

Shire of  
**G u n n e d a h**  
Land of Opportunity  

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## Planning Proposal

- Rezone part of Lot 5 DP 828373, Boundary Road  
Gunnedah
- Amend the Minimum Lot Size Map for Lots 1 & 5 DP  
828373, Boundary Road Gunnedah
  - Amend Schedule 1 -  
to include identified permitted uses

Prepared by

Gunnedah Shire Council

15 April 2014

## ***PART 1 – OBJECTIVES OR INTENDED OUTCOMES OF THE PROPOSED LEP***

The objectives or intended outcome of the Planning Proposal are as follows:

- to rezone part of Lot 5 DP 828373, Boundary Road, Gunnedah from RU1 Primary Production to R2 Low Density Residential;
- to amend the minimum lot size map for Lots 1 and 5 DP 828373, Boundary Road, Gunnedah, to 6,000m<sup>2</sup> for the lots identified as proposed Lots 1-3 on the Concept Sketch No. 7 (prepared by Bath Stewart & Associates) and 650m<sup>2</sup> for the lot identified as proposed Lot 5 on the Consent Sketch No. 7 (prepared by Bath Stewart & Associates) (attachment 1); and
- amend Schedule 1 of the Gunnedah Local Environmental Plan (LEP) 2012 to include the following permitted land uses on the lots identified as proposed Lots 1-3 on the Concept Sketch No. 7 (prepared by Bath Stewart & Associates) as:
  - Vehicle sales or hire premises
  - Vehicle repair stations
  - Warehouse or distribution centre
  - Wholesale supplies
  - Highway service centre
  - Function centre
  - Landscaping material supplies
  - Garden centre.

The proposed change will enable the construction of a motor showroom, vehicle sales yard and other low impact commercial development on the section of land front the Kamilaroi Highway, with the expansion of residential land on the northern area of the site.

## ***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 amending the land zoning and lot size maps for the subject land and including the identified permitted land uses in Schedule 1 of the Gunnedah Local Environmental Plan (LEP) 2012.

## ***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 associated with a Strategic Study or Report. Council's Commercial and Industrial Land Use Strategy (prepared by Collie Pty Ltd) identified the need for additional retail and commercial space within the Gunnedah community as a consequence of ongoing economic growth and population increases in the region. Council engaged GHD to prepare a Satellite Development Strategy, which focused on a number of specific sites, including the subject site. The Strategy noted that the original proposal to rezone the whole of the subject site for commercial development was inconsistent and considered poor planning practice.

Consequently, the original planning proposal was amended to include the rezoning of the land to R2 Low Density Residential, with a number of permitted low impact "commercial" development being permissible on the three larger lots,

adjacent to the highway. The inclusion of these identified land uses is considered to be the most appropriate mechanism for management the future development of the site.

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

The amendment to the zoning enables the development of residential land, which is able to be serviced by Council's water, sewer and stormwater services. The amendment to the minimum lot size enables the residential development and also restricts the low impact "commercial" type development to operate adjoining the residential land.

The inclusion of permitted uses for part of the subject site in Schedule 1 is the only way of achieving the desired outcome to facilitate development of this land. By rezoning the land to a "commercial" zone, Council is unable to restrict undesirable commercial development. A "commercial" zone would also impact on the commercial viability of the main commercial area.

**Section B. Relationship to Strategic Planning Framework**

**3. 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.

The Planning Proposal will provide additional residential land to cater for the expected growth.

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

Council's Community Strategic Plan identifies the value of building the Shire's economy, including the growth of businesses. The Planning Proposal aims to enable the subdivision of the subject land for the purposes of residential development. In addition, the ability to capitalise on the location of the site in relation to the highway traffic, whilst retaining the quality of life in the area, is also consistent with the Community Strategic Plan.

**5. 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).

**6. 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, with the exception of 1.2 Rural Zones, 1.5 Rural Lands, 6.3 Site Specific Provisions.

**Section C. Environmental, Social and Economic Impact**

**7. 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 subject land is devoid of any significant natural vegetation and is extensively disturbed from agricultural practices undertaken in the past. It is highlighted that the majority of the subject site is zoned R2 Low Density Residential. It is considered unlikely that critical habitat or threatened species, populations or ecological communities or their habitats would be subject to any adverse impacts, should the Planning Proposal proceed. Further assessment of any impacts can be undertaken at the development application stage.

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

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.

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

A positive social and economic effect is expected as a result from the Planning Proposal, with additional residential land being able to be subdivided, adding housing choice and affordability within Gunnedah. In addition, the ability to integrate low impact commercial development with residential development is also anticipated to create a positive economic effect.

**Section D. State and Commonwealth Interests**

**10. Is there adequate public infrastructure for the Planning Proposal?**

The Planning Proposal is expected to have a similar impact on existing infrastructure as residential and commercial development 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.

**11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?**

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

**PART 4 – MAPS**

The proposed amendment relates to an amendment to the Land Zoning and Minimum Lot Size Maps of Council's LEP. Preliminary plans have been attached to this Planning Proposal as Appendix 3 and 4.

**PART 5 – 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](http://www.infogunnedah.com.au)

**PART 6 – PROJECT TIMELINE**

The table below provides an indication of the timeline for the Planning Proposal.

|                                                                                                             |                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Anticipated commencement date (date of Gateway determination)                                               | May 2014 upon receipt of Gateway Determination by Council.                                                                                                                                  |
| Anticipated timeframe for the completion of technical information                                           | Technical studies have not been identified as a component of the planning proposal. The Department of Planning and Infrastructure may make prescriptions relating to technical information. |
| Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination) | June 2014<br>Subject to requirements of a Gateway Determination, agency consultation would occur during the public consultation phase.                                                      |
| Commencement and completion dates for public exhibition period                                              | (14 days)<br>04-18 May 2014                                                                                                                                                                 |
| Dates for public hearing (if required)                                                                      | Not identified as being required.                                                                                                                                                           |
| Timeframe for consideration of submissions                                                                  | 3 weeks                                                                                                                                                                                     |
| Timeframe for the consideration of a proposal post exhibition                                               | 4 weeks (partly in conjunction with consideration of submissions) .                                                                                                                         |
| Date of submission to the Department of Parliamentary Counsel to finalise LEP                               | 2 <sup>nd</sup> July 2014                                                                                                                                                                   |
| Anticipated date RPA will make the plan (if delegated)                                                      | July 2014                                                                                                                                                                                   |
| Anticipated date RPA will forward to department for notification                                            | July 2014                                                                                                                                                                                   |

**Appendix 1      Consideration of State Environmental Planning Policies**

The following SEPP's apply to the Gunnedah local government area, as at 15 April 2014.

| <b>SEPP</b>                                                                          | <b>Applicable</b> | <b>Consistent</b> |
|--------------------------------------------------------------------------------------|-------------------|-------------------|
| No. 1 Development Standards                                                          | No                | Not applicable    |
| 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 Development 2005                                                               | No                | Not applicable    |
| Mining, Petroleum Production and Extractive Industries 2007                          | No                | Not applicable    |
| Rural Lands 2008                                                                     | Yes               | Not applicable    |
| Temporary Structures 2007                                                            | No                | Not applicable    |

## Appendix 2 Consideration of Section 117 Ministerial Directions – Assessment relative to the rural boundary adjustment Planning Proposal

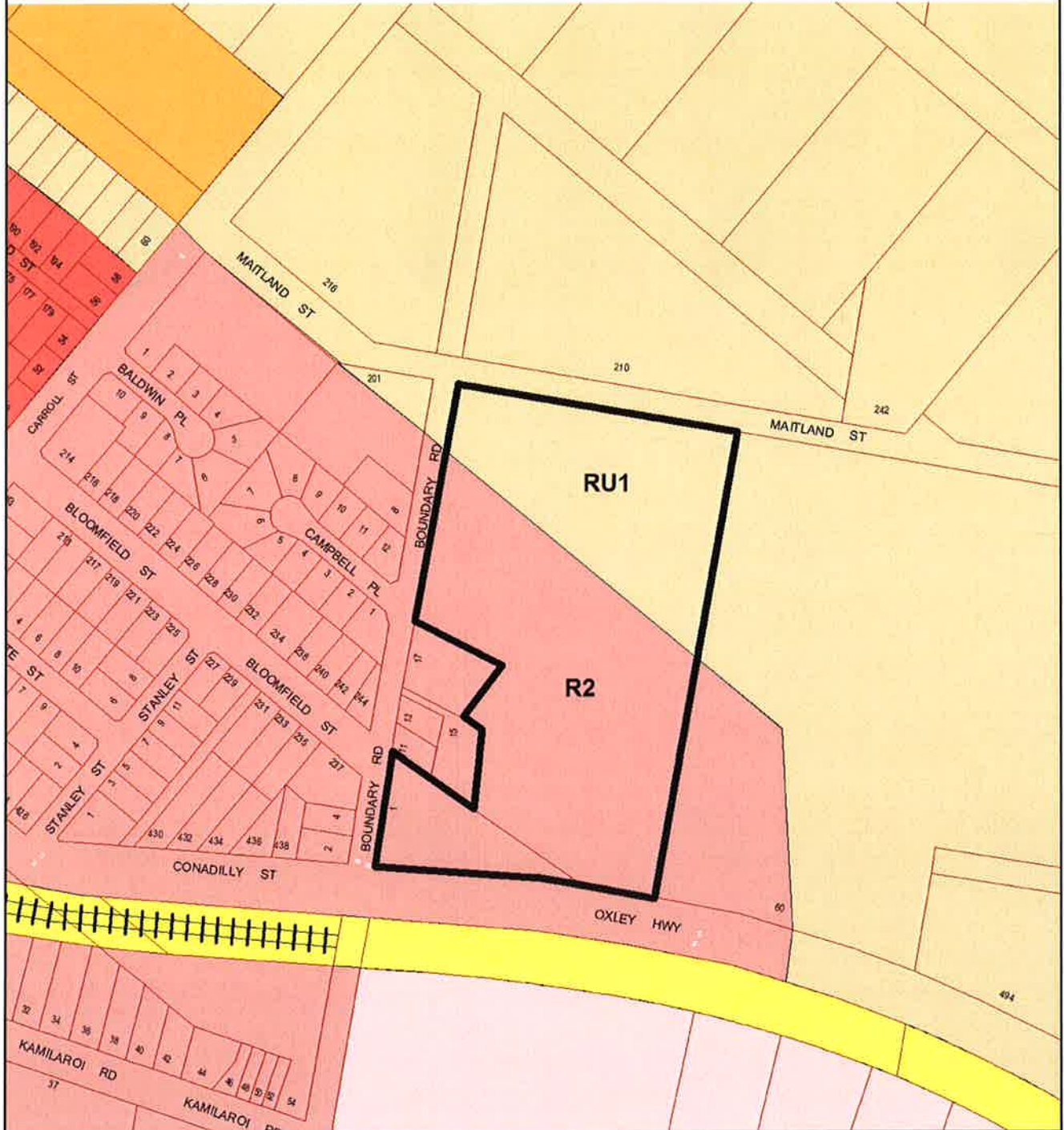
| S.117 Direction                                            | Whether Planning Proposal is consistent with directions?                                                                                                                                                                                                                                                                                                                          |
|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Employment and Resources</b>                         |                                                                                                                                                                                                                                                                                                                                                                                   |
| 1.1 Business and Industrial Zones                          | Not applicable – the Planning Proposal does not affect the Business or Industrial zones.                                                                                                                                                                                                                                                                                          |
| 1.2 Rural Zones                                            | No – the Planning Proposal involves the rezoning of a small section of agricultural land. The section of agricultural land is located adjacent to existing residential zoned land and is not utilised for agricultural purposes due to its location and size. The proposal is considered to be of minor significance.                                                             |
| 1.3 Mining, Petroleum Production and Extractive Industries | Yes – The planning proposal does not propose a change of zoning that would affect the permissibility of mining on the subject lands. The SEPP (Mining, Petroleum Production and Extractive Industries) prevails over the <i>GLEP 2012</i> .                                                                                                                                       |
| 1.4 Oyster Aquaculture                                     | Not affecting LGA.                                                                                                                                                                                                                                                                                                                                                                |
| 1.5 Rural Lands                                            | No – the Planning Proposal involves an amendment to the minimum lot size of a small section of agricultural land. The section of agricultural land is located adjacent to existing residential zoned land and is not utilised for agricultural purposes due to its location and size. The proposal is considered to be of minor significance.                                     |
| <b>2. Environment and Heritage</b>                         |                                                                                                                                                                                                                                                                                                                                                                                   |
| 2.1 Environment Protection Zones                           | Yes - The Planning Proposal does not include any elements that would reduce environmental protection standards applying to the subject lands.                                                                                                                                                                                                                                     |
| 2.2 Coastal Protection                                     | Not affecting LGA.                                                                                                                                                                                                                                                                                                                                                                |
| 2.3 Heritage Protection                                    | No - The <i>GLEP 2012</i> contains provisions that facilitate the conservation of heritage conservation elements. Aboriginal objects or places protected under the National Parks and Wildlife Act, 1974. No study has been undertaken to identify specific objects within the Shire. It is considered that the planning proposal is justifiably inconsistent with the Direction. |
| 2.4 Recreation Vehicle Areas                               | Yes - The permissibility of the land-use is not increased or affected by the Planning Proposal.                                                                                                                                                                                                                                                                                   |
| <b>3. Residential Zones</b>                                |                                                                                                                                                                                                                                                                                                                                                                                   |
| 3.1 Residential Zones                                      | Yes – The Planning Proposal will enable a variety and choice of housing types.                                                                                                                                                                                                                                                                                                    |
| 3.2 Caravan Parks and Manufactured Home Estates            | Yes – The Planning Proposal will enable a variety and choice of housing types. The provisions of the SEPP No. 36 (Manufactured Home Estates) prevail over the <i>GLEP 2012</i> .                                                                                                                                                                                                  |
| 3.3 Home Occupations                                       | Yes – The land use continues to be permissible without consent where dwelling houses are permitted.                                                                                                                                                                                                                                                                               |
| 3.4 Integrating Land Use and Transport                     | Yes – It is not proposed to alter zoning provisions.                                                                                                                                                                                                                                                                                                                              |
| 3.5 Development Near Licensed Aerodromes                   | Yes – There is no proposed rezoning or amendment of minimum lot size provisions. The subject land is located outside the Obstacle Limitation Surface area.                                                                                                                                                                                                                        |
| <b>4. Hazard and Risk</b>                                  |                                                                                                                                                                                                                                                                                                                                                                                   |
| 4.1 Acid Sulfate Soils                                     | Not affecting LGA.                                                                                                                                                                                                                                                                                                                                                                |
| 4.2 Mine Subsidence and Unstable Land                      | Not affecting LGA.                                                                                                                                                                                                                                                                                                                                                                |
| 4.3 Flood Prone Land                                       | Yes - The planning proposal does not propose to create, remove or alter a zone or a provision that affects flood                                                                                                                                                                                                                                                                  |

|                                                                                  |                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                  | prone land.                                                                                                                                                                                                                                                                                                                                                                |
| 4.4 Planning for Bushfire Protection                                             | Yes - There is no proposed rezoning or amendments of the lot size maps and the planning proposal aims only to enable the subdivision of a particular lot for the purposes of the construction of a haulage road. The Planning Proposal is considered to be consistent with the Direction, as subject land is not identified as being bushfire prone land.                  |
| <b>5. Regional Planning</b>                                                      |                                                                                                                                                                                                                                                                                                                                                                            |
| 5.1 Implementation of Regional Strategies                                        | Not affecting LGA.                                                                                                                                                                                                                                                                                                                                                         |
| 5.2 Sydney Drinking Water Catchments                                             | Not affecting LGA.                                                                                                                                                                                                                                                                                                                                                         |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast       | Not affecting LGA.                                                                                                                                                                                                                                                                                                                                                         |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast     | Not affecting LGA.                                                                                                                                                                                                                                                                                                                                                         |
| 5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) | Not affecting LGA.                                                                                                                                                                                                                                                                                                                                                         |
| 5.6 Second Sydney Airport: Badgerys Creek                                        | Not affecting LGA.                                                                                                                                                                                                                                                                                                                                                         |
| <b>6. Local Plan Making</b>                                                      |                                                                                                                                                                                                                                                                                                                                                                            |
| 6.1 Approval and Referral Requirements                                           | Yes - The Planning Proposal does not include provisions which increase approval and referral requirements as outlined in the Direction.                                                                                                                                                                                                                                    |
| 6.2 Reserving Land for Public Purposes                                           | Yes - The Planning Proposal does not include provisions which affect the reservation of land for public purposes.                                                                                                                                                                                                                                                          |
| 6.3 Site Specific Provisions                                                     | No - The Planning Proposal is prepared on the basis of allowing a particular land uses to be carried out of part of the subject land. The land is remaining as R2 Low Density Residential, with identified low impact land uses being permissible on part of the subject land. It is considered that the planning proposal is justifiably inconsistent with the Direction. |
| <b>7. Metropolitan Planning</b>                                                  |                                                                                                                                                                                                                                                                                                                                                                            |
| 7.1 Implementation of the Metropolitan Strategy                                  | Not affecting LGA                                                                                                                                                                                                                                                                                                                                                          |

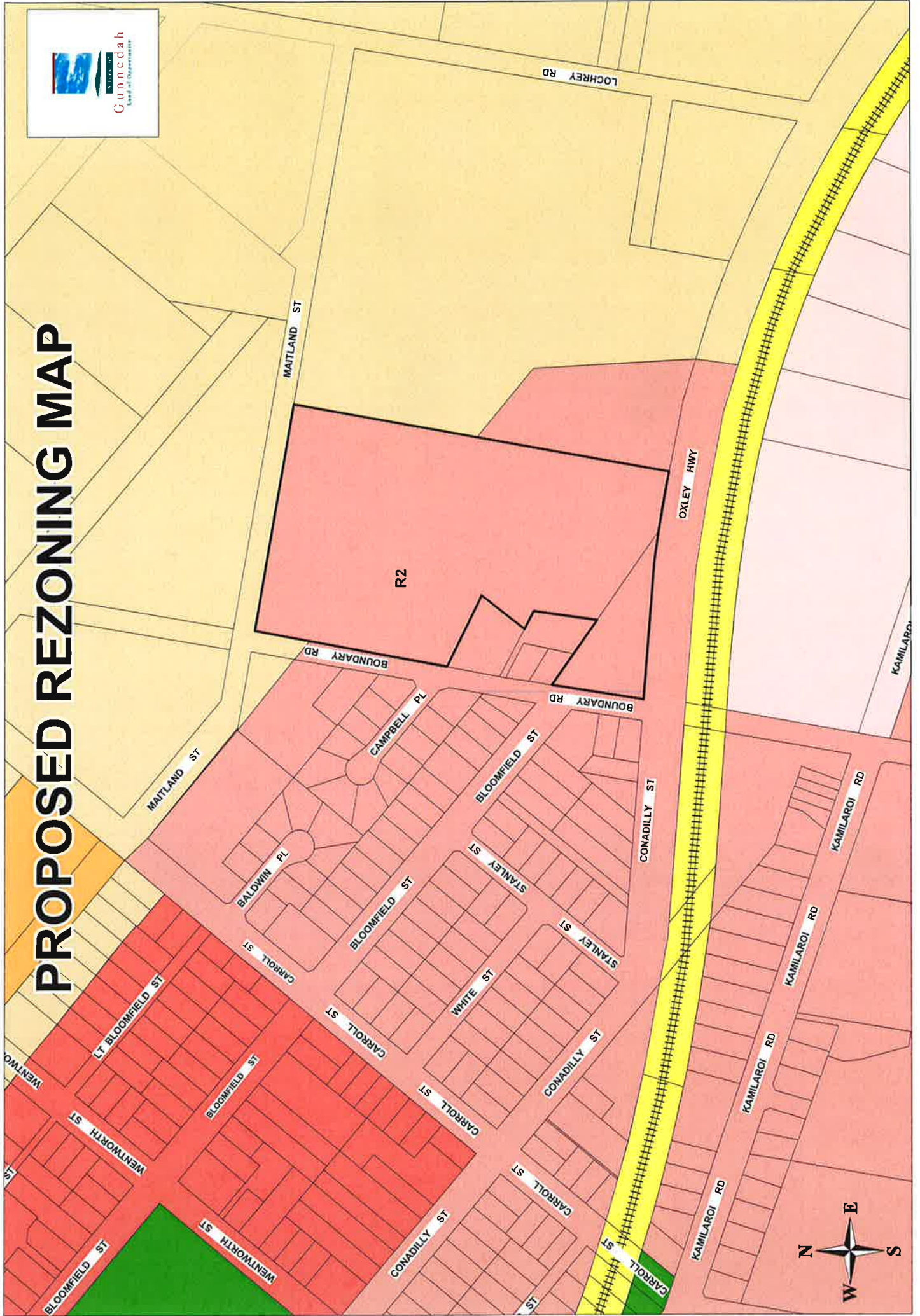
## **Appendix 3      Current and Proposed Land Zoning Map**



# Gunnedah Shire Council CURRENT ZONING MAP

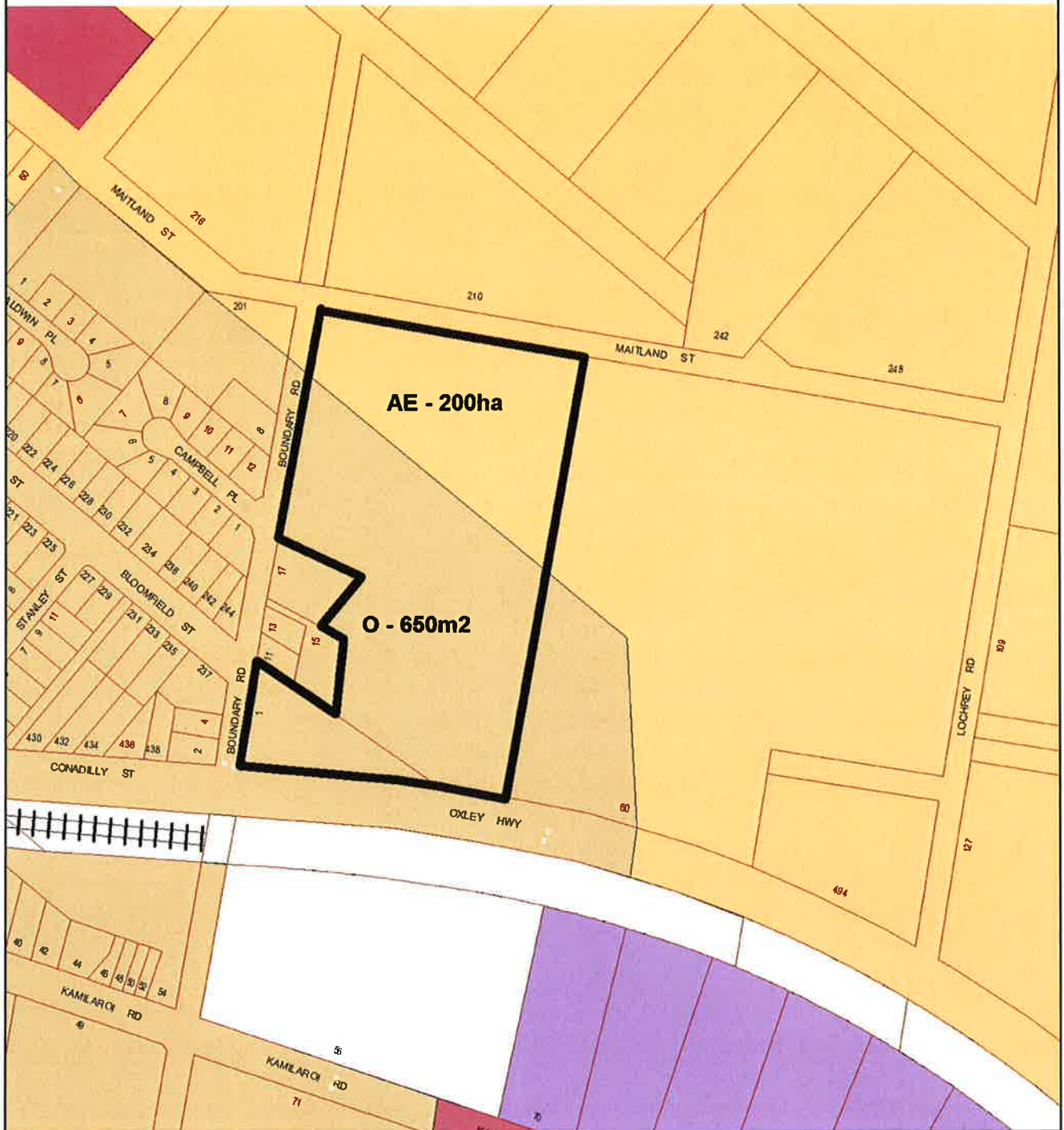


# PROPOSED REZONING MAP



## **Appendix 4      Current and Proposed Minimum Lot Size Map**

Gunnedah Shire Council  
**CURRENT MINIMUM LOT SIZE MAP**





# PROPOSED MINIMUM LOT SIZE MAP

