

Gunnedah LEP 1998 Amendment No 23

Proposal Title : **Gunnedah LEP 1998 Amendment No 23**

Proposal Summary : **The Planning Proposal seeks to reduce the minimum lot size for subdivision of Lot 22, DP 1103680, 1-21 Silversmith Place, Gunnedah, from 40ha to 2000m2 to permit the creation of 7 residential allotments.**

PP Number : **PP_2011_GUNNE_004_00**

Dop File No : **11/18245**

Proposal Details

Date Planning Proposal Received : **10-Oct-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 : **1-21 Silversmith Place**

Suburb :

City : **Gunnedah**

Postcode : **2380**

Land Parcel : **Lot 22, DP 1113680**

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 : **0267402100**

Contact Email : **council@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 : **Yes**

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MDP Number :	0	Date of Release :	
Area of Release (Ha) :	1.43	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	7	No. of Dwellings (where relevant) :	7
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 1(d) Rural (Future Urban) under the Gunnedah LEP 1998. The Planning Proposal intends to amend the Plan to reduce the minimum allotment size for Lot 22 DP 1113680 from 40ha to 2000m2 consistent with the surrounding subdivision pattern. The reduction will result in the potential for 7 additional lots.

Lot 22 is a 1.43ha residue parcel that was created when the adjoining 1(d) Rural (Future Urban) land to the south and the east was subdivided into 30 residential lots (with an approximate lot size of 2000m2 each). The 30 lot subdivision was permissible on the land under an allowance clause contained in Schedule 3 Additional Uses of Land of the Gunnedah LEP 1998. The allowance clause was included in Schedule 3 under Amendment No.11 of the LEP in 2000.

Council is proposing to identify the subject land as having a minimum lot size of 2000m2 in clause 11 (clause 11 - Can land within Zone 1(a), 1(b), 1(d), 1(f) or 7(d) be subdivided) of the LEP 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 22, DP 1113680 has a minimum lot size for subdivision for 2000m2, is adequately expressed. There is a typographical error in this section of the Planning Proposal where reference is made to clause 12 instead of clause 11, however this is clarified in the explanation of the proposed provisions. This typographical error should be corrected before the Planning Proposal is placed on public exhibition.

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 will be amended by adding a subclause that

excludes the subject land from the minimum lot size that applies to the remainder of the 1(d) Rural (Future Urban) zoned land, and applies a 2000m2 minimum lot size to the land.

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**
3.1 Residential Zones

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 consistent with Council's Strategic Planning work**

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 is understood to be commencing on 19 October 2011. The draft comprehensive LEP proposes to zone the subject site R5 Large Lot Residential with a minimum lot size of 3000m2.**

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 low density 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 its existing rural residential usage, 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 generally consistent 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. Although this Planning Proposal does not propose to rezone the land for residential purposes, the change in the minimum lot size will facilitate such development and is therefore consistent with the intent of the endorsed strategy work.

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 3000m² and a R5 Large Lot Residential zone for the subject site and surrounding land. The Planning Proposal is seeking a 2000m² minimum lot size and retention of the 1(d) Rural (Future Urban) zone. Verbal advice from Council staff however, has been that the 3000m² is a minor error in the draft comprehensive LEP that they intend to rectify to 2000m² following exhibition of the Plan. It is noted that 2000m² has been the long established desired minimum lot size for the area and is shown in the DCP for the area. In regard to the other matter of inconsistency relating to the proposed zoning, Council has advised that it wishes to await the gazettal of the draft comprehensive LEP to change the zone of this entire 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. Further assessment of the Planning Proposal has identified that Direction 3.1 Residential Zones also applies

The Planning Proposal is considered to be consistent with S117 Directions 1.5 Rural Lands and 3.1 Residential Zones but inconsistent with S117 Directions 1.2 Rural Zones. The inconsistency with s117 Direction 1.2 is considered to be of minor significance and is discussed below.

1.2 Rural Zones

This 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 it is in accordance with a Department endorsed strategy and is also considered to be of minor significance due to the existing rural residential nature of the land, its proximity to existing residential zoned lands, the existing zoning clearly identifying the land for future urban purposes and the small size of the subject land (1.43ha). The land is currently utilised for rural residential purposes, adjoins the urban zone of the Gunnedah Township and is surrounded by 2000m² lots to its south and 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 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. A master plan for the development of this site and surrounding land is in Council's

DCP for the area (DCP 5 East Gunnedah). The master plan takes into account site characteristics such as land slope and existing vegetation as well as servicing constraints.

As the land is already used for rural residential purposes and has been 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**

Timeframe to make LEP : **6 Month** Delegation : **DDG**

Public Authority
Consultation - 56(2)(d)

Is Public Hearing by the PAC required? **No**

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

If no, provide reasons : **The planning proposal should proceed as it:**

1. will reflect the strategic intent of the area for residential development as outlined in the Department endorsed Bridging Report and DCP for the area; and
2. the proposal is expected to have a positive social and economic impact by providing additional residential allotments and 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.

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

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_10.10.2011.pdf	Proposal	Yes
Current_Zoning_Map.pdf	Map	Yes

Gunnedah LEP 1998 Amendment No 23

Location_Map.pdf
Aerial_PhotoGraph.pdf

Map
Photograph

Yes
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
3.1 Residential Zones**

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. the Planning Proposal be amended prior to exhibition to rectify the typographical error (reference to clause 12) in Part 1 of the proposal and to include appropriate maps identifying the site;**
- 4. the Planning Proposal should be completed within 6 months; and**
- 5. 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 minimum lot size for a subdivision on the land (and recommended rezoning) reflects the strategic intent for the area identified under the Department endorsed Bridging Report, and in Council's DCP for the area. 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:

14/10/11