

**Gunnedah LEP 2012 - Rezoning of land from E3 Environmental Management to RU1
Primary Production, Kelvin Rd and Rangari Rd**

Proposal Title :	Gunnedah LEP 2012 - Rezoning of land from E3 Environmental Management to RU1 Primary Production, Kelvin Rd and Rangari Rd		
Proposal Summary :	To rezone various parcels of land in the Kelvin Rd and Rangari Rd area from E3 Environmental Management to RU1 Primary Production to better reflect the site characteristics of the land and to permit intensive livestock agriculture.		
PP Number :	PP_2015_GUNNE_006_00	Dop File No :	15/16572

Proposal Details

Date Planning Proposal Received :	12-Nov-2015	LGA covered :	Gunnedah
Region :	Northern	RPA :	Gunnedah Shire Council
State Electorate :	TAMWORTH	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	'Glenbrae' 3935 Longarm Road		
Suburb :	Rangari	City :	via Gunnedah
Land Parcel :	Lot 1 DP 825588 and Lot 1 DP 1149870		
Street :	'Fourways' 4000 Kelvin Road		
Suburb :	Rangari	City :	via Gunnedah
Land Parcel :	Part of Lot 2 DP 178083		
Street :	'The Meadows' 2670 Rangari Road		
Suburb :	Rangari	City :	via Gunnedah
Land Parcel :	Lot 87 DP 754946, Lot 19 DP 114885 and Lot 5 DP 1172836		
Street :	Kelvin Road		
Suburb :	Rangari	City :	via Gunnedah
Land Parcel :	Part of Lots 96, 97 and 98 DP 754955 and Lot 2 DP 1172836		
Street :	'Rangari' 3103 Rangari Road		
Suburb :	Rangari	City :	via Gunnedah
Land Parcel :	Part of Lots 9 and 11 DP 114885, part of Lot 1 DP 1089276, part of Lot 18 DP 114885 and part of Lot 1 DP 190411		
Street :	Rangari Road		
Suburb :	Rangari	City :	via Gunnedah
Land Parcel :	Lot 99 DP 1140224		

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Street : **Kelvin Road**
Suburb : **Rangari** City : **via Gunnedah** Postcode : **2380**
Land Parcel : **Lots 7001 and 7002 DP 1073061**

DoP Planning Officer Contact Details

Contact Name : **Jon Stone**
Contact Number : **0267019688**
Contact Email : **jon.stone@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Brendan Williams**
Contact Number : **0267402144**
Contact Email : **brendanwilliams@infogunnedah.com.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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

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. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.**

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

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

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External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The objectives and intended outcomes of the Planning Proposal are adequately expressed for the proposed amendment to Gunnedah LEP 2012.**

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

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

Comment : **The Planning Proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.2 Rural Zones

1.5 Rural Lands

* May need the Director General's agreement

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

6.3 Site Specific Provisions

3.6 Shooting Ranges

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 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Rural Lands) 2008

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**

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Maps have been provided with the Planning Proposal. They show the current land zoning and proposed land zoning for the site. It is considered that these maps are adequate for community consultation.**

Council has advised that while the mapping shows the correct land, that the proposal does contain errors within the written property description list. It is recommended that prior to community consultation that the proposal be amended to update the property description list to better inform the public.

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

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The relevant planning authority has identified a 14 day exhibition period for the proposal. As the proposal will permit a number of additional uses on the land (including intensive livestock agriculture) and is not consistent with Council's Department approved strategy which identifies the land for environmental protection zoning (refer to discussion below), a 28 exhibition period is recommended.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

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.

Council is seeking an authorisation to exercise its plan making delegations. As the Planning Proposal deals with matters of only local significance, it is considered appropriate that an authorisation to exercise its plan making delegations be issued to Council, if the Planning Proposal is supported.

Council has provided a project time line which estimates that the LEP will be ready for notification in March 2016. To ensure an adequate period to complete the proposal, a 6 month time frame is recommended.

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.

The proposal is the result of Council receiving a request to rezone Lot 1 DP 825588, 'Glenbrae', 3935 Longarm Road, Gunnedah from E3 Environmental Management to RU1 Primary Production to permit intensive livestock agriculture on the land. Intensive livestock agriculture is not a permissible land use within the current E3 Environmental Management Zone applying to the site.

An investigation of the land has identified that it does not contain any known areas of special ecological, scientific, cultural or aesthetic value that warrant retention of the current E3 Environmental Management Zone. This investigation also considered some

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Consistency with
strategic planning
framework :

other adjoining land that due to its similar form and characteristics has been including in the final Planning Proposal. Council has advised that all land owners of the additional land to be rezoned have been notified of the proposed rezoning.

The Planning Proposal is considered to be consistent with the New England North West Strategic Regional Land Use Plan. The land is not identified as biophysical strategic agricultural land.

The Gunnedah Rural Land Use Strategy 2007 and its Addendum were approved by Director General in 2009 and established the criteria for zoning land for environmental management purposes. The primary purpose was to protect the integrity, natural values and features of the rural landscape by zoning land above the 450m contour line to E3 Environmental Management Zone under Gunnedah LEP 2012. Upon further investigation, the adoption of this contour line has proven not to be reflective of the nature or site characteristics of some of the land. It is therefore considered that although this proposal is inconsistent with the methodology adopted to identify E3 zoned land, the proposed rezoning is of minor significance.

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 and s117 Directions apart from Direction 2.1 Environmental Protection Zones.

Direction 2.1 Environmental Protection Zones

The Planning Proposal is inconsistent with this Direction as it reduces the environmental protection standards that apply to the land by removing the current E3 Environmental Management Zone. It is considered this inconsistency is of minor significance as the land has historically been used for extensive agriculture, has been extensively cleared and as the E3 zoning was applied arbitrarily and did not reflect any known ecological, scientific or aesthetic values of the land.

Environmental social
economic impacts :

The subject land has been used for extensive agricultural purposes for many years (primarily cattle and sheep grazing). There is no significant vegetation on the site other than some planted tree corridors (windbreaks) and a stand of vegetation on part of Lot 87. As extensive agriculture is currently being undertaken across the land, and is permitted without consent under Gunnedah LEP 2012 in the E3 Zone, the proposed zone change is considered unlikely to have any adverse implications to the current status quo. Should any intensification of agricultural land use be proposed on the land that may impact on local flora or fauna (including koalas), it is considered that this can be adequately addressed in more detail at the development application stage should the rezoning proceed and subject to consultation with the Office of Environment and Heritage.

No significant adverse social or economic impacts associated with the proposal have been identified.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	6 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d)	Office of Environment and Heritage		

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

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

If no, provide reasons : **Council has identified consultation with the Office of Environment and Heritage.**

The proposed agency consultation is considered to be appropriate and is supported.

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
Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council Report.pdf	Proposal	Yes
Supporting information from Stewart Surveys.pdf	Proposal	Yes
2015-11-23 - Planning Team Report.pdf	Determination Document	No

Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones**
 1.5 Rural Lands
 2.1 Environment Protection Zones
 2.3 Heritage Conservation
 3.2 Caravan Parks and Manufactured Home Estates
 3.3 Home Occupations
 6.3 Site Specific Provisions
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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 6 months;**
- 4. That the Secretary's delegate determines that the inconsistency with s117 Direction 2.1 Environmental Protection Zones is justified as a matter of minor significance;**
- 5. Consultation with the Office of Environment and Heritage be undertaken;**
- 6. Prior to community consultation the proposal be amended to include the correct written property description list; and**
- 7. That a written authorisation for Council to exercise its plan making delegations be granted for this matter.**

Supporting Reasons : **This proposal is supported as it will rezone land to better reflect its historical use and land characteristics.**

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Signature:



Printed Name:

Craig Diss

Date:

24/11/15