

11. PLANNING AND ENVIRONMENTAL SERVICES

11.7 PLANNING PROPOSAL – LOT 2 DP858991, 110 KAMILAROI HIGHWAY, GUNNEDAH

AUTHOR Manager Development and Planning

Council Resolution

Moved Councillor C FULLER

Seconded Councillor H ALLGAYER

22.07/14 COUNCIL RESOLUTIONS:

That Council:

- i) 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. rezone part of Lot 2 DP 858991, 110 Kamilaroi Highway Gunnedah from RU1 Primary Production to IN1 General Industrial;
 - b. amend the minimum lots size for part of Lot 2 DP 858991, 110 Kamilaroi Highway Gunnedah from 200ha to no minimum lot size:
- ii) forward the draft planning proposal to the Department of Planning and Infrastructure for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 56-58 of the Act;
- iii) request that the Secretary of the Department of Planning and Environment 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.

COUNCIL RESOLUTIONS				
COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
OC Hasler	X			
RG Swain	X			
H Allgayer	X			
T Duddy			X	
C Fuller	X			
GA Griffen	X			
D Quince	X			
R Ryan	X			
SJ Smith	X			

ITEM 7	Planning Proposal – Lot 2 DP858991, 110 Kamilaroi Highway, Gunnedah
MEETING	Ordinary Meeting – 16 July 2014
DIRECTORATE	Planning and Environmental Services
AUTHOR	Manager Development and Planning
POLICY	Nil
LEGAL	Gunnedah Local Environmental Plan Environmental Planning & Assessment Act, 1979
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:

That Council:

- i) 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. rezone part of Lot 2 DP 858991, 110 Kamilaroi Highway Gunnedah from RU1 Primary Production to IN1 General Industrial;
 - b. amend the minimum lots size for part of Lot 2 DP 858991, 110 Kamilaroi Highway Gunnedah from 200ha to no minimum lot size;
 - ii) forward the draft planning proposal to the Department of Planning and Infrastructure for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 56-58 of the Act;
 - iii) request that the Secretary of the Department of Planning and Environment 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.
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PURPOSE

Introduction

This report is seeking Council's determination of a planning proposal to rezone and amend the minimum lot size of part of Lot 2 DP 858991, 110 Kamilaroi Highway, Gunnedah.

BACKGROUND

Development Application No. 349244 was lodged on 15 August 2008 for the Subdivision (1 into 21 lots) of Lot 2 DP 858991, 110 Kamilaroi Highway, Gunnedah. The application was refused on 5 May 2009 as inadequate information was received in relation to the provision of adequate access to the development site.

Development Application No. 472876 was lodged on 21 May 2010 for the Subdivision (1 into 19 lots) of Lot 2 DP 858991, 110 Kamilaroi Highway, Gunnedah. The application was approved on 17 November 2010 under Gunnedah LEP 1998 (and expires on 18 November 2015).

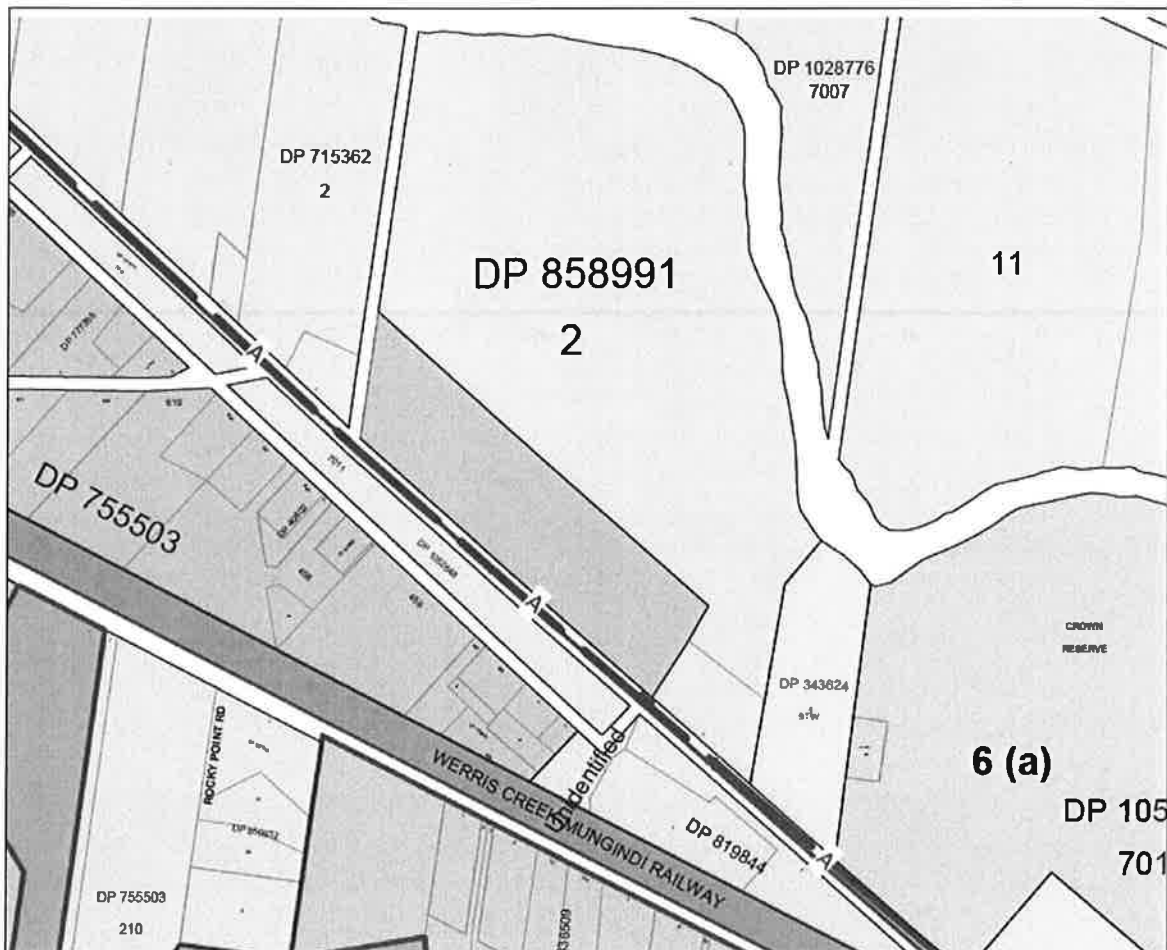
Council's Commercial and Industrial Land Use Strategy was adopted by Council in 2008.

Gunnedah Local Environmental Plan 2012 (LEP) commenced on 29 June 2012. The draft LEP was public advertised and notified to all landholders within the Gunnedah Shire Local Government Area. A public exhibition period of 6 weeks was undertaken, with 5 information sessions undertaken at village halls and the Town Hall.

COMMENTARY

Proposal

The application is seeking to rezone and amend the minimum lot size part of the land that was previously zoned 4(a) General Industrial under the provisions of the Gunnedah LEP 1998 to IN1 General Industrial. The subject land is located on the Kamilaroi Highway, with surrounding development being a mix of industrial, rural and Council's Sewerage Treatment Plant.



Back-zoning under the LEP

The development site was zoned 4(a) Industrial (General) under the Gunnedah LEP 1998. The land was identified toward the end of the preparation of the LEP 1998, prior to the adoption of the plan, in order to provide industrial land with highway frontage. It was not based on the recommendation of a strategic document.

With the land subject to flooding and the significant costs associated with the placement of fill on the site and infrastructure, Council's Commercial and Industrial Land Use Strategy did not include the site in its industrial land inventory and as such that the land was back-zoned to RU1 Primary Production under the LEP 2012.

Assessment

Current Progress of Development

With the development consent still valid, the developer is able to undertake the proposed subdivision. However, with the land currently zoned RU1 Primary Production under the provisions of the LEP, the use of the land is limited to those land uses permitted within the RU1 zone.

The developer has advised that, due to the down turn in the economy, only detailed survey, estimation of construction costs and securing interest from other parties to develop lots on subdivision completion, has been undertaken to date.

It is highlighted that the conditions of development consent require the following works to be undertaken:

- Placement of fill to ensure that the site is increased to the 1 in 100 year flood event. Amount of fill has been estimated as 158,000 cubic meters.
- Road works – construction of the intersection of the Kamilaroi Highway and proposed internal road (channelized right-turning lane and auxiliary left-turn deceleration lane).
- Extension of water and sewer services.

Relationship to other Industrial Development

With regard to the development of industrial land along Quia Road, it is noted that the development site is independent of the Quia Road area. Access would be from the Kamilaroi Highway, with the provision of services being separate for the existing services along Mathias Road and the trunk sewer proposed by Council to service the Quia Road industrial area.

Conclusion

The rezoning of the subject land to IN1 General Industrial is not consistent with Council's Commercial and Industrial Land Use Strategy. However, given that development consent has been issued for the development of the property into industrial lots, the proposed rezoning and amendment to the minimum lot size of part of the land is supported.

11.4 **PLANNING PROPOSAL – LOT 2 DP858991, 110 KAMILAROI HIGHWAY, GUNNEDAH**

AUTHOR Manager Development and Planning

Council Resolution

Moved Councillor H ALLGAYER

Seconded Councillor GA GRIFFEN

17.08/14 **COUNCIL RESOLUTIONS:**

That Council:

- i) 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. rezone part of Lot 2 DP858991, 110 Kamilaroi Highway Gunnedah from RU1 Primary Production and RU6 Transition to IN1 General Industrial;
 - b. amend the minimum lots size for part of Lot 2 DP858991, 110 Kamilaroi Highway Gunnedah from 200ha to no minimum lot size:
- ii) forward the draft planning proposal to the Department of Planning and Infrastructure for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 56-58 of the Act;
- iii) request that the Director General of the Department of Planning and Infrastructure 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.

COUNCIL RESOLUTIONS				
COUNCILLOR	COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING AN INTEREST
OC Hasler	X			
RG Swain			X	
H Allgayer	X			
T Duddy	X			
C Fuller	X			
GA Griffen	X			
D Quince	X			
R Ryan	X			
SJ Smith			X	

11.5 **DEVELOPMENT APPLICATION 2013/134.002 – MODIFICATION OF CONSENT – AMEND STAGING OF ROAD CLOSURE AND LOCATION OF SEWER EXTENSION – LOT 84 DP755503, 243-261 STOCK ROAD, GUNNEDAH**

AUTHOR Town Planner

Council Resolution

Moved Councillor T DUDDY

Seconded Councillor CR FULLER