

Shire of  
Gunnedah  
Land of Opportunity

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## Planning Proposal

Amend the minimum allotment size for Lot 4 DP 1124589

Prepared by

Gunnedah Shire Council

30 March 2010

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

The objectives or intended outcome of the Planning Proposal are to amend the Gunnedah Local Environmental Plan (LEP) 1998 to alter the minimum allotment size for Lot 4 DP 1124589 to 3,000m<sup>2</sup>.

## **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 incorporating into Schedule 3 Additional uses of land, the following in columns 1 and 2 respectively:

Lot 4, D.P. 1124589,                      Minimum subdivision size of 3,000m<sup>2</sup>

## **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. This site however, has been identified as a growth area for Gunnedah in the Gunnedah Local Environmental Study 2003 and reinforced in the Gunnedah Rural Land Study 2007. The LES proposed the rationalisation and rezoning of extensive areas of land for rural residential lifestyle purposes. On the advice of the Department of Planning, Council identified specific areas that were contiguous with the existing rural residential area and the Gunnedah township, where the provisions of services can be achieved efficiently and where there is a demonstrated demand for such lots. The land subject to this Planning Proposal was part of this area identified.

The owner of the subject land has submitted this proposal to ensure that any issues associated with the finalisation of the draft comprehensive LEP will not delay the assessment and gazettal of the proposed new land use framework for the subject land.

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

The subject land is currently zoned 1(c) Rural Residential under the Gunnedah Local Environmental Plan 1998. Clause 12 of the GLEP 1998 stipulates that:

*The Council must not consent to a subdivision of land to which this clause applies unless:*

*(a) each allotment created by the subdivision has an area of not less than 6000 square metres, and*

*(b) the average area of all allotments created by the subdivision, excluding allotments of more than 3 hectares, is not less than 1.2 hectares, and*

*(c) all lots created by the subdivision are to have direct access to a road other than an arterial road,*

*and the land is free of noxious weeds to the Council's satisfaction.*

The 1(c) Rural Residential zone covers a large area and it is not considered appropriate to change the minimum lot size for the entire zone as this would contradict the Strategic work Council has undertaken that identifies a variety of appropriate lot sizes to provide greater flexibility and opportunity for housing choice. As such, Council considered the best way to achieve the objectives of the Planning Proposal is to amend the Additional Uses Schedule specifying the minimum lot size for this particular site.

**3. Is there a net community benefit?**

There is unlikely to be any overall change to community benefit as a result of the change in minimum lot size for this site. The Planning Proposal involves a relatively small area (7.119 ha) and will result in only a modest increase in development opportunity (16 lots) that is unlikely to impact upon the supply of rural residential land or housing supply and affordability.

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

**1. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including exhibited draft strategies)?**

No Regional or Sub-Regional Strategy has been prepared for this area.

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

This Planning Proposal is consistent with the strategic intent of the area. The LES and Rural Land Study reinforce the site of this Planning Proposal and surrounding land as a potential Large Lot Residential area. Council has also undertaken work to identify contiguous development areas with the efficient use of exiting infrastructure and services following advice from the Department of Planning.

**3. 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).

**4. 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, except for:

**1.2 Rural Zones**

This Planning Proposal is inconsistent with this Direction as it increases the permissible density of land with a rural zone. However, the inconsistency is considered of minor significance due to the small size (7.119 ha) and the Planning Proposal provides for only a moderate increase in density. The land is currently utilised for rural residential purposes and is in close proximity to residential zoned land in the Gunnedah township. This Planning Proposal

does not conflict with the objectives of this Direction due to the nature of the current land use and its proximity to agricultural land.

#### 2.1 Environment Protection Zones

The Planning Proposal does not include provisions that facilitate the protection and conservation of environmentally sensitive areas due to these provisions already existing in the current instrument. In this respect the inconsistency is considered to be of minor significance.

#### 2.3 Heritage Conservation

The Planning Proposal does not include heritage provisions due to these provisions already existing in the current instrument. In this respect the inconsistency is considered to be of minor significance.

#### 4.4 Planning for Bushfire Protection

The Direction requires that Council consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination.

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

#### **1. 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 does not change the land use of the site, it only changes the minimum allotment size for the subject land. Therefore, it is unlikely that critical habitat or threatened species, populations or ecological communities or their habitats, will be subject to any additional adverse impacts as a result of the Planning Proposal proceeding.

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

The Planning Proposal does not change the land identified for large lot residential development, it only changes the minimum allotment size for the subject land. Therefore, 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.

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

It is proposed to zone the subject land R5 Large Lot Residential under the Draft Comprehensive Gunnedah LEP, with a minimum allotment size of 3,000m<sup>2</sup> (not yet exhibited). A positive social and economic effect is expected as a result from the Planning Proposal, with additional larger residential allotments becoming available for development adding housing choice within Gunnedah

### **Section D. State and Commonwealth Interests**

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

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

**2. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?**

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

***PART 4 – COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN***

It is proposed to exhibit the Planning Proposal for 28 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)

## Appendix 1 Consideration of State Environmental Planning Policies

The following SEPP's apply to the Gunnedah local government area, as at 22 February 2010.

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