

DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES REPORT

2. PROPOSED DRAFT AMENDMENT TO THE GUNNEDAH LOCAL ENVIRONMENTAL PLAN, 1998 - LOT 4, DP1124589, 263 STOCK ROAD, GUNNEDAH

Manager Development & Planning Report

<u>POLICY</u>	Nil
<u>LEGAL</u>	Environmental Planning & Assessment Act, 1979 & Gunnedah Local Environmental Plan, 1998
<u>FINANCIAL</u>	Nil

2.1 BACKGROUND

The current planning instrument, Gunnedah Local Environmental Plan, 1998 was gazetted on 25th September 1998. Council has resolved to prepare a comprehensive Local Environmental Plan in accordance with the Standard Instrument.

The Draft Gunnedah Local Environmental Plan 2010 is continuing to progress, with comments recently being received from the Department of Planning. Amendments to the draft maps are currently being undertaken, and will be finalised upon adoption of the Draft Open Space Strategy.

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- The owners of the land subject of the proposed amendment to the LEP are aware of the preparation of the Draft Gunnedah Local Environmental Plan (GLEP) 2010. 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 finalising the Draft GLEP 2010 will not delay the assessment and gazettal of the proposed new land use framework for this site.

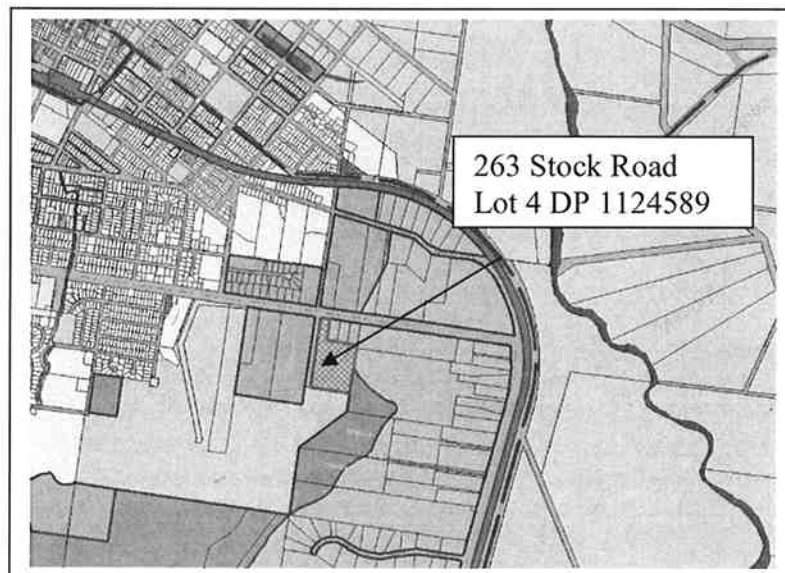
2.2 INTRODUCTION

Council received a planning proposal for Lot 4 DP 1124589 (263 Stock Road, Gunnedah) on the 15th December 2009 (attached). The site is currently zoned 1(c) Rural Residential under the provisions of the Gunnedah Local Environmental Plan, 1998. Under the current zoning, the minimum area of a lot created by subdivision is 6000m² with an average of 1.2 hectares (excluding lots of more than 3ha).

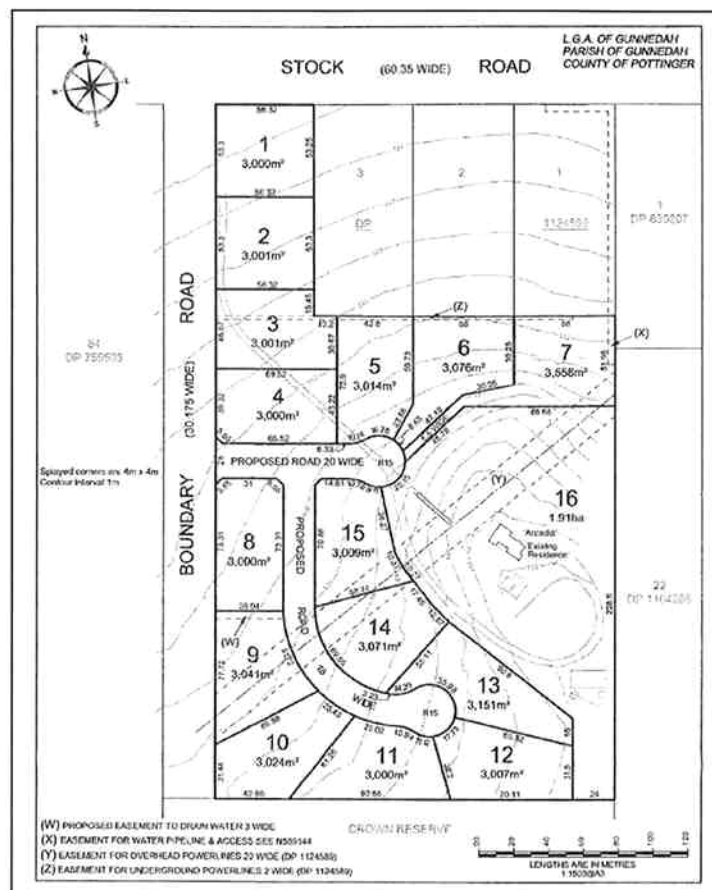
The applicant, Stewart Surveys Pty Ltd (on behalf of KJ & MW Martin), is seeking to amend the minimum area of a lot created by subdivision within Lot 4 DP 1124589 to 3,000m², whilst maintaining the existing 1(c) Rural Residential zone.

2.3 COMMENTARY**Context**

The subject land adjoins land zoned 1(c) Rural Residential, 1(d) Rural (Future Urban) and 6(a) Open Space (Recreational). The site is currently occupied by a dwelling and associated sheds. It slopes gently to the north-west with drainage infrastructure established within the vicinity of the site.

**Proposal**

A development masterplan has been prepared to illustrate the future development of the site as large-lot residential allotments. The plan illustrates 15 allotments with an approximate area of 3000m² or greater, with a residual Lot 16 with an area of 1.91ha. Lot 16 occupies the higher landform with most of the vegetation, and contains the existing dwelling and associated buildings.

DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES REPORT – Page 3**Justification for Proposal**

The allotment sizes illustrated in the submitted development masterplan are consistent with existing development along Stock Road. The development of the site would provide additional larger residential allotments, in an area where there is a genuine demand for premium large-lot sites. 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 2010 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 of this nature 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.

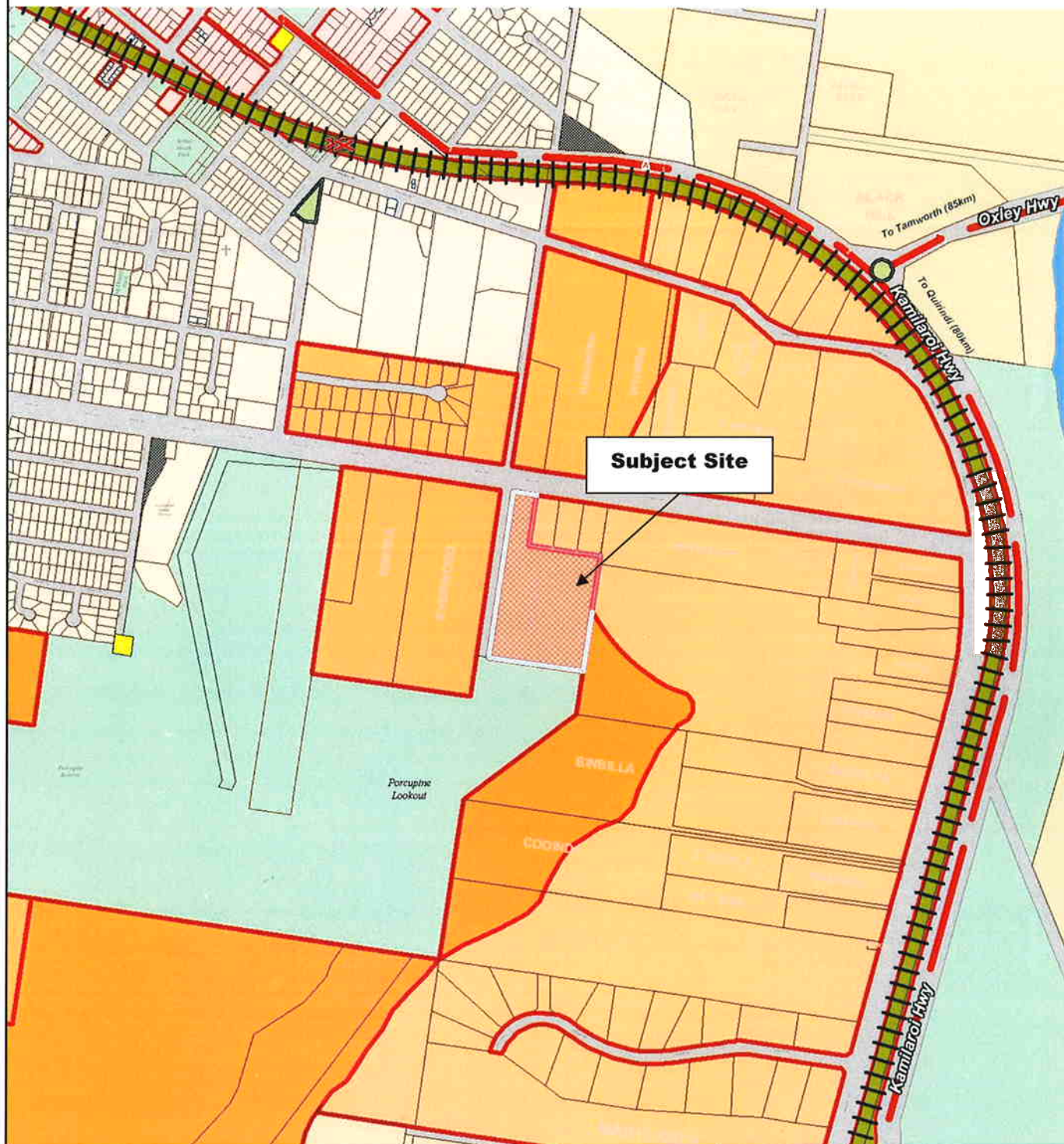
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2.4 CONCLUSION

The planning proposal to amend the minimum allotment size on Lot 4 DP 1124589 to 3000m² is considered to be consistent with Council's strategic planning for the locality. The development of the site, as per the development masterplan, 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.

RECOMMENDATIONS:

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 4 DP 1124589 to 3,000m², in accordance with the submitted development masterplan.
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.



Property Address:

263 Stock Road
GUNNEDAH

Cadastral data is the property of NSW Dept of Lands – Last modified 12/05/2008 12:00:00 AM

Property data is the property of Gunnedah Shire Council – Last updated 29/09/2009 12:00:00 AM

Property Details:

Lot	Section	PlanNo	Parish	County
4		1124589	GUNNEDAH	POTTINGER

Date: 10/03/2010

Scale:

Projection: GDA94 Zone 56

DISCLAIMER

Although all care is taken in the preparation of this plan, GUNNEDAH SHIRE COUNCIL accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. DO NOT SCALE. Accurate measurements should be undertaken by survey.