

11. PLANNING AND ENVIRONMENTAL SERVICES

11.3 PLANNING PROPOSAL TO AMEND THE GUNNEDAH LOCAL ENVIRONMENTAL PLAN (LEP) 2012 – PLANNING PROPOSALS FOR BLACKJACK CREEK, 2 SOUTH STREET AND VARIOUS LEP AMENDMENTS

AUTHOR Project Town Planner

Council Resolution

Moved Councillor A LUKE

Seconded Councillor J CAMPBELL

18.09/17 COUNCIL RESOLUTIONS:

That Council resolve to:

1. Prepare a draft planning proposal, pursuant to Section 55 of the *Environmental Planning and Assessment Act 1979* for an amendment to the *Gunnedah Local Environmental Plan 2012* to:
 - a) Amend the following Land Zoning Map(s):
 - i) Land Zoning Map (LZN_005AA) to:
 - a) Rezone Lot 1 DP 840712 and Lot 2 DP 555359 – 2 South Street, Gunnedah, from SP2 *Infrastructure and RE1 Public Recreation* to B6 *Enterprise Corridor*;
 - b) Rezone Lot 1 DP 591153, Lot 1 DP 736948, and Lot 1 DP 606235 – 4, 6 and 8 South Street, Gunnedah, respectively, from SP2 *Infrastructure* to R2 *General Residential*;
 - c) Rezone part of Lot 1 DP 1202465, Lot 2 DP 1202465, and Lot 1 DP 1202466, from R5 *Large Lot Residential* to RE1 *Public Recreation*;
 - d) Rezone part of Lot 4 DP 1202465 – 81 Wandobah Road, Gunnedah, from RE1 *Public Recreation* to R5 *Large Lot Residential*; and
 - b) Amend the following Floor Space Ratio Map(s):
 - i) Floor Space Ratio Map (FSR_005AA) to:
 - a) Apply a floor space ratio of 1.5:1 to Lot 1 DP 840712 and Lot 2 DP 555359 – 2 South Street, Gunnedah; and
 - c) Amend the following Lot Size Map(s):
 - i) Lot Size Map (LSZ_005AA) to:
 - a) Apply a minimum lot size of 650m² to Lot 1 DP 591153, Lot 1 DP 736948, and Lot 1 DP 606235 – 4, 6 and 8 South Street, Gunnedah, respectively;
 - b) Apply a minimum lot size of 40ha to the rezoned part of Lot 4 DP 1202465 – 81 Wandobah Road, Gunnedah;
 - c) Apply no minimum lot size to the rezoned part of Lot 1 DP 1202465, Lot 2 DP 1202465, and Lot 1 DP 1202466;
 - d) Remove the words 'no minimum' from the map legend; and
 - ii) Lot Size Maps (LSZ_005), (LSZ_005A), (LSZ_005AA), and (LSZ_005B) to:
 - a) Identify the map legend to state AB2 40ha; and
 - d) Amend the following sections of the Land Use Table:
 - i) Zone IN1 *General Industrial* to:
 - a) Identify 'landscaping material supplies' in section 3 *permitted with consent*; and
 - ii) Zone E3 *Environmental Management* to:
 - a) Identify 'farm buildings' in section 3 *permitted with consent*; and
 - iii) Insert a new land use zone – B6 *Enterprise Corridor*.

2. Forward the draft planning proposal 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 *Environmental Planning and Assessment Act 1979*; and
3. Request that the Director General 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 *Environmental Planning and Assessment Act 1979* in respect of the planning proposal.

ITEM 3	Planning Proposal to Amend the Gunnedah Local Environmental Plan (LEP) 2012 – Planning Proposals for Blackjack Creek, 2 South Street and Various LEP Amendments
MEETING	Ordinary Meeting – 20 September 2017
DIRECTORATE	Planning & Environmental Services
AUTHOR	Project Town Planner
POLICY	Nil
LEGAL	Environmental Planning and 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. 4.9.3 Investigate and act on preservation of our natural and built environment. Operational Plan 1.2.2.1 Assess and process development proposals in accordance with the Environmental Planning and Assessment Act. 4.9.3.1 Implement the provision of the Local Environmental Plan 2012
ATTACHMENTS	B6 <i>Enterprise Corridor</i> land use zone table

OFFICER'S RECOMMENDATIONS:

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 - c) Rezone part of Lot 1 DP 1202465, Lot 2 DP 1202465, and Lot 1 DP 1202466, from R5 *Large Lot Residential* to RE1 *Public Recreation*;
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 - i) Lot Size Map (LSZ_005AA) to:
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 - b) Apply a minimum lot size of 40ha to the rezoned part of Lot 4 DP 1202465 – 81 Wandobah Road, Gunnedah;
 - c) Apply no minimum lot size to the rezoned part of Lot 1 DP 1202465, Lot 2 DP 1202465, and Lot 1 DP 1202466;
 - d) Remove the words 'no minimum' from the map legend; and
 - ii) Lot Size Maps (LSZ_005), (LSZ_005A), (LSZ_005AA), and (LSZ_005B) to:
 - a) Identify the map legend to state AB2 40ha; and

- d) Amend the following sections of the Land Use Table:
 - i) Zone IN1 *General Industrial* to:
 - a) Identify 'landscaping material supplies' in section 3 *permitted with consent*; and
 - ii) Zone E3 *Environmental Management* to
 - a) Identify 'farm buildings' in section 3 *permitted with consent*; and
 - iii) Insert a new land use zone – B6 *Enterprise Corridor*.
 - 2. Forward the draft planning proposal 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 *Environmental Planning and Assessment Act 1979*; and
 - 3. Request that the Director General 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 *Environmental Planning and Assessment Act 1979* in respect of the planning proposal.
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PURPOSE

The purpose of this report is to seek Council's endorsement for the preparation of a planning proposal to amend the Gunnedah *Local Environmental Plan* (GLEP) 2012.

COMMENTARY

The report outlines the following:

- A. Discussion regarding the submitted planning proposal,
- B. Other GLEP minor amendments to be included in the planning proposal, and
- C. Consideration of the planning proposal against applicable local and regional plans and strategies.

A. Submitted planning proposal

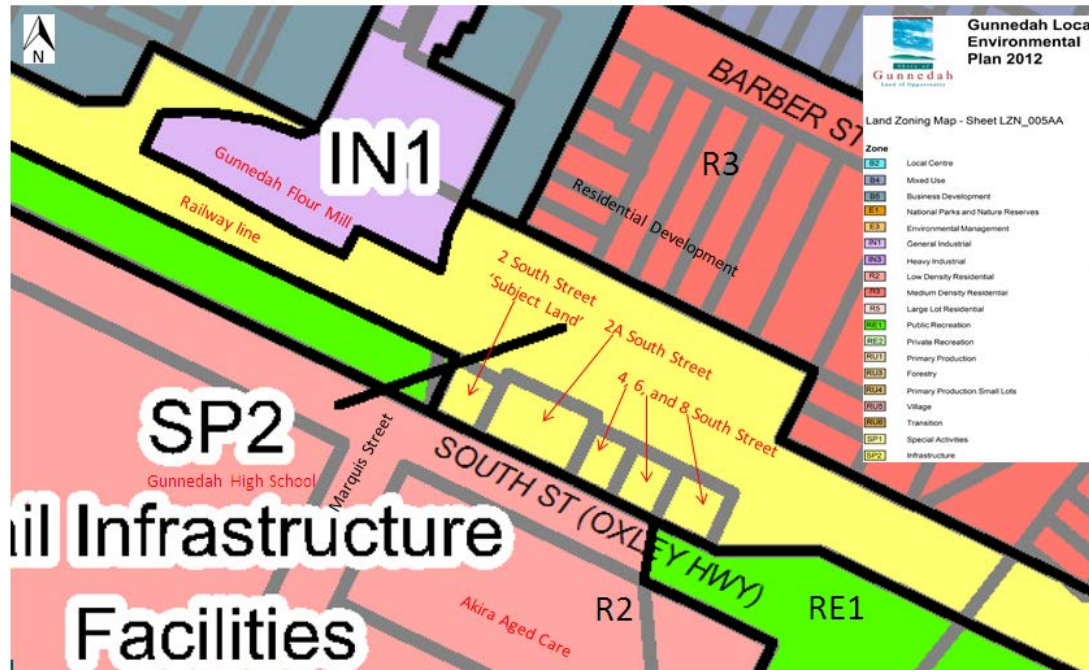
Council has received a planning proposal application to amend the GLEP 2012. The submitted planning proposal aims to rezone Lot 1 DP 840712 and Lot 2 DP 555359 – 2 South Street, Gunnedah, (hereinafter referred to as 'subject land') from SP2 *Infrastructure* and RE1 *Public Recreation*, respectively, to IN1 *General Industrial*, under provisions contained in the GLEP 2012.

Subject Land



The subject land is located on the corner of Marquis Street and South Street, Gunnedah. Site access is from South Street. The subject land is adjoined to the north (rear) by the railway line and directly east by (2A South Street) which is owned by Transport for NSW and contains storage sheds that are used in conjunction with the railway line. Three allotments east of 2A South Street site (4, 6, and 8 South Street) contain residential development. All land on the northern side of South Street contains a zoning of SP2 *Infrastructure*, with the exception of a small triangular lot fronting Marquis Street which contains a zoning of RE1 *Public Recreation*.

Current Land Zoning



Land on the opposite (southern) side of South Street and adjacent to the subject land is zoned R2 *General Residential* under the GLEP 2012 and contains Akira Aged Care and Gunnedah High School.

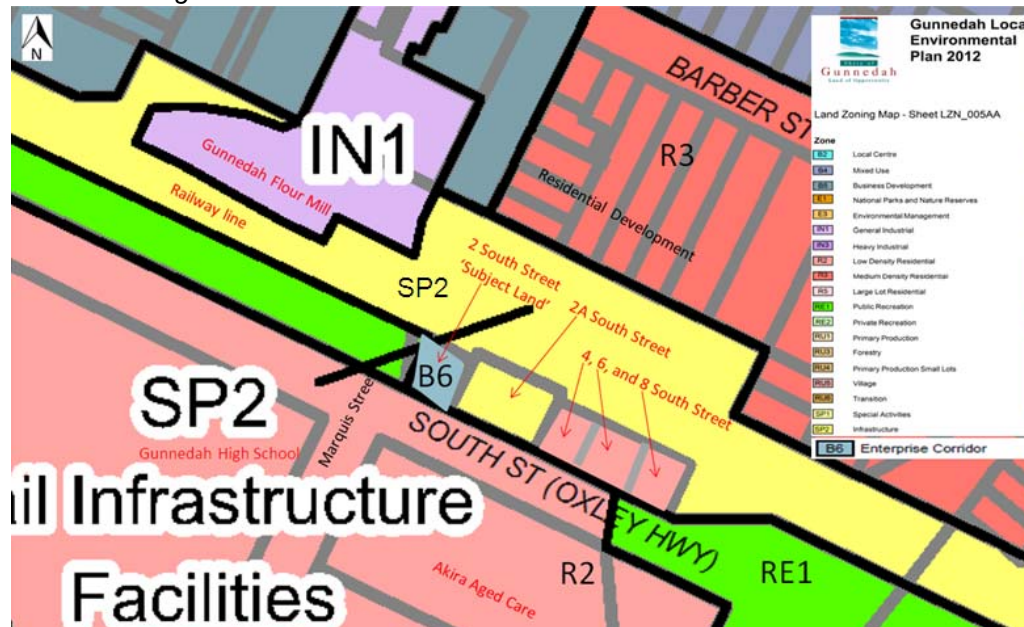
The subject land was formerly owned by Transport NSW and contains a storage shed (similar to the one located on 2A South Street). The subject land was historically used in conjunction with the adjoining railway line, hence the reason the site contains a zoning of SP2 *Infrastructure*. The subject land has since been sold by Transport NSW and is no longer used in conjunction with the railway line. The current zoning of the subject land does not allow many development types within the zoning. As a result the current land owner seeks to rezone the land to allow additional development to be undertaken on the site.

The subject land contains various site constraints including limited site access, no on-street parking, small land size, and is adjoined by varying existing land uses which has potential to cause land use conflict. Adjoining land uses include the flour mill, Gunnedah High School, Akira Aged Care, railway line, and residential development. Thus determining the most suitable and appropriate land use zone for the site is complex.

The submitted planning proposal was forwarded to the Tamworth Regional Office of the Department of Planning and Environment (DPE) for comment. The DPE advised that with consideration to the subject land constraints and adjoining land uses, the most suitable land use zones for the site and contained within the current GLEP 2012 are IN1 *General Industrial* and B5 *Business Development*. The DPE also advised Council could consider implementing a new land use zone within the GLEP 2012, being B6 *Enterprise Corridor*, and tailoring the allowable development within the zone to suit the area.

Upon further analysis, it was determined that creating a new land use zone which considers the existing development in the locality and the site constraints would be best suited in this circumstance. It is therefore proposed to create a new land use zone (B6 *Enterprise Corridor*) within the GLEP 2012, which allows development types that are most suitable to the subject land's attributes and the existing development in the area. Concurrence has been received from the applicant that the planning proposal should proceed with the intention to rezone the subject land to B6 *Enterprise Corridor*.

Proposed Land Zoning



The land identified as 4, 6, and 8 South Street contains existing residential development which has been located on the land since the 1980's. The dwellings were historically used as accommodation for railway workers. However, the land is no longer owned by Transport NSW and is no longer used as accommodation for railway workers. The current land zoning of SP2 *Infrastructure* does not allow residential development to be undertaken however the use of the land for residential purposes is allowable under 'existing use provisions' contained within the *Environmental Planning and Assessment (EP&A) Act 1979*. Although the residential use of the land is allowable, the current land zoning does not allow minor residential development to be undertaken without development approval, as permitted under *State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes) 2008*. Therefore, any residential development undertaken on the land requires approval. The current land use is also inconsistent with the objectives of the SP2 *Infrastructure* zone.

It is proposed that the land identified as 4, 6, and 8 South Street be rezoned from SP2 *Infrastructure* to R2 *General Residential* under provisions contained within the GLEP 2012 to allow minor residential development to be undertaken on the land without approval, as permitted under *SEPP (Exempt and Complying Development Codes) 2008*, and to enable the land to contain a zoning that better reflects and is consistent with its current use. It is recommended that this be included in the planning proposal. It is also proposed to change the GLEP 2012 minimum lot size map for 4-8 South Street; to 650m² to ensure consistency with other land zoned R2 *General Residential*.

Based on the zoning amendments, it is also recommended that the Floor Space Ratio for 2 South Street be amended to 1.5:1 to ensure consistency with other commercially zoned land.

The proposed B6 *Enterprise Corridor* land use zoning table is contained in Attachment 1.

B. Council addition to the planning proposal

GLEP 2012 review

Council has undertaken a five year review of the GLEP 2012 with a number of minor anomalies identified. It is intended to rectify these anomalies as part of this planning proposal. The anomalies are further outlined below.

Amendment to land use tables

Recent development applications lodged with Council has identified development for the purposes of 'farm buildings' within the E3 *Environmental Management* land use zone and 'Landscaping Material Supplies' within the IN1 *General Industrial* land use zone are not permitted. Analysis of these development types against the objectives of the relevant land use zone has concluded development for such purposes is compatible with the objectives of the relevant land use zone. It is therefore proposed to amend the GLEP 2012 Land Use Table to permit development for the purposes of 'farm buildings' within the E3 *Environmental Management* land use zone and 'landscaping material supplies' within the IN1 *General Industrial* land use zone.

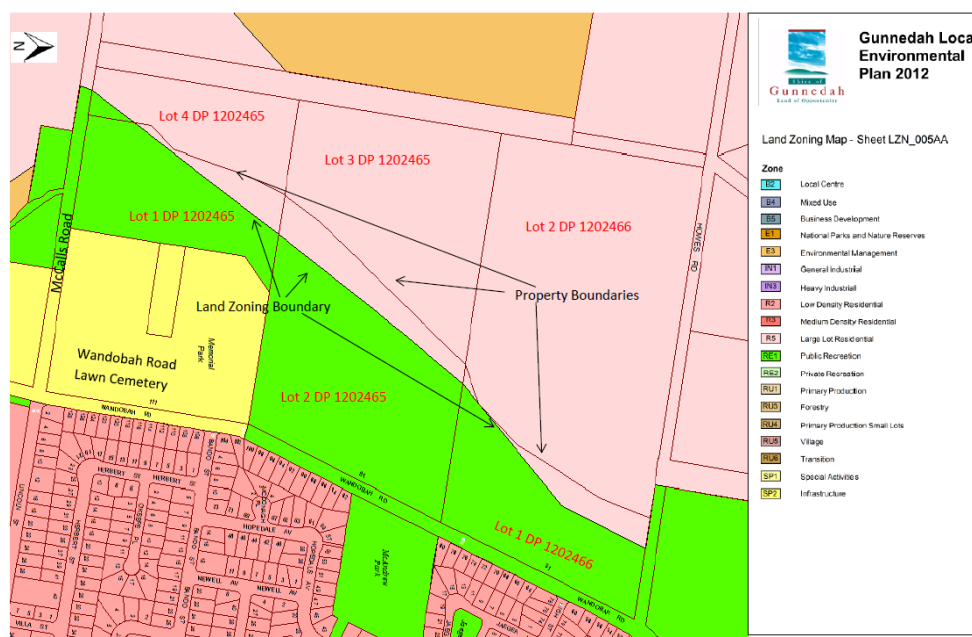
LEP mapping amendments

As part of the Blackjack Creek flood mitigation project part of privately owned land was acquired by Council. As a result the new property boundaries do not exactly align with land zoning and minimum lot size mapping boundaries. It is therefore proposed to amend the relevant land zoning and minimum lot size mapping for this land to align with the new property boundaries.

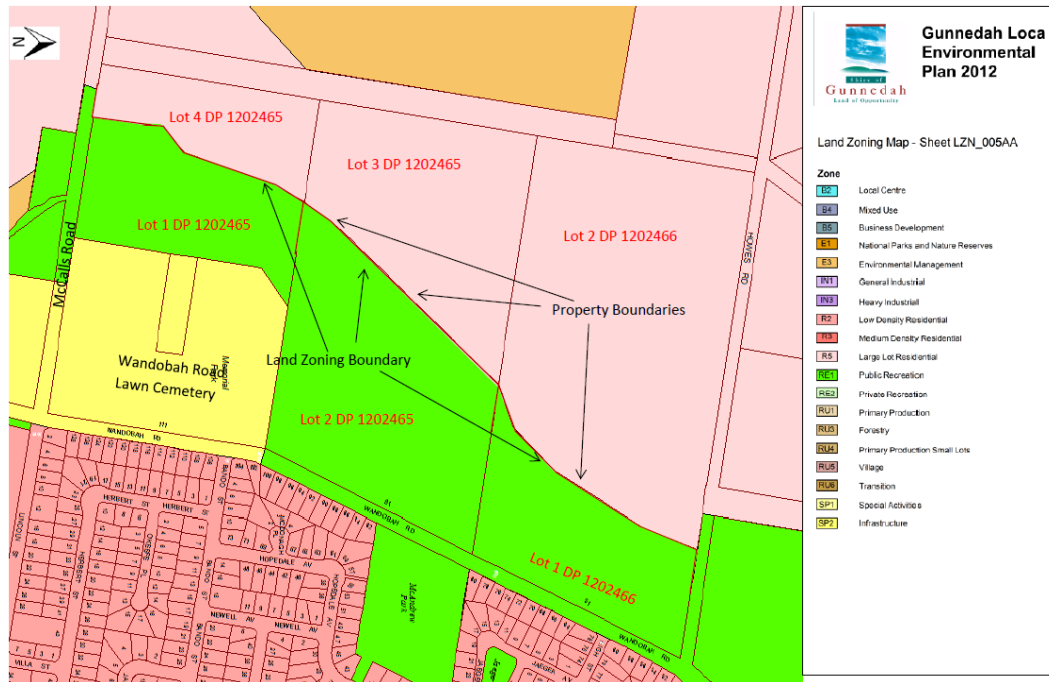
Site Plan



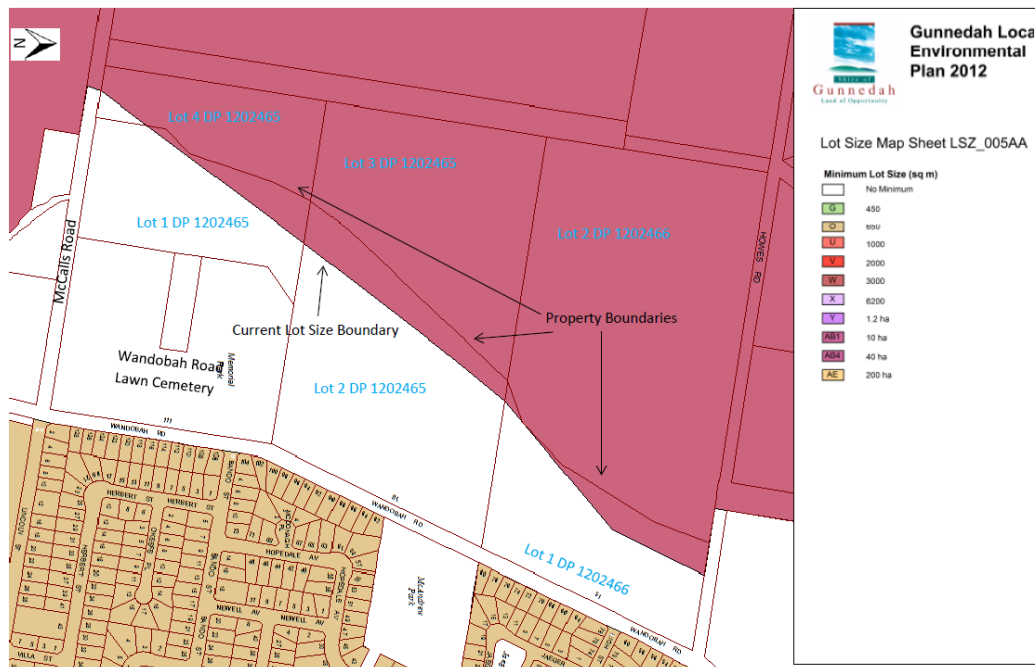
Current Land Zoning Map – illustrating property boundaries and zoning



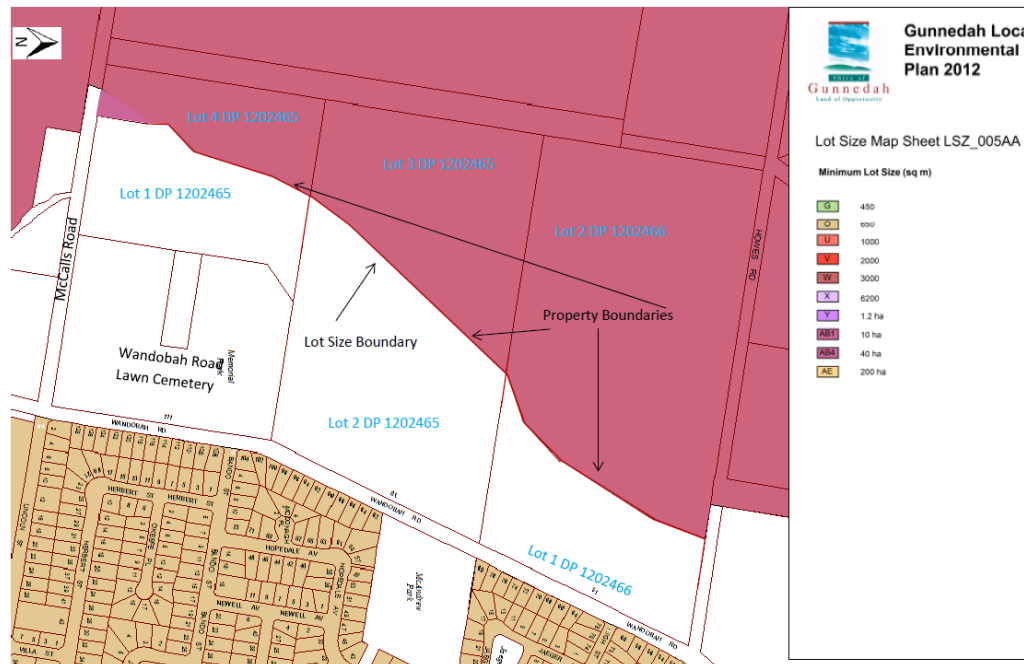
Proposed Land Zoning



Current Lot Size Map



Proposed Lot Size Map



It has also been identified the map legend on some GLEP 2012 map sheets are incorrectly referenced. The planning proposal intends to rectify these anomalies.

C. Consideration of planning proposal in relation to applicable local and regional plans and strategies

The planning proposal is consistent with the aims and objectives of the applicable local and regional plans and strategies. Below is a brief outline of the planning proposals consistency with the applicable local and regional plans and strategies.

New England North West Strategic Regional Land Use Plan 2012

The *New England North West Strategic Regional Land Use Plan 2012* identifies diversifying the region's economy and building resilience as a key objective. Action '5.2 – Local Councils will zone land through their LEPs to ensure an adequate supply of employment land', of the plan supports this objective. The planning proposal is consistent with both the action and objective of the *New England North West Strategic Regional Land Use Plan 2012* as it will allow additional land for a commercial purpose within the Shire, albeit minor.

Gunnedah Community Strategic Plan 2012-2022

The *Gunnedah Community Strategic Plan 2012-2022* identifies building the shire's economy as being an important driver of Gunnedah Shire's future. The plan further identifies enabling entrepreneurs and developers to contribute to the local economic growth through reviewing the *Gunnedah Local Environmental Plan* and *Gunnedah Development Control Plan* to ensure that unnecessary barriers to business establishment are removed as a method of achieving this. The planning proposal is consistent with this aim of the *Gunnedah Community Strategic Plan 2012-2022* as the proposal is partially the result of an LEP review and it will allow certain land to be zoned with potential for commercial development to occur.

CONCLUSION

Given the planning proposal's consistency with the *New England North West Strategic Regional Land Use Plan 2012* and the *Gunnedah Community Strategic Plan 2012-2022*, it is recommended the planning proposal to amend the *Gunnedah Local Environmental Plan 2012* be supported.

Attachment 1 – Proposed Zone 6 Enterprise Corridor Zoning Table

Zone B6 Enterprise Corridor

1 Objectives of zone

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.*
- *To enable development that is compatible with existing surroundings land uses.*

2 Permitted without consent

Environmental protection works;

3 Permitted with consent

Advertising structures; Building identification sign; Bulky goods premises; Business identification sign; Business Premises; Carparks; Community facilities; Depots; Educational establishments; Emergency services facilities; Flood mitigation works; Freight transport facilities; Funeral homes; Garden centres; Hardware and building supplies; Health consulting rooms; Health services facilities; High technology industry; Hospitals; Hotel or motel accommodation; Industrial retail outlets; Landscaping material supplies; Light industry; Medical centres; Passenger transport facilities; Plant nurseries; Port facilities; Public administration building; Roads; Schools; Self storage units; Sewage reticulation systems; Signage; Storage premises; Warehouse or distribution centres; Waste or resource transfer stations; Water reticulation systems; Water storage facilities; Wharf or boating facilities;

4 Prohibited

Any development not specified in item 2 or 3.

Zone B6 Enterprise Corridor

1 Objectives of zone

- To provide a mixture of compatible land uses.*
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.*
- To enable development that is compatible with surrounding land uses.*

2 Permitted without consent

Environmental protection works;

3 Permitted with consent

Advertising structures; Building identification sign; Bulky goods premises; Business identification sign; Business Premises; Carparks; Community facilities; Depots; Educational establishments; Emergency services facilities; Flood mitigation works; Freight transport facilities; Funeral homes; Garden centres; Hardware and building supplies; Health consulting rooms; Health services facilities; High technology industry; Home Industry; Hospitals; Hotel or motel accommodation; Industrial retail outlets; Landscaping material supplies; Light industry; Medical centres; Passenger transport facilities; Plant nurseries; Port facilities; Public administration building; Roads; Schools; Self storage units; Sewage reticulation systems; Signage; Storage premises; Warehouse or distribution centres; Waste or resource transfer stations; Water reticulation systems; Water storage facilities; Water Supply Systems; Wharf or boating facilities;

4 Prohibited

Any development not specified in item 2 or 3.