

## Planning Services

### Gateway Determination Report

<b>LGA</b>	Gunnedah
<b>PPA</b>	Gunnedah Shire Council
<b>NAME</b>	To undertake various housekeeping changes to the land use tables and maps including rezoning and amending the planning controls for land in South Street and Wandobah Road, Gunnedah, and introducing a B6 Enterprise Corridor Zone (0 homes, 3 jobs)
<b>NUMBER</b>	PP_2018_GUNNE_001_00
<b>LEP TO BE AMENDED</b>	Gunnedah LEP 2012
<b>ADDRESS</b>	Various land parcels and land use zones
<b>RECEIVED</b>	2 August 2018
<b>FILE NO.</b>	IRF18/4284
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## INTRODUCTION

### Description of planning proposal

To undertake various housekeeping changes to the land use tables and maps including rezoning and amending the minimum lot size provisions for land in South Street and Wandobah Road, Gunnedah, and introducing a B6 Enterprise Corridor Zone.

### Site description

The proposal affects all land zoned IN1 General Industrial and E3 Environmental Management in the Gunnedah LGA, along with specific sites in South Street and Wandobah Road, Gunnedah. The land in South Street and Wandobah Road is shown in Figures 1 and 2.



Figure 1 – South Street



Figure 2 – Wandobah Road

### Existing planning controls

The IN1 General Industrial Zone under Gunnedah LEP 2012 currently prohibits 'landscaping material supplies'.

The E3 Environmental Management Zone under Gunnedah LEP 2012 currently prohibits 'farm buildings'.

The subject land in South Street, Gunnedah, is zoned part SP2 Infrastructure and RE1 Public Recreation (Figure 3). The land currently has no minimum lot size, building height or floor space controls.

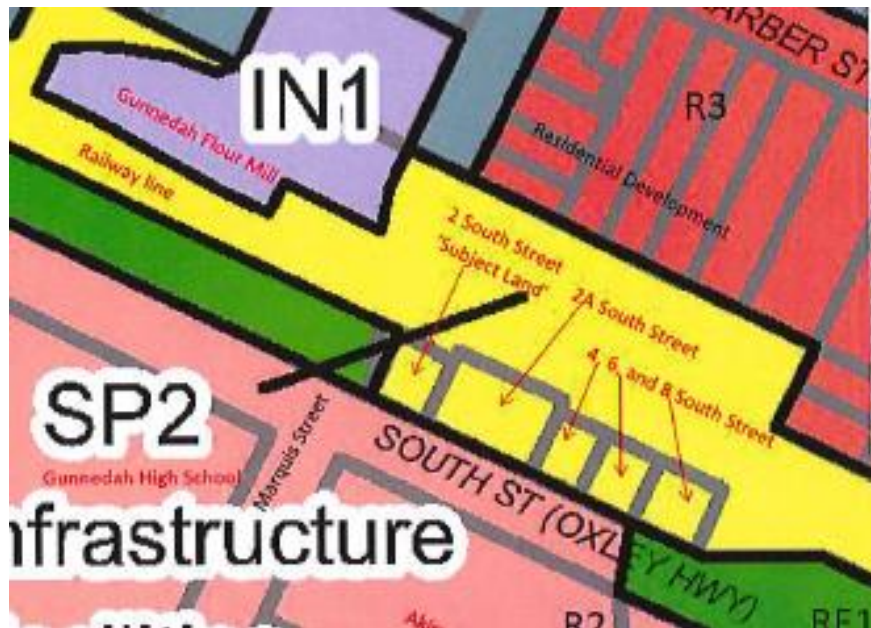


Figure 3 – Existing South Street Zoning

The subject land in Wandobah Road, Gunnedah is zoned part R5 Large Lot Residential and part RE1 Public Recreation (Figure 4). The area of the site zoned R5 Large Lot Residential has a minimum lot size of 40ha while the remainder has no lot size (Figure 5). The land has no building height or floor space controls.





Figure 4 – Existing Wandobah Rd Zoning

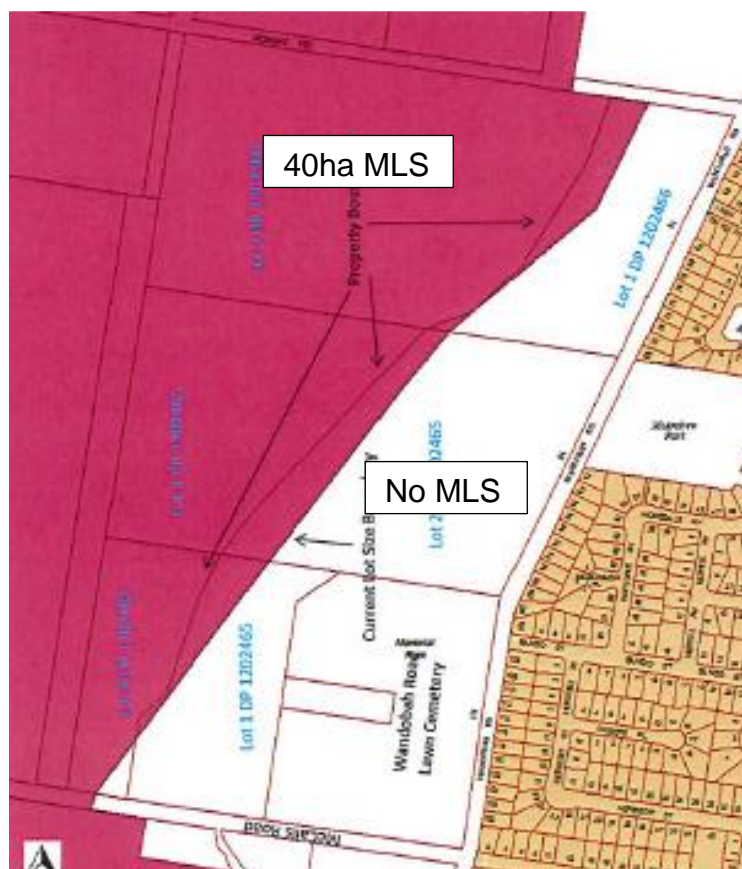


Figure 5 – Existing Wandobah Road Minimum Lot Size

## **Surrounding area**

The IN1 General Industrial Zone is located primarily within the Gunnedah industrial estates west of the Gunnedah CBD and adjoins a mixture of rural, rural lifestyle, infrastructure and open space land uses.

The E3 Environmental Management Zone is located across the LGA in areas that have either biodiversity or scenic protection values and adjoins primarily rural landuses. Some small areas of E3 Environmental Management are located within urban areas and adjoin some urban type landuses.

The subject land in South Street adjoins the existing railway corridor, public open space to the east and west, and the Gunnedah High School and Akira Aged Care Facility to the south.

The subject land in Wandobah Road adjoins rural, rural lifestyle, cemetery and public open space land uses. The public open space forms part of the Blackjack Creek flood corridor.

## **Summary of recommendation**

The proposal seeks to undertake various housekeeping alterations to address issues and changes that have occurred during the operation of Gunnedah LEP 2012. The changes are considered reasonable and necessary to ensure the effective and efficient operation of the LEP and the proposal is supported subject to conditions.

## **PROPOSAL**

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### **Objectives or intended outcomes**

The proposal contains a clear outline of the intended outcomes and objectives except in relation to the proposed minimum lot size map legend change and incorrect references to the R2 General Residential Zone instead of the R2 Low Density Residential Zone. The proposal should be updated prior to consultation to address these matters.

### **Explanation of provisions**

The proposal contains a clear explanation of the proposed LEP changes to be undertaken to achieve the stated intended outcomes and objectives.

### **Mapping**

The proposal contains mapping (locality, existing planning controls and proposed planning controls) that are satisfactory for consultation purposes except in relation to the proposed minimum lot size map which uses the wrong minimum lot size colour for 4 – 8 South Street. The proposal should be updated prior to consultation to address this matter.

## **NEED FOR THE PLANNING PROPOSAL**

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The proposal is needed to undertake various housekeeping alterations to address issues and changes that have been identified during the operation of Gunnedah LEP 2012. These changes include:

- permitting landscape material supplies with consent in the IN1 General Industrial Zone as it is consistent with the other existing uses that are already permitted in the zone;

- permitting farm buildings with consent in the E3 Environmental Management Zone as extensive agriculture is permitted in the zone;
- rezoning and amending planning controls for privately owned land in South Street, Gunnedah, that no longer forms part of the existing railway corridor to appropriately reflect its existing or likely future use (Figures 6-8). These changes include:
  - o rezoning the land from RE1 Public Recreation or SP2 Infrastructure to R2 Low Density Residential or B6 Enterprise Corridor (this will also require introducing the B6 land use table into the LEP);
  - o applying a minimum lot size of 650m<sup>2</sup> to land proposed to be zoned R2 Low Density Residential consistent with other residential land in the locality; and
  - o applying a floor space ratio of 1.5:1 to land proposed to be zoned B6 Enterprise Corridor consistent with other business land in Gunnedah;
- rezoning and amending planning controls for land in Wandobah Road, Gunnedah, (Figures 9-11) to reflect Council's flood planning work for Blackjack Creek and purchase of part of the flood corridor by:
  - o amending the existing R5 Large Lot Residential and RE1 Public Recreation zone boundary to accurately reflect the western flood planning area boundary for Blackjack Creek;
  - o amending the minimum lot size map to apply a 40ha minimum lot size to all land zoned R5 Large Lot Residential and apply no minimum lot size to land zoned RE1 Public Recreation; and
  - o correct an existing error in the minimum lot size map legend by altering the current reference to AB4 to AB2.

The planning proposal is the appropriate and only means to undertake the necessary changes.

## **STRATEGIC ASSESSMENT**

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### **State**

The planning proposal is considered to be consistent with the State planning framework subject to some matters of minor inconsistency as discussed below regarding section 9.1 Directions. It is noted that the proposed B6 Enterprise Corridor land use table has been prepared in accordance with the requirements of the Standard Instrument LEP Order 2006.

### **Regional / District**

The proposal is considered to be generally consistent with the goals of the New England North West Regional Plan 2036 except in relation to Direction 14 and the need to limit inappropriate development along existing transport corridors. The proposal is inconsistent with this Direction due to the proposed residential rezoning of land in South Street adjoining the railway corridor. This inconsistency is considered to be of minor significance due to the long and existing residential use of the land, the decision of Transport for NSW to dispose of the land, and as the rezoning only reflects the existing nature of the land. It is still considered appropriate



however that agency consultation be undertaken with Transport for NSW and the Australian Rail Track Corporation as part of the proposal.

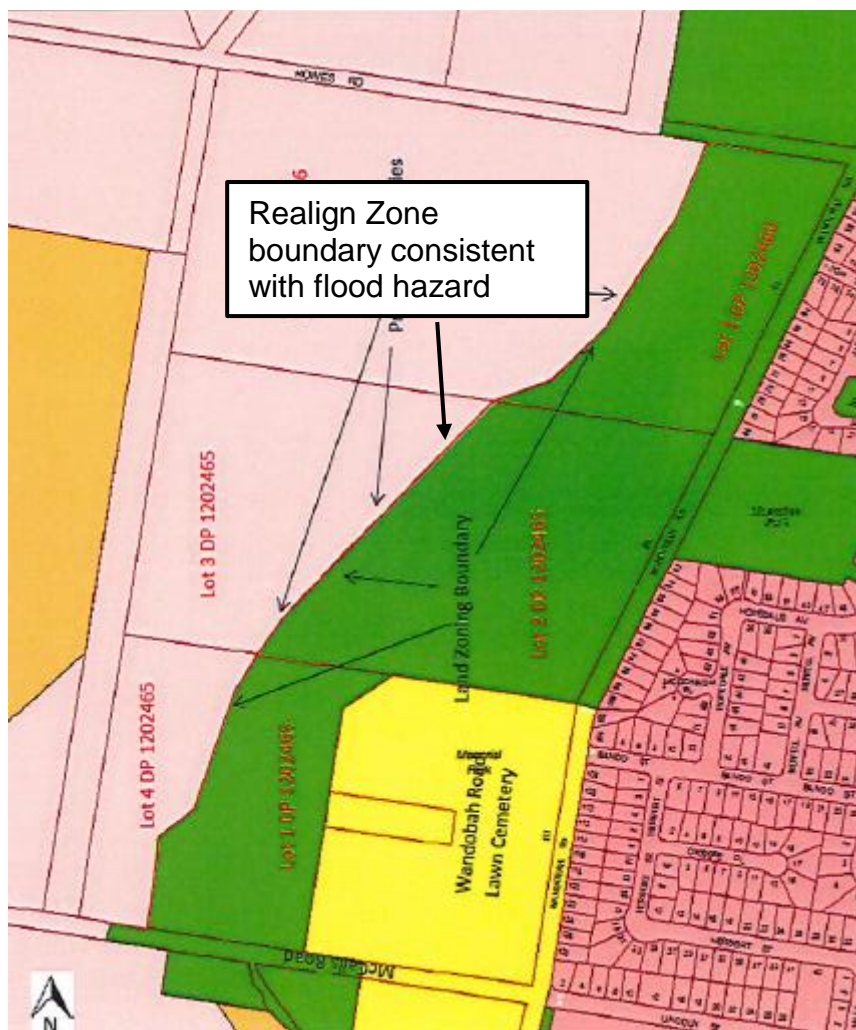
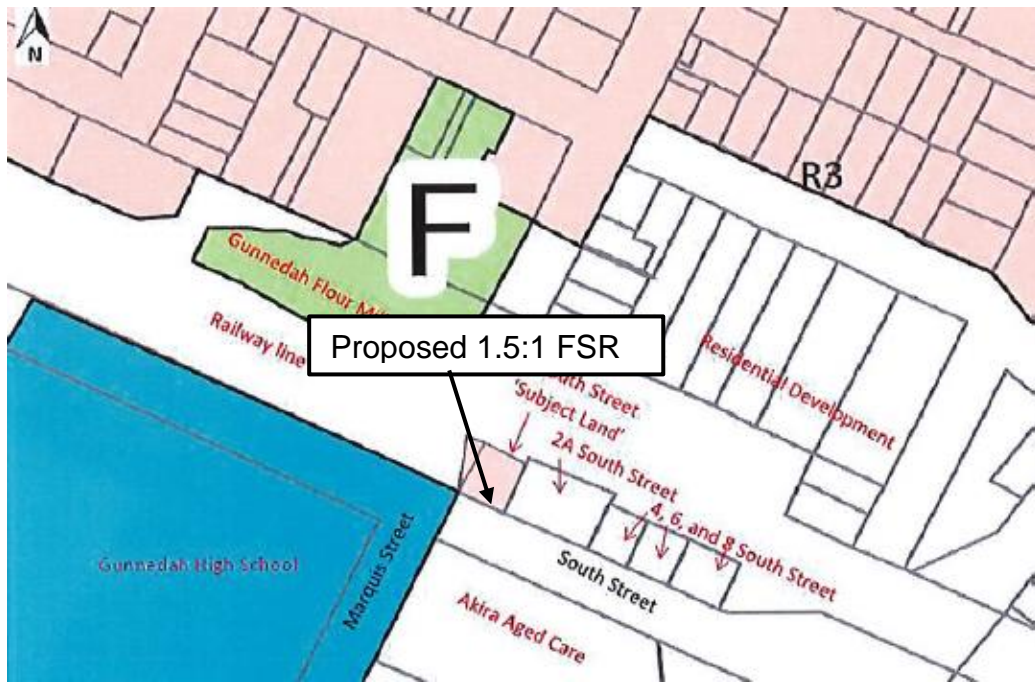
The planning proposal currently includes discussion on the New England Strategic Regional Land Use Plan 2012. References to this plan should be removed prior to consultation as it was replaced in 2017 with the release of the New England North West Regional Plan 2036.



Figure 6 – Proposed Zoning Changes, South Street



Figure 7 – Proposed Minimum Lot Size, South Street





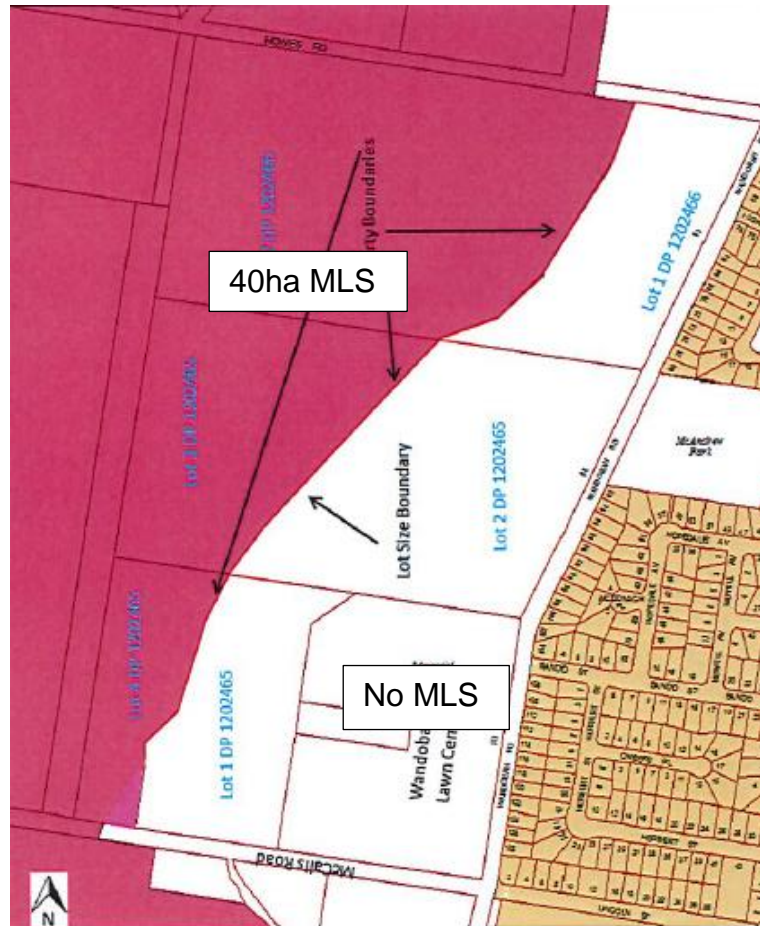


Figure 10 – Proposed Minimum Lot Sizes, Wandobah Road

Current legend



Proposed legend

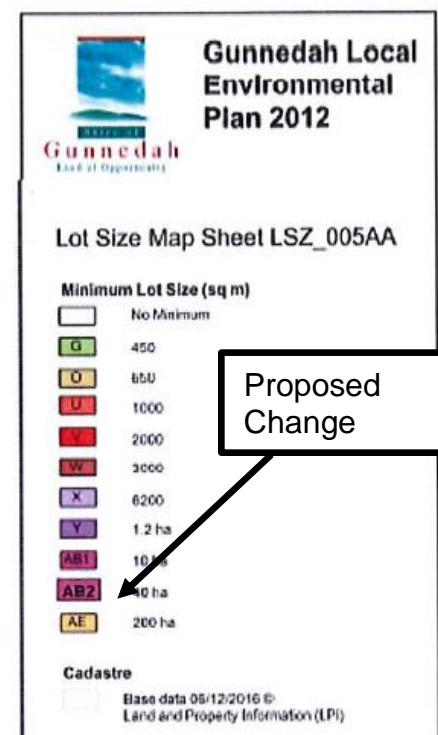


Figure 11 – Minimum Lot Size Map Legend Change

## **Local**

The proposed rezonings are considered not to be inconsistent with Council's Department approved Gunnedah Local Environmental Study (Bridging Report) 2010 or Council's more recently prepared Urban Land Use Strategy 2016. While neither document identifies the proposed South Street and Wandobah rezonings, as the rezonings only seek primarily to reflect improved flooding information, changes in land ownership and the existing and likely future uses of the land, it is considered satisfactory.

### **Section 9.1 Ministerial Directions**

The proposal is considered to be consistent with all applicable section 9.1 Directions except the following:

#### **1.1 Business and Industrial Zones**

The proposal is inconsistent with this Direction as it proposes to rezone land to B6 Enterprise Corridor that is not in accordance with a strategy approved by the Secretary. This inconsistency is considered to be of minor significance due to small area of land involved (approximately 860m<sup>2</sup>) and as the majority of the land has historically been used as employment land associated with the railway corridor.

#### **2.1 Environment Protection Zones**

The proposal is inconsistent with this Direction as it does not contain provisions that facilitate the protection and conservation of environmentally sensitive areas. This inconsistency is considered to be of minor significance as the proposal retains all existing LEP provisions relating to environmental protection and will not lessen the protection of environmentally sensitive areas.

#### **2.3 Heritage Conservation**

The proposal is inconsistent with this Direction as it does not contain provisions that facilitate the conservation of heritage items, places, buildings, works, relics, moveable objects or precincts. This inconsistency is considered to be of minor significance as the proposal retains all existing LEP provisions relating to heritage conservation and will not lessen the protection of any existing heritage items.

#### **4.4 Planning for Bushfire Protection**

The proposal affects land identified as bushfire prone and the consistency of the proposal with this Direction cannot be determined until after consultation with the NSW Rural Fire Service has been undertaken.

#### **5.10 Implementation of Regional Plans**

The proposal is inconsistent with this Direction as it seeks to rezone land for residential purposes in South Street adjoining the railway corridor. This inconsistency is considered to be of minor significance due to the long and existing residential use of the land, the decision of Transport NSW to dispose of the land, and as the rezoning only reflects the existing nature of the land.

#### **6.2 Reserving Land for Public Purposes**

The proposal is inconsistent with this Direction as it proposes to create, alter and reduce the existing RE1 Public Recreation zonings in South Street and Wandobah Road without the approval of the Secretary. This inconsistency is considered to be of minor significance as the proposal seeks only to amend the RE1 Zone in these

locations to accurately and appropriately reflect the land now held in Council's ownership. No land reclassification is proposed associated with these changes.

### **State environmental planning policies**

The proposal is considered to be consistent with all applicable State Environmental Planning Policies.

## **SITE-SPECIFIC ASSESSMENT**

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### **Social**

No adverse social impacts are anticipated to result from the proposal. While it is noted that the Wandobah Road precinct contains 3 known items of Aboriginal heritage, the proposed zoning and minimum lot size changes are unlikely to increase any likelihood of harm due to increased development risk. It is considered appropriate that the Office of Environment and Heritage be consulted in relation to the proposal.

### **Environmental**

The proposal seeks to allow farm buildings with consent in the E3 Environmental Management Zone. Due to the existing nature of the E3 Environmental Management Zone in the Gunnedah LEP 2012, which allows extensive agriculture without consent, and contains many cleared rural areas used for agricultural purposes, it is considered likely that any environmental issues can be appropriately considered and addressed at the development application stage.

The land at Wandobah Road is partly flood affected (Figure 12) and has no known sources of potential contamination. Realigning the zone boundary to be consistent with the flood planning area and Council's land ownership is unlikely to have any adverse environmental impact.

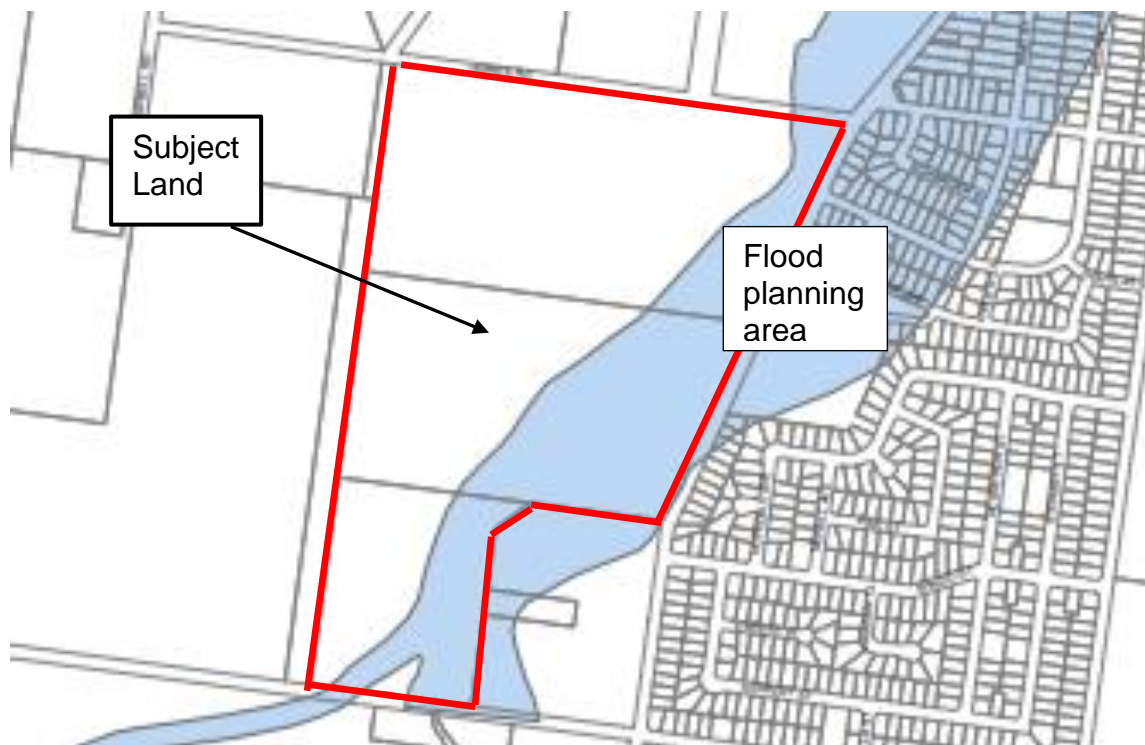


Figure 12 – Wandobah Road flood planning area



The proposed residential land in South Street has historically been used for residential purposes despite the proximity to the railway line and the associated noise and vibration issues. While the residential use of the land has occurred successfully despite these issues, prior to formalising the residential zoning of the land, it is considered appropriate that consultation be undertaken with Transport for NSW and the Australian Rail Track Corporation. It is also noted that the proposal contains no preliminary potential contamination assessment of the South Street land. The planning proposal should be updated prior to consultation to include this information.

### **Economic**

The proposal is considered likely to provide economic benefits by permitting additional landuses in appropriate areas and by rezoning land more appropriately to reflect its ownership and likely future land use.

### **Infrastructure**

No new / additional local or State infrastructure has been identified as being needed as a result of the proposal.

## **CONSULTATION**

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### **Community**

The proposal seeks to undertake a 28 day community consultation period. This is considered to be appropriate particularly as the changes are not identified in Council's Department approved local strategy.

### **Agencies**

Consultation with the following agencies is recommended:

- Office of Environment and Heritage
- Transport for NSW
- Australian Rail Track Corporation
- NSW Rural Fire Service

## **TIME FRAME**

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The submitted proposal includes a timeline of approximately 15 months to complete the proposal. Due to the nature of the proposal, a 12 month period is considered adequate to complete the proposal.

## **LOCAL PLAN-MAKING AUTHORITY**

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The proposal is consistent, or justifiably inconsistent with the State and regional planning framework, and deals primarily with matters of local significance. It is considered appropriate that Council be authorised as the local plan-making authority in relation to the proposal.

## **CONCLUSION**

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The proposal seeks to undertake various housekeeping alterations to address issues and changes that have occurred during the operation of Gunnedah LEP 2012. The changes are considered reasonable and the proposal is supported subject to conditions.

## RECOMMENDATION

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It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 1.1 Business and Industrial Zones, 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 5.10 Implementation of Regional Plans and 6.2 Reserving Land for Public Purposes are justified in accordance with the terms of the Directions; and
2. note that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended that the delegate of the Minister for Planning determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
  - Office of Environment and Heritage
  - Transport for NSW
  - Australian Rail Track Corporation
  - NSW Rural Fire Service
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. Prior to agency or community consultation, the proposal shall be amended to:
  - (a) update any references to the R2 General Residential Zone to the R2 Low Density Residential Zone;
  - (b) show the correct colour for the proposed 650m<sup>2</sup> minimum lot size on the proposed minimum lot size map for 4 – 8 South Street;
  - (c) remove the discussion on the New England Strategic Regional Land Use Plan 2012;
  - (d) include a preliminary potential contamination assessment of the land to be rezoned in South Street; and
  - (e) update the objectives and intended outcomes to include reference to the proposed minimum lot size map legend change.



10-8-2018

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