

Gunnedah LEP 1998 Amendment No 24

Proposal Title : **Gunnedah LEP 1998 Amendment No 24**

Proposal Summary : **The Planning Proposal seeks to reduce the minimum lot size for subdivision of Lot 1 DP 1102185, 56-58 Kamilaroi Road, Gunnedah from 40ha to 6200m2 to permit the creation of 5 low density residential allotments.**

PP Number : **PP_2011_GUNNE_005_00**

Dop File No : **11/21554**

Proposal Details

Date Planning Proposal Received : **01-Dec-2011**

LGA covered : **Gunnedah**

Region : **Northern**

RPA : **Gunnedah Shire Council**

State Electorate : **TAMWORTH**

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

LEP Type : **Spot Rezoning**

Location Details

Street : **56-58 Kamilaroi Road**

Suburb :

City : **Gunnedah**

Postcode : **2380**

Land Parcel : **Lot 1, DP 1102185**

DoP Planning Officer Contact Details

Contact Name : **Jon Stone**

Contact Number : **0267019688**

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RPA Contact Details

Contact Name : **Carolyn Hunt**

Contact Number : **0267402122**

Contact Email : **carolynhunt@infogunnedah.com.au**

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 : **No**

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MDP Number :	0	Date of Release :	
Area of Release (Ha) :	4.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	5	No. of Dwellings (where relevant) :	5
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **The land is currently zoned part 1(d) Rural (Future Urban) and part 1(c) Rural Residential under the Gunnedah LEP 1998. The Planning Proposal intends to amend the LEP to reduce the minimum allotment size for Lot 1 DP 1102185 from 40ha to 6200m2 to be more consistent with the surrounding subdivision pattern to the east. The reduction will result in the potential for 5 lots.**

The subject site is approximately 4ha in area.

Council is proposing to identify the subject land as having a minimum lot size of 6200m2 in clause 11 (clause 11 - Can land within Zone 1(a), 1(b), 1(d), 1(f) or 7(d) be subdivided) and clause 12 (clause 12 - What are the provisions relating to the subdivision of land within Zone No 1 (c) for residential purposes?) of the Gunnedah LEP 1998 to permit the development.

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 to amend the Gunnedah LEP 1998 so that Lot 1 DP 1102185 has a minimum lot size for subdivision of 6200m2, is adequately expressed.**

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 its objective. It outlines that clause 11 and clause 12 are proposed to be amended by adding a subclause that excludes the subject land from the minimum lot size that applies to the 1(d) Rural (Future Urban) and 1(c) Rural Residential zones and applies a 6200m2 minimum lot size to the subject site.**

It is noted that a typographical error appears in this part of the Planning Proposal. The DP

number for the subject land has been incorrectly stated and will require amendment before the Planning Proposal is placed on public exhibition.

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**

* May need the Director General's agreement **1.5 Rural Lands**

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

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified? **SEPP No 1—Development Standards
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
SEPP (Affordable Rental Housing) 2009**

e) List any other matters that need to be considered : **The Planning Proposal is not consistent with Council's Strategic Planning work. The Gunnedah Local Environmental Study Bridging Report 2010 recommends the land be rezoned for more intensive residential purposes than identified in the Planning Proposal.**

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **The Planning Proposal currently does not include any maps as it proposes to amend only the written LEP instrument to achieve its intended outcomes.**

Prior to exhibition it is considered that the Planning Proposal should be amended to include appropriate maps identifying the subject land to better inform the public consultation process.

Maps identifying the subject site have been prepared by the Department's Regional Team and are attached to this report for information.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes to exhibit the Planning Proposal for 14 days. Notice is to be given in the local weekly newspaper and on Council's website. No specific community groups have been identified by Council for consultation.**

Given the nature of the proposed amendment, it is considered to be a low impact Planning Proposal and an exhibition period of 14 days as proposed by Council is considered to be appropriate.

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 is considered to meet the adequacy criteria as all relevant information as outlined in s55 of the Environmental Planning and Assessment Act 1979 has been provided.**

Proposal Assessment

Principal LEP:

Due Date : **July 2012**

Comments in relation to Principal LEP : **A certificate permitting the exhibition of the draft comprehensive Gunnedah LEP 2011 was issued to Council on 29 August 2011. Exhibition of the draft comprehensive LEP commenced on 19 October 2011 and finished on 30 November 2011. The draft comprehensive LEP proposes to zone the subject site R5 Large Lot Residential with a minimum lot size of 40ha.**

It is noted that Planning Proposal is inconsistent with the provisions of the draft comprehensive LEP. This matter is discussed below in detail.

Gunnedah Shire Council has also received LEP Acceleration Funding to help finalise its draft comprehensive LEP.

Assessment Criteria

Need for planning proposal : **The site has been identified as a residential growth area for Gunnedah in the draft Gunnedah Local Environmental Study 2003 and the Department endorsed Gunnedah Local Environmental Study Bridging Report 2010. The land was identified as being suitable for rezoning in these studies due to the existing fragmented land use pattern in the area, its proximity to the Gunnedah Township and the ability to extend services to the land.**

Due to possible delays associated with the draft comprehensive LEP, Council has resolved to bring the potential development of the subject land forward in a separate planning proposal to help address the potential shortage of this type of residential land in the area. Anecdotal evidence indicates that demand for housing, and a choice of housing types, in Gunnedah is steadily increasing due to the continuing development of the Gunnedah coal basin.

Consistency with strategic planning framework :

The Planning Proposal is consistent with all State Environmental Planning Policies that apply to this land.

There is no Regional Strategic Plan that applies to the Gunnedah Shire.

Council has undertaken numerous strategic planning exercises to inform the preparation of their draft comprehensive LEP. This includes the draft Gunnedah Shire Local Environmental Study (LES) 2003 and the Gunnedah Shire Rural Strategy 2004 (endorsed by the Department). In 2010 Council prepared the Gunnedah Local Environmental Study Bridging Report that brought the recommendations from each of the studies and strategies together to become the overarching strategic planning document for the Shire. The Bridging Report was endorsed by the Department in 2010.

The Planning Proposal is inconsistent with the Department endorsed Bridging Report. The Bridging Report, which considered recent development pressures, refines the recommendation of the draft LES 2003 by stating that the 1(d) Rural (Future Urban) Zone should be converted to a residential zone when released. Council's DCP No 5 East Gunnedah reflects this recommendation and includes a proposed subdivision pattern for the area. The DCP identifies an average lot size of approximately 700m² resulting in a lot yield of up to 24 lots for the site.

The Planning Proposal does not propose to rezone the land for residential purposes. The change in the minimum lot size to 6200m² will only facilitate a lower density rural residential style of development. The major reason that Council has diverted from the Bridging Report is due to the rapidly increasing development of the Gunnedah coal basin and to avoid potential land use conflict with the railway line that runs along the northern boundary of the subject land. Recent increases in the volume of rail traffic have led to potential for conflict with adjoining land uses. Residential development in the area would be particularly susceptible to the impacts of noise and vibrations caused by the rail traffic. With the expected growth of mining in the Gunnedah basin the volume of coal being transported by rail is also expected to continue to grow into the future. The proposed lot size of 6200m² would enable 5 lots to be developed with an adequate buffer to the railway line. The 'loss' of 19 residential lots is not considered significant in the provision of future housing for Gunnedah particularly given the potential for land use conflict on this site. Due to the small quantity of land involved, the potential land use conflict from the railway line and the need to protect the integrity of important State infrastructure such as the railway line, the inconsistency with the endorsed strategy is considered to be a matter of minor significance.

As noted previously, the Planning Proposal is inconsistent with the provisions of the draft comprehensive LEP. The draft comprehensive LEP proposes a minimum lot size of 40ha and a R5 Large Lot Residential zone for the subject site and surrounding land. The Planning Proposal is seeking a 6200m² minimum lot size and retention of the 1(d) Rural (Future Urban) and 1(c) Rural Residential zone. This inconsistency is not considered to be significant as the draft comprehensive LEP when prepared was designed to reflect the current planning controls for the site rather than consider new proposals that have only recently arisen.

Verbal advice from Council staff has indicated that they will be reviewing the appropriateness of all minimum lot sizes in the area east of Gunnedah due to the level of recent interest in subdivision and number of planning proposals for either rezoning or changes to the minimum lot sizes. Council has also advised that it wishes to await the gazettal of the draft comprehensive LEP to change the zone of the east Gunnedah area in a single co-ordinated fashion rather than in a piecemeal approach. This approach is considered to be satisfactory.

Council identifies that S117 Directions 1.2 Rural Zones and 1.5 Rural Lands apply to this Planning Proposal.

The Planning Proposal is considered to be consistent with S117 Direction 1.5 Rural Lands but inconsistent with S117 Direction 1.2 Rural Zones. The inconsistency with s117 Direction

1.2 is considered to be of minor significance and is discussed below.

S117 Direction 1.2 Rural Zones

The Planning Proposal is inconsistent with this Direction as it contains provisions that will increase the permissible density of land within a rural zone. The Planning proposal is considered to be justifiably inconsistent as a matter of minor significance due to its proximity to existing rural residential zoned lands, the existing zoning clearly identifying the land for future urban purposes and the small size of the subject land (4ha). The land currently adjoins the urban zone of the Gunnedah Township and is surrounded by rural residential lots to its east. The Planning Proposal therefore does not conflict with the objective of this Direction to protect the agricultural production value of rural land as no land currently being used for agriculture will be alienated.

Environmental social
economic impacts :

The Planning Proposal considers the environmental, social and economic impacts associated with the amendment and concludes no adverse impact. The Planning Proposal does identify that a positive social and economic impact is expected with the additional low density residential allotments adding to the housing choice currently available in Gunnedah and helping to meet the demand being generated by the development of the Gunnedah coal basin.

As the land is already cleared, it is unlikely that critical habitat or threatened species, populations or ecological communities or their habitats, will be subject to any increased impacts as a result of the Planning Proposal proceeding. Possible impacts of specific development will continue to be assessed as part of determining future development applications for residential development on the land.

The land is not subject to flooding, is not bushfire prone and has not been identified as being affected by any potential contamination.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
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Timeframe to make LEP :	6 Month	Delegation :	DDG
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Public Authority Consultation - 56(2)(d) :	Other
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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **This Planning Proposal should proceed with consultation being undertaken with the Australian Rail Track Corporation (ARTC).**

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

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover_Letter.pdf	Proposal Covering Letter	Yes
Planning_Proposal_28112011.pdf	Proposal	Yes
Council_Meeting_Report_&_Minutes.pdf	Proposal	Yes
Map.pdf	Map	Yes
Location_Map_Aerial_Photo.pdf	Photograph	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

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

1. the Planning Proposal be supported;
2. the Planning Proposal be considered as 'low impact' and be exhibited for a period of 14 days;
3. consultation be undertaken with the Australian Rail Track Corporation (ARTC);
4. the Planning Proposal be amended prior to exhibition to include appropriate maps identifying the site and to rectify the typographical errors in Part 2 - Explanation of Provisions;
5. the Planning Proposal should be completed within 6 months; and
6. the Director General (or an officer of the Department nominated by the Director General) agree that the inconsistency with s117 Direction 1.2 Rural Zones is of minor significance.

Supporting Reasons : **The proposed reduction in the minimum lot size for a subdivision of the land will provide additional low density rural residential development close to Gunnedah. The lower density will minimise potential land use conflict with the rail corridor compared to Council's current adopted strategy and is consistent with the land holding sizes to the east of the site. The reduction in potential housing stock (19 lots) is considered to have a negligible impact on the overall availability of residential land in Gunnedah. It is also expected that the proposal will have a positive social and economic impact with the additional residential allotments adding to the housing choice currently available in Gunnedah, thus helping to meet the demand for housing being created by the development of the Gunnedah coal basin.**

Signature: _____



Printed Name: _____

Craig Diss

Date: _____

9/12/11