

**Gunnedah LEP 2012 - Reclassification, rezoning and alteration to minimum lots sizes -
Ashford Watercourse**

Proposal Title : **Gunnedah LEP 2012 - Reclassification, rezoning and alteration to minimum lots sizes - Ashford Watercourse**

Proposal Summary : **This Planning Proposal aims to:**

- 1. Reclassify part of Lot 23 DP1140182 from Community Land to Operational Land under the Local Government Act 1993;**
- 2. Rezone part of Lot 23 DP1140182 from RE1 Public Recreation to R3 Medium Density Residential; and**
- 3. Apply a minimum lot size of 450m2 to part of Lot 23 DP1140182.**

The planning proposal has been prepared to enable a future boundary adjustment between privately owned and Council owned land due to a change in the alignment of Ashford's Watercourse.

PP Number : **PP_2016_GUNNE_001_00**

Dop File No : **16/07142**

Proposal Details

Date Planning
Proposal Received : **17-May-2016**

LGA covered : **Gunnedah**

Region : **Northern**

RPA : **Gunnedah Shire Council**

State Electorate : **TAMWORTH**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Reclassification**

Location Details

Street : **Little Beulah Street**

Suburb :

City : **GUNNEDAH**

Postcode : **2380**

Land Parcel : **Part of Lot 23, DP1140182 - Council owned land - Ashford's Watercourse**

DoP Planning Officer Contact Details

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

Contact Name : **Brendan Williams**
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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings 0 (where relevant) :
Gross Floor Area : 0	No of Jobs Created : 0

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

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.**

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

If Yes, comment : **The Northern Region office has not met any lobbyists in relation to this proposal, nor has the
Region been advised of any meeting between other officers within the agency and lobbyists
concerning this proposal.**

Supporting notes

Internal Supporting
Notes :

External Supporting **Ashford's Watercourse transects Gunnedah. Over time the alignment of the natural
Notes : watercourse has changed. The current alignment has been concreted and primarily serves
as stormwater drain. The land is owned by Gunnedah Council. Adjoining properties have
encroached onto the former watercourse. Council is now seeking to facilitate a boundary**

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adjustment to reflect the current alignment of the watercourse. This involves the reclassification of part of the Council owned land as well as the rezoning and application of a minimum lot size on the land. Once completed, an adjustment to the property boundaries will be undertaken and an arrangement made for the land to be transferred to the adjoining properties.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives adequately describes the intention of the Planning Proposal, which is to:**
1. Reclassify certain land in Gunnedah Shire from Community Land to Operational Land under the Local Government Act 1993,
2. Rezone the land proposed to be reclassified from RE1 Public Recreation to R3 Medium Density Residential under the Gunnedah LEP 2012, and
3. Apply a minimum lot size of 450m2 under the Gunnedah LEP 2012 to the land proposed to be reclassified and rezoned.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal provides an explanation of the intended provisions to achieve the objectives and intended outcomes. Prior to exhibition the explanation of provisions should be amended to clarify that a part reclassification map will be included in the LEP to facilitate the proposal.**

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

2.1 Environment Protection Zones
2.3 Heritage Conservation
2.4 Recreation Vehicle Areas
3.1 Residential Zones
3.2 Caravan Parks and Manufactured Home Estates
3.3 Home Occupations
3.4 Integrating Land Use and Transport
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions

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 55—Remediation of Land**

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. This Proposal is not inconsistent with that Plan.**

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

If No, explain : **See the 'Assessment' section of this planning team report**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Maps have been provided with the Planning Proposal. They show the current and the proposed classification, land zoning and minimum lot size for the site. It is considered**

that these maps are adequate for community consultation.

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

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has proposed a 28 day public exhibition period followed by a public hearing in accordance with Section 57 of the Environmental Planning and Assessment Act 1979. This is considered adequate if the public hearing process follows best practice and outlined in the guide 'A guide to preparing local environmental plans – April 2013'.

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, although this will need revising.

The Governor of NSW will be involved in the reclassification of this land, plan making functions have not been requested by Council. This is considered appropriate.

The Planning Proposal includes a project timeline which estimates the completion of the Planning Proposal by December 2016 (7 months). It is considered that a 9 month time frame would be appropriate. This does not restrict Council from finalising the LEP amendment sooner.

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 :

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

Council has been approached by land holders to clarify the ownership and location of the northern boundary of properties adjoining the Ashford's Watercourse. Over time the watercourse has moved from its original surveyed position and has been formalised into a concreted stormwater drain. Properties to the south of the watercourse have encroached on the land where the watercourse formerly ran.

Council is seeking to rectify this boundary anomaly by confirming the route of the

watercourse. They propose to rezone land to reflect its current use and apply consistent planning provisions to the land. Part of the land requires reclassification from 'community' to 'operational'. It is proposed by Council to then transfer part of the land to the adjoining owners.

Altering the land zoning, minimum lot size provision and classification of the land requires an amendment to the Gunnedah LEP 2012. Interests on the land title may be required to be removed as it indicates there are reservations and conditions on the crown grant for the land. Council has investigated this matter and will resolve what, if any interests are changing during the legal drafting of the LEP.

Consistency with
strategic planning
framework :

Due to the minor administrative nature of this proposal, it is considered to be not inconsistent with any strategic planning framework. This land is not identified specifically in any strategy work undertaken by Council or the Department of Planning and Environment.

Despite the Planning Proposal identifying a number of potential inconsistencies with various SEPPs and s117 Directions, the proposal is considered to be consistent with all applicable SEPPs.

The planning proposal identifies inconsistencies with S 117 directions 2.1, 2.3, 3.1, 3.2, 3.3 and 3.4. These inconsistencies arise as the proposal does not include specific provisions required by these directions. These specific provisions are already included in the Gunnedah LEP 2012 and as identified in the planning proposal the inconsistencies are considered to be of minor significance and therefore justified in accordance with the terms of the direction.

4.3 Flood Prone Land

While the land is not identified as being flood prone on the flood maps accompanying Gunnedah LEP 2012, it is considered likely that it could be affected by localised flooding due to its proximity to the adjoining the watercourse. While the proposal is therefore likely to rezone flood prone land for residential purposes contrary to the Direction, the inconsistency is considered to be of minor significance due to the small area of land involved and the lack of any significant additional residential development potential that will result.

6.2 Reserving Land for Public Purposes

This Direction is relevant as the proposal seeks to reduce existing zonings of land for public purposes. This matter is considered to be of minor significance due to the small area of land involved and its current use for stormwater drainage purposes rather than active or passive recreation.

Environmental social
economic impacts :

The Planning Proposal is considered to have a negligible environmental, social or economic impact on the community. The outcome of the proposal will be the planning controls and property boundaries of the land reflecting the existing use and management of the area.

The land is not prone to bushfire or flooding. The loss of 'community' land is considered negligible due to the current use of the land as a storm water conveyance corridor.

This proposal is primarily an administrative process to recognise the current use of the land.

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Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **DDG**

Public Authority
Consultation - 56(2)(d)
:

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

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

If no, provide reasons : **No consultation with Government Agencies is required.**

A public hearing will need to be undertaken in accordance with the relevant legislation for the reclassification of the land.

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
2016-05-17 Cover Letter.pdf	Proposal Covering Letter	Yes
2016_05_17 Planning Proposal.pdf	Proposal	Yes
2016_05_17 Subject Land.pdf	Photograph	Yes
2016_05_17 Current and Proposed Mapping.pdf	Map	Yes
2016_05_17 Proposed Future Lot Layout.pdf	Map	Yes
2016_05_17 Council Report.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**

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**6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions**

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

- 1. The Planning Proposal be supported;**
- 2. The Planning Proposal be exhibited for 28 days;**
- 3. The Planning Proposal be completed within 9 months;**
- 4. Prior to exhibition the explanation of provisions be amended to clarify that a part reclassification map will be included in the LEP to facilitate the proposal;**
- 5. That the Secretary's delegate determines that the inconsistency with s117 Directions 2.1, 2.3, 3.1, 3.2, 3.3, 3.4, 4.3 and 6.2 are justified; and**
- 6. That plan making delegations not be granted to Council due to the possible need to extinguish easements or reserves applying to the land.**

Supporting Reasons : **The Planning Proposal is supported as it will facilitate the rezoning of land to reflect its current use and apply consistent planning provisions to the land. The reduction of public land is negligible and the reclassification to 'community' will not affect the Gunnedah community as a whole.**

Signature:



Printed Name:

Emily Doss

Date:

27 May 2016