

Gunnedah LEP 2012 - 110 Kamilaroi Hwy, Gunnedah - Industrial land rezoning

Proposal Title : **Gunnedah LEP 2012 - 110 Kamilaroi Hwy, Gunnedah - Industrial land rezoning**

Proposal Summary : **The Planning Proposal seeks to amend the Gunnedah LEP 2012 by rezoning part of Lot 2 DP 858991, 110 Kamilaroi Highway, Gunnedah from RU1 Primary Production and RU6 Transition to IN1 General Industrial and by removing the minimum lot size for the same area.**

This change in zone and minimum lot size will enable the development of the land for industrial purposes consistent with a development approval for an industrial land subdivision under the former Gunnedah LEP 1998.

PP Number : **PP_2014_GUNNE_004_00** Dop File No : **14/15460**

Proposal Details

Date Planning Proposal Received :	10-Sep-2014	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 :	110 Kamilaroi Highway		
Suburb :	City :	Postcode :	2380
Land Parcel :	Part of Lot 2 DP 858991		

DoP Planning Officer Contact Details

Contact Name : **Jon Stone**
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RPA Contact Details

Contact Name : **Carolyn Hunt**
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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 :	
MDP Number :		Date of Release :	
Area of Release (Ha) :	14.00	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.**

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

If Yes, comment :

Supporting notes

Internal Supporting Notes : **Council has verbally advised that the Planning Proposal submitted for a Gateway Determination failed to include the application of a Floor Space Ratio (FSR) of 0.6:1 to the land. The FSR would be consistent with nearby industrial zoned land. Council has requested that the Gateway Determination, if approved, require that this be included in the Planning Proposal prior to exhibition.**

External Supporting Notes : **The proposed amendment to the Gunnedah LEP 2012 will enable the subject land to be developed for industrial purposes consistent with a development application approved by Council in 2010 for an industrial land subdivision. The land, at that time, was zoned for industrial purposes under the Gunnedah LEP 1998. With the commencement of the Gunnedah LEP 2012 the land was rezoned to RU1 Primary Production and RU6 Transition by Council.**

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 are adequately expressed for the proposed amendment to Gunnedah LEP 2012.**

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 the objectives and intended outcomes.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

3.5 Development Near Licensed Aerodromes

4.3 Flood Prone Land

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

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP No 64—Advertising and Signage

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

SEPP (Major Projects) 2005

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

The New England North West Strategic Regional Land Use Plan applies to the Gunnedah LGA.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Maps have been provided with the Planning Proposal. They clearly show the current land zoning and minimum lot sizes applying to the site, the proposed land zoning and minimum lot sizes for the land. It is considered that these maps are adequate for public exhibition.

Map prepared in accordance with the Department's technical mapping standards will need to be prepared before a Parliamentary Counsel's opinion can be sought.

It is recommended that additional maps be included in the Planning Proposal showing the proposed changes to the Floor Space Ratio Map by applying a FSR of 0.6:1 to the site.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The relevant planning authority has identified a 14 day exhibition period for the proposal. This is considered satisfactory.

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 and accompanying documentation are considered to satisfy the adequacy criteria by:

1. Providing appropriate objectives and intended outcomes;
2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;
3. Providing an adequate justification for the proposal;
4. Outlining a proposed community consultation program; and
5. Providing a project time line.

Council is seeking an authorisation to exercise its plan making delegations. As the Planning Proposal deals with matters of only local significance, it is considered appropriate that an authorisation to exercise its plan making delegations be issued to Council, if the Planning Proposal is supported.

Council has provided a project time line which estimates that the LEP will be ready for submission to the Department for finalisation in November 2014. To ensure an adequate period to complete the proposal, a 6 month time frame is recommended.

It is also noted that the subject land is not identified on Council's Flood Planning Map as being subject to flooding. This is an error in the flood mapping data due to the interface of two different flood studies. Council's flood study of the town finishes in the vicinity of the subject land and the less accurate Namoi Flood Atlas (1978) does not correlate with the Gunnedah Flood study in this location. Despite this, Council has identified the site as being subject to flooding in a 1% AEP event. This is also evident in the conditions of consent for the subdivision of the land in 2010 that requires all utility and development areas of the site to be filled above the 1% AEP level. An attached aerial photograph of a flood event in 1998 shows the subject land inundated.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Gunnedah LEP 2012 was made on 29 June 2012.

Assessment Criteria

Need for planning
proposal :

A development application for the subdivision of the subject land was approved by Council in May 2010. At the time the subject land was zoned 4(a) General Industrial under the Gunnedah LEP 1998.

Council's Commercial and Industrial Land Use Strategy was adopted by Council in 2008. Due to the land being subject to flooding and the significant costs associated with developing the site, it was not included in the Strategy's land inventory. During the preparation of the draft comprehensive LEP it was proposed to rezone the land to RU1 Primary Production and RU6 Transition (a buffer for the Gunnedah Sewage Treatment Plant). No submissions were received during the exhibition of the draft LEP on the subject and the land was subsequently rezoned by the Gunnedah LEP 2012.

With the continued growth of the resource sector in the Region the owner of the land now wishes to develop it in accordance with the approved subdivision. Although the approved subdivision can still proceed, subject to conditions of consent being met, no industrial use of the land would be permissible. Hence, Council is seeking to rezone the land back to an industrial use as it was at the time the subdivision application was determined.

Consistency with
strategic planning
framework :

Whilst the Planning Proposal aims to rezone the land and amend the minimum lot size it is also considered appropriate that a floor space ratio (FSR) be applied to the site. Other land, similarly zoned IN1 General Industrial has a 0.6:1 FSR applied to it. It is considered that this land should also have this FSR applied to ensure consistency with the scale of development with other industrial land. Council staff have confirmed their support for the inclusion of the FSR and identified that it was an oversight in the Planning Proposal.

The Planning Proposal is not the result of any strategic study or report.

It is considered to be consistent with all relevant SEPPs and the New England North West Strategic Regional Land Use Plan.

The Gunnedah Commercial and Industrial Land Use Strategy 2008 does not address this site in its recommended land use zoning because of potential constraints of the site, namely flooding and the cost associated with filling the site above the 1% AEP flood level. Despite this, the land had previously been zoned for industrial purposes (until the commencement of the Gunnedah LEP 2012) and a subdivision was approved by Council with the intent the site be used for industrial purposes. It is considered that reapplying an industrial zoning is not inconsistent with Council's strategic planning work as it will only be reflective of an existing approved subdivision.

The Planning Proposal is considered to be consistent with all applicable Section 117 Directions apart from the following:

1.2 Rural Zones

The Planning Proposal seeks to rezone rural land to IN1 General Industrial. The inconsistency with this Direction is considered to be of minor significance due to the size of the land involved, its location adjacent to other industrial lands, its former 4(a) General Industrial zoning until 2012 and the nature of the existing approved subdivision applying to the land

1.5 Rural Lands

The Planning Proposal will affect land within an existing rural zone and changes the existing minimum lot size on land within that zone. The inconsistency with this Direction is considered to be of minor significance due to the size of the land involved in this Planning Proposal and for the reasons discussed above in relation to S117 Direction 1.2 Rural Zones.

3.5 Development near Licensed Aerodromes

The Planning Proposal will alter a zone within the vicinity of the Gunnedah airport. The site is approximately 1.3km from the runway but outside the Obstacle Limitation Surface Area for the airport. No ANEF mapping exists for the airport and the inconsistency with this Direction is considered minor due to the size of the site, the scale of any likely development under the proposed 0.6:1 FSR, the intermittent use of the airport and the surrounding industrial development in the locality.

4.3 Flood Prone Land

The Planning Proposal will affect land that is flood prone. Although the site is not identified on the Flood Planning Map due to inconsistencies with flood study data, it is known to be flood prone as shown in the attached aerial photograph of the 1998 flood event. The inconsistency with this Direction is considered to be of minor significance due to the conditions of consent for the approved subdivision of the land already requiring all utility services and development site to be located above the 1% AEP level.

Council also identified an inconsistency with direction 1.3 Mining, Petroleum Production and Extractive Industries as they believe it will affect the permissibility of mining on the subject land. An examination of the land use table for the IN1 zone in the Gunnedah LEP 2012 reveals that mining is permissible with consent and therefore the Planning Proposal is consistent with the direction. It is also noted that mining in this area is highly unlikely due to the proximity to Gunnedah.

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Environmental social
economic impacts :

It is considered that this Planning Proposal will have positive social and economic impacts through its provision of additional industrial land for Gunnedah as it experiences continued growth due to the resources sector.

The site is cleared and is unlikely to include areas of endangered ecological communities or koala habitat. It is not bush fire prone but as previously discussed is flood prone. Consultation with the Office of Environment and Heritage is therefore recommended.

Council has identified that the Planning Proposal is consistent with the SEPP 55 Remediation of Land. It is unlikely that the site is contaminated.

Access to the site is via the Kamilaroi Highway. Consultation with the Roads and Maritime Service is recommended. It is understood that the RMS was consulted during the assessment of the development application for the subdivision of the site in 2010 and that the consent included requirements for upgrading the access to the site.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - s56(2) (d) : **Office of Environment and Heritage
Transport for NSW - Roads and Maritime Services**

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

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

If no, provide reasons :

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
2014-09-10 Cover Letter.pdf	Proposal Covering Letter	Yes
2014-09-10 Planning Proposal.pdf	Proposal	Yes
2014-09-10 Council Report.pdf	Proposal	Yes
1998-Flood-Event.jpg	Photograph	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.2 Rural Zones**
 1.3 Mining, Petroleum Production and Extractive Industries
 1.5 Rural Lands
 3.5 Development Near Licensed Aerodromes
 4.3 Flood Prone Land

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

- 1. The Planning Proposal be supported;**
- 2. The Planning Proposal be exhibited for 14 days;**
- 3. The Planning Proposal be completed within 6 months;**
- 4. The Planning Proposal be amended to include a floor space ratio to the site of 0.6:1;**
- 5. That the Planning Proposal be amended to identify that the site is subject to flooding;**
- 6. That consultation with the Office of Environment and Heritage and Transport for NSW - Roads and Maritime Services be undertaken;**
- 7. That an authorisation to exercise delegation be issued to Council;**
- 8. That the Director General's delegate determine that the inconsistencies with s117 Direction 1.2 Rural Zones, 1.5 Rural Lands, 3.5 Development Near Licensed Aerodromes and 4.3 Flood Prone Land are justified as the matters are of minor significance.**

Supporting Reasons : This Planning Proposal will facilitate the development of more industrial land uses on a site that had previously been zoned for that purpose and for which an application for the subdivision of the site for industrial purposes has been approved by Council. It will also facilitate the efficient extension of Council utility services infrastructure in the longer term. The potential impact on the environment is considered to be minor.

Signature: _____

Printed Name: _____

Date: _____

A/Team Leader

