's strategic direction for the area.

Planning Process

The Department of Planning has indicated that in order to facilitate development within the Shire, it would progress amendments through the "Gateway Process". This provides a more timely outcome than having to wait for the draft comprehensive LEP to be completed.

It is proposed to use "notwithstanding" provisions that will maintain the existing zoning but change the minimum allowable areas of a lot within this property. This spot rezoning proposal is consistent with the direction set in the overall planning strategies for the East Gunnedah area.

It is proposed that Council seek to make this amendment in accordance with Section 73A of the Environmental Planning and Assessment (EPA) Act, 1979. Section 73A allows for minor LEP amendments to be expedited, without the need to comply with all of the statutory procedures which normally apply to the preparation of an LEP amendment. Minor amendments to LEPs still require the approval of the Minister for Planning.

CONCLUSION

The planning proposal to amend the minimum allotment size on Lot 84 DP 755503 to 3000m² is considered to be consistent with Council's strategic planning for the locality. The development of the site will provide additional large-lot residential allotments in the area where genuine demand is being experienced. It is therefore recommended that Council forward the attached planning proposal to the Department of Planning for a Gateway Determination.

DETERMINATION OF THIS ITEM REQUIRES A DIVISION HAVING REGARD TO THE RECORDING OF VOTING ON PLANNING MATTERS AS REQUIRED BY SECTION 375A OF THE LOCAL GOVERNMENT ACT 1993

COUNCIL RESOLUTIONS:

1. That Council endorse the planning proposal to amend Gunnedah Local Environmental Plan 1998, to modify the minimum area of a lot created by subdivision within Lot 84 DP 755503, 243 Stock Road, Gunnedah, to 3,000m², in accordance with the Draft Gunnedah Local Environmental Plan, 2011.
2. That Council forward the amending planning proposal to the Minister for Planning, requesting that a Gateway Determination be provided in accordance with Section 56 of the Act.

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Committee Recommendation

Moved Councillor S Benham, seconded Councillor GA Griffen

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Council Resolution

Moved Councillor C Fuller, seconded Councillor GA Griffen

Councillor KJ Martin returned to the Council Chambers.