

Shire of

Gunnedah

Land of Opportunity

Planning Proposal

- Rezone part of Lot 662 DP 39633 and part of Lot 680 DP 723481, 299 Kamilaroi Road, Gunnedah
- Amend the Minimum Lot Size Map for part of Lot 662 DP 39633 and part of Lot 680 DP 723481, 299 Kamilaroi Road, Gunnedah

Prepared by

Gunnedah Shire Council

10 July 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 662 DP39633 and part of Lot 680 DP723481, 299 Kamilaroi Road Gunnedah from E3 Environmental Management to R5 Large Lot Residential;
- to amend the minimum lot size map for part of Lot 662 DP 39633 and part of Lot 680 DP723481, 299 Kamilaroi Road Gunnedah from AB2 (40ha) to Y (1.2ha).

The proposed change aims to achieve additional housing within a large lot residential locality.

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.

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. The Namoi 2030 Regional Resource Strategy includes the key action of establishing rural fringe developments and rural living lots around towns and regional centres in an environmentally sustainable fashion. Gunnedah has seen a large increase in the development of large lot residential land within the past 5 years. The growth in this type of large lot residential development has largely related to the increase in population, which can be associated with the growth in resource development.

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 large lot residential land, which is able to be serviced by Council's water service. The amendment to the minimum lot size enables future subdivision for large lot residential development.

The land is partially zoned for large lot residential development. However, given the area zoned, it does not support future subdivision as it is not economically viable to construct a public road, with development only on one site. An amendment to the zoning and minimum lot size, in this case, is the only viable option to facilitate in the future development of this land.

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 resource development 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 large lot 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 retaining our quality of life, and in particular how we live. The Planning Proposal aims to enable the subdivision of the subject land for the purposes of large lot residential development.

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, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands.

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 Planning Proposal notes of no known threatened vegetation or ecological communities on the site. However, the application notes the presence of White Box, which is an endangered ecological community. The proposal notes some localised tree removal, with building envelopes proposed to minimise the impact of future development. A full assessment of the impacts would be undertaken during the development application stage, which would include an assessment under SEPP 44 – Koala Habitat Protection.

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

The site is not identified as being subject to flooding. However, the site is identified as bushfire prone land. A preliminary bushfire assessment has been included with the proposal. A full assessment of the impacts would be undertaken during the development application stage.

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 large lot residential land being able to be subdivided, adding housing choice and affordability within Gunnedah.

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 large lot residential 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

PART 6 – PROJECT TIMELINE

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

Anticipated commencement date (date of Gateway determination)	August 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)	September 2014 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) 05-19 August 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	17 th October 2014
Anticipated date RPA will make the plan (if delegated)	October 2014
Anticipated date RPA will forward to department for notification	October 2014

Appendix 1 Consideration of State Environmental Planning Policies

The following SEPP's apply to the Gunnedah local government area, as at 10 July, 2014.

SEPP	Applicable	Consistent
No. 1 Development Standards	No	Not applicable
No. 21 Caravan Parks	No	Not applicable
No. 30 Intensive Agriculture	No	Not applicable
No. 32 Urban Consolidation Re-development of Urban Land	No	Yes
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	Yes

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?
1. Employment and Resources	
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 large lot residential zoned land and is not utilised for agricultural purposes due to its location and slope. The proposal is considered to be of minor significance.
1.3 Mining, Petroleum Production and Extractive Industries	No – The planning proposal will change the zoning that would affect the permissibility of mining on the subject lands. Given the site characteristics, the land is not identified as suitable for mining. 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 slope. The proposal is considered to be of minor significance.
2. Environment and Heritage	
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	Yes - 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.
3. Residential Zones	
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 – The <i>GLEP 2012</i> contains zones for urban purposes.
3.5 Development Near Licensed Aerodromes	Yes –The subject land is located outside the Obstacle Limitation Surface area.
4. Hazard and Risk	
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 is considered to be consistent with the Direction, as subject land is not

	identified as being flood prone land.
4.4 Planning for Bushfire Protection	Yes - The Planning Proposal refers to land identified as being bushfire prone land. Consultation with the NSW RFS will be undertaken during the exhibition period. The proposal addresses the requirements of Planning for Bush Fire Protection, 2006.
5. Regional Planning	
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.
6. Local Plan Making	
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	Yes - The Planning Proposal does not relate to enabling a particular development to be carried out on the site.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	Not affecting LGA

Appendix 3 Current and Proposed Land Zoning Map

Appendix 4 Current and Proposed Minimum Lot Size Map