



Department of Planning and Environment  
PO Box 550  
TAMWORTH NSW 2340  
[northern@planning.nsw.gov.au](mailto:northern@planning.nsw.gov.au)

31 August 2020

Dear Sir/Madam

**Re: Planning Proposal to Amend the Gunnedah Local Environmental Plan (LEP) 2012 – Rezone 19 Abbott Street from R3 Medium Density Residential to B4 Mixed Use Zone**

At Gunnedah Shire Council's Ordinary Council meeting held on 12 August 2020, Council resolved:

**12.08/20 COUNCIL RESOLUTION:**

That Council resolves to:

1. Prepare a draft planning proposal, pursuant to Section 3.33 of the *Environmental Planning and Assessment Act 1979* for an amendment to the *Gunnedah Local Environmental Plan 2012* to:
  - a) Amend the Land Zoning Map (LZN\_005AA) to:
    - i) Rezone Lot 4 DP 954766 – 19 Abbott Street, Gunnedah, *from R3 Medium Density Residential to B4 Mixed Use*; and
  - b) Amend the Floor Space Ratio Map (FSR\_005AA) to:
    - ii) Apply a Floor Space Ratio of 1.5:1 to Lot 4 DP 954766 – 19 Abbott Street, Gunnedah; and
  - c) Amend the Lot Size Map (LSZ\_005AA) to:
    - iii) Remove the minimum lot size restriction so that no minimum lot size applies to Lot 4 DP 954766 – 19 Abbott Street, Gunnedah.
2. Forward the draft planning proposal to the Department of Planning, Industry and Environment for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 3.34-3.35 of the *Environmental Planning and Assessment Act 1979*; and
3. Request that the Director General of the Department of Planning, Industry and Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under Section 3.36 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal.

Council requests that the Minister for Planning provide a Gateway Determination on the Planning Proposal, in accordance with Section 3.36 of the Act. Council also requests that the Director General of the Department of Planning, Industry and Environment issue a written Authorisation to Council to Exercise Delegation of the plan making functions under Section 3.36 of the Act.

Please find enclosed Council report and Planning Proposal, including the Council resolution and evaluation criteria for the delegation of plan making functions, outlining the mechanism by which this planning proposal was reached.

If you have any questions regarding this matter, please contact Council's Team Leader Building and Strategic Projects, Blake O'Mullane on (02) 6740 2100.

Yours faithfully



Blake O'Mullane  
TEAM LEADER BUILDING AND STRATEGIC PROJECTS

Contact: 02 6740 2100

Reference: 1537495

bg

**11. PLANNING AND ENVIRONMENTAL SERVICES**

**11.6 PLANNING PROPOSAL TO AMEND THE GUNNEDAH LOCAL ENVIRONMENTAL PLAN (LEP) 2012 – REZONE 19 ABBOTT STREET FROM R3 MEDIUM DENSITY RESIDENTIAL TO B4 MIXED USE ZONE**

**AUTHOR** Team Leader Building and Strategic Projects

**MOTION** *Moved Councillor A LUKE*  
*Seconded Councillor R HOOKE*

**12.08/20 COUNCIL RESOLUTION:**

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3. Request that the Director General of the Department of Planning, Industry and Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under Section 3.36 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal.

<b>ITEM 6</b>	<b>Planning Proposal to Amend the Gunnedah Local Environmental Plan (LEP) 2012 –Rezone 19 Abbott Street from R3 Medium Density Residential to B4 Mixed Use Zone</b>
<b>MEETING</b>	Ordinary Meeting – 12 August 2020
<b>DIRECTORATE</b>	Planning and Environmental Services
<b>AUTHOR</b>	Team Leader Building and Strategic Projects
<b>POLICY</b>	Nil
<b>LEGAL</b>	Environmental Planning and Assessment Act 1979,
<b>FINANCIAL</b>	Nil
<b>STRATEGIC LINK</b>	Community Strategic Plan
	1.2.1 Foster a strong organisational culture which strives for best practice and continued improvement in all operations.
	1.3.2 Build relationships with all levels of Government, seek to contribute to decision making and strongly advocate our local interests.
	Operational Plan
	1.2.1.5 Develop and review the Directorate’s Policy and strategic planning framework ensuring effective planning, strategic direction, budget management and control of operations for the Directorate.
	1.3.2.1 Identify opportunities to advocate our interests with local community groups, regional organisations and the State and Federal Government on issues such as planning, development and the provision of services and facilities.
<b>ATTACHMENTS</b>	Planning Proposal Report and Attachments

#### OFFICER’S RECOMMENDATIONS:

That Council resolves to:

1. Prepare a draft planning proposal, pursuant to Section 3.33 of the *Environmental Planning and Assessment Act 1979* for an amendment to the Gunnedah Local Environmental Plan 2012 to:
  - a) Amend the Land Zoning Map (LZN\_005AA) to:
    - i) Rezone Lot 4 DP 954766 – 19 Abbott Street, Gunnedah, from *R3 Medium Density Residential* to *B4 Mixed Use*; and
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    - ii) Apply a Floor Space Ratio of 1.5:1 to Lot 4 DP 954766 – 19 Abbott Street, Gunnedah; and
  - c) Amend the Lot Size Map (LSZ\_005AA) to:
    - iii) Remove the minimum lot size restriction so that no minimum lot size applies to Lot 4 DP 954766 – 19 Abbott Street, Gunnedah.
2. Forward the draft planning proposal to the Department of Planning, Industry and Environment for a Gateway Determination, and exhibit the proposal in accordance with that determination, pursuant to Sections 3.34-3.35 of the *Environmental Planning and Assessment Act 1979*; and
3. Request that the Director General of the Department of Planning, Industry and Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under Section 3.36 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal.

## PURPOSE

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

## COMMENTARY

Council has received a planning proposal application to amend the GLEP 2012. The submitted planning proposal aims to rezone Lot 4, DP 954766, 19 Abbott Street, Gunnedah (hereinafter referred to as 'subject land') from *R3 Medium Density Residential* to *B4 Mixed Use*, under provisions contained in the GLEP 2012. The total area of land subject to the proposed rezoning is approximately 1,500 m<sup>2</sup>.

In order to amend the GLEP 2012, Council is required to initiate a planning proposal to rezone the subject land to *B4 Mixed Use*, which will facilitate the use of the site for a greater range of commercial development. The outcome of the proposed amendment will facilitate a higher land use that is also consistent with the surrounding locality to the north, east and west. The details of the report are outlined below:

- A. Location of the planning proposal;
- B. Existing planning controls of the subject land;
- C. GLEP 2012 minor amendments to be included in the planning proposal; and
- D. Consideration of the planning proposal against applicable local and regional plans and strategies.

This planning proposal has been written in accordance with the Department of Planning's '*A Guide to preparing Local Environmental Plans*' and '*A Guide to preparing Planning Proposals*' as a requirement for the preparation of the gateway determination by the Department. The planning proposal also meets the requirements (Best Practice Guideline) for rezoning Council-owned land. This includes the preparation of a 'statement of interest', which will accompany the planning proposal should it proceed to exhibition.

### **A. Location of the Planning Proposal**

The subject land is located on the corner of Abbott Street and Little Barber Street, Gunnedah (refer Figure 1) and site access occurs from Abbott Street. The subject land is adjoined to the north east by Caltex Petrol Station (zoned *B4 Mixed Use*) and south west by 17 Abbott Street which is residential development (zoned *R3 Medium Density Residential*). The allotment south east of the subject site (115 Little Barber Street) also contains residential development.

*Subject Land*



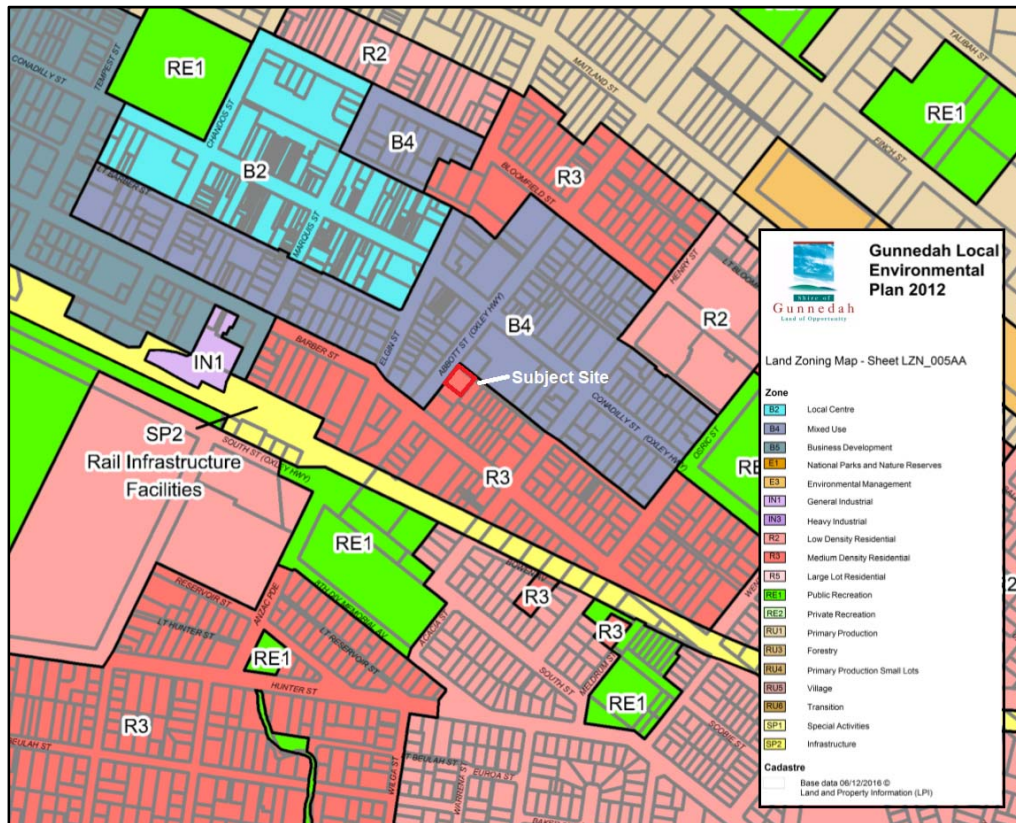
The subject land is privately owned, and the property is occupied by a former residence, a separate detached storage building and a shed. Generally, Land north, east and west of the subject site is zoned *B4 Mixed Use*, while the southern side of the property contains land zoned *R3 Medium Density Residential* under the GLEP 2012. A railway line zoned *SP2 Rail Infrastructure Facilities* runs east-west and separates land zoned R3 from various zones to the south.

#### **B. Existing Planning Controls**

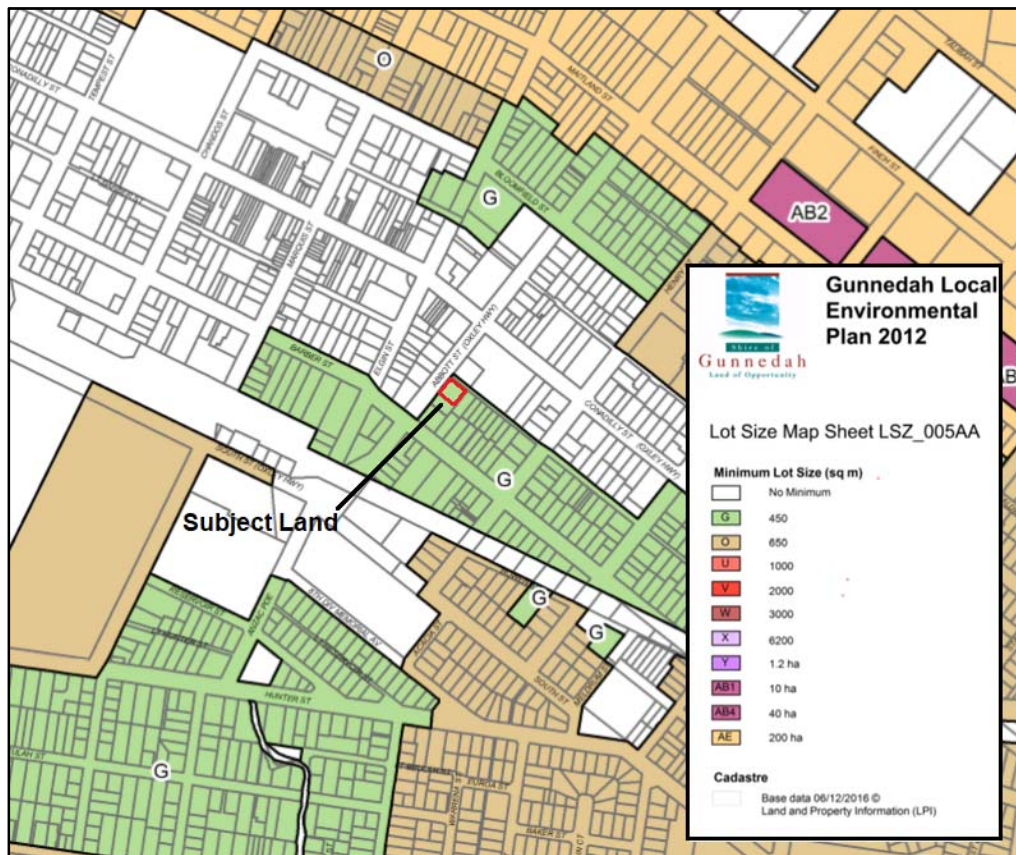
The existing zone of the subject land is identified as *R3 Medium Density Residential* under the GLEP 2012 (see below). A Minimum Lot Size (MLS) of 450 m<sup>2</sup> applies to the subject land and is shown as 'G' on the Lot Size Map below. A maximum Floor Space Ratio does not apply to the subject land.



## Current Land Zoning



## Current Lot Size Map



### C. GLEP 2012 Minor Amendments

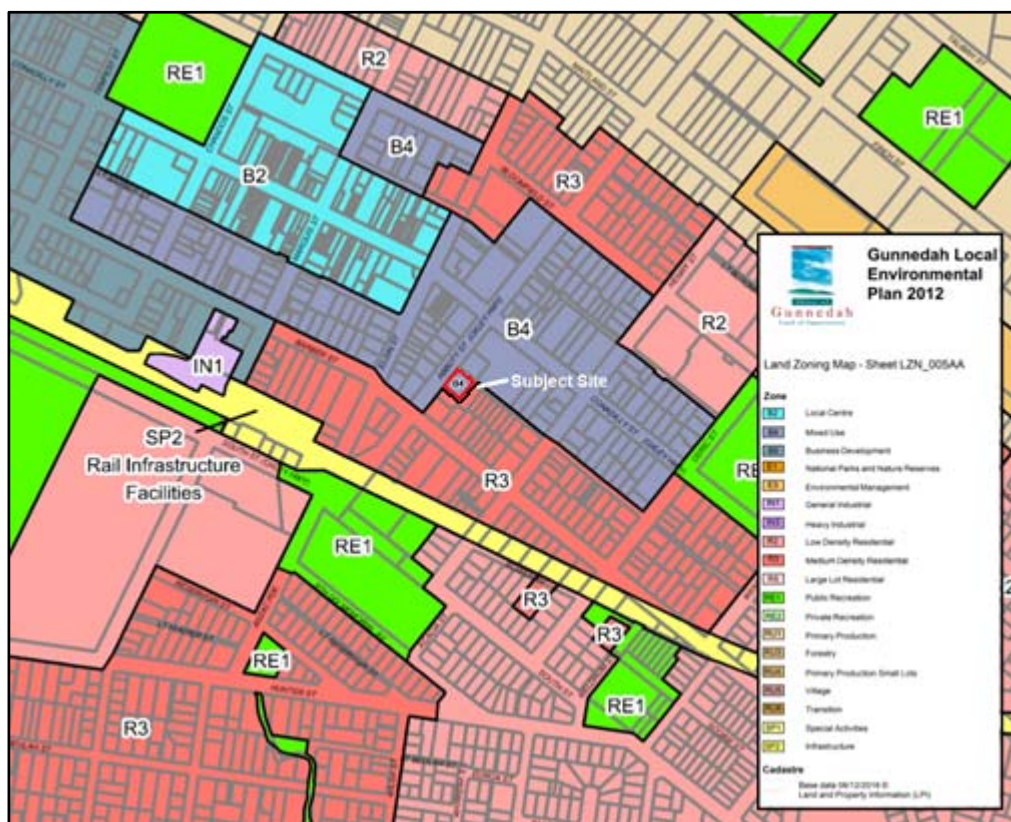
The objectives of the planning proposal for Lot 4, DP 954766, 19 Abbott Street, Gunnedah is listed as follows:

- (a) to amend the Land Zoning Map accompanying GLEP 2012 so that the land is zoned *B4 Mixed Use*,
- (b) to amend the Lot Size Map accompanying GLEP 2012 so that no MLS applies to the land, consistent with adjoining land that is zoned *B4 Mixed Use*, and
- (c) to amend the Floor Space Ratio Map to apply a maximum FSR of 1.5:1 to the land, consistent with adjoining land that is zoned *B4 Mixed Use* (refer proposed maps).

The property is currently used for commercial purposes which is not consistent with the *R3 Medium Density Residential* zone. Pursuant to Division 3.5 of the *Environmental Planning and Assessment Act 1979*, a Development Application (DA) is being lodged concurrently with the planning proposal with a view to gaining consent for and regularising the commercial use upon notification of the amendment to GLEP 2012. Consequently, the current land owner seeks to rezone the land to allow additional uses to be undertaken on the site. It is considered that the most suitable land use zone for the site is *B4 Mixed Use* and facilitating the future commercial development within the zone will be consistent with the adjoining area.

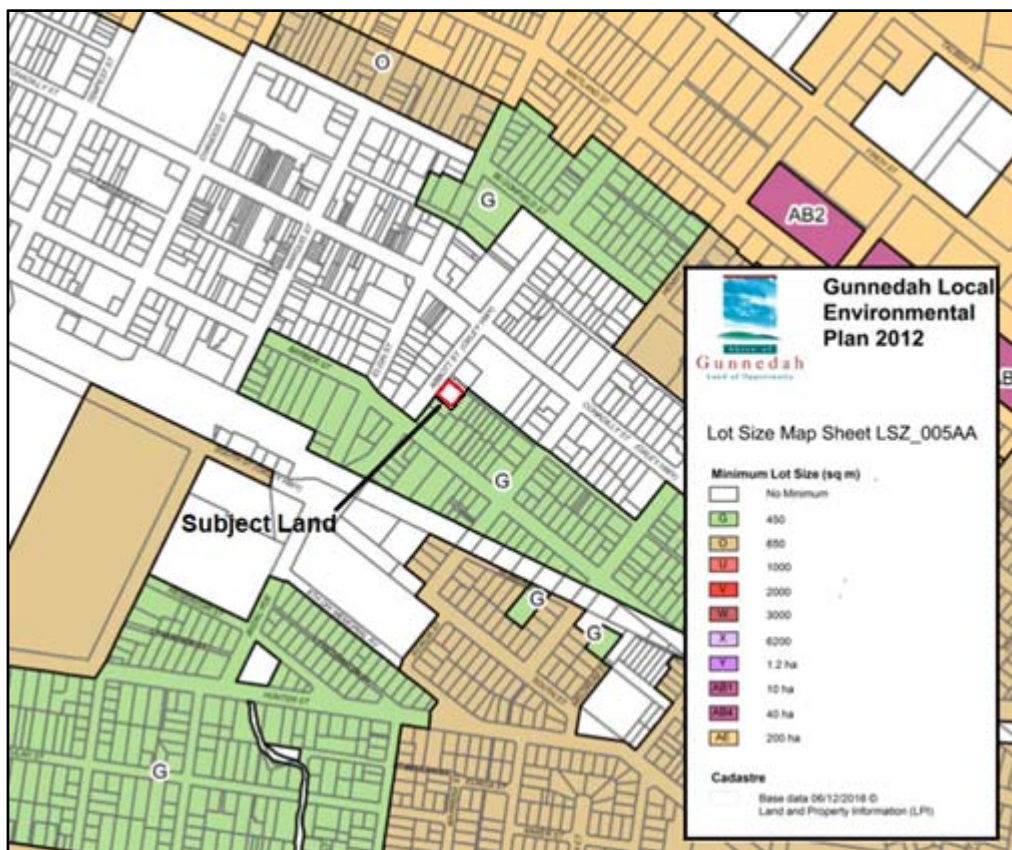
The amended land zoning and development standards will facilitate the use of the site for a greater range of commercial uses, including professional offices (defined in Gunnedah LEP 2012 as office premises which are a type of commercial premises). It will provide a logical extension to land that is currently zoned *B4 Mixed Use* to the north, east and west.

#### *Proposed Land Zoning Map*

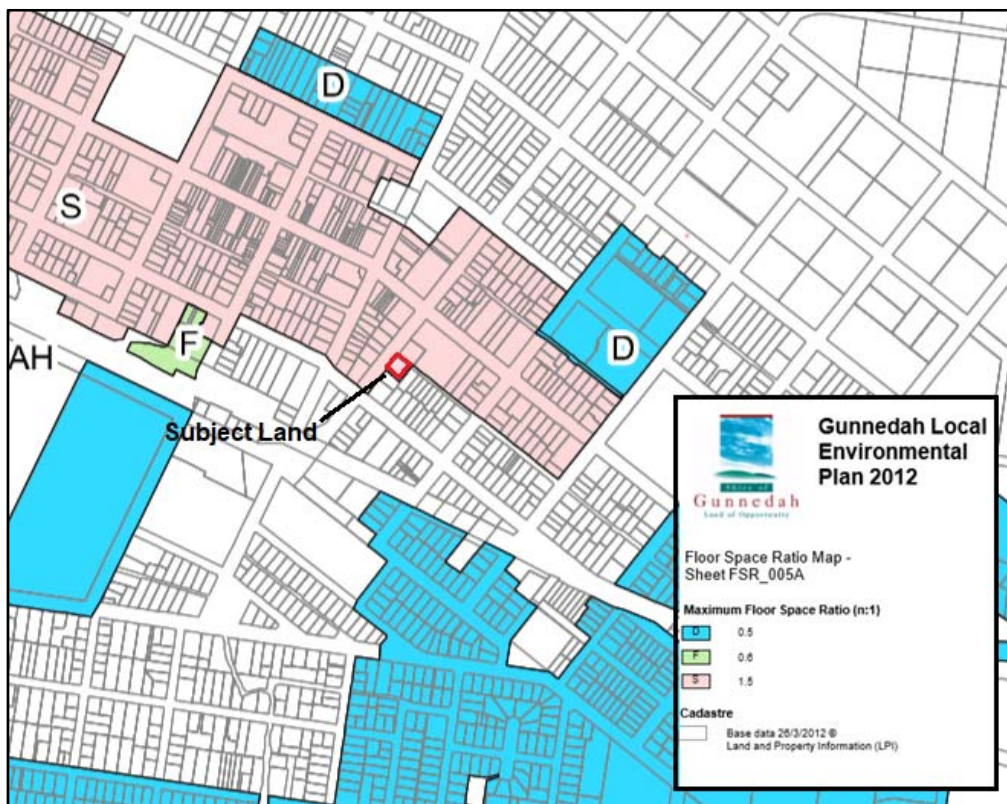




Proposed Minimum Lot Size Map



Proposed Floor Space Ratio Map



Use of the site for professional offices and other commercial enterprises is appropriate and the *B4 Mixed Use* zone is suitable for the land. The location is adjacent to land already zoned B4 and in close proximity to the town centre of Gunnedah. Occupants of the commercial premises have opportunity to cycle or walk to other facilities and locations of interest in the town centre. The types of commercial development permissible in zone B4 would be supportive of the range of uses permitted and existing in the zone *B2 Local Centre* and not impact on the viability of those uses. Furthermore, medium density residential uses and other uses, such as community centres and health facilities, will continue to be permitted with consent.

**D. 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 proposal's consistency with the applicable local and regional plans and strategies.

*New England North West Regional Plan 2036*

Direction 7 of the *New England North West Regional Plan 2036* identifies building strong economic centres. *Action '7.2 of the plan is to focus retail and commercial activities in central business precincts...'*, of the plan supports this objective. The planning proposal is consistent with both the action and direction of the *New England North West Regional Plan 2036* as it will facilitate additional land for commercial purposes within the Shire, and the towns business centre, albeit minor.

*Gunnedah Economic Development Strategy 2014*

The *Gunnedah Economic Development Strategy 2014* identifies challenges facing Gunnedah as the population grows, such as the increase in demand for the provision of higher order goods and services such as professional and consulting services. The Strategy also highlights the concerns relating to development costs associated with the central business zone. The proposal is consistent with the strategy as it focuses on providing a land use for commercial purposes (office space) in a suitable location outside the prime main street retail space.

*Gunnedah Community Strategic Plan 2017-2027*

The *Gunnedah Community Strategic Plan 2017-2027* identifies building the shire's economy as being an important driver of Gunnedah Shire's future. The plan further identifies supporting local businesses including small business, as a method of achieving this growth. The planning proposal is consistent with this aim of the *Gunnedah Community Strategic Plan 2017-2027* as the proposal gives effect to the Plan and will provide an opportunity for small professional businesses to continue to operate from premises that are ideally located relative to the town centre.

**CONCLUSION**

The planning proposal is the first step in the 'gateway' plan-making process and explains the effect of and justification for the initiative. If approved, the Minister will provide a determination regarding the procedure and whether further studies are required, and resources allocated for the preparation of the Proposal as well as any specific requirements for public exhibition. The planning proposal is consistent with the *New England North West Regional Plan 2036*, the *Gunnedah Economic Development Strategy 2014* and the *Gunnedah Community Strategic Plan 2017-2027*. Therefore, it is recommended that the planning proposal, to amend the *Gunnedah Local Environmental Plan 2012*, be referred to the Department of Planning, Industry and Environment for a Gateway determination to initiate the process.

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# **Planning proposal to amend Gunnedah Local Environmental Plan 2012**

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Lot 4 DP 954766, No. 19 Abbott Street,  
Gunnedah

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Amendments to:  
Land Zoning Map Sheet LZN\_005AA  
Lot Size Map Sheet LSZ\_005AA  
Floor Space Ratio Map Sheet FSR\_005A

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**zenith**  
TOWN PLANNING

sustainable thinking

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## Document Details & History

<b>Project number</b>	2819
<b>Project title</b>	Amendments to Gunnedah LEP 2012
<b>Document title</b>	Planning Proposal
<b>Client</b>	Barnell Australia Pty Ltd
<b>Author</b>	Allen Grimwood, Director
<b>Qualifications</b>	<div>Bachelor of Arts (Honours) UNSW Master of Urban &amp; Regional Planning, USyd</div> <div> <b>Planning Institute Australia</b></div>
<b>ABN</b>	Zenith Town Planning Pty Ltd 11 624 467 349
<b>Version</b>	Draft 28 April 2020
	Final 29 April 2020
	Final Rev A 1 May 2020
	Final Rev B 28 July 2020

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## **1. Introduction**

### **1.1 Purpose and scope**

This planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979*. The primary purpose of the planning proposal is to amend *Gunnedah Local Environmental Plan (LEP) 2012* Land Zoning Map so that a land zoning of B4 Mixed Use is applied to Lot 4 DP 954766, No. 19 Abbott Street, Gunnedah. Development standards that apply to adjoining land zoned B4 are also proposed to apply to 19 Abbott Street.

The scope of this planning proposal is to describe the land and its attributes and to respond to matters for consideration outlined in *A guide to preparing planning proposals* issued by the Department of Planning & Environment in December 2018.

The property is currently used for commercial purposes which is not consistent with the zoning of R3 Medium Density Residential. Pursuant to Division 3.5 of the *Environmental Planning and Assessment Act 1979*, a development application is being lodged concurrently with the planning proposal with a view to gaining consent for and regularising the commercial use upon notification of the amendment to *Gunnedah LEP 2012*.

### **1.2 The property**

The property, described as Lot 4 DP 954766, No. 19 Abbott Street, Gunnedah, is located on the corner of Abbott Street and Little Barber Street, adjacent the commercial centre of Gunnedah. It is approximately 1,500 square metres in area and is relatively level.

The property is occupied by a former residence, a separate detached storage building and a shed. The residence is currently used for professional offices.

### **1.3 Gunnedah Local Environmental Plan 2012**

The property is currently zoned R3 Medium Density Residential under *Gunnedah Local Environmental Plan (LEP) 2012*. The site is located to the south of and adjoins land zoned B4 Mixed Use which extends to the north, south, east and west and surrounds the commercial core of Gunnedah. A railway line zoned SP2 Rail Infrastructure Facilities runs east-west and separates land zoned R3 from various zones to the south.

A minimum lot size of 450 square metres applies to the subject land and to surrounding land zoned R3 Medium Density Residential shown as 'G' on the Lot Size Map below. No minimum lot size applies to the neighbouring land that is zoned B4 Mixed Use or B2 Local Centre.

A maximum floor space ratio does not apply to the subject land and to surrounding land zoned R3 Medium Density Residential shown as uncoloured on the the Floor Space Ratio Map. A maximum FSR of 1.5:1 applies to the neighbouring land that is zoned B4 Mixed Use or B2 Local Centre.

The site is not shown as being affected on the Flood Planning Map, the Heritage Map or the Land Reservation Acquisition Map accompanying *Gunnedah LEP 2012*. The land is not known to be potentially contaminated.



## **PART 1: OBJECTIVES OR INTENDED OUTCOMES**

The objectives of the planning proposal are:

- (a) to amend the Land Zoning Map accompanying *Gunnedah Local Environmental Plan (LEP) 2012* so that Lot 4 DP 954766 Gunnedah is zoned B4 Mixed Use,
- (b) to amend the Lot Size Map accompanying *Gunnedah Local Environmental Plan (LEP) 2012* so that no minimum lot size applies to Lot 4 DP 954766 Gunnedah consistent with adjoining land that is zoned B4 Mixed Use, and
- (c) to amend the Floor Space Ratio Map to apply a maximum FSR of 1.5:1 to Lot 4 DP 954766 Gunnedah, consistent with adjoining land that is zoned B4 Mixed Use.

The amended land zoning and development standards will facilitate the use of the site for a greater range of commercial uses, including professional offices (defined in *Gunnedah LEP 2012* as office premises which are a type of commercial premises). It will provide a logical extension to land that is currently zoned B4 Mixed Use to the north, east and west.

## **PART 2: EXPLANATION OF PROVISIONS**

The proposed outcomes will be achieved by amending the *Gunnedah LEP 2012* Land Zoning Map to change the zoning of Lot 4 DP 954766 from R3 Medium Density Residential to B4 Mixed Use as shown on the proposed land zoning map.

The proposed outcomes will be achieved by amending the *Gunnedah LEP 2012* Lot Size Map to change Lot 4 DP 954766 from a minimum lot size of 450 square metres ('G') to no applicable minimum lot size (shown as uncoloured) as shown on the proposed lot size map.

The proposed outcomes will be achieved by amending the *Gunnedah LEP 2012* Floor Space Ratio Map to apply a maximum FSR of 1.5:1 (shown as "S") to Lot 4 DP 954766 as shown on the proposed Floor Space Ratio Map below.

For the sake of consistency, maps should be amended to show the section of Little Barber Street that adjoins 19 Abbott Street zoned as B4 Mixed Use and with an FSR of 1.5:1 applying. No minimum lot size should apply.

## **PART 3: JUSTIFICATION FOR THE PLANNING PROPOSAL**

Justification for the proposed amendment to *Gunnedah LEP 2012* is presented by way of a response to each of the questions posed in *A guide to preparing planning proposals*.

## **SECTION A- NEED FOR THE PLANNING PROPOSAL**

### **Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?**

The Gunnedah Shire Council does not yet have an endorsed Local Strategic Planning Statement. The planning proposal has therefore not benefitted from a strategic study or report. However, an investigation of the site and usage has been carried out which culminated in advice to the landowner. This advice found that the land is not encumbered by environmental constraints and is readily serviced with access and reticulated water and sewerage. It was recommended to the landowner that a planning proposal be prepared to amend the land zoning, minimum lot size and maximum FSR to facilitate use of the site for professional offices.

### **Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

There are three alternatives to this planning proposal that would enable commercial development of Lot 4 DP 954766. These are:

- rezone the site to B4 mixed Use and amend the Lot Size Map to show no minimum subdivision lot size and a maximum FSR of 1.5:1 consistent with adjoining land that is zoned B4. This would extend the area of land zoned B4 and expand the range of land uses able to be carried out at the subject property
- Amend the land use table for the current zone of R3 Medium Density Residential to permit either a range of commercial uses or commercial uses generally. This would generate new development proposals elsewhere on land that is zoned R3 but may cause land use conflict and be inconsistent with existing residential uses. A minimum lot size of 450m<sup>2</sup> would continue to apply to the lot and no maximum FSR would continue to apply
- include the property in *Schedule 1 Additional permitted uses of Gunnedah LEP 2012*. This would require a description of the property plus text to permit commercial use of the property to a nil minimum lot size and maximum FSR of 1.5:1. This approach is considered cumbersome as the Land Zoning Map, the Lot Size Map and Floor Space Ratio Map remain unchanged and conflict with the schedule entry. Section 9.1 *Direction 6.3 Site Specific Provisions* aims to discourage restrictive planning controls. Including the property in Schedule 1 with site specific controls would be inflexible and be inconsistent with this direction

A discussion of the zone objectives demonstrates that the proposed means to achieve the intended outcomes is the most appropriate. The land is currently zoned R3 Medium Density Residential. The objectives of zone B4 are:

- *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.*

These objectives would be satisfied under the proposed zoning and lot size and FSR change. The subsequent commercial development would be low impact and not adversely affect existing surrounding land uses. The location is adjacent land already zoned B4 and in close proximity to the town centre of Gunnedah. Occupants of commercial premises may cycle or walk to other facilities and locations of interest in the town centre. The types of commercial development permissible in zone B4 would be supportive of the range of uses permitted and existing in the zone B2 Local Centre and not impact on the viability of those uses. Medium density residential uses and other uses, such as community centres and health facilities, will continue to be permitted with consent.

The subject site is serviced with reticulated water and sewer without the need to augment headworks, and access and stormwater runoff are adequately managed. Any future subdivision of the site due to the removal of a minimum lot size would be assessed on merit and need to be consistent with the zone B4 objectives.

## **SECTION B- RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**

### **Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?**

The *New England North West Regional Plan 2036* was released in August 2017. It establishes a framework for growth over the next 20 years for the New England and North West Region. Gunnedah LGA is located at the south-western corner of the region.

A series of goals, directions and actions are to guide land use planning priorities and decision-making. Direction 7 of the plan is to *Build strong economic centres*. It is noted in the regional plan that the network of regional cities and centres in the New England North West region support diverse industries. Strategic centres such as Gunnedah are rich in heritage, history and character and are the focus for economic activity, commerce,

employment and services. Centres cluster economic activity around local industries, acting as a source of economic diversity and skilled job opportunities. Action 7.2 of the plan is to *focus retail and commercial activities in central business precincts...*

**Q4. Will the planning proposal give effect to a council's local strategic planning statement, or another endorsed local strategy or strategic plan?**

Two local planning strategies apply to commercial development in Gunnedah LGA. These are the *Gunnedah Shire Commercial and Industrial Land strategy* (August 2008) and the *Gunnedah Urban Land Use Strategy* (June 2016). The *Gunnedah Economic Development Strategy* (March 2014) and the *Gunnedah Community Strategic Plan 2017-2027* are also of relevance. Gunnedah Shire Council has yet to adopt a local strategic planning statement.

According to the *Gunnedah Shire Commercial and Industrial Land strategy*, Gunnedah town centre functions as mid-level service centre, providing a range of retail, commercial, industrial and community facilities to a district-scale catchment. The centre provides weekly and day-to-day shopping facilities for residents in the Shire of Gunnedah, whilst people from a broader area (the secondary catchment) visit Gunnedah on a less frequent, but still regular, basis. Within a regional context, the major centres of Tamworth (75 kilometres) and Armidale (190 kilometres) provide higher-order services (such as health, professional services, entertainment and higher order retailing) for the region. It is estimated that approximately 24 per cent of primary catchment retail goods expenditure escapes from the Township, representing approximately \$30 million (\$2006) (Collie Pty Ltd, August 2008). The strategy identified a need for 4,350m<sup>2</sup> of additional retail and commercial floorspace by 2015/16 and a further 15,210m<sup>2</sup> by 2030/31. Of this, 940m<sup>2</sup> of floorspace will be needed to accommodate commercial, professional and community services by 2015/16 and 2,600m<sup>2</sup> by 2030/31.

The *Gunnedah Urban Land Use Strategy* was completed in June 2016 to update the *Gunnedah Satellite Development Strategy 2011* and the *Gunnedah Shire Commercial and Industrial Land Use Strategy 2008*. Volume 2 is relevant to the planning proposal. This volume is entitled *Commercial Activation and Opportunities Strategy*. The strategy makes recommendations to activate Gunnedah commercial centre in terms of potential development sites and gateway precincts and ensure that the land use framework is in a position to take advantage of the economic opportunities likely to flow from major developments.

The core retail area of Gunnedah is zoned B2 Local Centre which is supported by services provided in surrounding B4 Mixed Use and B5 Business Development zones. The results of a supply analysis summarised in the strategy are that only 0.2 hectares or 0.6% of land zoned B2 and B4 is vacant, and 1.25 hectares or 5.8% of B5 zoned land is vacant. This indicates a shortage of business zoned land in the centre of Gunnedah. Demand



analysis concludes that the need for commercial office space will remain stable over the next two decades with growth in demand estimated to be 4.0% every five years out to 2031.

Key potential redevelopment sites are identified in the strategy. Two of these are in close proximity to the site the subject of the planning proposal – the corner of Little Barber and Abbott Street and the corner of Barber and Abbott Street, both of which are occupied by service stations. The planning proposal would provide opportunities to capitalise on the future redevelopment of the two service stations that are identified as key potential sites and add to the supply of business zoned land in close proximity to the central business district.

As noted in the *Economic Development Strategy 2014* despite the number of under-utilised and vacant sites in areas zoned for business activities, the majority of lots are small and will require consolidation prior to development, thereby adding to development costs. The use of 19 Abbott Street for commercial premises contributes to the supply of useable business land without the need for redevelopment or land consolidation.

The planning proposal would facilitate the legal use of 19 Abbott Street, Gunnedah for commercial purposes and assist to prevent prime main street retail space from being used as office space. It would also assist to retain escape expenditure to the centres of Tamworth and Armidale which capture the need for higher order goods and services such as professional and consulting services. These issues were identified as challenges facing Gunnedah in the *Economic Development Strategy 2014* as the population grows and demand for the provision of higher order goods and services in the township increases.

Relevant outcomes of the *Gunnedah Community Strategic Plan 2017-2027* relating to *Building Our Shire's Economy* are *a growing population and diversified economy* and *access to goods, services and markets*. To achieve these outcomes Council has adopted the strategies to:

- develop a diversified economy that is a balance of all economic contributors
- support local businesses including small business
- support an affordable and available stock of ... commercial property

It is considered that the planning proposal gives effect to these strategies and will provide an opportunity for small professional businesses to continue to operate from premises that are ideally located relative to the town centre.

**Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The relevant provisions of *SEPP 55 – Remediation of Land*, *SEPP (Vegetation in Non-Rural Areas) 2017* and *State Environmental Planning Policy (Koala Habitat Protection) 2019* are addressed below.

*State Environmental Planning Policy No 55 – Remediation of Land*

*SEPP 55* requires Council to consider whether land is contaminated and to determine whether the proposed use is suitable with or without contamination. Council can require an applicant for development to conduct a preliminary investigation and a subsequent more detailed investigation if warranted. Where contamination exists and remediation is necessary, Council must be satisfied that the remediation will take place before the land is used for the proposed purpose.

The property is not listed on a Council register of potentially contaminated land and there has been no known historical or current usage that would cause the land to be contaminated. It is considered that a preliminary investigation is not necessary given that the land was initially used for residential purposes and is now used for commercial purposes. Neither of these uses are known to give rise to potential contamination.

*State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*

*State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* applies due to the current zoning of the land as R3 Medium Density Residential and would apply to the proposed zoning of B4 Mixed Use. Under this policy, approval is required to clear native vegetation in either of these zones. It is not proposed to remove any vegetation to facilitate the development.

*State Environmental Planning Policy (Koala Habitat Protection) 2019*

*SEPP (Koala Habitat Protection) 2019* commenced on 1 March 2020. The new policy is implemented through the Koala Habitat Protection Guideline. The policy introduces mapping of potential koala habitat and lists 123 feed tree species. The development site is mapped as a *Site Investigation Area for Koala Plans of Management*. The site is also included on the *Koala Development Application Map*. No native vegetation is proposed to be removed that would impact on koala habitat.

**Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

An assessment of the planning proposal against relevant Ministerial Directions is provided in Table 1 below.

**Table 1: Evaluation of Ministerial Directions.**

<b>Ministerial Direction</b>	<b>1.1 Business and Industrial Zones</b>
<b>Objectives</b>	to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified centres
<b>Actions</b>	A planning proposal must: (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment
<b>Comment</b>	<p>The proposal will add to the area of employment lands by rezoning a site to a business zone. This will enable commercial uses to be approved and contribute to the viability of Gunnedah urban centre. The proposal will not affect the areas or locations of existing business zones and uses.</p> <p>The proposal is inconsistent with this direction in that it is not in accordance with a land use strategy approved by the Department of Planning, Industry and Environment. However, it does satisfy relevant directions and actions of the <i>New England North West Regional Plan 2036</i> (see Direction 5.10 below). The proposal is also considered to be of minor significance as it applies to a single allotment that adjoins land zoned B4 Mixed Use and will regularize existing commercial use of the property which is located on land neighbouring the central business district. Such locations are traditionally used for professional offices and the like in NSW regional centres</p>
<b>Ministerial Direction</b>	<b>5.10 Implementation of Regional Plans</b>
<b>Objectives</b>	to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans
<b>Actions</b>	Planning proposals must be consistent with a regional strategy released by the Minister for Planning
<b>Comment</b>	The proposal is consistent with the <i>New England North West Regional Plan 2036</i> in that it implements the relevant direction to build strong economic centres and the action to focus commercial activities in central business precincts. The site is adjacent the centre of Gunnedah and will contribute additional commercial space for business use. The settlement planning principles are satisfactorily addressed

<b>Ministerial Direction</b>	<b>6.1 Approval and Referral Requirements</b>
<b>Objectives</b>	to ensure that LEP provisions encourage the efficient and appropriate assessment of development
<b>Actions</b>	<p>A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</li> <li>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: <ul style="list-style-type: none"> <li>(i) the appropriate Minister or public authority, and</li> <li>(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),</li> </ul> prior to undertaking community consultation in satisfaction of section 57 of the Act, and</li> <li>(c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</li> <li>(ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</li> </ul>
<b>Comment</b>	The proposal is consistent with this direction. Rezoning removing a minimum lot size and applying a maximum FSR will not create the need for any agency concurrences or referrals and will not create the need for additional consultations with government bodies
<b>Ministerial Direction</b>	<b>6.3 Site Specific Provisions</b>
<b>Objectives</b>	to discourage unnecessarily restrictive site-specific planning controls
<b>Actions</b>	<p>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none"> <li>(a) allow that land use to be carried out in the zone the land is situated on, or</li> <li>(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</li> <li>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</li> </ul>



	A planning proposal must not contain or refer to drawings that show details of the development proposal.
<b>Comment</b>	The proposal is consistent with this direction in that the proposed zoning of B4 Mixed Use already applies in <i>Gunnedah LEP 2012</i> and the use for commercial purposes is permitted with consent in zone B4. No minimum lot size applies to the existing B4 zone in Gunnedah urban centre. A maximum FSR of 1.5:1 is also currently applied in Gunnedah LEP 2012

## SECTION C- ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

### **Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The site is located within the urban area of Gunnedah. There is some vegetation on the development site which is a landscaped garden typical of older residences that occupy inner areas of regional centres. The vegetation comprises a mix of native and exotic species. Searches of vegetation mapping held by the Office of Environment and Heritage revealed that the site is not mapped as affected by sensitive native vegetation nor an endangered ecological community.

A search of recorded species sightings maintained by the Office of Environment and Heritage was also carried out. The search included recorded sightings of vulnerable species, superb parrots and koalas. The search revealed that there have been no recorded sightings of threatened species or populations on the development site, however, there are three sightings of koalas in close proximity to the site.

The *Biodiversity Values Map*, maintained by the Department of Planning, Industry and Environment, identifies land with high biodiversity value as defined in the *Biodiversity Conservation Regulation 2017*. Lot 4 DP 954766 is not mapped as being of biodiversity value. A test of significance has been prepared for the development application that is to be lodged concurrently with this planning proposal. The test determined that there are not likely to be any threatened species, endangered ecological communities or critical habitat present on the site. No vegetation is proposed to be removed, therefore, it is considered that the planning proposal is not likely to adversely affect threatened species, populations, ecological communities or habitats.

### **Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

Rezoning the site to a business zone and removing the minimum lot size is not expected to have any

environmental effects. The site is not bushfire prone, flood prone or subject to land slip or contamination.

The generic due diligence process outlined in the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* was implemented to ensure that an adequate due diligence process that addresses Aboriginal cultural heritage issues has been carried out. A search of the Aboriginal Heritage Information Management System (AHIMS) was carried out on 23 March 2020. The search found that there are no Aboriginal sites recorded in or near the selected location, and there are no Aboriginal places that have been declared in or near the selected location. It is concluded that no further investigations are necessary.

There are no heritage items listed in Schedule 5 of *Gunnedah LEP 2012* on the site or in the vicinity of the site.

**Q9. Has the planning proposal adequately addressed any social and economic effects?**

It is considered that the proposed rezoning and removal of the minimum lot size to facilitate commercial use of the property would contribute to the supply of employment land in close proximity to services and amenities. This will add to the vitality of Gunnedah urban centre and assist to build a stronger local economy by generating space for professional employment. This in turn would have flow-on effects throughout the region through additional income and expenditure on goods and services. Dwellings located in inner residential areas are frequently used for office and business premises in regional towns and provide a transition from the commercial core areas to lower density residential zones.

**SECTION D- STATE AND COMMONWEALTH INTERESTS**

**Q10. Is there adequate public infrastructure for the planning proposal?**

Access

The property is accessed via Abbott Street which becomes the Oxley Highway to the south. Abbott Street is part of the arterial road network and is a classified state highway (Route H11) with a 50 kph speed limit. The driveway entrance is at the south-western corner of the site, approximately 140 metres from the intersection with Conadilly Street and 70 metres from the intersection with Barber Street. Adequate access is available to the property and no changes are to be made to existing arrangements.

Plans are underway to divert the Oxley Highway away from Abbott Street following construction of a second overpass over the rail line. According to Transport for NSW, the new overpass *will provide an unrestricted Higher Mass Limit (HML) freight route through Gunnedah and improve local traffic efficiency and road safety ... to improve road freight productivity.* Abbott Street would become part of the local collector network road

at that time and the volume of traffic movements, particularly heavy vehicle movements, would be reduced which in turn will improve local traffic efficiency and road safety.

Water, sewer and stormwater services

Reticulated water and sewerage services are provided to the site. Similarly, surface stormwater is currently managed effectively. These services are adequate to cater for commercial use of the site and no changes are proposed to existing arrangements.

In summary, existing infrastructure is adequate and no additional services are necessary to support commercial use of 19 Abbott Street, Gunnedah.

**Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?**

Consultation will be carried out with other public authorities as specified in the Gateway determination.

Gunnedah Shire Council planning officers have been consulted regarding the intention to lodge the planning proposal and development application together and to identify issues that need attention in supporting documentation.

**PART 4: MAPPING**

The land subject to this planning proposal is shown on maps provided in this planning proposal. These maps have been sourced from SIX Maps and [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) and illustrate:

- Figure 1: Locality map
- Figure 2: Cadastral map
- Figure 3: Aerial image
- Figure 4: Extract from *Gunnedah LEP 2012 Land Zone Map Sheet LZN\_005AA*
- Figure 5: Proposed Land Zoning Map
- Figure 6: Extract from *Gunnedah LEP 2012 Lot Size Map Sheet LSZ\_005AA*
- Figure 7: Proposed Lot Size Map
- Figure 8: Extract from *Gunnedah LEP 2012 Floor Space Ratio Map Sheet LSZ\_005A*

- Figure 9: Proposed Floor Space Ratio Map
- Figure 10: Site survey

## **PART 5: COMMUNITY CONSULTATION**

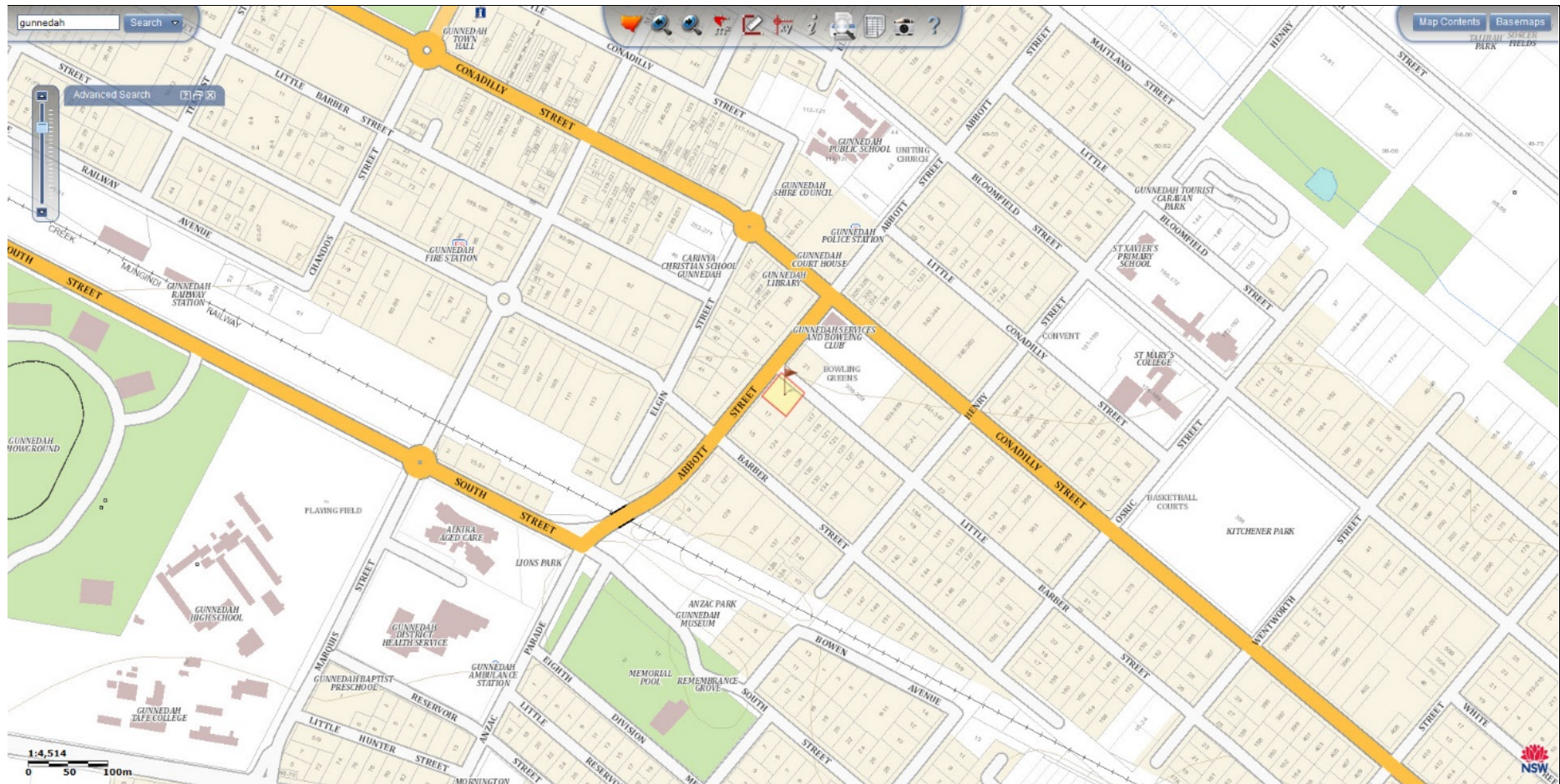
Community consultation will be carried out following the issue of a Gateway determination. Consultation will be carried out in accordance with provisions of the *Environmental Planning and Assessment Act 1979* and the Gateway determination.

## **PART 6: PROJECT TIMELINE**

The following project timeline is proposed, noting that the period from the issue of a gateway determination to the date of notification is subject to matters raised in submissions received during the exhibition period and at the public hearing (if required), and the subsequent decisions of Council regarding the content of the planning proposal.

**Table 2: Project timeline**

<b>Action</b>	<b>Indicative month &amp; year</b>
Anticipated gateway determination	September 2020
Completion of technical information	September 2020
Agency consultation	October 2020
Community consultation exhibition period	October 2020
Public hearing (if required)	October/November 2020
Consideration of submissions	November 2020
Council endorsement	December 2020
Provision to Department of Planning, Industry & Environment prepare instrument	December 2020/January 2021
Date of making of the plan	February 2021
Date of publication	March 2021



**Figure 1: Locality map showing No 19 Abbott Street shaded yellow. Source: SIX Maps, 2020**



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**Figure 3: Aerial image with No 19 Abbott Street shaded yellow. Source: SIX Maps, 2020**



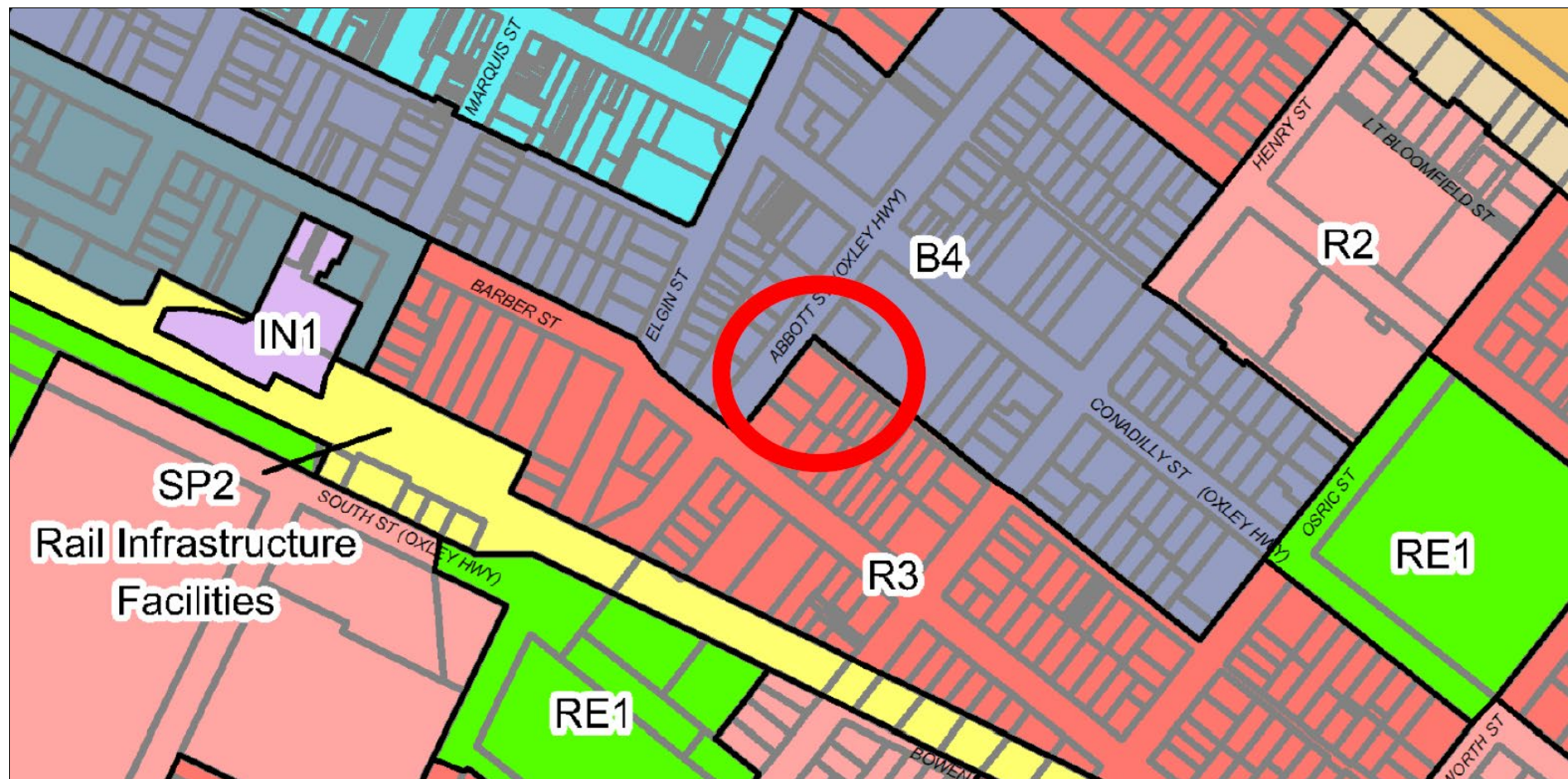


Figure 4: Extract from Gunnedah LEP 2012 Land Zone Map Sheet LZN\_005AA with 19 Abbott Street circled. Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)



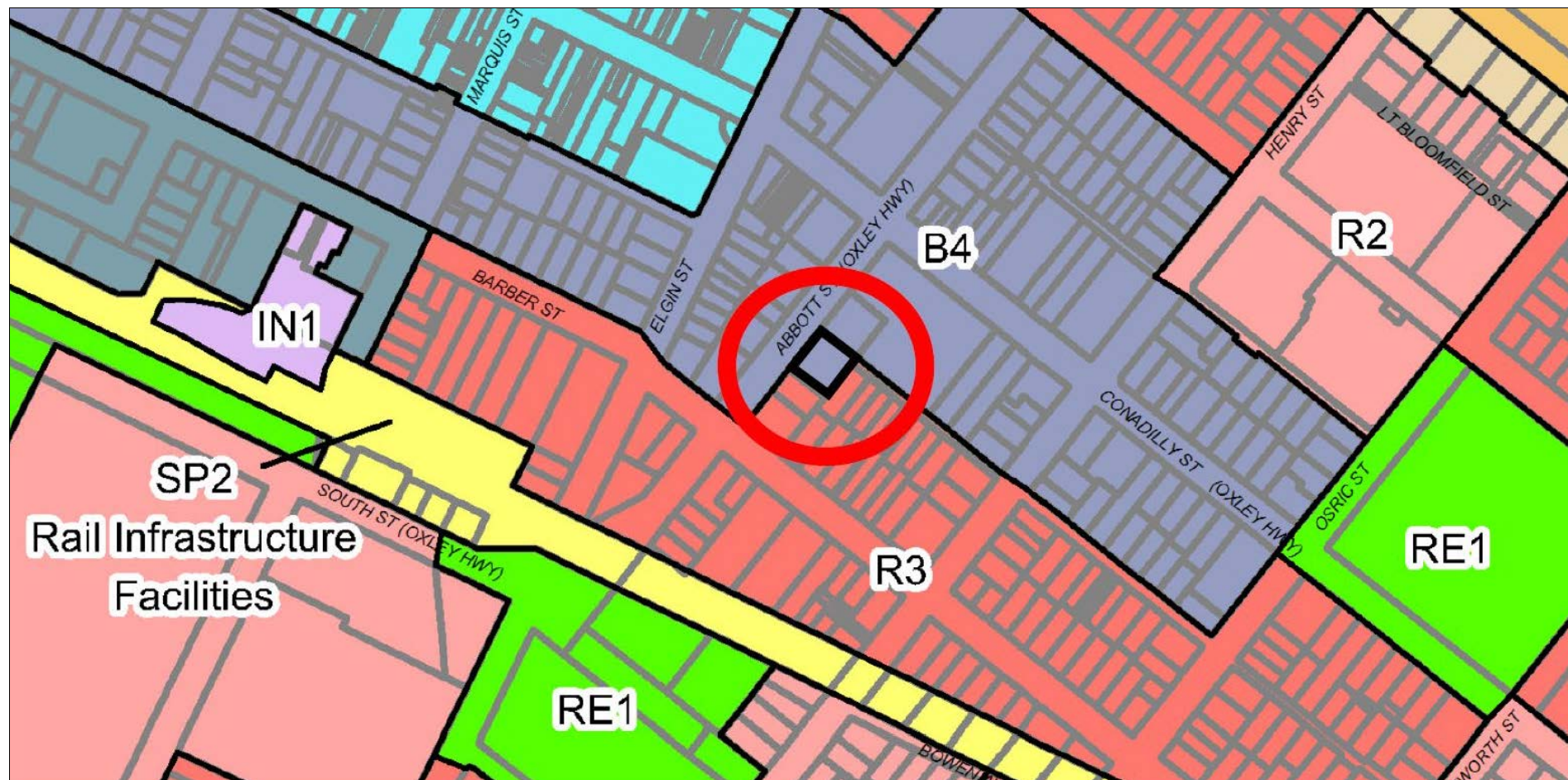


Figure 5: Proposed Land Zoning Map with 19 Abbott Street circled in red



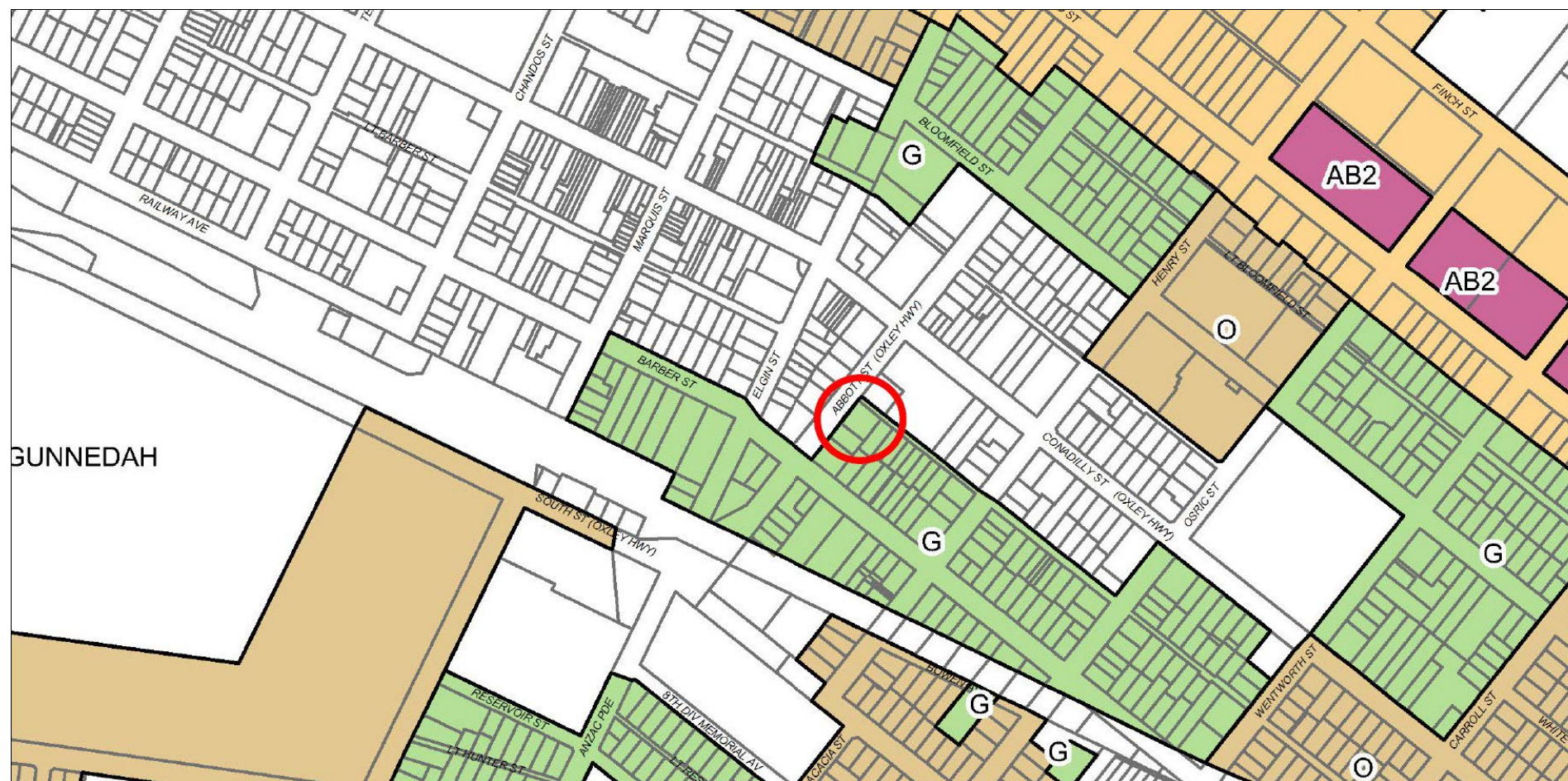


Figure 6: Extract from Gunnedah LEP 2012 Lot Size Map Sheet LSZ\_005AA with 19 Abbott Street circled. Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)



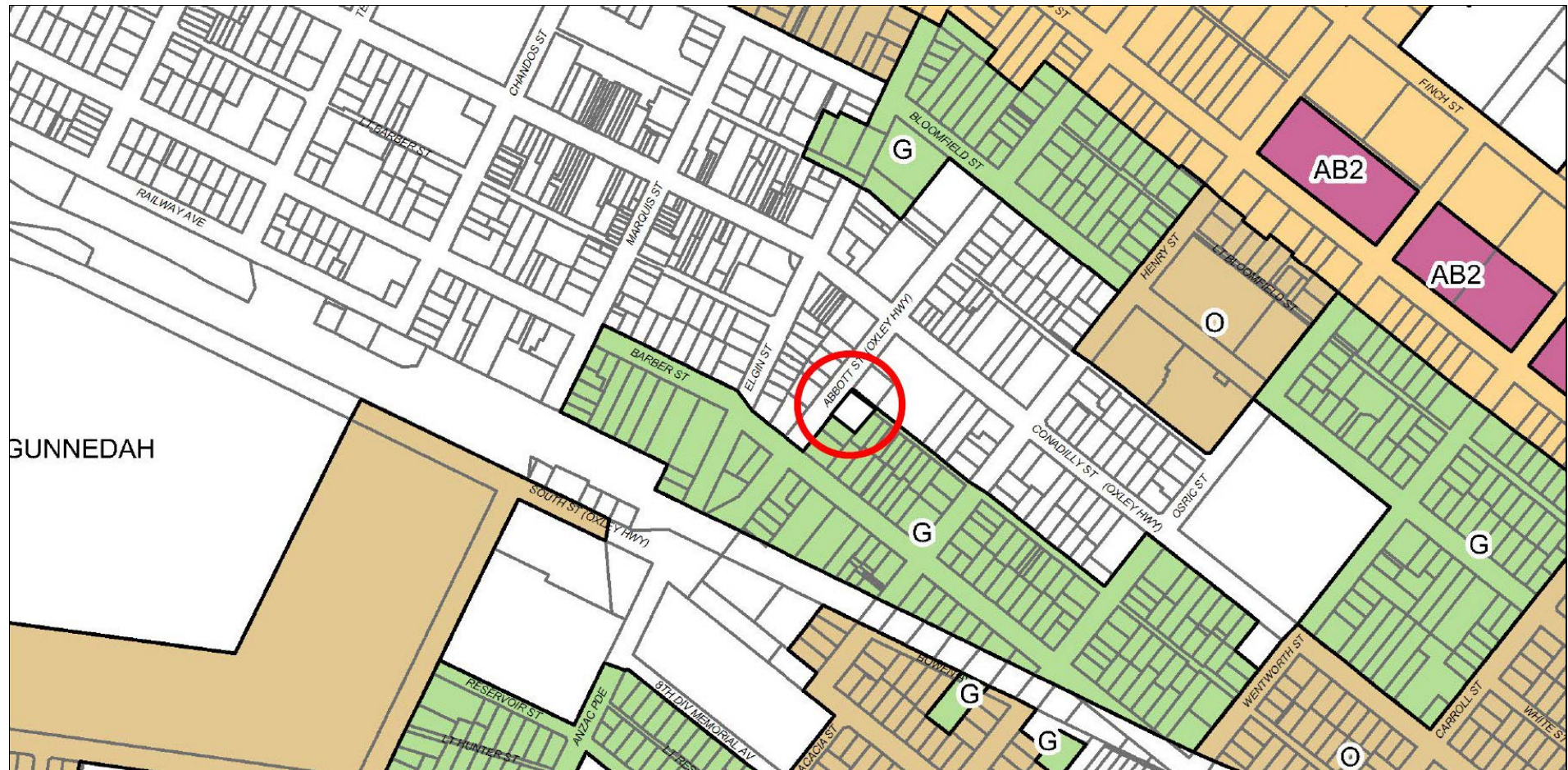


Figure 7: Proposed Lot Size Map with 19 Abbott Street circled in red



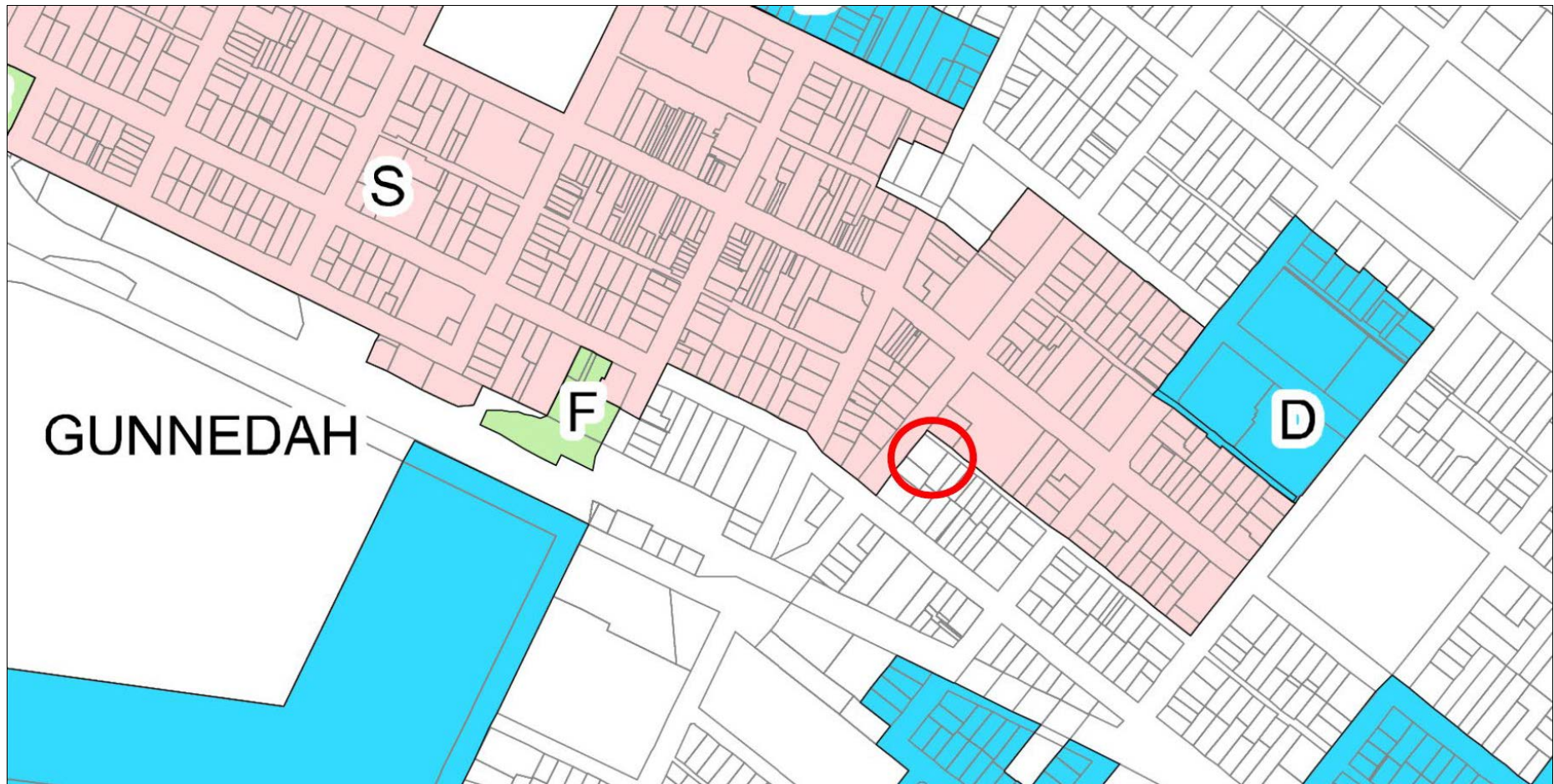
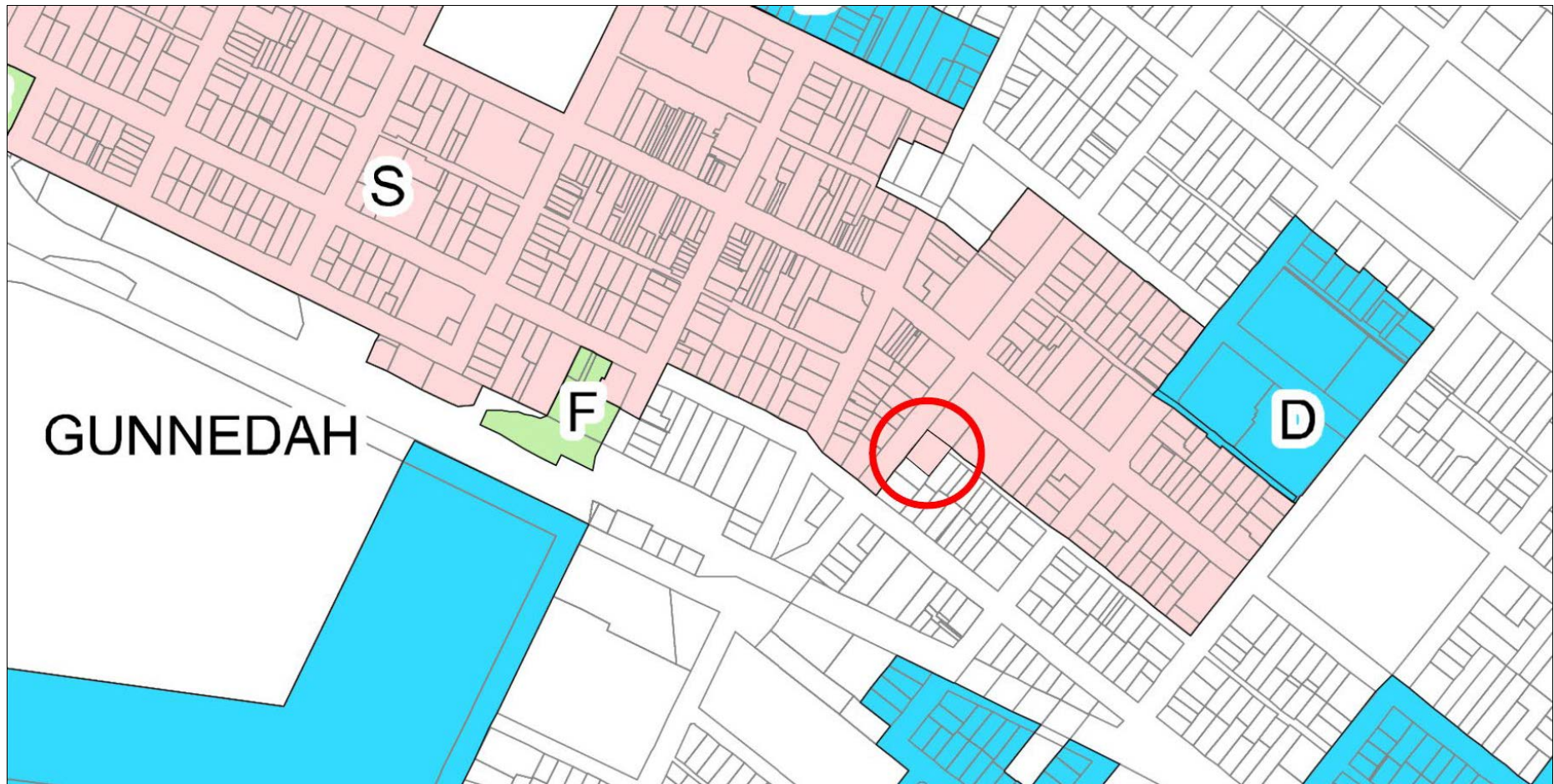


Figure 8: Extract from Gunnedah LEP 2012 Floor Space Ratio Map Sheet FSR\_005A with 19 Abbott Street circled. Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)





**Figure 9: Proposed Floor Space Ratio Map with 19 Abbott Street circled in red**

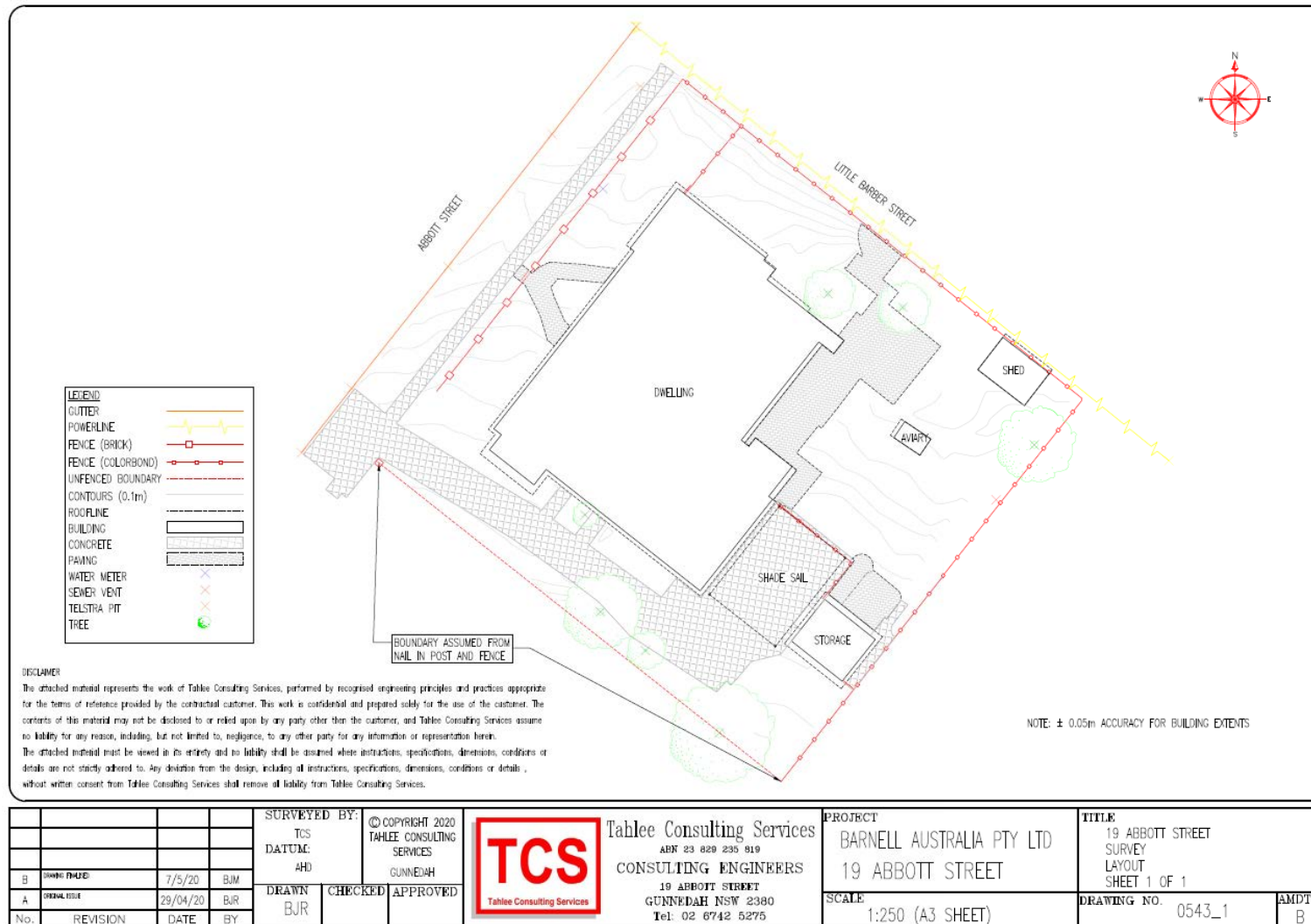


Figure 10: Site survey