

Gunnedah LEP 2012 - Boundary Road Amendment

Proposal Title : **Gunnedah LEP 2012 - Boundary Road Amendment**

Proposal Summary : **This Planning Proposal seeks to amend the Gunnedah LEP 2012 by:**

- rezoning part of Lot 5 DP 828373, Boundary Road, Gunnedah, from RU1 Primary Production to R2 Low Density Residential;

- amending the minimum lot size map for Lots 1 and 5 DP 828373, Boundary Road, Gunnedah, to 6,000m2 for the land identified as proposed Lots 1-3 and 650m2 for the land identified as proposed Lot 5 on the Concept Sketch; and

- permitting the following land uses on the proposed Lots 1-3 on the Concept Sketch by amending Schedule 1 - Additional Permitted Uses of the LEP:

- i. Vehicle sales or hire premises**
- ii. Vehicle repair stations**
- iii. Warehouse or distribution centre**
- iv. Wholesale supplies**
- v. Highway service centre**
- vi. Function centre**
- vii. Landscaping material supplies**
- viii. Garden centre**

PP Number : **PP_2014_GUNNE_002_00**

Dop File No : **14/07106**

Proposal Details

Date Planning
Proposal Received : **29-Apr-2014**

LGA covered : **Gunnedah**

Region : **Northern**

RPA : **Gunnedah Shire Council**

State Electorate : **TAMWORTH**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Precinct**

Location Details

Street : **Boundary Road**

Suburb :

City : **Gunnedah**

Postcode : **2380**

Land Parcel : **Lots 1 and 5 DP 828373**

DoP Planning Officer Contact Details

Contact Name : **Jon Stone**
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RPA Contact Details

Contact Name : **Carolyn Hunt**
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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :	2.60	Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	0	No. of Dwellings (where relevant) :	46
Gross Floor Area :	0	No of Jobs Created :	60

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.**

Have there been
meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes : **The amendment to the Gunnedah LEP will enable the construction of a motor showroom, car sales yard and other commercial developments on the section of land with frontage to the Oxley Highway. It will also permit the expansion of residential zoned land on the northern section of the land. Council's endorsed development strategy for commercial and industrial growth does not support commercial development in this location.**

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 are adequately expressed for the proposed amendment to Gunnedah LEP 2012.**

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

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

Comment : **The Planning Proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.**

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

1.5 Rural Lands

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

6.3 Site Specific Provisions

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

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

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

e) List any other matters that need to be considered :

The New England North West Strategic Regional Land Use Plan applies to the Gunnedah LGA.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Maps have been provided with the Planning Proposal. They clearly show the current land zoning and minimum lot sizes applying to the site, the proposed land zoning and minimum lot sizes and a concept development plan for the land. It is considered that these maps are adequate for public exhibition.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The relevant planning authority has identified a 14 day exhibition period for the proposal. This is considered satisfactory.**

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 and accompanying documentation are considered to satisfy the adequacy criteria by:

- 1. Providing appropriate objectives and intended outcomes;**
- 2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Outlining a proposed community consultation program; and**
- 5. Providing a project time line.**

Council is seeking an authorisation to exercise its plan making delegations. As the Planning Proposal deals with matters of only local significance, it is considered appropriate that an authorisation to exercise its plan making delegations be issued to Council, if the Planning Proposal is supported.

Council has provided a project time line which estimates that the LEP will be ready for submission to the Department for finalisation in July 2014. To ensure an adequate period to complete the proposal, a 9 month time frame is recommended.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Gunnedah LEP 2012 was made on 29 June 2012.

Assessment Criteria

Need for planning
proposal :

There are two key components to this Planning Proposal:

- 1. rezoning part of the land to R2 Low Density Residential; and**
- 2. amending Schedule 1 Additional Permitted Uses to allow a variety of commercial uses on part of the land.**

The proposed rezoning of part (2.6ha) of the site to R2 Low Density Residential with a 650m2 minimum lot size is supported. The additional commercial uses on the site are not supported.

Proponents for this development first proposed the rezoning of the subject land for commercial purposes to Council in 2010. At the time Council staff recommended refusing the proposal as it was inconsistent with the strategic direction outlined in the Gunnedah Commercial and Industrial Land Use Strategy 2008 (2008 Strategy). Council deferred its consideration of the matter in order to prepare the Gunnedah Satellite Development Strategy Report (Satellite Strategy). The Satellite Strategy was prepared in response to requests from developers to establish commercial development outside the Gunnedah CBD and adjoining 'West End Precinct'.

The Satellite Strategy made recommendation for the subject land that included:

- The site is not considered to be appropriate for general commercial/retail purposes;**
- Council to take a watching brief of the initiatives identified in the 2008 Gunnedah Commercial and Industrial Land Use Strategy to ensure opportunities for redevelopment of existing zoned commercial land occurs within a reasonable time frame; and**
- If opportunities for redevelopment do not occur Council consider, amongst other things, a levy on existing commercially zoned land to encourage consolidation of land.**

Council has not endorsed the Gunnedah Satellite Development Strategy Report.

Both the Gunnedah Commercial and Industrial Land Use Strategy 2008 (approved by the Director General) and the subsequent Gunnedah Satellite Development Strategy Report have recommended against commercial development in this area. Council also identifies in the submitted Planning Proposal that the locality is not considered suitable for a business or commercial type zoning. Council has resolved to seek a Gateway Determination for this Planning Proposal that will permit a variety of commercial developments on the site despite the recommendations of its strategic planning work.

Consistency with strategic planning framework :

The Planning Proposal is considered to be consistent with the New England North West Strategic Regional Land Use Plan. The residential rezoning component of the Planning Proposal is considered to be consistent with Council's Local Environmental Study Bridging Report which was endorsed by the Department in 2010.

The amendment to Schedule 1 Additional Permitted Uses to allow various commercial developments on part of the site is considered inconsistent with Council's two key pieces of strategic planning work that make recommendations about the future of commercial and industrial development in Gunnedah. They include the Gunnedah Commercial and Industrial Land Use Strategy 2008 that has been adopted by Council and approved by the Director General and the Gunnedah Satellite Development Strategy Report that has been 'noted' by Council but not endorsed or adopted.

The Gunnedah Commercial and Industrial Land Use Strategy 2008 (2008 Strategy) identified the need for additional retail and commercial floor space and highlighted that the town centre is the commercial and social focus of Gunnedah. The Strategy states that "In order to maximise the potential benefits from additional retail development, it will be important to ensure that development is located appropriately and contributes to the accessibility and amenity characteristics of the town centre."

The 2008 Strategy also states that the objectives for commercial and retail activity relate primarily to the Gunnedah town centre and include:

- the focus of the town centre is to provide a range and diversity of commercial, retail and community facilities, including bulky goods, commensurate with its role as a district level centre;
- the provision of an attractive, safe and accessible environment for visitors;
- the protection and enhancement of the historic character of the town centre and Township; and
- development should contribute to the consolidation of a compact town centre.

The 2008 Strategy highlights strategic principles for retail, commercial and industrial areas of the Gunnedah Township to provide a clear set of guidelines and parameters for the location, design, structure and management of existing and future development. Specific principles for the planning and management of the town centre have been developed in order to ensure that benefits derived from activities within it are maximised. These principles are as follows:

- Additional commercial and retail development, particularly anchor stores, will be located within the core town centre area;
- Underutilised sites in the west end service sector will be redeveloped and revitalised and used for bulky goods development;
- The preferred location for light industrial, manufacturing and trade services businesses will be in the consolidated industrial precinct west of the town centre; and
- Residential activity within the West End Precinct will be rationalised to achieve a clearer separation of residential and industrial activities.

The Gunnedah Satellite Development Strategy Report (Satellite Strategy) was prepared in response to requests from developers to establish commercial and industrial developments outside of the Gunnedah CBD and West End Precinct. It focussed on the East Gunnedah (the subject land) and the North-west and West Gunnedah.

The Satellite Strategy developed a selection criteria for suitable locations for commercial development in Gunnedah. It recommends Council consider the following points when providing additional commercial land:

- Developments that provide concentration employment opportunities or generate significant community patronage should be located within the commercial centres. Out-of-centre development is inconsistent with this intent. It can diminish town vitality and detract from economic growth by diluting public and private investment in centre related activities, facilitates and infrastructure;
- An assessment of the existing zoned commercial land that is currently that is currently not being used for commercial purposes;
- The locations of major attractions in the town centre needs to be encouraged as new

investment will assist in upgrading facilities, and to encourage high quality design and amenity improvement;

- The need to achieve a compact CBD;
- The need to provide commercial focus and contiguity to the prime retail street;
- Encouraging economic vitality through increased linkages;
- The location of additional floor space must ensure the commercial areas are not disjointed and lack cohesion; and
- New bulky goods development should be confined to business zoned land which help ensure centre vitality, viability and sustainability of existing centres and not allow the encroachment of more business orientated land uses into industrial zoned land.

The Satellite Strategy acknowledges that "the development of a motor showroom and vehicle sales yard, is therefore not considered to be consistent with the strategic direction outlined in the Gunnedah Commercial and Industrial Land Use Strategy 2008 nor the planning principles identified in Section 7 (see dot points above) of this report and as such support for the proposal would be considered poor planning practice."

It is considered that alternative sites for the commercial development proposed on this site are also available in more suitable areas of Gunnedah. Some would require land consolidation and would not be on 'greenfield' sites. Such sites may be available in the area surrounding the Gunnedah CBD that are zoned B4 Mixed Use or in the 'West End Precinct' as identified in the 2008 Strategy. The 'West End Precinct' is currently zoned B5 Business Development and has a mixture of existing uses including commercial, residential and light industrial. Some 'greenfield' opportunities in the existing industrial areas to the west and north-west of Gunnedah could also be available.

The Planning Proposal is considered to be consistent with all relevant SEPPs. Council has identified that it is consistent with all and applicable section 117 Directions, except in relation to Directions 1.2 Rural Zones, 1.5 Rural Lands, 4.3 Flood Prone Land, 6.3 Site Specific Provisions. In addition, the Planning Proposal is considered to be inconsistent with Direction 3.4 Integrating Land Use and Transport as discussed below:

1.2 Rural Zones

The proposal is inconsistent with this Direction as it rezones land from RU1 Primary Production to R2 Low Density Residential. This inconsistency is considered to be of minor significance due to the small quantity of rural land involved (2.6ha), its location adjoining existing R2 Low Density Residential zoned land and as it is not currently, or likely to be used in the future, for any viable agricultural activities.

1.5 Rural Land

The proposal is inconsistent with this Direction as it will affect land within an existing rural zone contrary to the Rural Planning Principles and Rural Subdivision Principles of the SEPP (Rural Lands) 2008. This inconsistency is considered to be of minor significance due to the small quantity of rural land involved (2.6ha), its location adjoining existing R2 Low Density Residential zoned land and as it is not currently, or likely to be used in the future, for any viable agricultural activities.

4.3 Flood Prone Land

The proposal affects land that is likely to be below the flood planning level as defined by the Gunnedah LEP 2012 as it is likely to be within the 500mm freeboard of the existing 1% AEP mapped flood level. Further investigation into the impacts of flooding on the site will be required at subdivision stage. Due to the small area likely to be affected the inconsistency with this direction is considered to be minor.

6.3 Site Specific Provisions

Council has identified that the Planning Proposal is inconsistent with this Direction. Although not supported, the amendment to Schedule 1 Additional Permitted Uses to permit the commercial development on the site is considered to be consistent with this direction as it would allow the land uses on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

3.4 Integrating Land Use and Transport

The proposal affects provisions relating to urban land by including additional uses on residential zoned land and does not include provisions that give effect to and are consistent with the aims, objectives and principles of:

(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and

(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).

No discussion is evident in the Planning Proposal as to how the proposal has addressed these documents. The location of the proposed commercial development is isolated and does not provide opportunity for access or linkages to other commercial areas in Gunnedah.

In addition to these Directions, 1.1 Business and Industrial Zones is also of relevance.

1.1 Business and Industrial Zones

Although this direction does not apply as it is not proposed to rezone the subject land for a commercial purpose, it is considered that the intent and the proposed outcome would have a similar affect due to its use of Schedule 1. The Planning Proposal is inconsistent with the intent of this direction as it proposes a new employment area that is not supported by a Strategy endorsed by the Director General.

Environmental social
economic impacts :

The subject land has no significant natural vegetation and has been extensively disturbed through past agricultural uses, mainly grazing. The land is not subject to bushfire hazard. Council's flood prone land map indicates the site is not subject to a 1% AEP flood event. However, the potential residential lots in the north of the site could be likely to be below the flood planning level that is the 1% AEP plus 500mm freeboard. The potential impact of flooding is considered to be minor and can be mitigated through development controls.

The Proposal to rezone the land from RU1 Primary Production to R2 Low Density Residential would likely result in a positive social outcome by providing additional housing choice within Gunnedah. The additional residential development would also likely have a positive economic impact on the local building industry.

The proposed commercial development, while likely to support a small increase in economic activity, is not considered likely to have a significant positive economic or social impact in the long term due to its proposed location and specifically as:

- The site is isolated from other existing commercial developments;
- The site does not provide any significant opportunity for future commercial growth;
- The site adjoins existing residential development;
- Other appropriately zoned areas within Gunnedah (the West End Precinct, West and North-west Gunnedah) provide more appropriate locations for the types of development proposed; and
- Council identifies within the Planning Proposal that it does not consider the locality suitable for a commercial type zoning.

Assessment Process

Proposal type :	Inconsistent	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :			

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

(2)(a) Should the matter proceed ? **No**

If no, provide reasons : **It is recommended that the amendment to Schedule 1 Additional Permitted Uses for this Planning Proposal not proceed but the rezoning of the land to R2 Low Density Residential and the change to the minimum lot size to 650m2 be supported.**

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
2014-04-22 Cover Letter.pdf	Proposal Covering Letter	Yes
2014-04-22 Planning Proposal.pdf	Proposal	Yes
2014-04-22 Proposed Zoning and MLS Maps.pdf	Map	Yes
Location Map.pdf	Map	Yes
2014-04-22 Council Report March 2014.pdf	Proposal	Yes
2014-04-22 Council Report February 2011.pdf	Proposal	Yes
2014-04-22 Council Report December 2010.pdf	Proposal	Yes
Gunnedah Satellite Development Report - Dec 2011.pdf	Study	Yes
Gunnedah Shire Commercial and Industrial Land Use Strategy - August 2008.pdf	Study	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
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land
6.3 Site Specific Provisions**

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

- 1. The Planning Proposal be supported to the extent that it only rezones part of the subject land from RU1 Primary Production to R2 Low Density Residential and amends the minimum lot size for that area to 650m2;**
- 2. The Planning Proposal is not support to the extent that it amends Schedule 1 Additional Permitted Uses to allow the proposed commercial land uses;**
- 3. The Planning Proposal be exhibited for a period of 14 days;**
- 4. The Planning Proposal should be completed within 9 months;**
- 5. That an authorisation to exercise delegation be issued to Council as the revised Planning Proposal is dealing with matters of local significance ;**
- 6. The Director General, or his delegate, approve the inconsistency with section 117 Direction 1.2 Rural Zones, 1.5 Rural Lands and 4.3 Flood Prone Land as matters of minor significance.**

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Supporting Reasons :

The Planning Proposal is supported in relation to the rezoning of land to R2 Low Density Residential as it increases the size of an existing residential area that can be serviced by Council infrastructure and will help provide additional housing choice.

The additional commercial uses for the site are not supported as it is inconsistent with Council's adopted (and Director General approved) Gunnedah Commercial and Industrial Land Use Strategy 2008, as well as the recommendations of Council's Gunnedah Satellite Development Strategy Report. It is considered that opportunities to explore alternative sites for this type of development are available in more appropriate locations of Gunnedah as identified in Council's strategic planning work.

Signature: _____



Printed Name: _____

Craig Diss

Date: _____

2/5/14