

Shire of

Gunnedah

Land of Opportunity

Planning Proposal

- Amend the lot size map for:
 - All of Lot 2 DP 1146441, 1349 Wandobah Road, Gunnedah to 40ha.
 - All of Lot 1 DP 613545, 1295 Wandobah Road, Gunnedah to 200ha.
 - All of Lot 21 DP 1003636, 1311 Wandobah Road, Gunnedah to 40ha.
 - Lot 118 DP 1176830, Sunnyside Farm Drive, Gunnedah; Lot 114 DP 1176830, 11 Dries Avenue, Gunnedah; and Lot 115 DP1176830, 13 Dries Avenue, Gunnedah to align with cadastre property boundaries.
- Amend the zoning map for:
 - Lot 118 DP 1176830, Sunnyside Farm Drive, Gunnedah; Lot 114 DP 1176830, 11 Dries Avenue, Gunnedah; and Lot 115 DP1176830, 13 Dries Avenue, Gunnedah, to align with cadastre property boundaries.
 - Amend the wording from Water Management Facility to Waste Management Facility
- Insert a new clause in the Gunnedah Local Environmental Plan 2012, enabling boundary alterations between lots in Zone RU1 *Primary Production* and E3 *Environmental Management*.

Prepared by

Gunnedah Shire Council

17 November 2014

PART 1 – OBJECTIVES OR INTENDED OUTCOMES OF THE PROPOSED LEP

The objectives or intended outcomes of the Planning Proposal are as follows:

A. Amend the lot size map for:

- i. All of Lot 2 DP 1146441, 1349 Wandobah Road, Gunnedah to 40ha.
- ii. All of Lot 1 DP 613545, 1295 Wandobah Road, Gunnedah to 200ha.
- iii. All of Lot 21 DP 1003636, 1311 Wandobah Road, Gunnedah to 40ha.
- iv. Lot 118 DP 1176830, Sunnyside Farm Drive, Gunnedah; Lot 114 DP 1176830, 11 Dries Avenue, Gunnedah; and Lot 115 DP1176830, 13 Dries Avenue, Gunnedah, to align with cadastre property boundaries.

B. Amend the zoning map for:

- i. Lot 118 DP 1176830, Sunnyside Farm Drive, Gunnedah; Lot 114 DP 1176830, 11 Dries Avenue, Gunnedah; and Lot 115 DP1176830, 13 Dries Avenue, Gunnedah, to align with cadastre property boundaries.
- ii. Amend the wording from Water Management Facility to Waste Management Facility

C. Insert a new clause in the Gunnedah Local Environmental Plan (GLEP) 2012 to permit boundary alterations in certain circumstances between lots in Zone RU1 *Primary Production* and E3 *Environmental Management*.

Proposed amendments A and B aim to amend GLEP 2012 Land Zoning and Lot Size Maps for the subject sites.

Amendment C aims to provide land owners in Zone RU1 *Primary Production* and E3 *Environmental Management*, greater opportunity to achieve the objectives of a zone by allowing the alteration of boundaries between two or more lots in certain circumstances.

PART 2 – EXPLANATION OF PROVISIONS TO BE INCLUDED IN THE PROPOSED LEP

Objectives or intended outcomes of Part 1 A and 1 B of the Planning Proposal are to be achieved by amending the land zoning and lot size map for the subject land.

The objectives and intended outcomes of Part 1 C of the planning proposal are to be achieved by introducing the following clause to the Gunnedah LEP 2012.

- *Boundary changes between lots in Zone RU1 and E3*
 - I. *The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances, to give landowners a greater opportunity to achieve the objectives of a zone.*
 - II. *This clause applies to land in Zone RU1 Primary Production and E3 Environmental Management.*
 - III. *Despite clause 4.1 (3), the size of any lot resulting from a subdivision of 2 or more adjoining lots, on land to which this clause applies, may be less than the minimum lot size shown on the Lot Size Map in relation to that land if the subdivision will not result in any of the following:*
 - (a) An increase in the number of lots,*
 - (b) An increase in the number of dwellings that may be erected on any of the lots*
 - IV. *In determining whether or not to grant development consent for the subdivision of land under this clause, the consent authority must consider the following:*
 - a) The existing uses and approved uses of other land in the vicinity of the subdivision.*
 - b) Whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development.*
 - c) Whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b).*
 - d) Whether or not the subdivision is likely to be incompatible with a use on land in any adjoining zone.*

- e) *Any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).*
- f) *Whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land.*
- g) *Whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.*

V. *This clause does not apply in relation to a subdivision under the Community Land Development Act 1989, the Strata Schemes (Freehold Development) Act.*

PART 3 – JUSTIFICATION

Section A – The need for the planning proposal.

1. *Is the planning proposal a result of any strategic study or report?*

The proposed amendments to the Gunnedah LEP 2012 are not the direct result of a strategic study or report. These amendments are the outcome of a review of the Gunnedah LEP 2012, which identified a number of minor issues to be addressed. A councillor workshop was undertaken on 2 July 2014 which outlined the proposed amendments.

The review identified that Lot 2 DP 1146441, 1349 Wandobah Road – Lot 1 DP 613545, 1295 Wandobah Road, and Lot 21 DP 1003636, 1311 Wandobah Road, Gunnedah, contain dual minimum lot sizes. The current lot size boundary for these properties has been defined by a coal lease, which is located over part of these properties. To ensure consistency with the predominant minimum lot size and the location of the coal lease, it is recommended that 1311 and 1349 Wandobah Road have a minimum lot size of 40ha and 1295 Wandobah Road have a minimum lot size of 200ha. The amendment to the lot size map is to ensure that the lot size boundaries follow property boundaries and the subject lots contain only one minimum lot size.

The review also identified that the land zoning and lot size map for Lot 118 DP 1176830, 'Sunnyside', Farm Drive – Lot 114 DP 1176830, 11 Dries Avenue, and Lot 115 DP 1176830, 13 Dries Avenue, Gunnedah, are not consistent with new cadastre property boundaries. It is proposed that the GLEP 2012 lot size and land zoning maps be amended to align with new property boundaries of the subject properties.

The review also found that gazetted plans of the Gunnedah LEP 2012 have amended the wording contained on the land zoning map of Lot 12 DP 1020147, 418 Quia Road,

Gunnedah, 'Waste Management Facility', to 'Water Management Facility'. It is recommended that the wording contained on the land zoning map be amended back to Waste Management Facility.

The final amendment proposed for the Gunnedah LEP 2012 arose following consultation with the Department of Planning and Environment after the Councillor workshop. It was suggested that a model clause be introduced to the Gunnedah LEP 2012, regarding rural boundary adjustments between lots that don't meet the minimum lot size in zone RU1 *Primary Production* and E3 *Environmental Management*. The objective of this clause is to permit boundary alterations between two (2) or more lots within the two zones to be altered in certain circumstances, providing landowners a greater opportunity to achieve the objectives of a zone. The model clause to be implemented will be of the wording mentioned in part 2 of the planning proposal.

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

The amendment of the land zoning and lot size map for the subject land is considered to be the best way of achieving the intended outcomes of Part 1A and 1B of the planning proposal.

Clause 4.1 (3) of the Gunnedah LEP 2102 stipulates that:

4.1 *Minimum subdivision lot size*

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

This clause, combined with the minimum lot size applicable to land within zone RU1 *Primary Production* and E3 *environmental management*, constraints the ability of land owners to achieve the objectives of a zone, which are as follows;

Zone RU1 *Primary Production*

1 *Objectives of zone*

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.*
- *To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.*

- *To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.*

Zone E3 Environmental Management

1 Objectives of zone

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*

The inclusion of a new clause, as outlined in part 2 of the planning proposal, is deemed to be the best method of allowing rural boundary adjustments between lots that don't meet the minimum lot size standard in Zone RU1 *Primary Production* and E3 *Environmental Management* (Part 1C). The proposed new clause will not allow for an increase in the number of lots or the number of dwellings able to be erected on any of the lots. The proposed new clause is a combination of clause 4.1D Boundary changes between lots in certain rural, residential and environmental protection zones of the Upper Hunter LEP 2013 and clause 4.2F Exceptions to minimum subdivision lot size for lot boundary adjustments of the Tenterfield LEP 2013.

Section B – Relationship to strategic planning framework.

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies?)*

The Namoi 2030 Regional Resource Strategy is a joint initiative between Councils in the Namoi catchment for the purpose of producing a regional land use management strategy with a focus on sustainable growth. The report refers to the current and projected growth of the Gunnedah region; in particular the anticipated growth in mining and the impact this will have on local housing stocks. The impact of mining on the settlement patterns within the region are expected to be significant and it is anticipated that much of the demand for new housing will be facilitated by developers. Part 1A and 1B of the planning proposal are considered to be consistent with the strategy, however, part 1C is considered to be inconsistent in relation to allowing for increased housing. This inconsistency is considered to be of minor significance as there is ample land within Gunnedah that is zoned for residential development and has existing approval for subdivision for when anticipated housing demand arises.

4. *Is the planning proposal consistent with a Council's local strategy or other local strategic plans?*

Gunnedah Shire Rural Strategy 2007

The Strategy outlines a rural vision, growth management philosophy, development principles, objectives, strategies and actions related to the strategic growth and development of the rural areas of the Gunnedah Shire. The Strategy aims to assist in co-ordinating the future development of the region by providing for an orderly and efficient supply of lands to satisfy demand and encourage efficient settlement hierarchies and economic development, in an environmentally acceptable way. The planning proposal is considered to be consistent with the Gunnedah Shire Rural Strategy 2007.

Community Strategic Plan 2003

The strategy aims to develop and promote new and existing businesses, tourism and events, to beautify the town and environment and to address social issues with an increased community spirit. The planning proposal is considered to be consistent with the Community Strategic Plan 2003.

5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

The planning proposal is consistent with all applicable State Environmental Planning Policies, as demonstrated in Appendix 1.

6. *Is the planning proposal consistent with relevant Ministerial Directions (s.117 directions)?*

The planning proposal is inconsistent with some the relevant of s.117 Directions, as demonstrated in Appendix 2, however, these inconsistencies are considered to be of minor significance.

Section C – Environmental, Social and economic impact

7. *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?*

As the proposal relates to boundary adjustments between lots within zone RU1 *Primary Production* and E3 *Environmental Management*, it is expected critical habitat, threatened species, populations or ecological communities, and their habitats may be present. However, it is considered unlikely any critical habitat, threatened species or ecological communities will be subject to any adverse impacts, should the planning proposal proceed. Further assessment of any site specific impacts will be undertaken at the development application stage.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

It is highly unlikely the planning proposal will result in any other likely environmental effects such as natural hazards, flooding or landslip. Some land is identified as bushfire prone land. Future development of the sites will require compliance with Planning for Bushfire Protected 2008.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is expected to result in a positive social and economic outcome as it will increase the ability of landowners in Zone RU1 *Primary Production* and E3 *Environmental Management* to meet the objectives of a zone.

Provisions for the conservation and management of Aboriginal and European heritage already exist within the current instrument. Should the planning proposal proceed, assessment of any impacts can be undertaken at the development application stage.

Section D – State and Commonwealth Interest

10. Is there adequate infrastructure for the planning proposal?

As the planning proposal will not result in an increase in the number of lots or the number of dwellings able to be built on any lot, existing infrastructure is considered adequate

11. What are the views of state and commonwealth public authorities consulted in accordance with the gateway determination?

The following agencies should be consulted during the gateway process.

New South Wales Rural Fire Service (NSWRFS)

As the planning proposal relates to boundary adjustments on bushfire prone land, it is suggested the NSWRFS be consulted.

Office of Environment and Heritage (OEH)

As the planning proposal relates to boundary adjustments within zone E3 *Environmental Protection*, it is suggested the OEH be consulted.

PART 4 – MAPPING

The planning proposal relates to proposed amendments to the Land Zoning and Lot Size Maps in the GLEP 2012. Preliminary plans have been attached to this planning proposal in appendices 3-8.

PART 5 – COMMUNITY CONSULTATION

It is proposed to exhibit the Planning Proposal for 14 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

PART 6 – PROJECT TIMELINE

The table below provides an indication of the timeline for the Planning Proposal.

Anticipated commencement date (date of Gateway determination)	January 2014 upon receipt of Gateway Determination by Council.
Anticipated timeframe for the completion of technical information	Technical studies have not been identified as a component of the planning proposal.
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	January 2014 Subject to requirements of a Gateway Determination, agency consultation would occur during the public consultation phase.
Commencement and completion dates for public exhibition period	(14 days) 22 nd January – 05 th February 2014
Dates for public hearing (if required)	Not identified as being required.
Timeframe for consideration of submissions	3 weeks
Timeframe for the consideration of a proposal post exhibition	4 weeks (partly in conjunction with consideration of submissions)
Date of submission to the Department of Parliamentary Counsel to finalise LEP	05 th February 2014
Anticipated date RPA will make the plan (if delegated)	February 2014
Anticipated date RPA will forward to department for notification	February 2014

Appendix 1 – Consideration of applicable SEPP to Gunnedah

SEPP	Applicable	Consistent	Comments
No. 1 – Development Standards	Yes	Yes	The planning proposal is consistent with this SEPP
No. 21 – Caravan Parks	No		Not Applicable
No. 30 – Intensive Agriculture	No		Not Applicable
No. 32 – Urban Consolidation (Redevelopment of Urban Land)	No		Not Applicable
No. 33 - Hazardous and Offensive Development	No		Not Applicable
No 36 – Manufactured Estate Homes	No		Not Applicable
No. 44 – Koala Habitat Protection	Yes	Yes	The planning proposal is consistent with this SEPP. Future development of some sites may require the preparation of a koala management plan.
No. 50 – Canal Estate Development	No		Not Applicable
No. 55 – Remediation of Land	No		Not Applicable
No. 62 – Sustainable Aquaculture	No		Not Applicable
No. 64 – Advertising and Signage	No		Not Applicable
No. 65 – Design Quality of Residential Flat Buildings	No		Not Applicable
Affordable Rental Housing 2009	No		Not Applicable
Building Sustainability Index: BASIX 2004	No		Not Applicable
Exempt and Complying Development Codes 2008	No		Not Applicable
Housing for Seniors or People with a Disability 2004	No		Not Applicable
Infrastructure 2007	No		Not Applicable
Major Development 2005	No		Not Applicable
Mining, Petroleum Production and Extractive Industries 2007	No		Not Applicable
Miscellaneous Consent Provision 2007	No		Not Applicable
Rural Lands 2008	Yes	Yes	The planning proposal is consistent with this SEPP
State and Regional Development 2012	No		Not Applicable

Appendix 2 – Consideration of Section 117 Ministerial Directions – Assessment relative to Gunnedah Local Environmental Plan, Amendment No 5

1. Employment and Resources

Direction	Applicable	Consistent	Reason for inconsistency or comment
1.1 Business and Industrial zones	No	Not applicable	The Planning Proposal does not relate to land zoned for Industrial or Business uses, except for an amendment to the wording contained on the Lot Size Map from 'water management facility' to 'waste management facility'.
1.2 Rural Zones	Yes	Yes	The planning proposal does not alter or change existing rural zone boundaries to a residential, business, industrial, village or tourist zone, and contains provisions that will prevent an increase in dwelling density in rural zones.
1.3 Mining, Petroleum Production and Extractive Industries	No	Not applicable	The planning proposal does not propose to change the zoning that would affect the permissibility of mining on the subject land. <i>SEPP mining, petroleum production and extractive industries 2007</i> , is applicable to the subject land and prevails over the <i>GLEP 2012</i> .
1.4 Oyster Aquaculture	No	Not applicable	This direction is not applicable to the Gunnedah Shire LGA.
1.5 Rural Lands	Yes	Inconsistent	The planning proposal is somewhat inconsistent with this direction as it involves a change to the location of the lot size boundary to align with the property boundary; however, it does not reduce the minimum lot size that currently applies to the majority of the sites. <i>SEPP (Rural Lands) 2008</i> and the <i>Gunnedah Shire Rural Strategy 2007</i> are applicable to the subject land. In this respect, the inconsistency is considered to be of minor significance.

2. Environment and Heritage

Direction	Applicable	Consistent	Reason for inconsistency or comment
2.1 Environmental Protection Zones	Yes	Inconsistent	The planning proposal does not include provisions to facilitate the protection and conservation of environmentally sensitive areas as these provisions already exist in

			the current instrument. In this respect, the inconsistency is considered to be minor significance
2.2 Coastal Protection	No	Not applicable	This Direction is not applicable to the Gunnedah Shire LGA.
2.3 Heritage Conservation	Yes	Inconsistent	The planning proposal does not contain provisions for the conservation and management of heritage items as these provisions already exist in the current instrument. In this respect, this inconsistency is considered to be of minor significance.
2.4 Recreation Vehicle Areas	Yes	Consistent	The permissibility of the land-use is not increased or affected by the planning proposal.

3. Housing, Infrastructure and Urban Development

Direction	Applicable	Consistent	Reason for inconsistency or comment
3.1 Residential Zones	Yes	Inconsistent	The planning proposal does not include housing provisions as these provisions already exist in the current instrument and Council's development control plan (DCP). The amendment of the residential zone map arises from a minor inconsistency when new cadastre property boundaries were overlaid Council's LEP maps. In this respect, the inconsistency is considered to be of minor significance.
3.2 Parks and Manufactured Home Estates	Yes	Inconsistent	The planning proposal does not include provisions for caravan parks and manufactures home estates as these provisions already exist in the current instrument and Council's DCP. <i>SEPP 21 (Caravan Parks)</i> & <i>SEPP 36 (Manufactured Home Estates)</i> are applicable to the subject land and prevail over the <i>GLEP 2012</i> . In this respect, this inconsistency is considered to be of minor significance.
3.3 Home Occupations	Yes	Inconsistent	The planning proposal does not contain provisions for home occupations as these provisions already exist in the current instrument. In this respect, this inconsistency is considered to be of minor significance.
3.4 Integrating Land Use and	Yes	Inconsistent	The planning proposal does not include provisions for integrated land-use and

Transport			transport as these provisions already exist in the current instrument. In this respect, this inconsistency is considered to be of minor significance.
3.5 Development Near Licensed Aerodromes	Yes	Inconsistent	The planning proposal does not include provisions for development near licensed aerodromes as these provisions already exist in the current instrument and the <i>GLEP 2012</i> . In this respect, this inconsistency is considered to be of minor significance.
3.6 Shooting Ranges	No	Not applicable	This Direction is not applicable to the planning proposal.

4. Hazard and Risk

Direction	Applicable	Consistent	Reason for inconsistency or comment
4.1 Acid Sulphate Soils	No	Not applicable	This direction is not applicable to the Gunnedah Shire LGA.
4.2 Mine Subsidence and Unstable Land	No	Not Applicable	This direction is not applicable to the Gunnedah Shire LGA.
4.3 Flood Prone Land	Yes	Inconsistent	The planning proposal does not contain provisions for the management of flood prone land as these provisions already exist in the current instrument. In this, respect this inconsistency is considered to be of minor significance.
4.4 Planning for Bushfire Protection	Yes	Inconsistent	The planning proposal does not contain provisions for bushfire protection as these provisions already exist in the current instrument. The direction requires that Council consult with the NSW Rural Fire Service following gateway determination. <i>Planning for Bushfire Protection 2008</i> also applies to the subject land. In this respect, this inconsistency is considered to be of minor significance.

5. Regional Planning

Direction	Applicable	Consistent	Reason for inconsistency or comment
5.1 Implementation of Regional Strategies	No	Not applicable	This direction is not applicable to the Gunnedah Shire LGA.

5.2 Sydney Drinking Water Catchments	No	Not applicable	This direction is not applicable to the Gunnedah Shire LGA.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	Not applicable	This direction does not apply to the Gunnedah Shire LGA.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	Not applicable	This direction is not applicable to the Gunnedah Shire LGA
5.8 Second Sydney Airport: Badgery's Creek	No	Not applicable	This direction is not applicable to the Gunnedah Shire LGA.
5.9 North West Rail Link Corridor Strategy	No	Not applicable	This direction is not applicable to the Gunnedah Shire LGA.

6. Local Plan Making

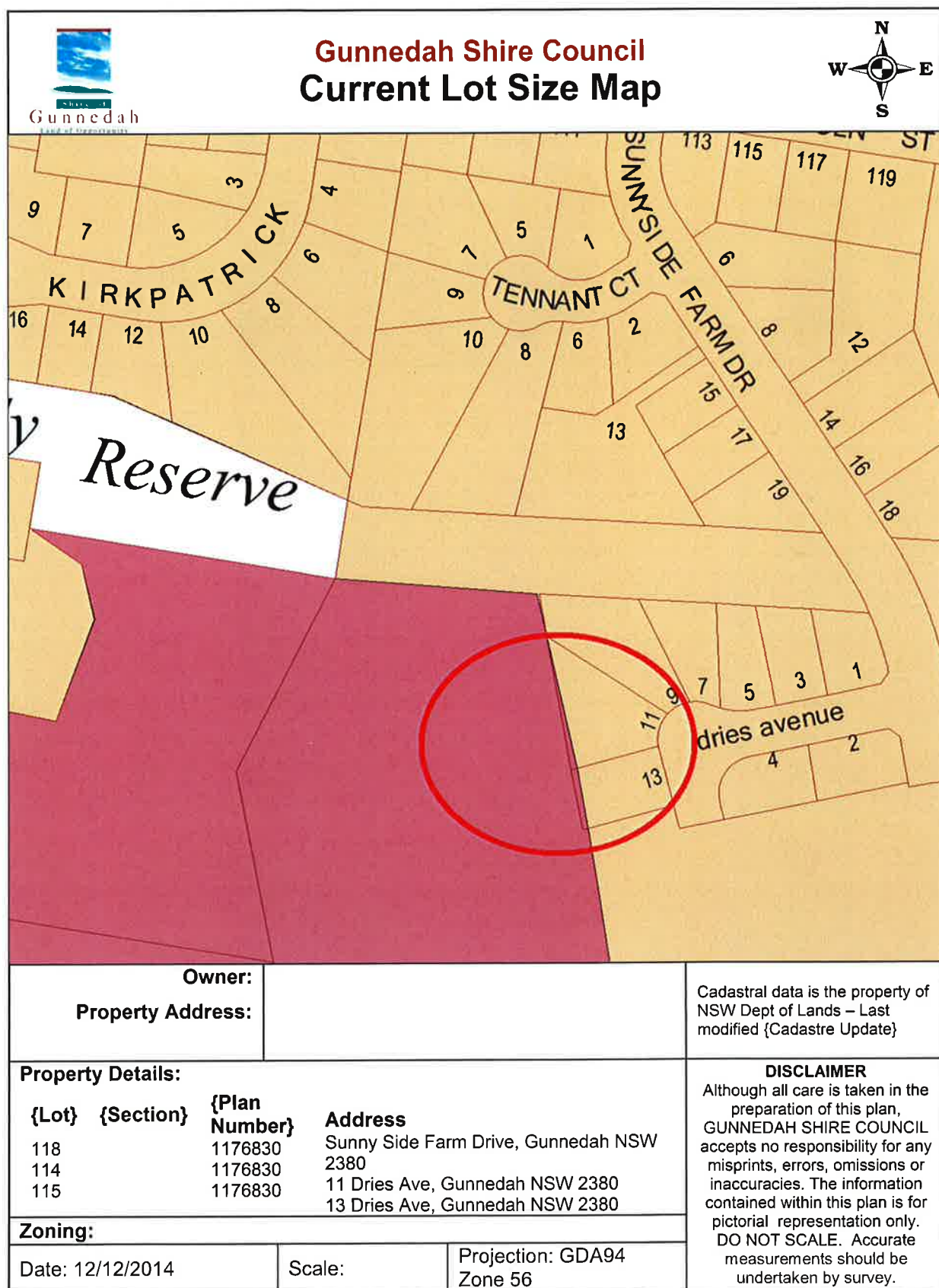
Direction	Applicable	Consistent	Reason for inconsistency or comment
6.1 Approval and Referral Requirements	Yes	Consistent	The planning proposal does not include provisions that require concurrence, consultation or referral of development applications to the minister.
6.2 Reserving Land for Public Purposes	Yes	Consistent	The planning proposal does not contain provisions that involve the creation, alteration or reduction of existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	Yes	Consistent	The planning proposal allows for boundary adjustments between rural lots in certain circumstances. Boundary adjustments will not result in an increase in the dwelling density of the land or the number of lots, nor will it result in the rezoning of land.

7. Metropolitan Planning

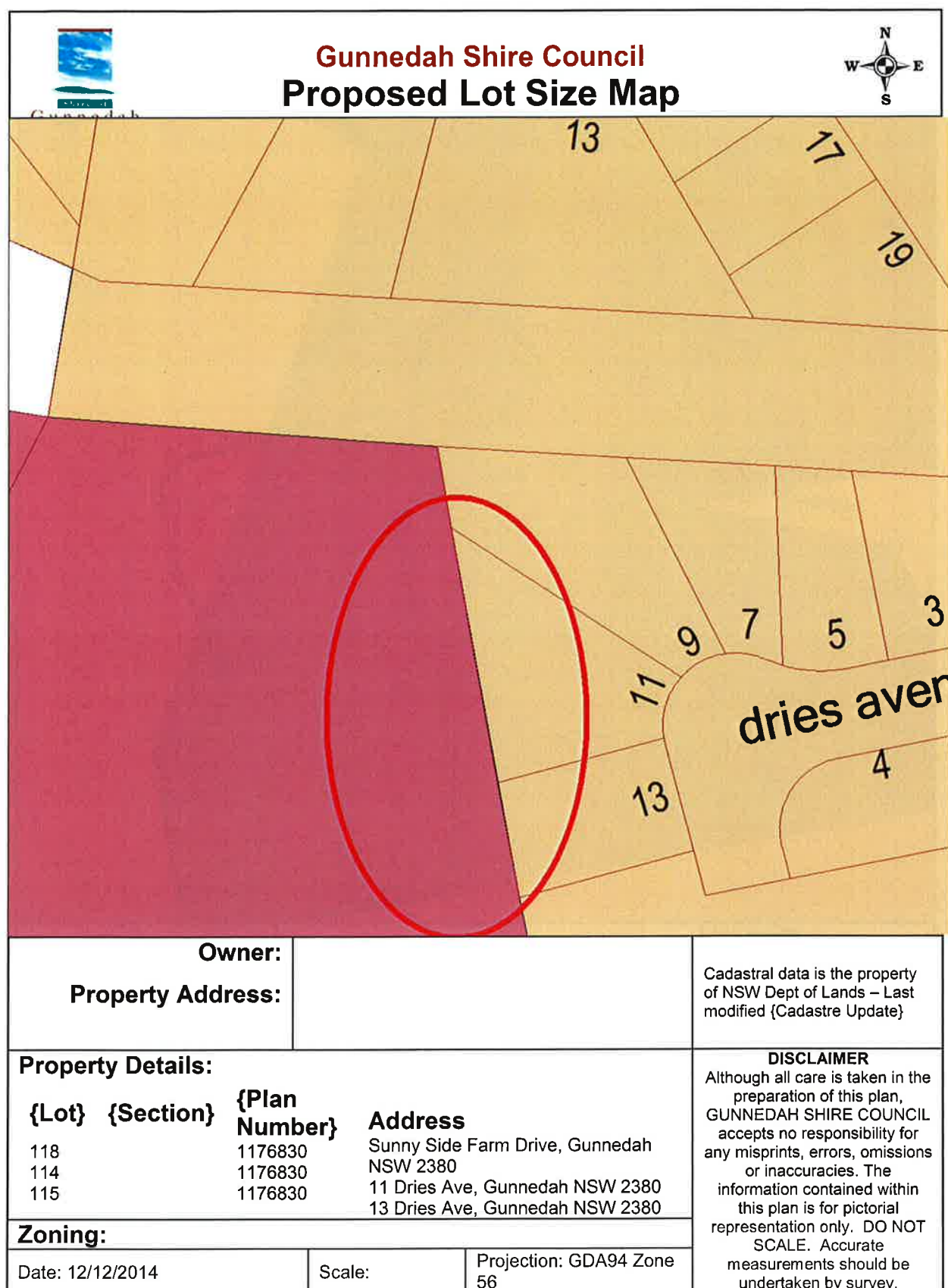
Direction	Applicable	Consistent	Reason for inconsistency or comment

7.1 Implementation of the Metropolitan Plan for Sydney 2036	No	Not applicable	This direction is not applicable to the Gunnedah Shire LGA.
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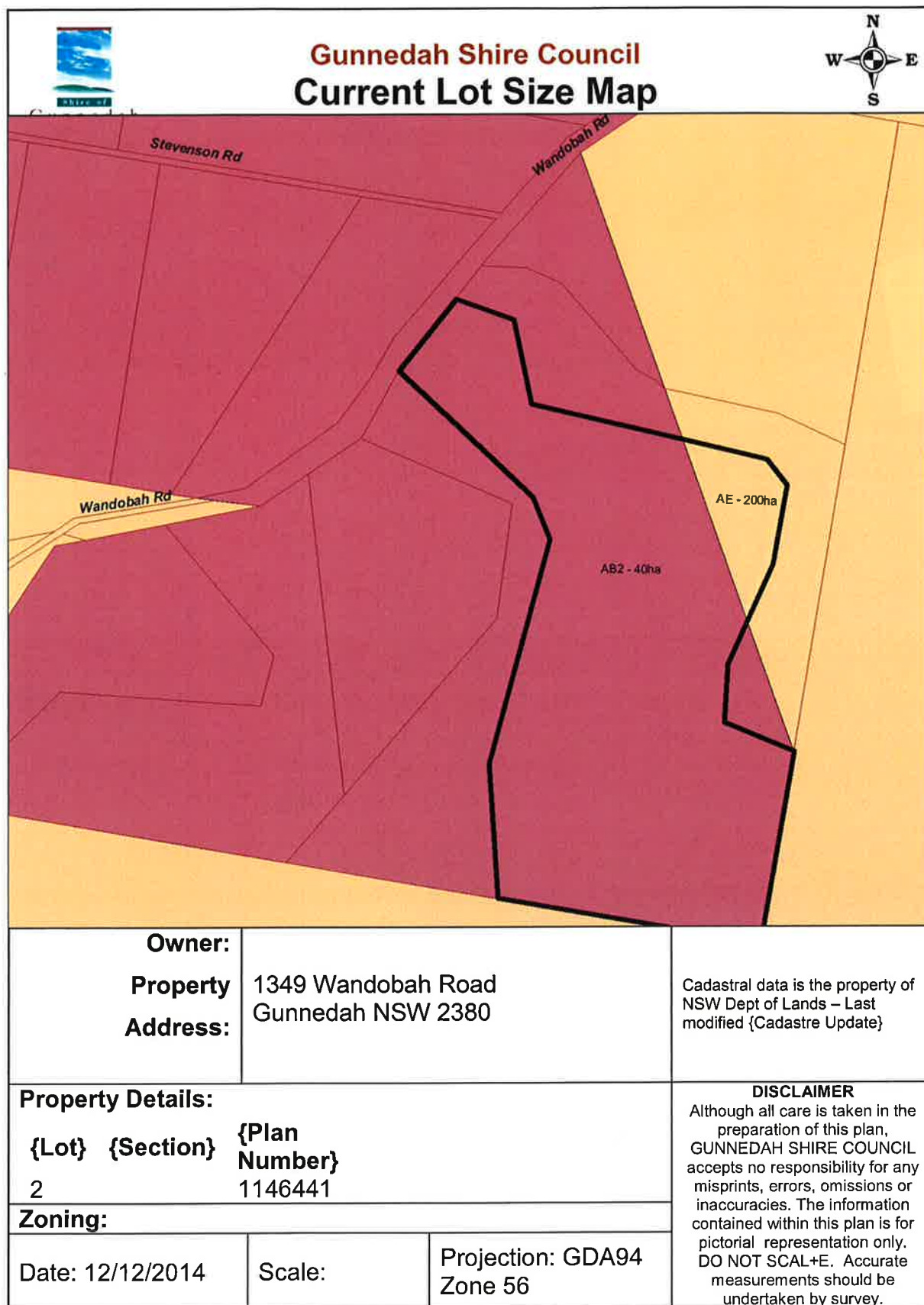
Appendix 3 (a) – Current Lot Size Map for ‘Sunnyside’, Farm Drive, 11 Dries Ave & 13 Dries Ave, Gunnedah NSW 2380



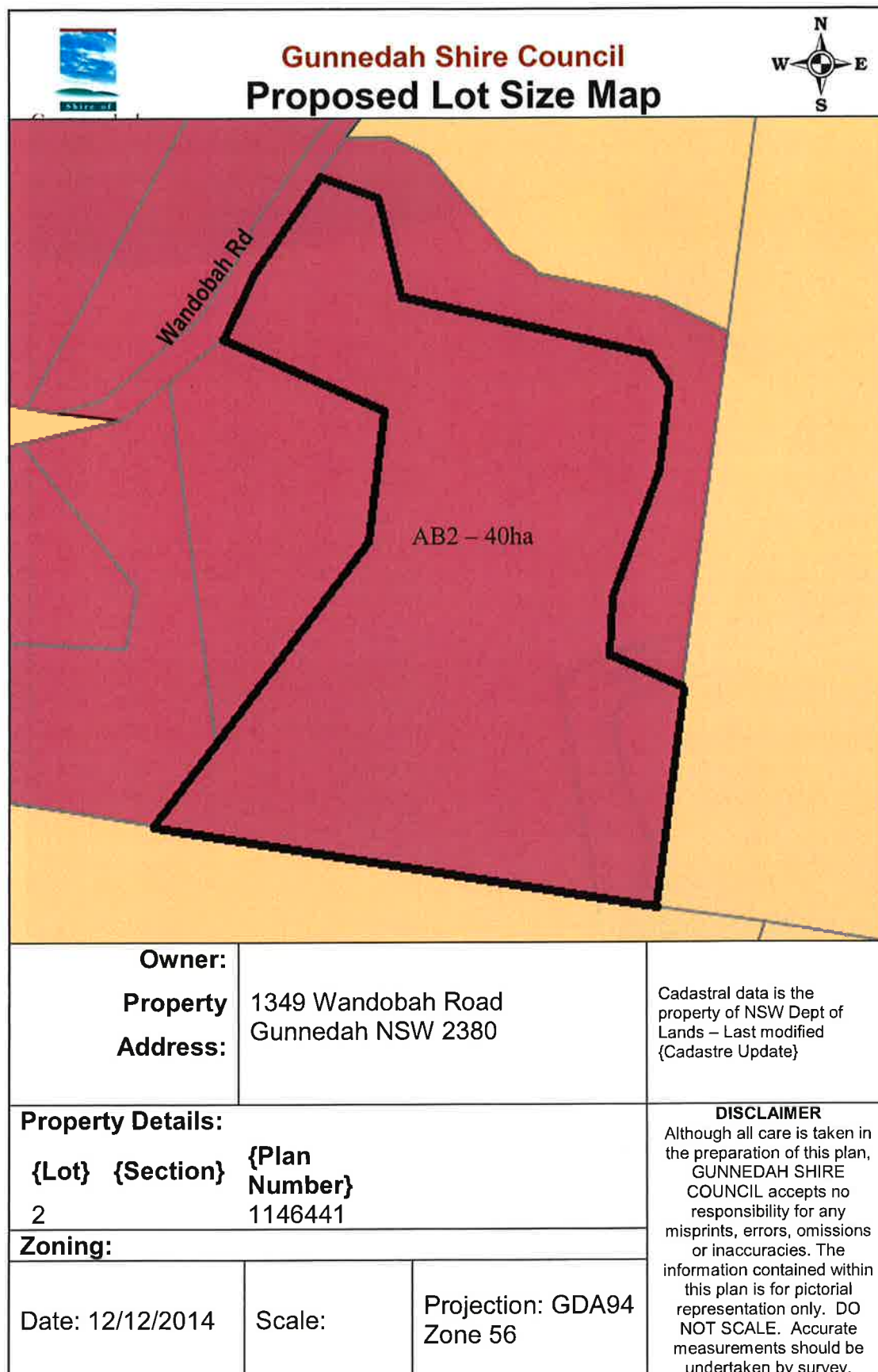
Appendix 3 (b) – Proposed Lot Size Map for ‘Sunnyside’, Farm Drive, 11 Dries Ave & 13 Dries Ave, Gunnedah NSW 2380



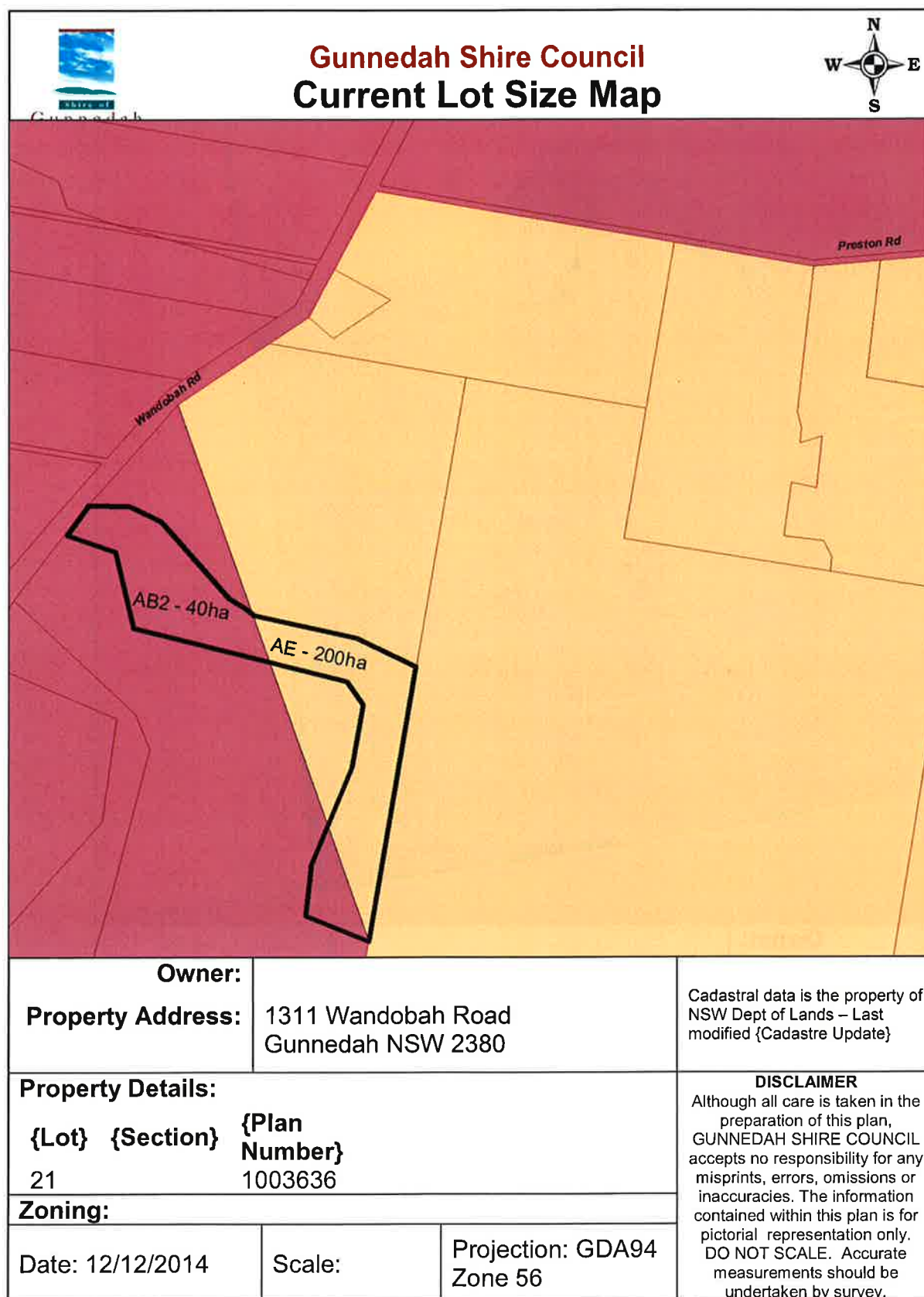
Appendix 4 (a) – Current Lot Size Map for 1349 Wandobah Road, Gunnedah NSW 2380



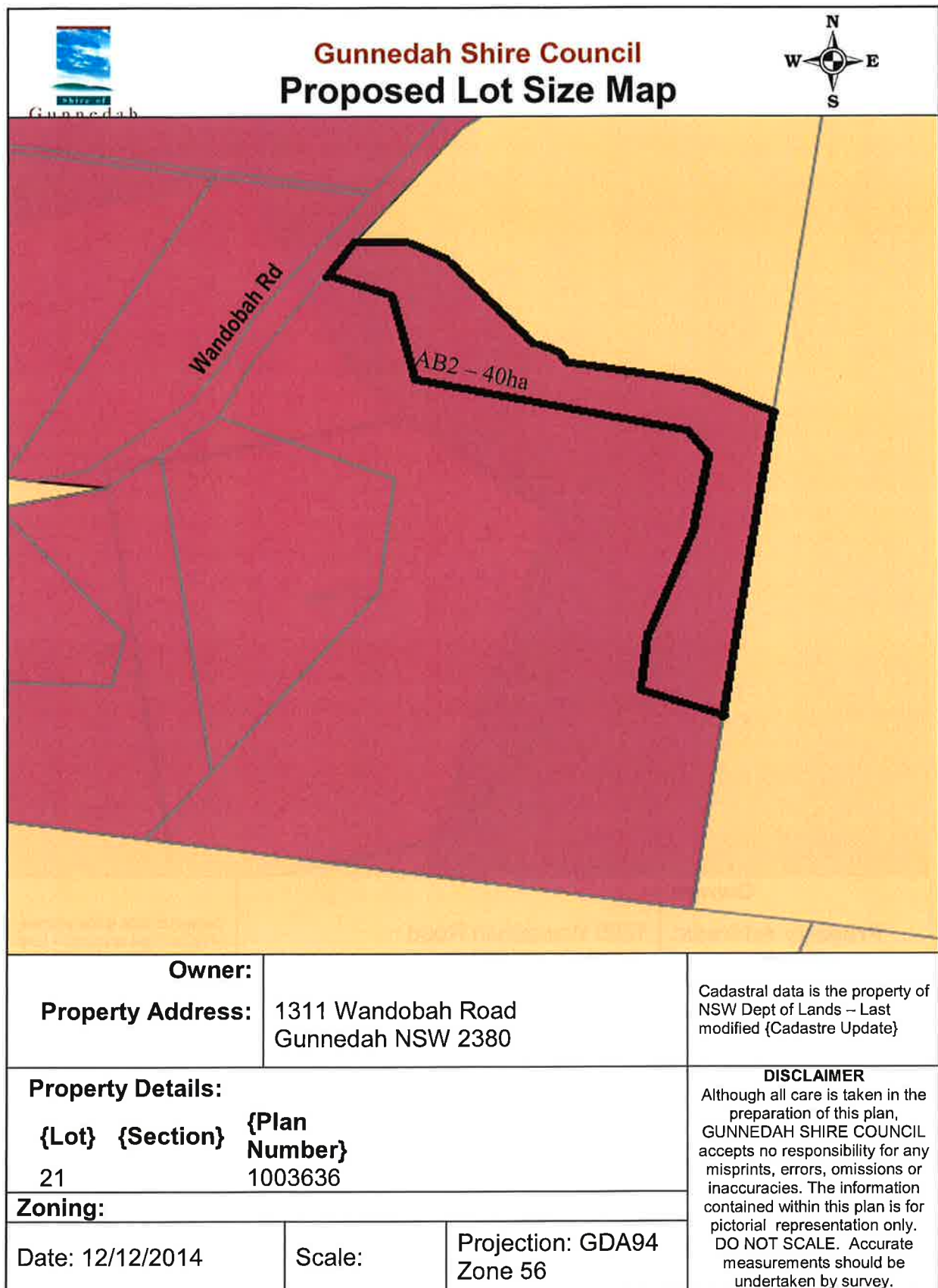
Appendix 4 (b) – Proposed Lot Size Map for 1349 Wandobah Road, Gunnedah NSW 2380



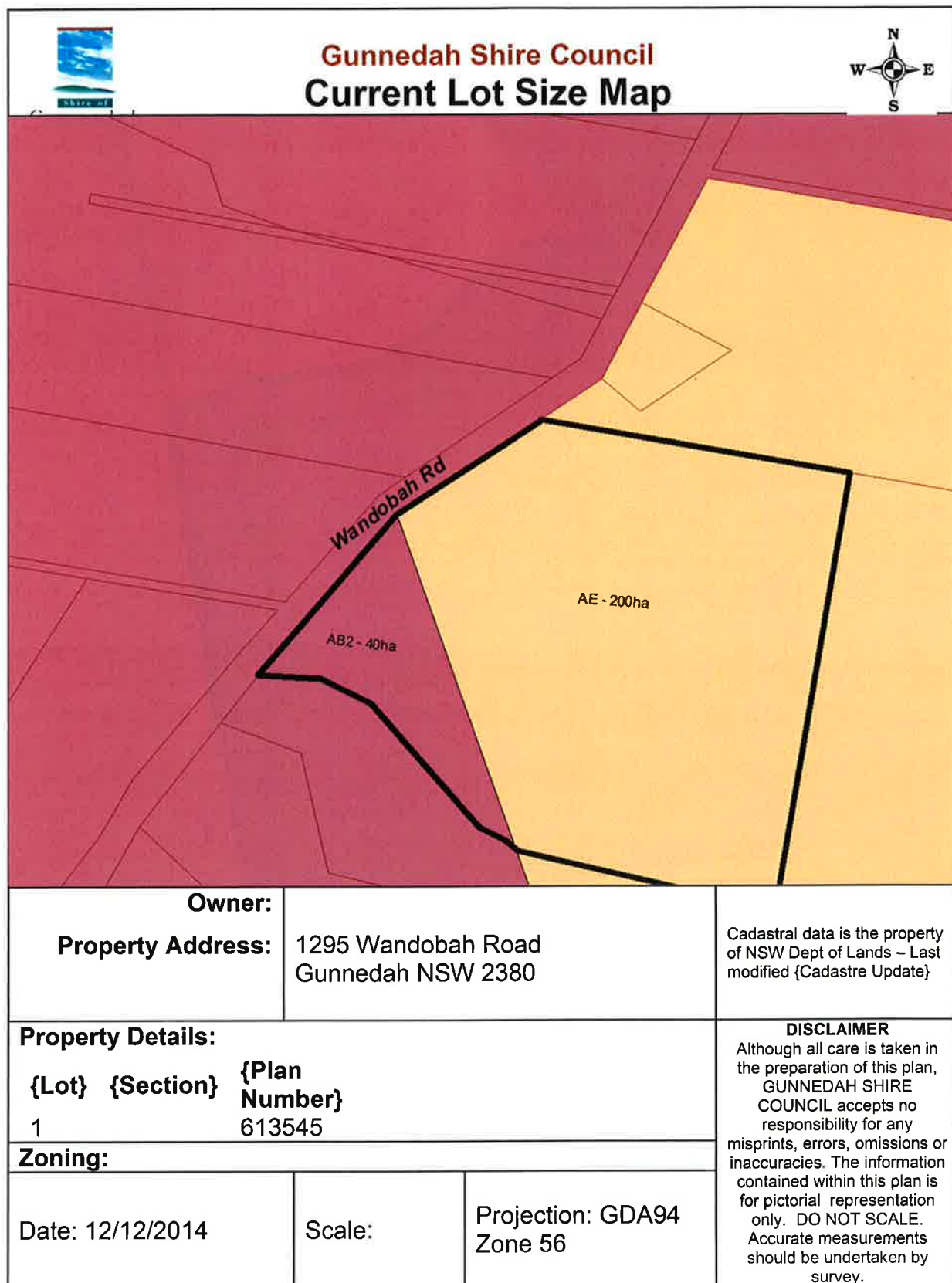
Appendix 5 (a) – Current Lot Size Map for 1311 Wandobah Road, Gunnedah NSW 2380



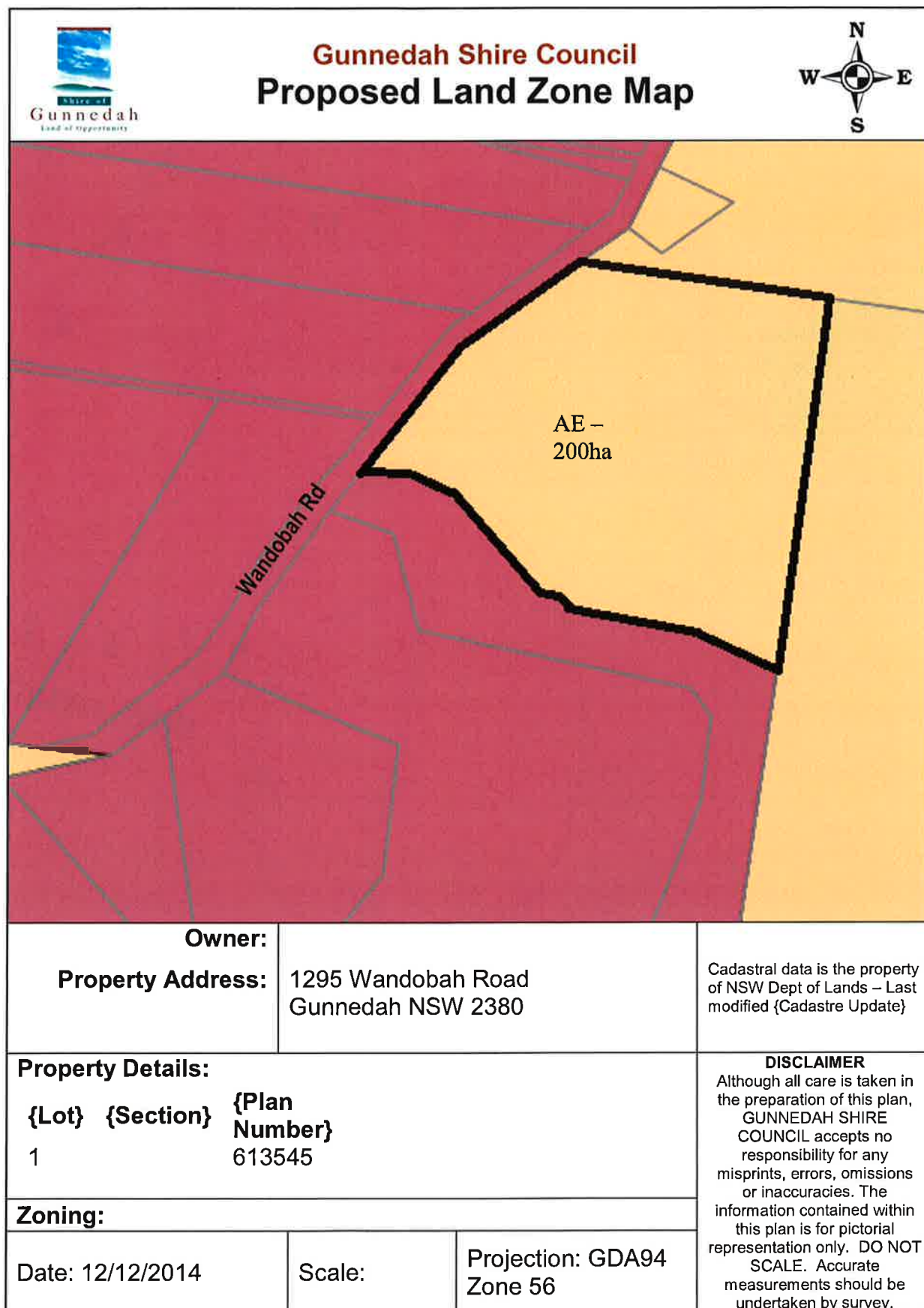
Appendix 5 (b) – Proposed Lot Size Map for 1311 Wandobah Road, Gunnedah NSW 2380



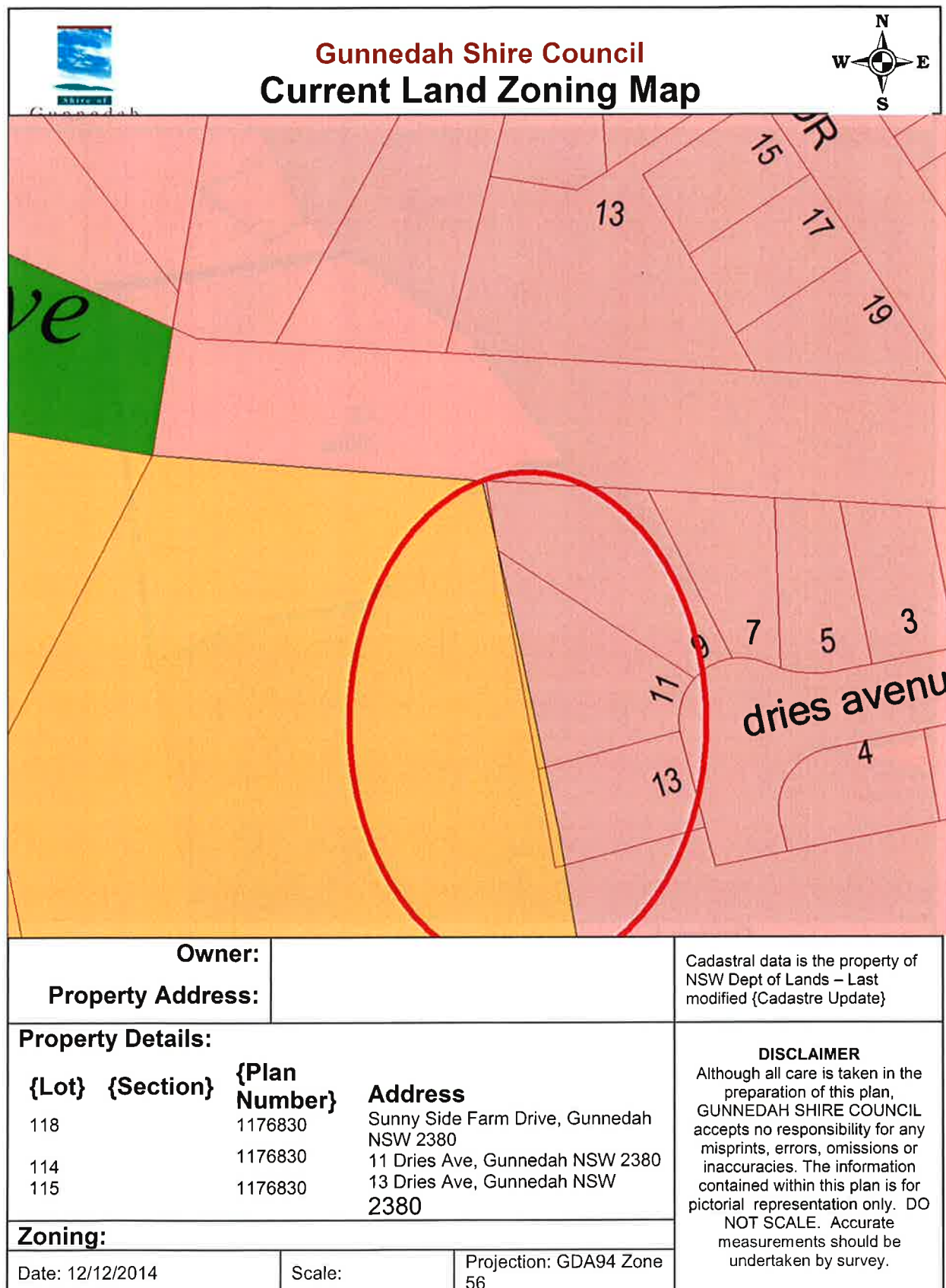
Appendix 6 (a) - Current Lot Size Map for 1295 Wandobah Road, Gunnedah NSW 2380



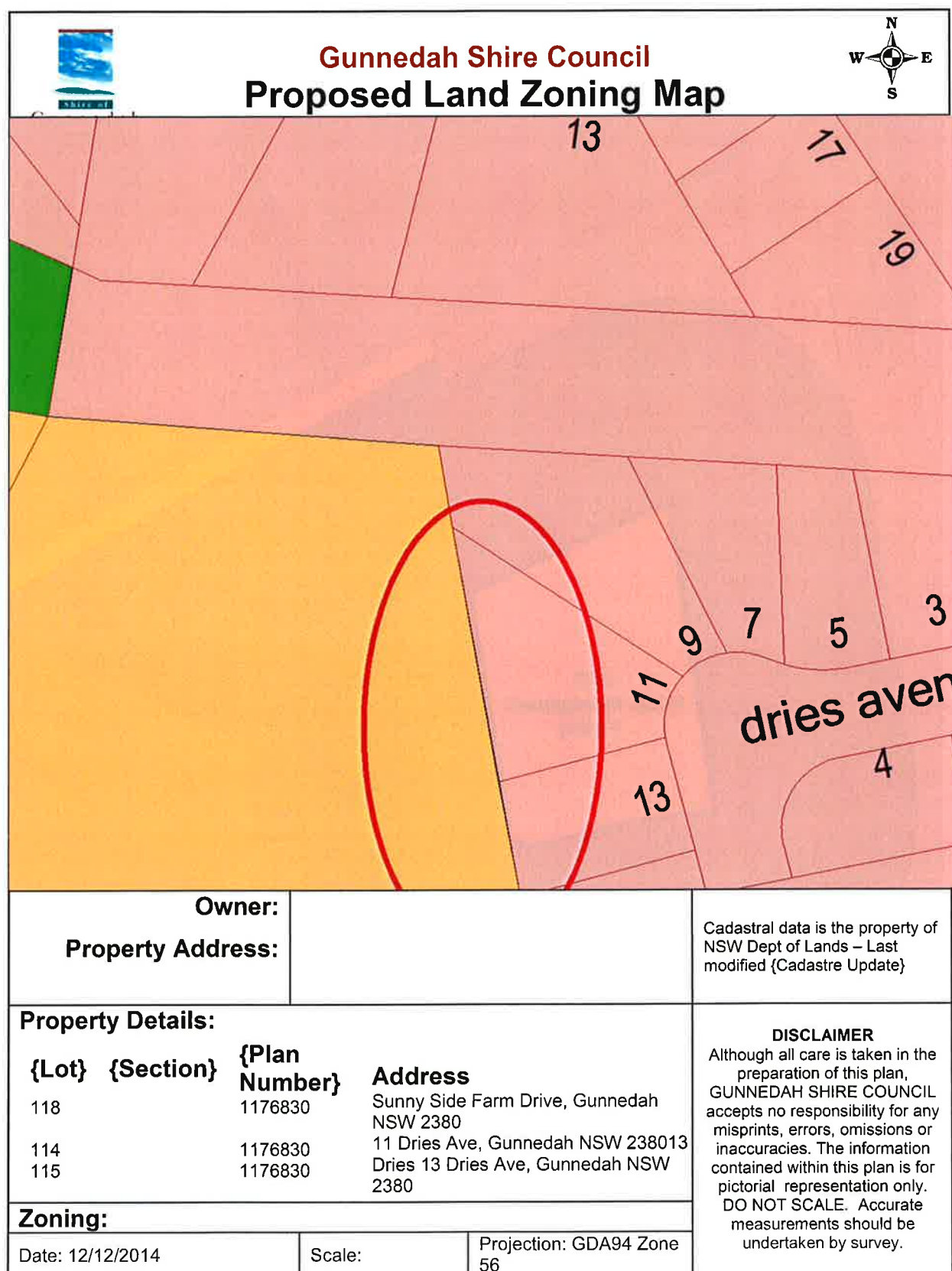
Appendix 6 (b) – Proposed Lot Size Map for 1295 Wandobah Road, Gunnedah NSW 2380



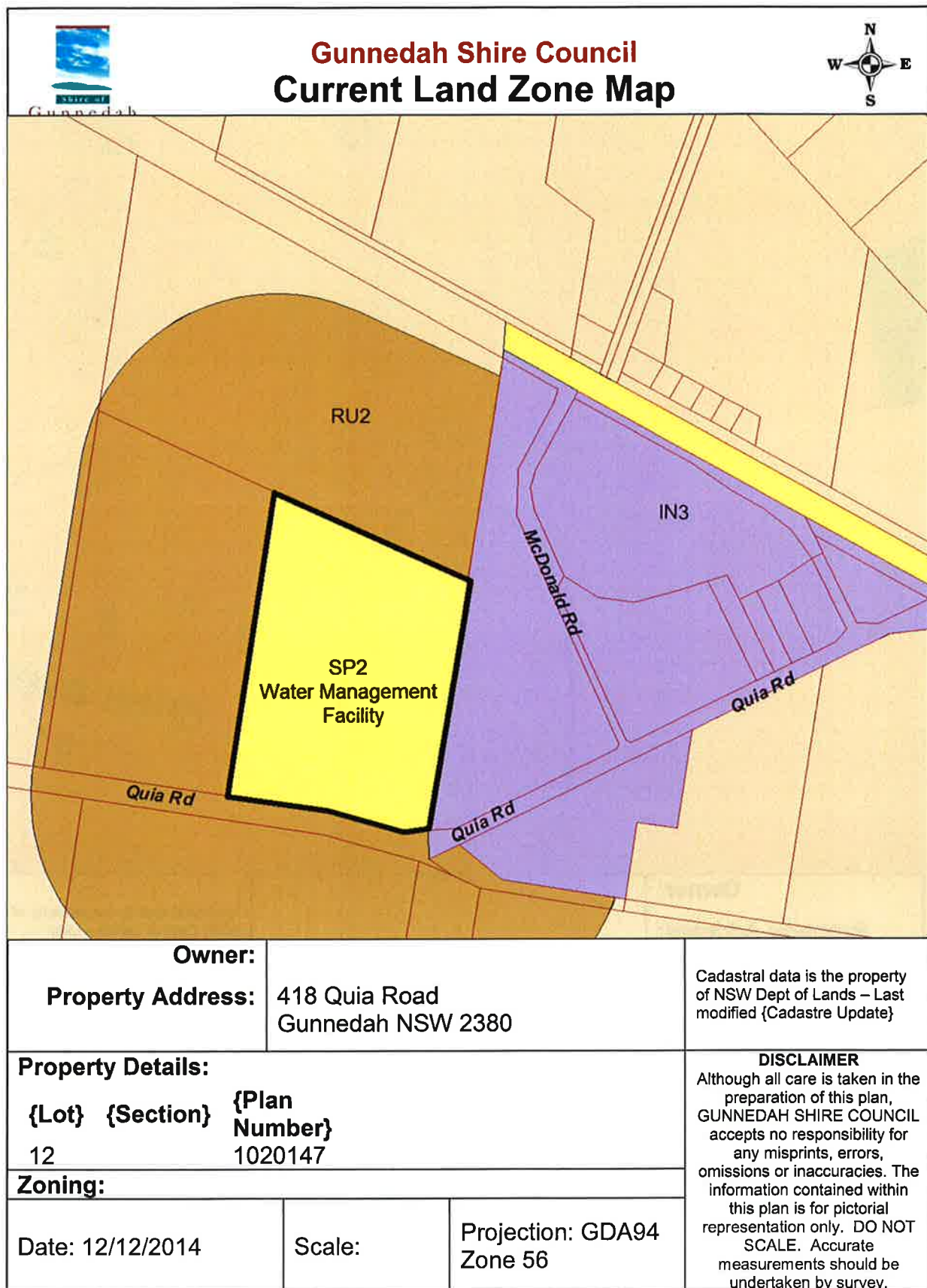
Appendix 7 (a) – Current Land Zoning Map for ‘Sunnyside’, Farm Drive, 11 Dries Ave & 13 Dries Ave, Gunnedah NSW 2380



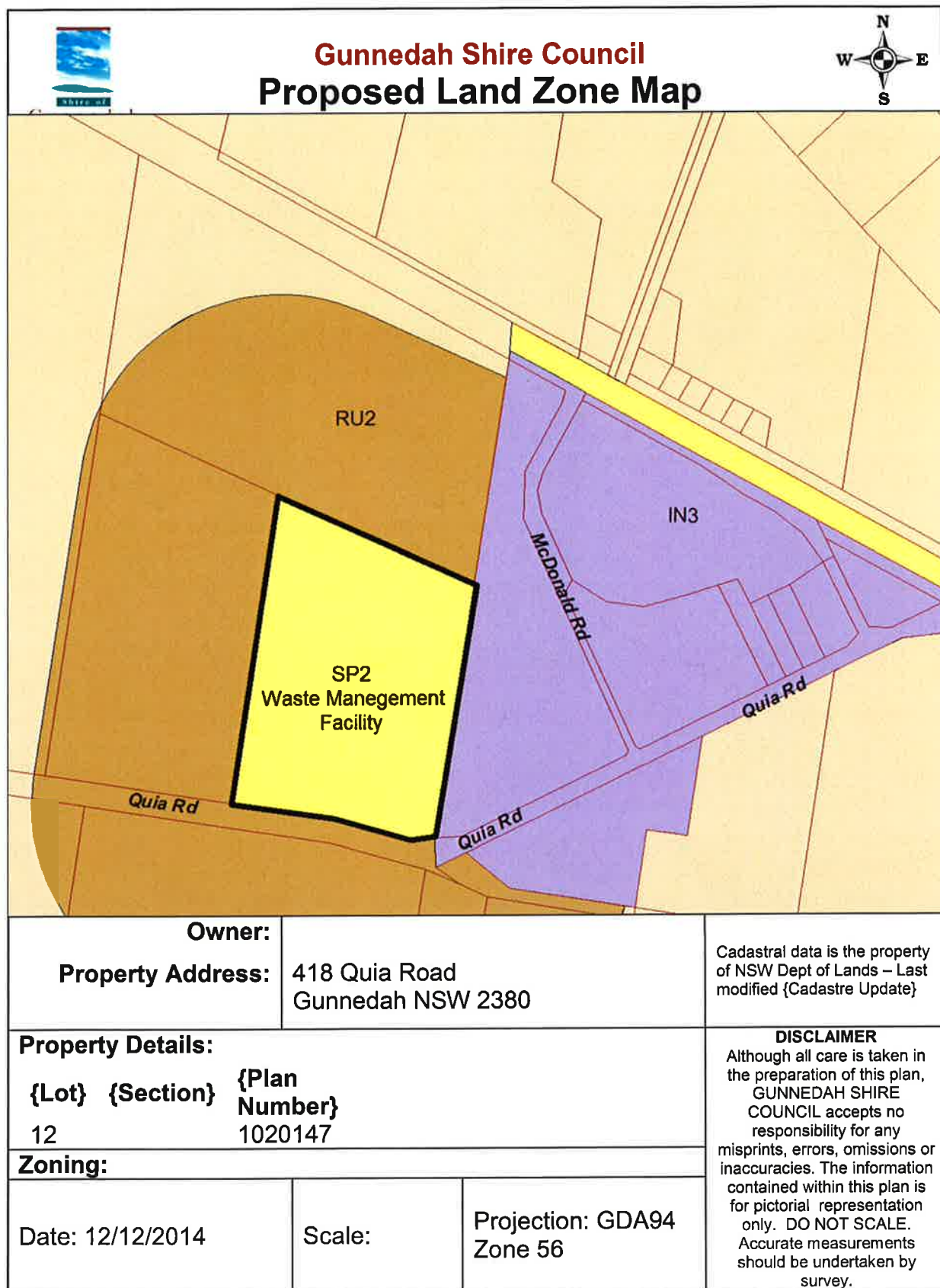
Appendix 7 (b) – Proposed Land Zoning Map for ‘Sunnyside’, Farm Drive, 11 Dries Ave & 13 Dries Ave, Gunnedah NSW 2380



Appendix 8 (a) – Current Land Zoning Map for Lot 12 DP 102147, 418 Quia Road, Gunnedah NSW 2380



Appendix 8 (b) – Proposed Land Zoning Map for Lot 12 DP 102147, 418 Quia Road, Gunnedah NSW 2380



11. PLANNING AND ENVIRONMENTAL SERVICES

11.1 REVIEW OF GUNNEDAH LOCAL ENVIRONMENTAL PLAN 2012

AUTHOR Manager Development and Planning

Council Resolution

Moved Councillor H ALLGAYER

Seconded Councillor GA GRIFFEN

16.07/14 COUNCIL RESOLUTION:

1. That Council:

prepare a draft planning proposal, pursuant to Section 55 of the Environmental Planning and Assessment Act, 1979, for the amendment of the Gunnedah Local Environmental Plan 2012, to:

- a. amend the lot size map as follows:
 - i. all of Lot 2 DP 1146441, 1349 Wandobah Road, Gunnedah to 40ha
 - ii. all of Lot 1 DP 613545, 1295 Wandobah Road, Gunnedah to 200ha
 - iii. all of Lot 21 DP 1003636, 1311 Wandobah Road, Gunnedah to 40 ha
 - iv. Lot 118 DP 1176830, Sunnyside Farm Drive, Gunnedah, Lot 114 DP 1176830, 11 Dries Ave, Gunnedah and Lot 115 DP 1176830, 13 Dries Ave, Gunnedah to align with cadastre property boundaries
- b. amend the zoning map as follows:
 - i. Lot 118 DP 1176830, Sunnyside Farm Drive, Gunnedah, Lot 114 DP 1176830, 11 Dries Ave, Gunnedah and Lot 115 DP 1176830, 13 Dries Ave, Gunnedah to align with cadastre property boundaries
 - ii. Amend the wording from Water Management Facility to Waste Management Facility.
- c. insert the following clause for Boundary Changes between lots in Zone RU1 and E3:

Boundary changes between lots in Zone RU1 and E3

- (1) *The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances, to give landowners a greater opportunity to achieve the objectives of a zone.*
- (2) *This clause applies to land in Zone RU1 Primary Production and E3 Environmental Management.*
- (3) *Despite clause 4.1 (3), the size of any lot resulting from a subdivision of 2 or more adjoining lots, on land to which this clause applies, may be less than the minimum lot size shown on the Lot Size Map in relation to that land if the subdivision will not result in any of the following:*
 - (a) *an increase in the number of lots,*
 - (b) *an increase in the number of dwellings that may be erected on any of the lots.*
- (4) *In determining whether or not to grant development consent for the subdivision of land under this clause, the consent authority must consider the following:*
 - (a) *the existing uses and approved uses of other land in the vicinity of the subdivision,*

- (b) *whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,*
 - (c) *whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),*
 - (d) *whether or not the subdivision is likely to be incompatible with a use on land in any adjoining zone,*
 - (e) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),*
 - (f) *whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,*
 - (g) *whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.*
 - (5) *This clause does not apply in relation to a subdivision under the Community Land Development Act 1989, the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986.*
- 2. That the draft planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 56-58 of the Act;
 - 3. That the Secretary of the Department of Planning and Environment be requested to issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under Section 59 of the Act in respect of the planning proposal.

Director Planning and Environmental Services' Report

ITEM 1	Review of Gunnedah Local Environmental Plan 2012
MEETING	Ordinary Meeting of Council – 16 July 2014
DIRECTORATE	Planning and Environmental Services
AUTHOR	Manager Development and Planning
POLICY	Nil
LEGAL	Gunnedah Local Environmental Plan 2012
FINANCIAL	Nil
STRATEGIC LINK	Community Strategic Plan 1.2.2 Implement a fully integrated planning framework that aligns to Council plans and guides the development of Gunnedah area. Operational Plan 2.5.4 Review Local Environmental Plan 2.5.5 Review Local Environmental Plan
ATTACHMENTS	Nil

OFFICER'S RECOMMENDATIONS:

1. That Council:

prepare a draft planning proposal, pursuant to Section 55 of the Environmental Planning and Assessment Act, 1979, for the amendment of the Gunnedah Local Environmental Plan 2012, to:

- a. amend the lot size map as follows:
 - i. all of Lot 2 DP 1146441, 1349 Wandobah Road, Gunnedah to 40ha
 - ii. all of Lot 1 DP 613545, 1295 Wandobah Road, Gunnedah to 200ha
 - iii. all of Lot 21 DP 1003636, 1311 Wandobah Road, Gunnedah to 40 ha
 - iv. Lot 118 DP 1176830, Sunnyside Farm Drive, Gunnedah, Lot 114 DP 1176830, 11 Dries Ave, Gunnedah and Lot 115 DP 1176830, 13 Dries Ave, Gunnedah to align with cadastre property boundaries
- b. amend the zoning map as follows:
 - i. Lot 118 DP 1176830, Sunnyside Farm Drive, Gunnedah, Lot 114 DP 1176830, 11 Dries Ave, Gunnedah and Lot 115 DP 1176830, 13 Dries Ave, Gunnedah to align with cadastre property boundaries
 - ii. Amend the wording from Water Management Facility to Waste Management Facility.
- c. insert the following clause for Boundary Changes between lots in Zone RU1 and E3:

Boundary changes between lots in Zone RU1 and E3

- (1) *The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances, to give landowners a greater opportunity to achieve the objectives of a zone.*
- (2) *This clause applies to land in Zone RU1 Primary Production and E3 Environmental Management.*
- (3) *Despite clause 4.1 (3), the size of any lot resulting from a subdivision of 2 or more adjoining lots, on land to which this clause applies, may be less than the minimum lot size shown on the Lot Size Map in relation to that land if the subdivision will not result in any of the following:*
 - (a) *an increase in the number of lots,*
 - (b) *an increase in the number of dwellings that may be erected on any of the lots.*

- (4) *In determining whether or not to grant development consent for the subdivision of land under this clause, the consent authority must consider the following:*
- (a) *the existing uses and approved uses of other land in the vicinity of the subdivision,*
 - (b) *whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,*
 - (c) *whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),*
 - (d) *whether or not the subdivision is likely to be incompatible with a use on land in any adjoining zone,*
 - (e) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),*
 - (f) *whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,*
 - (g) *whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.*
- (5) *This clause does not apply in relation to a subdivision under the Community Land Development Act 1989, the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986.*

2. That the draft planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 56-58 of the Act;
3. That the Secretary of the Department of Planning and Environment be requested to issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under Section 59 of the Act in respect of the planning proposal.

PURPOSE

Introduction

This report refers to a review of the Gunnedah Local Environmental Plan, 2012 (LEP).

BACKGROUND

The Gunnedah Local Environmental Plan, 2012 came into force on 29 June 2012. A Councillor Workshop was under on 2 July 2014 to outline the proposed amendments.

COMMENTARY

Through the application of the LEP for just under two years, there have been a few minor matters that require correction through a review of the plan. These matters include the following:

- Lot 2 DP 1146441, 1349 Wandobah Road, Gunnedah, Lot 1 DP 613545, 1295 Wandobah Road, Gunnedah and Lot 21 DP 1003636, 1311 Wandobah Road, Gunnedah

- **Waste Management Facility**
The gazetted plans have amended the 'WMF' to Water Management Facility instead of Waste Management Facility.
- **Boundary changes between lots in Zone RU1 and E3**

Following discussions with the Department of Planning and Environment after the workshop, a boundary adjustment model clause was also recommended to be included to enable rural boundary adjustments between lots that don't meet the minimum lot size. The clause would be as follows:

- (1) *The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances, to give landowners a greater opportunity to achieve the objectives of a zone.*
- (2) *This clause applies to land in Zone RU1 Primary Production and E3 Environmental Management.*
- (3) *Despite clause 4.1 (3), the size of any lot resulting from a subdivision of 2 or more adjoining lots, on land to which this clause applies, may be less than the minimum lot size shown on the Lot Size Map in relation to that land if the subdivision will not result in any of the following:*
 - (a) *an increase in the number of lots,*
 - (b) *an increase in the number of dwellings that may be erected on any of the lots.*
- (4) *In determining whether or not to grant development consent for the subdivision of land under this clause, the consent authority must consider the following:*
 - (a) *the existing uses and approved uses of other land in the vicinity of the subdivision,*
 - (b) *whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,*
 - (c) *whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),*
 - (d) *whether or not the subdivision is likely to be incompatible with a use on land in any adjoining zone,*
 - (e) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),*
 - (f) *whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,*
 - (g) *whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.*
- (5) *This clause does not apply in relation to a subdivision under the Community Land Development Act 1989, the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986.*

Conclusion

With the LEP 2012 being operation for two years, it is noted that only minor mapping changes and the insertion of a model clause have been recommended for review.

ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:Gunnedah

Name of draft LEP:Gunnedah Local Environmental Plan 2012 - Amendment No. 5

Address of Land (if applicable):Lot 2 DP 1146441, 1349 Wandobah Road, Gunnedah - Lot 1 DP 613545, 1295 Wandobah Road, Gunnedah - Lot 21 DP 1003636, 1311 Wandobah Road, Gunnedah - Lot 118 DP 1176830, Sunnyside Farm Drive, Gunnedah - Lot 114 DP 1176830, 11 Dries Ave, Gunnedah - Lot 115 DP 1176830, 13 Dries Ave, Gunnedah, and - Lot 12 DP 1020147, 418 Quia Road, Gunnedah.

Intent of draft LEP: Amend the Lot Size Map for the following lots
Lot 2 DP 1146441, Lot 1 DP 613545, Lot 21 DP 1003636, Wandobah Road, Gunnedah, Lot 118 DP 1176830, Sunnyside Farm Drive, Gunnedah, Lot 115 DP 1176830 & Lot 114 DP 1176830, Dries Avenue, Gunnedah.

Amend the Land Zoning Map for Lot 118 DP 1176830, Sunnyside Farm Drive, Gunnedah, Lot 115 DP 1176830 & Lot 114 DP 1176830, Dries Avenue, Gunnedah.

Amend the wording from Water Management Facility to Waste Management Facility

Insert a new clause to allow for Boundary Alterations between lots in Zone RU1 Primary Production and E3 Environmental Management

Additional Supporting Points/Information: Information contained within the submitted Planning Proposal

Evaluation criteria for the issuing of an Authorisation (Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	Y			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		N/A		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		N/A		

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		N/A		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
Spot Rezonings	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?		N/A		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?		N/A		
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		N/A		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A		

Does the planning proposal create an exception to a mapped development standard?		N/A		
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A(1)(c) of the Act in order for a matter in this category to proceed).	N N N			

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.

