

Council Meeting Reports and Minutes

16 March 2011

18 May 2011

24 August 2011

21 September 2011

195.8 PROPOSED DRAFT AMENDMENT TO THE GUNNEDAH LOCAL ENVIRONMENTAL PLAN, 1998 – LOT 1 DP 1102185, 56-58 KAMILAROI ROAD, GUNNEDAH

POLICY	Nil
LEGAL	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 1998
FINANCIAL	Nil

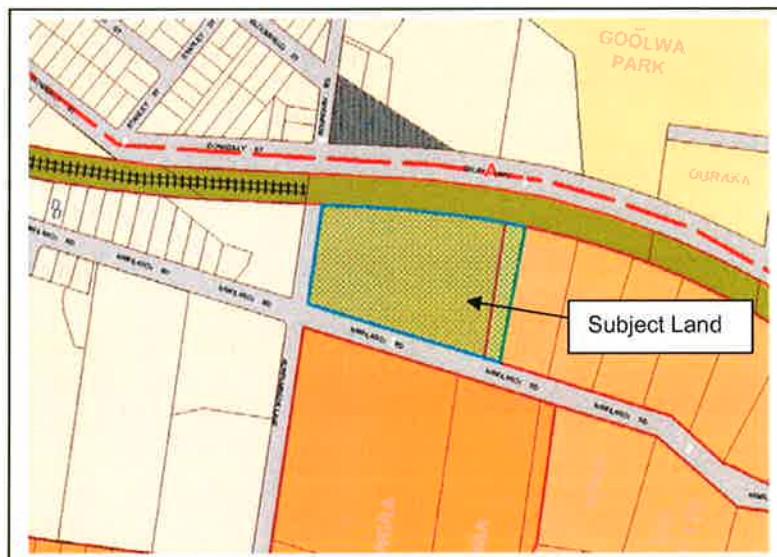
INTRODUCTION

Council has received a planning proposal for Lot 1 DP 1102185 (56-58 Kamilaroi Road, Gunnedah) on the 17 January 2011. The site is currently zoned 1(d) Rural (Future Urban), and 1© Rural Residential under the provisions of the Gunnedah Local Environmental Plan, 1998. The applicant, Stewart Surveys, is seeking to amend the minimum area of a lot created by subdivision within Lot 1 DP 1102185 to 1.2ha.

COMMENTARY

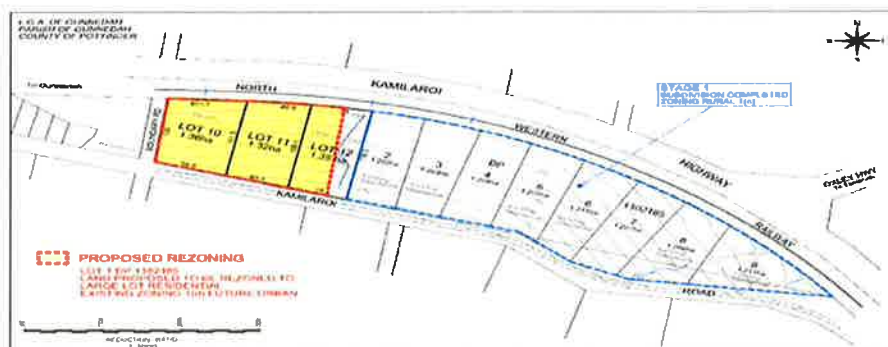
Context

The subject land adjoins land zoned 1(d) Rural (Future Urban) and 1(c) Rural Residential and is adjacent to Kamilaroi Road and the railway line. The site is currently vacant.



Proposal

The application is seeking to amend the minimum area of a lot created by subdivision within Lot 1 DP 1102185 to 1.2ha. The developer is proposing a subdivision of the land for three (3) lots ranging in size from 1.32ha to 1.36ha.



Justification for Proposal

The Planning Proposal aims to provide three (3) additional rural residential lots, which would be similar to land immediately to the east. The application outlines the proposal's consistency with the existing Rural 1(c) zone and the objectives of the Rural Lands Strategy. It is noted that water, telecommunications and electricity are available to the property, with on-site sewerage management proposed.

The proposal notes that the three (3) additional lots would create a negligible effect on the total supply of land in the Rural 1(c) zoning. Justification for the proposal includes the following:

- minimises conflicts with railway/adjoining land use – the land is adjacent to the North Western Railway. Future residential development adjacent to the railway line is considered inappropriate
- new development is similar to the scale and form of the existing development – the first stage of the subdivision involved land zoned
- no unreasonable demand on infrastructure and services – Council's water service is available to the subject land and on-site sewerage systems would be installed.
- the site has benefits associated with proximity to the CBD and utilisation of the existing road infrastructure.

Relationship to Strategic Planning Framework

The subject land is zoned Rural 1(d) (Future Investigation) under the Gunnedah Local Environmental Study, 1998. This land was identified in the Local Environmental Study 1982 for future residential development, being recommended in Stage 2 of the residential release plan.

The land is able to be serviced by Council's water and sewer services, through the extension of these services. With adjacent residential land on the southern side of Kamilaroi Road, the subject land would form the entrance to the residential precinct. Council Development Control Plan – Principles of Development illustrates the subdivision masterplan for East Gunnedah, including the subject land.

DCP – Principles of Development – Part 5 – Map Extract



It is acknowledged that additional rail movements and associated noise and vibration will result from the increase in mining activity within the Gunnedah basin. However, the subject land is adjacent to existing residential development along the railway line. Any future development, whether it is residential or rural-residential will be required to incorporate noise mitigation measures into the design.

Future Residential Demands

Council should also bear in mind the housing demand issue that Gunnedah now faces and will escalate in the immediate future. The proposal effectively reduces residential development capability by 21 dwelling units.

During the recent Resource Development Presentation by the Minister for Planning at the Gunnedah Town Hall, discussion proceeded with senior officers of the Department of Planning regarding options available to Council to address the imminent housing crisis that Gunnedah will face should any of the major coal mining developments proceed.

The issue confronting Council is that should the Shenhua Watermark Coal Mine commence operation in 2014, then potentially up to 600 additional persons will need to be accommodated. This will require considerable housing stock and innovative yet responsible planning to address this demand, particularly having regard to impacts on rents and housing prices. In this regard the availability of land that can be fully serviced (water, sewer, electricity etc) and is within the urban environment will be critical.

Accordingly to rezone land from residential to rural residential would be an extremely premature action.

CONCLUSION

Consideration has been given to the proposed rezoning of Lot 1 DP 1102185 (56-58 Kamilaroi Road, Gunnedah) and Council's strategic development for the area. The planning proposal is not consistent with strategic direction outlined in the Gunnedah Local Environmental Strategy 1982. With the land being able to be serviced by Council's water and sewer services and identified for future residential development it is therefore recommended that Council refuse the attached planning proposal.

Committee Deliberations

The Manager Development & Planning spoke about the planning issues and why the land can't be subdivided at present. Mrs Hunt did state that the land can be serviced by water and sewer through an extension of existing services.

The Director Planning & Environmental Services drew the committee's attention to the paragraphs about the *Future Residential Demands* and stated that the availability of future residential land is critical to impending development proposals in Gunnedah. The Director Planning and Environmental Services said that it has been recognised by the Minister for Planning that there is the potential for a serious housing stress situation to occur in Gunnedah within the next 3-5 years. The Director Planning and Environmental Services said that it was also apparent that the Shenhua proposal could well be operational by 2014 requiring up to 600 dwelling units for staff in the Gunnedah district and therefore to re-zone future urban land at this stage would be extremely premature.

The Director Planning & Environmental Services advised that he would be attending a meeting in Tamworth in about two weeks with Department of Planning staff and other officials to discuss the housing issue and how it can be managed and to discuss the issues that confront communities in relation to the establishment of mining villages. The Director Planning and Environmental Services said that demand for housing will be high and regardless of whether the community likes it, mining villages may be the reality. He said that whilst locating such villages outside the central area may have some advantages, it may be unhelpful in a social and interactive sense.

Councillor Martin said he took on board what The Director Planning and Environmental Services had said and he appreciates that there is land needed for further urban use. However, he said he had serious reservations about the appropriateness of high density housing in such close proximity to the railway line. He commented that when trains get to that point they are approaching a full cruise speed with potential noise issues. Councillor Martin said he had serious reservations about taking the town from one with not a lot of high density development near the railway line to something different.

MINUTES of the Ordinary Meeting of Gunnedah Shire Council held on Wednesday 16 March 2011

Councillor Griffen said she lives near the railway line and she agrees with Councillor Martin's comments.

Councillor Mills enquired whether Council covers itself in relation to vibration, noise, etc through the consent conditions imposed on buildings that may be built.

The Director Planning & Environmental Services replied that any developments within 60 m of a railway line must be referred to the ARTC for assessment with regard to noise and vibration.

Councillor Mills asked whether, in the case of refusing the application, Council would be in a position to indicate to the proponent that Council would welcome an application for development.

The Director Planning and Environmental Services said that despite what is in the LEP there have to be discussions. He said that Gunnedah will most likely be in the position of having to accommodate a significant number of people relatively quickly and the critical thing in these types of facilities is the need for water and infrastructure. The Director Planning and Environmental Services said that Council could be up for significant infrastructure costs and it is about how Council can mitigate those costs. The Director Planning and Environmental Services said that refusing the rezoning proposal and leaving it for a period of at least 12 months may give Council the opportunity to have some of the issues addressed.

Councillor Mills sought clarification that if Council doesn't rezone the land, the proponent is left with the land and can't do anything with it.

The Director Planning & Environmental Services said that Council needs to release land in a strategic way for good purpose. He said that at the moment in Gunnedah there are over 1000 lots that are zoned residential, 600 lots have been approved with 100 of those developed; leaving a latent 400 lots to be constructed and developed. With such figures it is difficult to justify rezoning future urban land, although there has to be a bit of pressure release to create market competition.

Councillor Mills asked if Council could indicate to the proponent what sort of time period would be involved before they know what they can do with the land.

The Director Planning & Environmental Services stated that he could not answer that. He stated further that the current zoning has been in place since 1985 and the owners purchased the land knowing that it had no subdivision potential.

Councillor Martin asked what would happen if a developer turned up tomorrow and said he would put in a mining village if Council re-zoned the land.

The Director Planning & Environmental Services replied that if that were to happen Council would have to consider the proposal in its entirety, taking into account the totality of the development package and the proposed location.

COMMITTEE RECOMMENDATION: That Council refuse the planning proposal to amend Gunnedah Local Environmental Plan 1998, to rezone Lots 1 DP 1102185 (56-58 Kamilaroi Road, Gunnedah) to amend the minimum area of a lot created by subdivision within Lot 1 DP 1102185 to 1.2ha.

*Committee Recommendation
Moved Councillor L Mills, seconded Councillor S Smith*

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
C Fuller G Griffen L Mills S Smith K Martin		AJ Marshall T Duddy H Allgayer S Benham	

Council Deliberations

Councillor KJ Martin noted that this is a small area to rezone and there is adjacent land marked for future urban development. The 1982 Study highlights the necessity in the coming years for the anticipated coal boom and the use of this land for residential development. This is more relevant today and there is also a strategic plan for the 1982 LEP Study which identified a population growth as high as 14,000 in 2011. When considering the potential of employment and population, Councillor KJ Martin believed that it is essential to undertake a further review of these rezoning proposals at the April Planning Environment and Development Committee meeting.

Councillor L Mills acknowledged Councillor KJ Martin's comments and advised that he had questioned the Director Planning and Environmental Services about providing the proponent with a time frame in relation to when they may be able to develop the land and his response was that he was not able to provide one. Councillor L Mills requested that Council take into consideration the fact that people are prepared to develop land for future urban usage including investing in infrastructure.

COUNCIL RESOLUTIONS:

1. That Council defer consideration of the refusal of the planning proposal to amend Gunnedah Local Environmental Plan 1998, to rezone Lots 1 DP 1102185 (56-58 Kamilaroi Road, Gunnedah) to amend the minimum area of a lot created by subdivision within Lot 1 DP 1102185 to 1.2ha.
2. That a further report in relation to the planning proposals to amend the Gunnedah Local Environmental Plan 1998 to rezone land identified as urban development be presented to the Planning Environment and Development Committee Meeting scheduled to be held on Wednesday 6 April 2011.

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
GA Griffen C Fuller L Mills SJ Smith KJ Martin AJ Marshall	Nil	S Benham H Allgayer T Duddy	

Council Resolution

Moved Councillor KJ Martin, seconded Councillor GA Griffen

248.1 PROPOSED DRAFT AMENDMENT TO THE GUNNEDAH LOCAL ENVIRONMENTAL PLAN, 1998 – LOT 1 DP 1102185, 56-58 KAMILAROI ROAD, GUNNEDAH

Manager Development & Planning Report

POLICY	Nil
LEGAL	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 1998
FINANCIAL	Nil

BACKGROUND

Council resolved at the March Ordinary Meeting to defer consideration of the refusal of the subject planning proposal, pending consideration of future urban development.

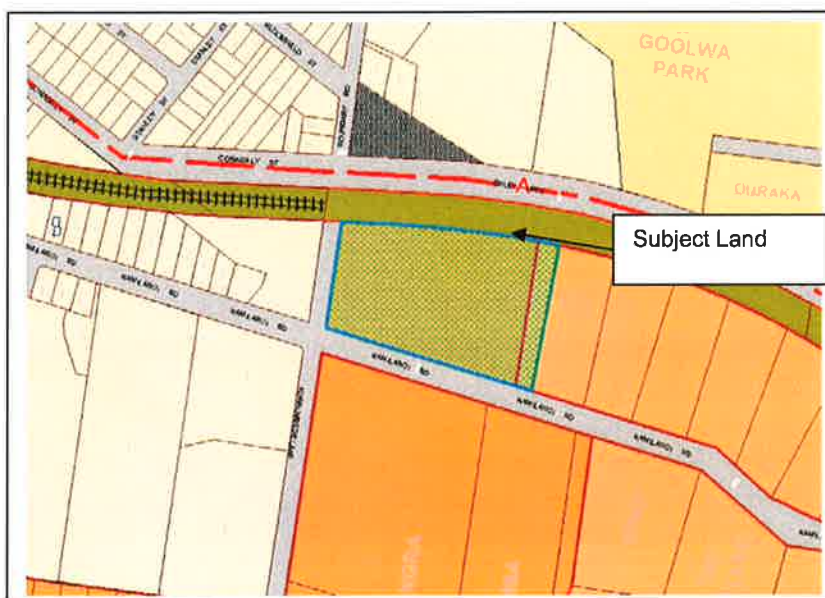
INTRODUCTION

Council has received a planning proposal for Lot 1 DP 1102185 (56-58 Kamilaroi Road, Gunnedah) on the 17 January 2011. The site is currently zoned 1(d) Rural (Future Urban), and 1(c) Rural Residential under the provisions of the Gunnedah Local Environmental Plan, 1998. The applicant, Stewart Surveys Pty Ltd, is seeking to amend the minimum area of a lot created by subdivision within Lot 1 DP 1102185 to 1.2ha.

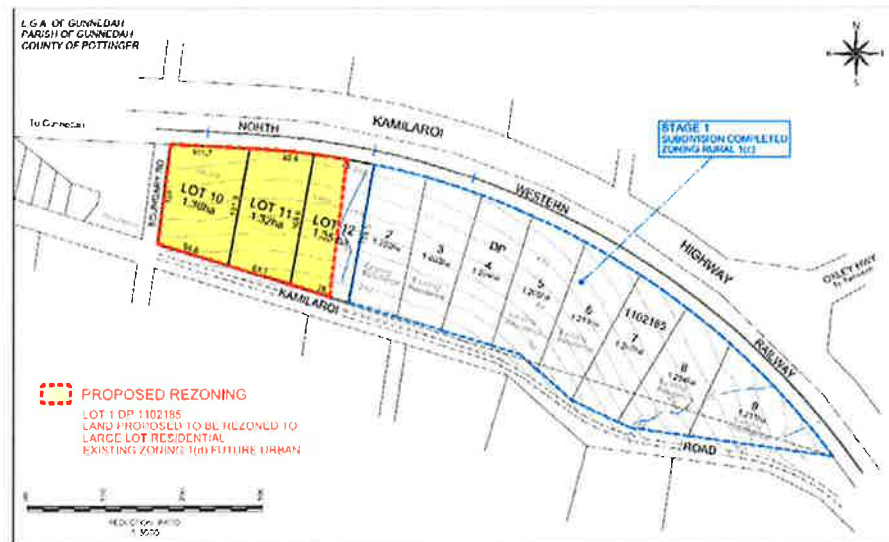
COMMENTARY

Context

The subject land adjoins land zoned 1(d) Rural (Future Urban) and 1(c) Rural Residential and is adjacent to Kamilaroi Road and the railway line. The site is currently vacant.



The application is seeking to amend the minimum area of a lot created by subdivision within Lot 1 DP 1102185 to 1.2ha. The developer is proposing a subdivision of the land for three (3) lots ranging in size from 1.32ha to 1.36ha.



Justification for Proposal

The Planning Proposal aims to provide three (3) additional rural residential lots, which would be similar to land immediately to the east. The application outlines the proposal's consistency with the existing Rural 1(c) zone and the objectives of the Rural Lands Strategy. It is noted that water, telecommunications and electricity are available to the property, with on-site sewerage management proposed.

The proposal notes that the three (3) additional lots would create a negligible effect on the total supply of land in the Rural 1(c) zoning. Justification for the proposal includes the following:

- minimises conflicts with railway/adjoining land use – the land is adjacent to the North Western Railway. Future residential development adjacent to the railway line is considered inappropriate
- new development is similar to the scale and form of the existing development – the first stage of the subdivision involved land zoned
- no unreasonable demand on infrastructure and services – Council's water service is available to the subject land and on-site sewerage systems would be installed.
- the site has benefits associated with proximity to the CBD and utilisation of the existing road infrastructure.

Relationship to Strategic Planning Framework

The subject land is zoned Rural 1(d) (Future Investigation) under the Gunnedah Local Environmental Study, 1998. This land was identified in the Local Environmental Study 1982 for future residential development, being recommended in Stage 2 of the residential release plan.

The land is able to be serviced by Council's water and sewer services, through the extension of these services. With adjacent residential land on the southern side of Kamilaroi Road, the subject land would form the entrance to the residential precinct. Council Development Control Plan – Principles of Development illustrates the subdivision masterplan for East Gunnedah, including the subject land.

DCP – Principles of Development – Part 5 – Map Extract

24



It is acknowledged that additional rail movements and associated noise and vibration will result from the increase in mining activity within the Gunnedah basin. However, the subject land is adjacent to existing residential development along the railway line. Any future development, whether it is residential or rural-residential will be required to incorporate noise mitigation measures into the design.

Future Residential Demands

Council should also bear in mind the housing demand issue that Gunnedah now faces and will escalate in the immediate future. The proposal effectively reduces residential development capability by 21 dwelling units.

During the recent Resource Development Presentation by the Minister for Planning at the Gunnedah Town Hall, discussion proceeded with senior officers of the Department of Planning regarding options available to Council to address the imminent housing crisis that Gunnedah will face should any of the major coal mining developments proceed.

The issue confronting Council is that should the Shenhua Watermark Coal Mine commence operation in 2014, then potentially up to 600 additional persons will need to be accommodated. This will require considerable housing stock and innovative yet responsible planning to address this demand, particularly having regard to impacts on rents and housing prices. In this regard, the availability of land that can be fully serviced (water, sewer, electricity, etc) and is within the urban environment will be critical.

Accordingly, to rezone land to rural residential would be an extremely premature action and effectively counter productive. The land has the capability to be fully serviced (including sewer) and as such should be developed to its full urban potential.

As noted previously, the land was identified in the Local Environmental Study 1982 for future residential development, being recommended in Stage 2 of the residential release plan. Taking into consideration the strategic direction of the land and the imminent housing demands, it is suggested that Council support a planning proposal to rezone the subject land to 2(a) Residential.

CONCLUSION

Consideration has been given to the proposed rezoning of Lot 1 DP 1102185 (56-58 Kamilaroi Road, Gunnedah) and Council's strategic development for the area. The planning proposal to rezone the land to 1(c) Rural Residential is not consistent with strategic direction outlined in the Gunnedah Local Environmental Strategy 1982. With the land being able to be serviced by Council's water and sewer services and identified for future residential development it is therefore proposed that Council support a planning proposal to rezone the land to 2(a) Residential.

OFFICER'S RECOMMENDATION: That Council approve a planning proposal to amend Gunnedah Local Environmental Plan 1998, to rezone Lot 1 DP 1102185 (56-58 Kamilaroi Road, Gunnedah) to the subject land to 2(a) Residential and that development of the land being in accordance with Council's Development Control Plan..

COUNCIL RESOLUTION: That consideration of the planning proposal to amend Gunnedah Local Environmental Plan 1998, to rezone Lot 1 DP 1102185 (56-58 Kamilaroi Road, Gunnedah) to the subject land to 2(a) Residential be deferred pending further negotiation with the applicant.

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
GA Griffen C Fuller S Benham L Mills T Duddy H Allgayer SJ Smith KJ Martin AJ Marshall	Nil	Nil	Nil

Council Resolution

Moved Councillor KJ Martin, seconded Councillor SJ Smith

42.9 PROPOSED DRAFT AMENDMENT TO THE GUNNEDAH LOCAL ENVIRONMENTAL PLAN, 1998 – LOT 1 DP 1102185, 56-58 KAMILAROI ROAD, GUNNEDAH

Manager Development & Planning Report

POLICY	Nil
LEGAL	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 1998
FINANCIAL	Nil

BACKGROUND

Council resolved at the March Ordinary Meeting to defer consideration of the refusal of the subject planning proposal, pending consideration of a report on future urban development. A second report was referred to the May Ordinary Meeting, in which it was again deferred pending further negotiation with the applicant. Following discussion and negotiation with the proponent, the matter was referred to the August Planning, Environment and Development meeting, with a further deferral to allow consideration of the impacts of the developer's proposal.

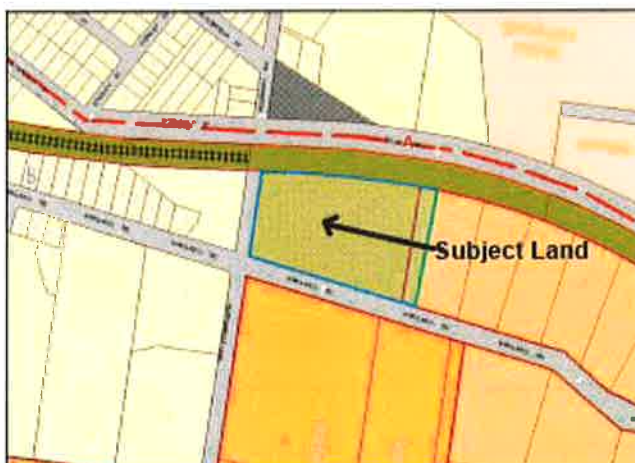
INTRODUCTION

Council has received a planning proposal for Lot 1 DP 1102185 (56-58 Kamilaroi Road, Gunnedah) on 17 January 2011. The site is currently zoned 1(d) Rural (Future Urban), and 1(c) Rural Residential under the provisions of the Gunnedah Local Environmental Plan, 1998. The applicant, Stewart Surveys Pty Ltd, is seeking to amend the minimum area of a lot created by subdivision within Lot 1 DP 1102185 to create 5 lots.

COMMENTARY

Context

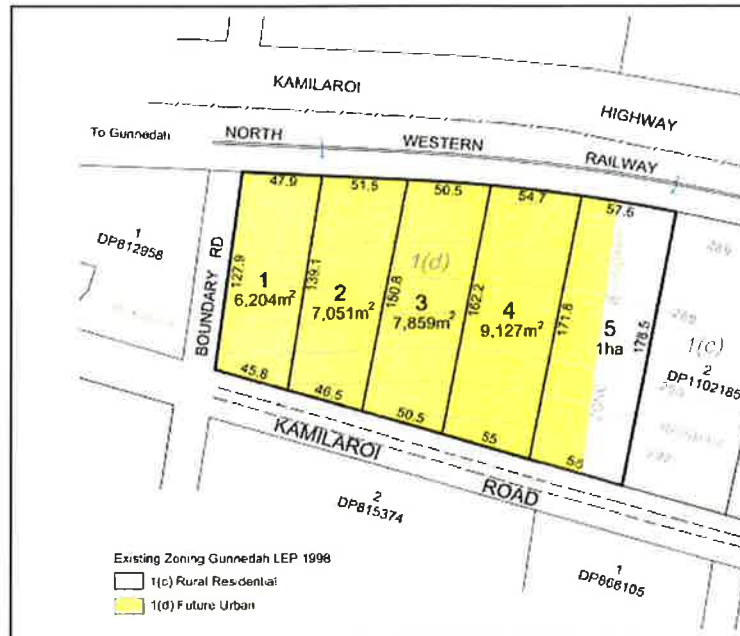
The subject land adjoins land zoned 2(a) Residential A, land recently endorsed for rezoning to Residential A and 1(c) Rural Residential and has adjacent to Kamilaroi Road and is adjacent to the railway line. The site is currently vacant.



MINUTES of Ordinary Meeting of Gunnedah Shire Council held on Wednesday 24 August 2011

Proposal

The application is seeking to amend the minimum area of a lot created by subdivision within Lot 1 DP 1102185 to create 5 lots. The developer is proposing a subdivision of the land for five (5) lots ranging in size from 6,204m² to 1ha (10,000m²). The current minimum area in the Rural 1(d) Future Urban zone is 40 hectares. The proposal does not change the zoning, which will remain as Rural 1(d) – Future Urban zone.



Justification for Proposal

The Proponent advised that the Planning Proposal aims to provide five (5) large residential lots, which would be smaller than land immediately to the east. The application outlines the proposal's consistency with the existing Rural 1(c) zone and the objectives of the Rural Lands Strategy. It is noted that water, telecommunications and electricity are available to the property, with on-site sewerage management proposed.

The proposal suggests that the five (5) additional lots would create a negligible effect on the total supply of land in the Rural 1(c) zoning. Justification for the proposal includes the following:

- minimises conflicts with railway/adjoining land use – the land is adjacent to the North Western Railway. Future residential development adjacent to the railway line is considered inappropriate
- new development is similar to the scale and form of the existing development – the first stage of the subdivision involved land zoned
- no unreasonable demand on infrastructure and services – Council's water service is available to the subject land and on-site sewerage systems would be installed.
- the site has benefits associated with proximity to the CBD and utilisation of the existing road infrastructure.

Alternative Proposal

As noted in the report to the Committee, Council staff has discussed the proposal with the applicant. Taking into consideration the issues raised by the developer, the following plan was suggested as an alternative.

With the alternative zoning of 2(a) Residential, future dwellings would be required to be setback a minimum of 7.5 metres from Kamilaroi Road and 900mm from side and rear boundaries. It is highlighted that the existing dwellings on the adjoining Rural 1(c) land are to be setback a minimum of 25 metres, with one dwelling being located 39 metres from the front property boundary.

MINUTES of Ordinary Meeting of Gunnedah Shire Council held on Wednesday 24 August 2011

The alternative plan, with the residential allotments along Kamilaroi Road being 800m² (20 m x 40m), enables future dwellings on the rear allotments to be consistent with the existing subdivision and recently approved zoning residential pattern in the locality. The minimum setback distance from the railway line of 60 metres is also able to be achieved, with the rear lots having a minimum dimension of 85 metres along the Boundary Road frontage.



The developer was not supportive of this proposal.

Relationship to Strategic Planning Framework

The subject land is zoned Rural 1(d) (Future Urban) under the Gunnedah Local Environmental Study, 1998. This land was identified in the Local Environmental Study 1982 for future residential development, being recommended in Stage 2 of the residential release plan.

With adjacent residential land on the southern side of Kamilaroi Road, the subject land would form the entrance to the East Gunnedah residential precinct. Council Development Control Plan – Principles of Development illustrates the subdivision masterplan for East Gunnedah, including the subject land.

DCP – Principles of Development – Part 5 – Map Extract



The land is able to be serviced by Council's water and sewer services, through the extension of these services. As highlighted in the alternative proposal, the sewer main located to the west of the site, is able to be extended to service residential allotments along Kamilaroi Road. Council's water service is located along Kamilaroi Road, with kerb and guttering currently finishing at the intersection of Kamilaroi Road and the unformed section of Boundary Road.

It is acknowledged that additional rail movements and associated noise and vibration will result from the increase in mining activity within the Gunnedah basin. However, the subject land is adjacent to existing residential development along the railway line. It is noted that the minimum front setback in the 1(c) Rural Residential zone is 25 metres. Any future development, whether it is residential or rural-residential will be required to incorporate noise mitigation measures into the design and setback a minimum of 60 metres from the railway line.

Future Residential Demands

Bearing in mind the housing demand that Gunnedah now faces, which will escalate in the immediate future, the alternative proposal is considered to be the preferred option. It provides for twelve (12) residential lots, with two (2) larger allotments at the rear. The alternative design allows for these lots to be serviced by Council's sewer service, through the extension of the existing main. To ensure that the two larger allotments can be sewered, it would be recommended that a building envelope be imposed, with a minimum floor level.

As noted in previous reports, the land was identified in the Local Environmental Study 1982 for future residential development, being recommended in Stage 2 of the residential release plan. The alternative plan provides consistency with the proposed development of 71 Kamilaroi Road. A gateway determination has been issued for this site to amend the zoning to 2(a) Residential.

Implications of Developer's Proposal

The planning proposal submitted by developer has a number of implications should Council grant it approval.

Having regard to the "Justification for the Proposal" provided by the proponent the following responses are made:

- minimises conflicts with railway/adjoining land use – the land is adjacent to the North Western Railway. Future residential development adjacent to the railway line is considered inappropriate.

Whilst it is acknowledged that additional rail movements will occur as a consequence of coal development in the Gunnedah basin, it is noted that the adjoining Rural Residential zone has a minimum setback of 25 metres.

Dwellings on the adjoining rural residential land have been located between 60 and 130 metres from the railway line. The alternative option would result in dwellings fronting Kamilaroi Road being a minimum of 80 to 140 metres from the railway line. Development on the two larger lots would be at least 60 metres from the railway as dwelling location on these lots would be managed by the building envelopes.

- new development is similar to the scale and form of the existing development – the first stage of the subdivision involved land zoned Rural C

The proposal is not consistent with the strategic direction of adjoining development. The proposal conflicts with the residential release plan in the 1982 Local Environmental Study. The proposed zoning and subdivision size is different to the recently approved subdivision in Boundary Road opposite the subject land. Further the proposal is in conflict with Council's recent decision to rezone land opposite the subject land on the southern side of Kamilaroi Road to Residential A. This decision will allow lots to be subdivided to a minimum of 650 square metres.

- no reasonable demand on infrastructure and services – Council's water service is available to the subject land and on-site sewerage systems would be installed.

MINUTES of Ordinary Meeting of Gunnedah Shire Council held on Wednesday 24 August 2011

The land can be readily seweraged, with sewer available immediately to the west of Boundary Road. The alternative proposal takes account of this availability and allows all dwellings to be erected to be so serviced.

It should be noted that the residential release plan in the 1982 Local Environmental Study identified the land for future residential development with one of the critical criteria being that it can be readily seweraged.

- The site has benefits associated with proximity to the CBD and utilisation of the existing road infrastructure.

Given the lands location relative to the CBD and as identified in the residential release plan and Council's DCP it should be used for residential development. Its proximity to other residential and future residential areas and the availability of all necessary services make it ideal for urban development.

- Other issues

- * *Zoning*

The proponent has indicated that the proposal only relates to an amendment to the minimum subdivision size of 40 hectares – not the land zoning. Consequently the land will still be zoned Rural 1(d) – Future Urban and potentially still have a capability for future development.

Given the availability of services, particularly sewer there is potential for a future rezoning to residential and consequently further subdivision. To approve a five lot proposal would potentially complicate any future rezoning proposal and place subsequent pressure on Council to allow further subdivision. It may also lead to pressure for improved services such as sewer to the proposed subdivision.

Zoning the land to Residential 2(a) – Residential A would avert this issue and provide clarity as to the intended future use. Linked to a Development Control Plan it would ensure transparency and that appropriate headworks charges are applied.

- * *Headworks Charges*

The proposed alteration in lot arrangements, that is, 5 lots compared to 29 lots, will have significant consequences on the headworks charges Council can recover.

PROPOSAL		DEVELOPER CONTRIBUTION PLAN
Sewer:	Nil	\$60,200
Water	\$18,120	\$126,840
Stormwater	\$9,120	\$63,840

As a consequence of the reduction in charges that can be applied to the subject land, based on its projected lot generation, the Development Contribution Plan will require revision with the difference balance in each category being spread across other areas subject to the Contribution Plan.

This will be particularly significant in the area of stormwater where \$55,000 on current charges will have to be amortised over 200 lots – this will result in an increase of approximately \$275 per lot subdivided in the Osric Street No 3 Catchment.

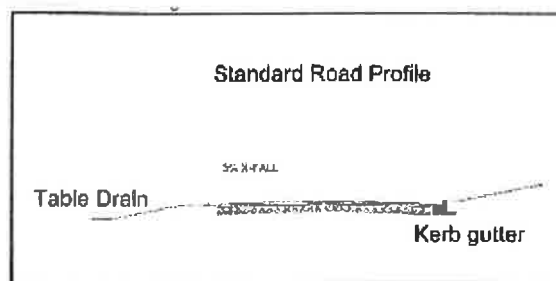
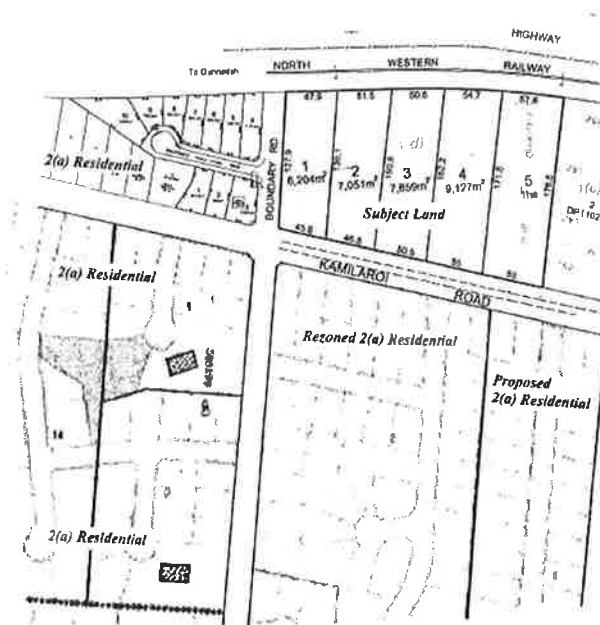
- * *Infrastructure Conflicts*

The site is identified as a Stage 2 residential release area. The southern side of Kamlaroi Road was recently rezoned to 2(a) Residential whilst consent has been granted to an eight lot residential subdivision on the western side of Boundary Road.

Council's standards permit rural or rural residential subdivisions to be created without the sealing of road shoulders or provision of kerb and gutter and associated drainage. This proposal will be in direct conflict with the land to the west and the south which will be developed to residential standards, including kerb and gutter, full width road seal (including road shoulder), construction of footpaths and provision of stormwater drainage.

The difficulty will be to determine where the urban (residential) infrastructure stops – giving way to the rural standard. This will be particularly a challenge at the northern end of Boundary Road adjoining the railway line where significant stormwater drainage and roadworks design will be required to deal with stormwater discharge under the railway line.

The plans below detail the inconsistencies in layout and infrastructure provision.



CONCLUSION

Consideration has been given to the proposed rezoning of Lot 1 DP 1102185 (56-58 Kamilaroi Road, Gunnedah) and Council's strategic development for the area. The planning proposal to rezone the land to permit rural residential lots is not consistent with strategic direction outlined in the Gunnedah Local Environmental Strategy 1982. With the land being able to be serviced by Council's water and sewer services and identified for future residential development it is therefore proposed that Council support a planning proposal to rezone the land to 2(a) Residential. Based on the alternative plan, it is also recommended that Council amend the Development Control Plan and its Developer Contribution Plan to incorporate this plan of subdivision.

MINUTES of Ordinary Meeting of Gunnedah Shire Council held on Wednesday 24 August 2011

OFFICER'S RECOMMENDATION: That Council approve a planning proposal to amend Gunnedah Local Environmental Plan 1998, to rezone Lot 1 DP 1102185 (56-58 Kamilaroi Road, Gunnedah) to 2(a) Residential and that Council's Development Control Plan be amended to reflect the alternative layout with consequential amendment to its Developer Contribution Plan..

Council Deliberations

Councillor KJ Martin advised he would move a motion that Council approve the planning proposal to amend Gunnedah Local Environmental Plan 1998 to rezone Lot 1 DP1102185 (56-58 Kamilaroi Road, Gunnedah) to 1(c) Rural Residential.

Councillor KJ Martin noted that this matter has been before Council for some time and that the proponents have been advised that it will be considered on two previous occasions. He advised that the cost of development in a 2(a) zone would be prohibitive. Council should not rezone land that cannot be viably subdivided. A ten lot subdivision on adjoining land which is zoned 2(a) has not been sold for over 20 years as developers have realised they would not be able to subdivide for the cost of the blocks. Council needs to assess the viability of developments including costs and risks. Councillor KJ Martin believed staff are attempting to raise more money through contributions and the report does not mention that the proponents have offered to kerb and gutter the distance in Kamilaroi Road to match the zoning of residential on the opposite side. Councillor KJ Martin suggested the five block subdivision proposal be accepted and that Council negotiate the enhanced contributions and the kerb and guttering.

Councillor H Allgayer sought clarification on the cost of sewerage connection.

The Director Planning and Environmental Services advised that the land can be serviced by Council sewer, however there were other concerns in relation to stormwater.

Councillor H Allgayer enquired whether the number of blocks created will achieve a better rate revenue.

The Director Planning and Environmental Services advised that there will need to be one increase in the per lot address headworks income losses, however the alternative proposal would not prevent future subdivision for residential services. There is a capability to develop 12 allotments fronting Kamilaroi Road. The Director Planning and Environmental Services noted that the proponent has not indicated a commitment to kerb and guttering nor additional contributions to stormwater headworks.

Councillor S Benham requested confirmation that a situation could arise in the future whereby the community would be required to pay extra costs.

The Director Planning and Environmental Services referred to previous development in Bushs Lane whereby residents made representations to Council to have the road sealed at Council cost. He also advised that the proposed zoning of Residential 2(a) ensures that the land has the capability to be subdivided in the future.

Councillor KJ Martin raised a point of order, commenting that this was an opinion on what the developer may do in the future.

Councillor S Benham questioned whether there is an estimate as to what the community may be required to pay in the future.

The Director Planning and Environmental Services advised that in terms of stormwater headworks an additional cost of \$275 would be applied to each and every other lot created within that catchment.

Councillor C Fuller noted that costs associated with kerb and guttering and sewerage could be borne by the community.

MINUTES of Ordinary Meeting of Gunnedah Shire Council held on Wednesday 24 August 2011

The Director Planning and Environmental Services said that if Council recognised a demand it would be at the community's cost.

Councillor H Allgayer commented that if the blocks are zoned 2(a), the residence would be right next to the railway and this would be untenable in the future and the blocks would not be able to be sold.

Councillor L Mills noted Councillor KJ Martin's comments in relation to the proponent's verbal commitment to kerb and guttering and advised that if this was confirmed it would influence his decision. He acknowledged the Director Planning and Environmental Services' comments, however commented that if the developers indicates he will not develop, it will result in the 'gateway' to Gunnedah remaining as is. He noted Councillor KJ Martin's comments in relation to other blocks in the area that have not been sold. Councillor L Mills said that if it is definite that the proponent will kerb and gutter and seal Kamilaroi Road along these blocks, he would support the motion. He questioned whether the kerb and guttering extends to Boundary Road.

Councillor KJ Martin advised that Council staff had discussed this proposal with the proponent and the kerb and guttering and enhanced contributions had been voluntary, however none of this is mentioned in the report. The developer is offering to match the street on side to the other to ensure an aesthetic appearance and functionality.

The Mayor enquired what guarantee Council has in relation to the kerb and guttering.

The Director Planning and Environmental Services advised that there is no guarantee as there is no mechanism to require a developer to install this infrastructure.

Councillor SJ Smith advised he could not vote for the proposal if it was going to cost Council money in the long term.

The Mayor questioned whether the planning proposal could include a statement in relation to kerb and guttering.

The Director Planning and Environmental Services advised that Council cannot condition the development proposal. He suggested that the land could be zoned 2(a) and that the developer could be required to review the Development Control Plan layout consistent with that achieved. The issue of sewer would be for Council's consideration upon receipt of the development application.

The Mayor stated that the proponent has requested a rezoning to 1(c).

The Director Planning and Environmental Services advised that the developer is not seeking to rezone the land to 1(c) but rather to enable subdivision of the land in accordance with the submitted plan. The averaging requirement of the 1(c) zone provided that the average of the lots created must not be less than 1.2 hectares. Consequently, if the land is zoned 1(c) only three lots can be created.

Councillor KJ Martin noted that the Director Planning and Environmental Services has indicated that the blocks cannot be zoned 1(c) due to potential area of the blocks, however the developer believes the average would still be adequate to create five blocks. Councillor KJ Martin commented that it is Council's prerogative to distribute funds from headworks restricted assets and these funds could be used to cross subsidise. The stormwater infrastructure that Council is liable for is to go under the railway line. Councillor KJ Martin believed Council should take the developer at his word in relation to kerb and guttering.

Councillor S Benham commented that Councillor KJ Martin has moved a recommendation which has not been requested by the developer.

The Mayor clarified that if the land is zoned 1(c) it will result in three lots, not five being created.

MINUTES of Ordinary Meeting of Gunnedah Shire Council held on Wednesday 24 August 2011

An Motion was Moved Councillor KJ Martin, Seconded Councillor T Duddy:

That Council approve a planning proposal to amend Gunnedah Local Environmental Plan 1998 to rezone Lot 1 DP1102185 (56-58 Kamilaroi Road, Gunnedah) to 1(c) Rural Residential and that Council's Development Control Plan be amended to reflect the alternative layout with consequential amendment to its Developer Contribution Plan.

The Motion on being Put to the Meeting was Carried.

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
GA Griffen S Benham L Mills T Duddy H Allgayer SJ Smith KJ Martin AJ Marshall	C Fuller		

Council Resolution

Moved Councillor KJ Martin, seconded Councillor T Duddy

45.6 PROPOSED DRAFT AMENDMENT TO THE GUNNEDAH LOCAL ENVIRONMENTAL PLAN, 1998 – LOT 1 DP 1102185, 56-58 KAMILAROI ROAD, GUNNEDAH

Manager Development & Planning Report

POLICY	Nil
LEGAL	Environmental Planning & Assessment Act, 1979 Gunnedah Local Environmental Plan, 1998
FINANCIAL	Nil

BACKGROUND

Council resolved at the March Ordinary Meeting to defer determination of the refusal of the subject planning proposal, pending consideration of future urban development. A second report on the proposal was referred to the May Ordinary Meeting, in which it was deferred pending further negotiation with the applicant.

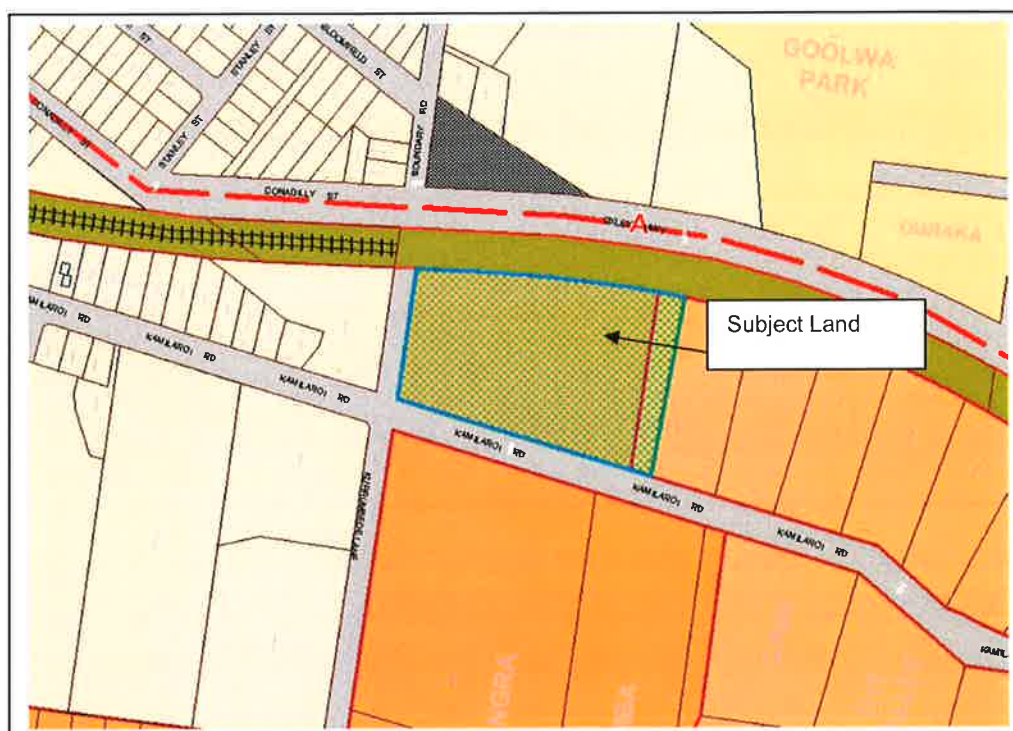
INTRODUCTION

Council has received a planning proposal for Lot 1 DP 1102185 (56-58 Kamilaroi Road, Gunnedah) on 17 January 2011. The site is currently zoned 1(d) Rural (Future Urban), and 1(c) Rural Residential under the provisions of the Gunnedah Local Environmental Plan, 1998. The applicant, Stewart Surveys Pty Ltd, is seeking to amend the minimum area of a lot created by subdivision within Lot 1 DP 1102185 to create 5 lots.

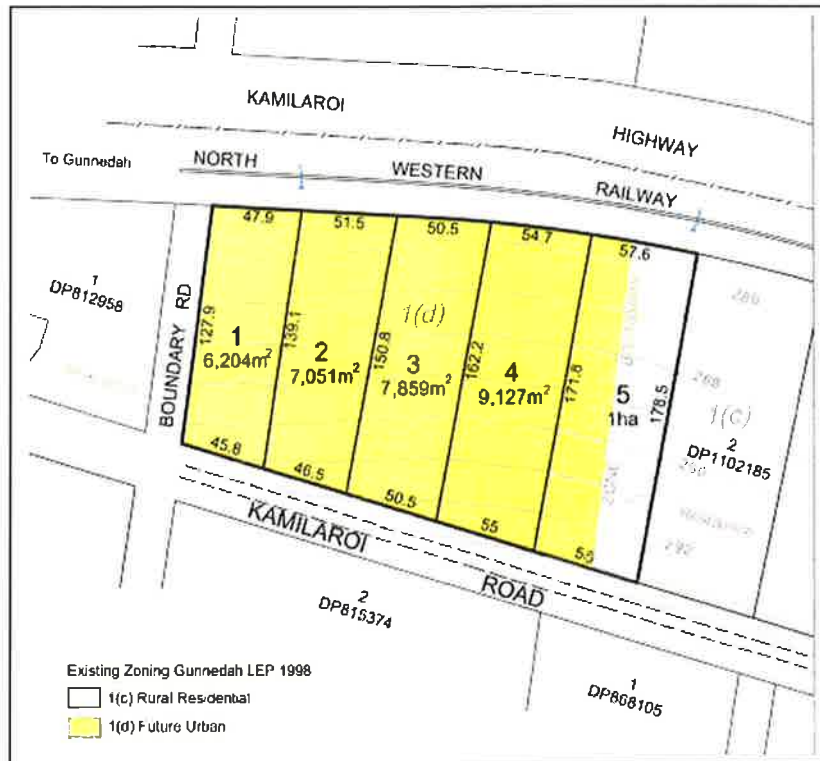
COMMENTARY

Context

The subject land adjoins land zoned 1(d) Rural (Future Urban) and 1(c) Rural Residential and is adjacent to Kamilaroi Road and the railway line. The site is currently vacant.



The application is seeking to amend the minimum area of a lot created by subdivision within Lot 1 DP 1102185 to create 5 lots. The developer is proposing a subdivision of the land for five (5) lots ranging in size from 6,204m² to 1ha (10,000m²).



Justification for Proposal

The Planning Proposal aims to provide five (5) large residential lots, which would be smaller than land immediately to the east. The application outlines the proposal's consistency with the existing Rural 1(c) zone and the objectives of the Rural Lands Strategy. It is noted that water, telecommunications and electricity are available to the property, with on-site sewerage management proposed.

The proposal notes that the five (5) additional lots would create a negligible effect on the total supply of land in the Rural 1(c) zoning. Justification for the proposal includes the following:

- minimises conflicts with railway/adjoining land use – the land is adjacent to the North Western Railway. Future residential development adjacent to the railway line is considered inappropriate
- new development is similar to the scale and form of the existing development – the first stage of the subdivision involved zoned land
- no unreasonable demand on infrastructure and services – Council's water service is available to the subject land and on-site sewerage systems would be installed.
- the site has benefits associated with proximity to the CBD and utilisation of the existing road infrastructure.

Relationship to Strategic Planning Framework

The subject land is zoned Rural 1(d) (Future Urban and Rural 1(c) Rural Residential) under the Gunnedah Local Environmental Study, 1998. This land was identified in the Local Environmental Study 1982 for future residential development, being recommended in Stage 2 of the residential release plan.

The land is able to be serviced by Council's water and sewer services, through the extension of these services. With adjacent residential land on the southern side of Kamilaroi Road, the subject land would form the entrance to the residential precinct. Council Development Control Plan – Principles of Development illustrates the subdivision masterplan for East Gunnedah, including the subject land.

DCP – Principles of Development – Part 5 – Map Extract



It is acknowledged that additional rail movements and associated noise and vibration will result from the increase in mining activity within the Gunnedah basin. However, the subject land is adjacent to existing residential development along the railway line. Any future development, whether it is residential or rural-residential will be required to incorporate noise mitigation measures into the design.

Future Residential Demands

Council staff have discussed the proposal with the applicant. Taking into consideration the issues raised by the owner, the following plan was suggested as an alternative to the owner.



Bearing in mind the housing demand that Gunnedah now faces, which will escalate in the immediate future, the alternative proposal is considered to be the preferred option. It provides for twelve (12) residential lots, with two (2) larger allotments at the rear. The alternative design allows for these lots fronting Kamilaroi Road to be serviced by Council's sewer service, through the extension of the existing main. To ensure that dwellings on the two larger allotments can access sewer, it is suggested that a building envelope be applied, with a minimum floor level.

MINUTES of Ordinary Meeting of Gunnedah Shire Council held on Wednesday 24 August 2011

With the proposed zoning of 2(a) Residential, future dwellings would be required to be setback a minimum of 7.5 metres from Kamilaroi Road and 900mm from side and rear boundaries. It is highlighted that the existing dwellings on the adjoining Rural 1(c) land are to be setback a minimum of 25 metres, with one dwelling being located 39 metres from the front property boundary. The alternative plan, with the residential allotments along Kamilaroi Road being 800m² (20 m x 40m), enables future dwellings on the rear allotments to be consistent with the existing dwellings in the locality. The minimum setback distance from the railway line of 60 metres is also able to be achieved, with the rear lots having a minimum dimension of 85 metres along the Boundary Road frontage.

In addition, the alternative plan provides consistency with the proposed development of 71 Kamilaroi Road. A gateway determination was endorsed by Council at its June Ordinary Meeting for this site to amend the zoning to 2(a) Residential.

It should be noted that the development of 71 Kamilaroi Road will require provision of all services including road shoulder expansion with kerb and gutter and stormwater works in Kamilaroi Road. The proposal in respect of 56-58 Kamilaroi Road for rural residential is inconsistent with these development standards as rural residential development does not require provision of services and infrastructure such as kerb and gutter, urban stormwater and sewer.

As noted in previous reports, the land was identified in the Local Environmental Study 1982 for future residential development, being recommended in Stage 2 of the residential release plan. Taking into consideration the strategic direction of the land and the imminent housing demands, it is strongly suggested that Council support a planning proposal to rezone the subject land to 2(a) Residential.

CONCLUSION

Consideration has been given to the proposed rezoning of Lot 1 DP 1102185 (56-58 Kamilaroi Road, Gunnedah) and Council's strategic development for the area. The planning proposal to rezone the land to 1(c) Rural Residential is not consistent with strategic direction outlined in the Gunnedah Local Environmental Strategy 1982. With the land being able to be serviced by Council's water and sewer services and identified for future residential development it is therefore proposed that Council support a planning proposal to rezone the land to 2(a) Residential. Based on the alternative plan, it is also recommended that Council amend the Development Control Plan, to incorporate this plan of subdivision.

OFFICERS RECOMMENDATIONS:

1. That Council approve a planning proposal to amend Gunnedah Local Environmental Plan 1998, to rezone Lot 1 DP 1102185 (56-58 Kamilaroi Road, Gunnedah) to the subject land to 2(a) Residential.
2. That Council amend its Development Control Plan – Principles of Development by incorporation of the revised layout plan for Lot 1 DP1102195, 56-58 Kamilaroi Road, Gunnedah contained in the report into the East Gunnedah plan.

Committee Deliberations

The Manager Development & Planning gave an overview of the item and the changes to the original development plan.

Councillor Mills concurred with the developer's proposal for subdivision into five lots and questioned if the consent could be conditioned to include sewer to the lots.

The Manager Development & Planning stated that Council could not condition a consent to sewer rural residential blocks having regard to its development standards, however if the developer was prepared to do it then it could be done..

MINUTES of Ordinary Meeting of Gunnedah Shire Council held on Wednesday 24 August 2011

Councillor Allgayer questioned the minimum size of lots for envirocycle sewer disposal systems and was advised by Mrs Hunt it was 2000 sq.m.

Councillor Griffen questioned the difference between the developer's proposal and Council's proposal. Mrs Hunt advised that subdivision is out of place with regards to the development directly opposite which has received a determination for rezoning to residential.

Councillor Benham queried the maximum distance dwelling were allowed from the railway line and was advised 60 metres.

Councillor Fuller advised that if the land was rezoned as per the developer's request it would go against other subdivisions Council has approved in the immediate area with regard to residential development.

The Manager Development & Planning then spoke on the Local Environmental Study 1982 regarding past and future housing with gateway residential development being a major issue.

Councillor Fuller suggested the item be held over to Council's Ordinary Meeting on 24 August 2011. Councillor Mills concurred with this suggestion.

COUNCIL RESOLUTION: That the matter be deferred to the next Ordinary Meeting of Council to be held on 24 August 2011 for consideration of the implications of rezoning the land to rural residential.

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
GA Griffen C Fuller S Benham L Mills T Duddy H Allgayer SJ Smith		AJ Marshall KJ Martin	

Committee Recommendation

Moved Councillor GA Griffen, seconded Councillor L Mills

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
GA Griffen C Fuller S Benham L Mills T Duddy H Allgayer SJ Smith KJ Martin AJ Marshall			

Council Resolution

Moved Councillor SJ Smith, seconded Councillor GA Griffen

64. RESCISSION MOTION – PROPOSED DRAFT AMENDMENT TO THE GUNNEDAH LOCAL ENVIRONMENTAL PLAN, 1998 – LOT 1 DP 1102185, 56-58 KAMILAROI ROAD, GUNNEDAH

That Council rescind the resolution to Minute No 42.9 of Council's meeting of 24 August 2011:

"That Council approve a planning proposal to amend Gunnedah Local Environmental Plan 1998 to rezone Lot 1 DP1102185 (56-58 Kamilaroi Road, Gunnedah) to 1(c) Rural Residential and that Council's Development Control Plan be amended to reflect the alternative layout with consequential amendment to its Developer Contribution Plan."

Council Resolution

Moved Councillor KJ Martin, seconded Councillor C Fuller

Draft

65. NOTICE OF MOTION – PROPOSED DRAFT AMENDMENT TO THE GUNNEDAH LOCAL ENVIRONMENTAL PLAN, 1998 – LOT 1 DP 1102185, 56-58 KAMILAROI ROAD, GUNNEDAH

That Council resolve in respect of the planning proposal relative Lot 1 DP1102185, 56-68 Kamilaroi Road, Gunnedah::

1. That Council endorse the planning proposal to amend Gunnedah Local Government Plan 1998 to modify the minimum area of a lot created by subdivision within Lot 1 DP1102185 (56-58 Kamilaroi Road, Gunnedah) to 6200 square metres subject to a maximum of five lots being created.
2. That Council forward the amending planning proposal to the Minister for Planning, requesting a Gateway Determination be provided in accordance with Section 58 of the Environmental Planning and Assessment Act 1979.
3. That subject to approval of the planning proposal by the Minister for Planning that Council's Development Control Plan be modified to reflect the amended layout with consequential amendment to Council's Developer Contribution Plan.
4. That the amended Development Control Plan and amended Developer Contribution Plan be exhibited for 28 days.

Council Resolution

Moved Councillor KJ Martin, seconded Councillor GA Griffen