

Shire of

Gunnedah

Land of Opportunity

Planning Proposal

- Rezone 2, 4, 6, and 8 South Street, 81-109 Wandobah Road and public land on Wandobah Road, Gunnedah,
- Amend the relevant floor space ratio, land zoning and minimum lot size mapping for the abovementioned land,
- Amend the IN1 *General Industrial* and E3 *Environmental Management* land use tables,
- Implement a new B6 *Enterprise Corridor* land use table, and
- Correct a labelling error in the Minimum Lot Size Map Series.

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PRELIMINARY

The planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979*, 'A Guide to Preparing Planning Proposals' (DPE 2013).

The planning proposal applies to a freehold and Council owned land in Gunnedah.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES OF THE PROPOSED LEP

The proposed amendment to the Gunnedah LEP 2012 aims to;

- Rezone the following land:
 - 2 South Street, Gunnedah from SP2 *Infrastructure* and RE1 *Public Recreation* to B6 *Enterprise Corridor*;
 - 4, 6 and 8 South Street, Gunnedah from SP2 *Infrastructure* to R2 *General Residential*;
 - Part of public land on Wandobah Road, Gunnedah from R5 *Large Lot Residential* to RE1 *Public Recreation*;
 - Part of 81-109 Wandobah Road from RE1 *Public Recreation* to R5 *Large Lot Residential*; and
- Apply a floor space ratio of 1.5:1 to 2 South Street, Gunnedah;
- Apply the following minimum lot size to the following land:
 - 650m² to 2, 4, 6, and 8 South Street, Gunnedah;
 - 40ha to the rezoned part of 81 Wandobah Road, Gunnedah (R5 – Large Lot Residential);
 - No minimum lot size to the rezoned part of the public land on Wandobah Road (RE1 – Public Recreation);
 - Amend the legend of the minimum lot size map series to correct a labelling error that displays AB4 in the legend but AB2 on the map; and
- Amend the land use table to:
 - Permit 'landscaping material supplies' and 'farm buildings' in certain zones, and
 - Implement a new B6 *Enterprise Corridor* land zone.

The planning proposal has been prepared to rectify existing anomalies within the current instrument, implement a new land use zone, and rezone certain land to a land zone better suited to the site.

PART 2 – EXPLANATION OF PROVISIONS TO BE INCLUDED IN THE PROPOSED LEP

The objectives or intended outcomes of the planning proposal are to be achieved by the following:

- 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 – 81-109 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 – 81-109 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; and
 - ii) Lot Size Maps (LSZ_005), (LSZ_005A), (LSZ_005AA), and (LSZ_005B) to:
 - a) Correct the map legend to show AB2 40ha to match the map; 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*.

PART 3 – JUSTIFICATION

Section A – The need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

The planning proposal is not the result of a strategic study or report.

The planning proposal is the result of a review of the GLEP 2012 and the submission of a planning proposal application.

The following is justification for the planning proposal.

Planning Proposal application

A planning proposal application was lodged with Council that intends to rezone 2 South Street, Gunnedah from SP2 *Infrastructure* and RE1 *Public Recreation* to IN1 *General Industrial*. Upon review of the planning proposal and consultation with the Department of Planning and Environment, it was determined that an industrial zoning of this land would likely cause land use conflict between existing development in the locality. A new land use zone, with permissible uses tailored to suit the site and existing development in the locality is proposed for the GLEP 2012, with this land to be rezoned to the new land use zone. The proposed new land use zone is B6 *Enterprise Corridor*.

Appendix 5 contains a proposed B6 *Enterprise Corridor* Land Use Table. The legal drafting of the Land Use table will be undertaken by Parliamentary Counsel.

LEP mapping amendments

The review of the LEPs cadastre identified that the new property boundaries of freehold land acquired by Council as part the Blackjack Creek flood mitigation project do not exactly align with land zoning and minimum lot size mapping boundaries for the land. It is proposed to amend the relevant land zoning and minimum lot size mapping to align with the new property boundaries for this land.

It was also identified there is an error on some minimum lot some map sheets which identifies AB4 - 40ha in the legend when it should be AB2 – 40ha to match the labelling on the map sheet. It is intended to rectify these anomalies through this planning proposal process.

The review also identified the land known as 4, 6, and 8 South Street are currently zoned SP2 *Infrastructure* however contain residential dwellings. The review also identified this land is no longer owned by Transport for NSW. It is intended to rezone this land to R2 *General Residential* to better reflect the longstanding residential use of the land and enable the land owners to

undertake minor residential development without the need for development consent as permitted under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Recent development applications lodged with Council have 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 prohibited. 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 zone and 'landscaping material supplies' within the IN1 *General Industrial* land zone.

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

The method outlines in Part 2 of the planning proposal is considered to be the best method available to lawfully achieve the intended outcomes of the planning proposal.

Section B – Relationship to strategic planning framework.

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or 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.

New England North West Regional Plan 2036

The New England North West Regional Plan 2036 identifies strong and dynamic regional economies as a key objective. The planning proposal is consistent with Direction 7 – Build strong economic centres - of the New England North West Regional Plan 2036 as it will allow additional land for a commercial purpose within the Shire, albeit minor.

4. **Is the planning proposal consistent with Council's local strategy or other local strategic plans?**

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.

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

The planning proposal is considered to be consistent with all applicable State Environmental Planning Policies (SEPP).

Appendix one (1) contains an assessment of the planning proposal relative to the SEPPs. .

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

The planning proposal is considered to be consistent with all applicable s.9.1 Ministerial Directions, with the exception of 2.1 – Environmental Protection Zones, 2.3 – Heritage Conservation, 3.1 – Residential Zones, 3.2 – Caravan Parks and Manufactured Home Estates, 3.3 Home Occupations, 3.4 – Integrating Land Use and Transport and 4.4 Planning for Bushfire Protection. It is considered the planning proposal's inconsistency with these directions is of minor significance.

Appendix 2 contains an assessment of the planning proposal relative to the Ministerial Directions.

Section C – Environmental, Social and economic impact

7. **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 planning proposal notes no known threatened vegetation or ecological communities. The subject land is located primarily within the heart of the Gunnedah Township. The planning proposal involves only an amendment to an environmental planning instrument. The planning proposal is considered to unlikely to impact on the social or economic characteristics of the area.

Should the planning proposal proceed an assessment of potential environmental effects would be undertaken at the development application stage.

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

It is unlikely the planning proposal will result in an increased exposure of persons to environmental effects such as natural hazards including landslip, flooding or bushfire. The subject land in South Street is relatively flat and not identified on Council's flood planning or bushfire prone land maps. However, the land in Wandobah Road is identified on Council's flood prone land maps. The proposed change in zoning will reduce development potential on the land identified as flood prone land. In addition, the recent works on Blackjack Creek, will also reduce the potential impact of flooding. Should the planning proposal proceed, an assessment of potential environmental effects would be assessed at the Development Application stage.

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

The planning proposal is unlikely to result in adverse social or economic impacts. The land 81 Wandobah Road, Gunnedah is identified as containing three (3) items of Aboriginal Heritage. As the planning proposal involves only map rezoning of a part of the land and alteration to the minimum lot size for a part of the land, the planning proposal will not impact these sites. However, It is noted that an Aboriginal Heritage Impact Permit (approval no. C0002532) has been obtained by Gunnedah Shire Council to impact two (2) of the three (3) sites as part of a separate project, being the Blackjack Creek Reconstruction Project. The land at South Street was not identified as containing any items of Aboriginal heritage.

Provision for the conservation and management of European or Aboriginal heritage items already existing within the current instrument and various other legislation. Hence, it has not been provided in the planning proposal.

Should the planning proposal proceed, an assessment of potential impacts on items of European or Aboriginal cultural heritage would be undertaken at the Development Application stage.

Appendix 6 contains a copy of the search of the Office of Environment and Heritage (OEH) Aboriginal Heritage Information Management System (AHIMS) for the sites.

The planning proposal will create an economic benefit as a result of rezoning the land at 2 South Street to the B6 zone. The rezoning will create an increase opportunity for the currently vacant, disused site, for future development. The potential development opportunity will also result in a social benefit to the community.

Section D – State and Commonwealth Interest

10. Is there adequate infrastructure for the planning proposal?

The planning proposal is expected to have nil impact on infrastructure provision. The planning proposal is not likely to result in the need for augmentation of current infrastructure in the locality. If the planning proposal is to proceed, an assessment of any likely infrastructure augmentation would be undertaken at the development application stage.

11. What are the views of state and commonwealth public authorities consulted in accordance with the gateway determination?

Gateway Determination is yet to be issued. If successful in receiving a Gateway Determination it is proposed that consultation be undertaken with the following State or Commonwealth public authorities:

- Office of Environment and Heritage (OEH)
- NSW Rural Fire Service (NSWRFS)

PART 4 – MAPPING

The planning proposal involves an amendment to following *GLEP* 2012 map sheets;

- 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
- ii) 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
- iii) 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; and
- iv) Lot Size Maps (LSZ_005), (LSZ_005A), (LSZ_005AA), and (LSZ_005B) to:
 - a) Correct the map legend to state AB2 40ha;

Preliminary maps are included in Appendix 3.

PART 5 – COMMUNITY CONSULTATION

It is proposed to exhibit the planning proposal on Council's website and at Council's Administration Building for a period of not less than twenty-eight (28) days, with notice of the public exhibition being given:

- In a newspaper that circulates in the area affected by the Planning Proposal – the Namoi Valley Independent, and
- On Council's website, www.infogunnedah.com.au

PART 6 – PROJECT TIMELINE

The table below provides an indication of the timeline for the planning proposal.

Anticipated commencement date (date of Gateway determination)	August 2018 upon receipt of Gateway Determination.
Anticipated timeframe for the completion of technical information	Technical studies have not been identified as a component of the Planning Proposal. The DPE may make prescriptions relating to technical information.
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	Twenty-one (21) days. Agency consultation is proposed to occur in conjunction with the public exhibition phase in July - August 2018.
Commencement and completion dates for public exhibition period	Within twenty-eight (28) days of receipt of Gateway Determination.
Dates for public hearing (if required)	A public hearing has not been identified as a component of the Planning Proposal.
Timeframe for consideration of submissions	Twenty-eight (28) days in conjunction with the public exhibition period.
Timeframe for the consideration of a proposal post exhibition	Nil.
Date of submission to the Department of Parliamentary Counsel to finalise LEP	September – October 2018.
Anticipated date RPA will make the plan (if delegated)	October 2018.
Anticipated date RPA will forward to department for notification	November 2018.

APPENDICES

Appendix 1 – Consideration of applicable SEPPs relative to Planning Proposal

SEPP	Applicable	Consistent	Comments
No. 1 - Development Standards	No	N/A	Not applicable to Gunnedah Local Government Area.
No. 15 - Rural Land-sharing Communities	No	N/A	Not applicable to Gunnedah Local Government Area.
No. 19 - Bushland in Urban Areas	No	N/A	Not applicable to Gunnedah Local Government Area.
No. 21 - Caravan Parks	No	N/A	Not applicable to planning proposal.
No. 29 - Western Sydney Recreation Area	No	N/A	Not applicable to Gunnedah Local Government Area.
No. 30 - Intensive Agriculture	No	N/A	Not applicable to planning proposal.
No. 33 - Hazardous and Offensive Development	No	N/A	Not applicable to planning proposal.
No. 36 - Manufactured Home Estates	No	N/A	Not applicable to planning proposal.
No. 39 - Spit Island Bird Habitat	No	N/A	Not applicable to Gunnedah Local Government Area.
No. 44 - Koala Habitat Protection	No	N/A	Not applicable to planning proposal.
No. 47 - Moore Park Showground	No	N/A	Not applicable to Gunnedah Local Government Area.
No. 50 - Canal Estate Development	No	N/A	Not applicable to planning proposal.
No. 55 - Remediation of Land	Yes	Yes	The planning proposal involves rezoning a portion of land from RE1 <i>Public Recreation</i> to R5 <i>Large Lot Residential</i> under the Gunnedah LEP 2012. It is noted the subject land is a public waterway of which its zoning does not allow a use identified in table one of the contaminated land planning guidelines to be undertaken. The subject land is free of development and has not contained any development in the past. It is considered unlikely the subject land to be rezoned is contaminated.
No. 59 - Central Western Sydney Regional Open Space and Residential	No	N/A	Not applicable to Gunnedah Local Government Area.
No. 62 - Sustainable Aquaculture	No	N/A	Not applicable to Gunnedah Local Government Area.
No. 64 - Advertising and Signage	No	N/A	Not applicable to planning proposal.
No. 65 - Design Quality of Residential Apartment Development	No	N/A	Not applicable to planning proposal.
No. 70 - Affordable Housing	No	N/A	Not applicable to planning proposal.

(Revised Schemes)			
Coastal Management 2018	No	N/A	Not applicable to Gunnedah Local Government Area.
Affordable Rental Housing – 2009	No	N/A	Not applicable to planning proposal.
Building Sustainability Index: BASIX – 2004	No	N/A	Not applicable to planning proposal.
Exempt and Complying Development Codes – 2008	No	N/A	Not applicable to planning proposal.
Housing for Seniors or People with a Disability – 2004	No	N/A	Not applicable to planning proposal.
Infrastructure – 2007	No	N/A	Not applicable to planning proposal.
Kosciuszko National Park—Alpine Resorts – 2007	No	N/A	Not applicable to Gunnedah Local Government Area.
Kurnell Peninsula – 1989	No	N/A	Not applicable to Gunnedah Local Government Area.
Major Development –2005	No	N/A	Not applicable to planning proposal.
Mining, Petroleum Production and Extractive Industries – 2007	No	N/A	Not applicable to planning proposal.
Miscellaneous Consent Provisions – 2007	No	N/A	Not applicable to planning proposal.
Penrith Lakes Scheme – 1989	No	N/A	Not applicable to Gunnedah Local Government Area.
Rural Lands – 2008	No	N/A	Not applicable to planning proposal.
SEPP 53 Transitional Provisions – 2011	No	N/A	Not applicable to planning proposal.
State and Regional Development – 2011	No	N/A	Not applicable to planning proposal.
Sydney Drinking Water Catchment – 2011	No	N/A	Not applicable to Gunnedah Local Government Area.
Sydney Region Growth Centres – 2006	No	N/A	Not applicable to Gunnedah Local Government Area.
Three Ports – 2013	No	N/A	Not applicable to Gunnedah Local Government Area.
Urban Renewal – 2010	No	N/A	Not applicable to planning proposal.
Vegetation in Non-Rural Areas 2017	Yes	Yes	The proposal does not include the removal of Native Vegetation.
Western Sydney Employment Area – 2009	No	N/A	Not applicable to Gunnedah Local Government Area.
Western Sydney Parklands – 2009	No	N/A	Not applicable to Gunnedah Local Government Area.

Appendix 2 – Consideration of applicable Section 117 Ministerial Directions relative to Planning Proposal

Direction	Applicable	Consistent	Comments
1. Employment and Resources			
1.1 Business and Industrial Zones	Yes	Yes	The planning proposal does affect land located within an existing or proposed business or industrial zone. Therefore in accordance with Clause 3 of the Direction, the Direction is not applicable. The planning proposal is consistent with Clause 4 of the Direction. The planning proposal is therefore consistent with the Direction.
1.2 Rural Zones	No	N/A	The planning proposal does not proposed to rezone or increase the permissible density of any rural zoned land. Therefore in accordance with Clause 3 of the Direction, the Direction is not applicable.
1.3 Mining, Petroleum Production and Extractive Industries	No	N/A	The planning proposal does not involve the prohibition or restriction, or restriction of development potential of the resources identified in clause 3(a) (b) of the Direction. Therefore in accordance with Clause 3 of the Direction, the Direction is not applicable.
1.4 Oyster Aquaculture	No	N/A	In accordance with Clause 2 of the Direction, the Direction is not applicable to the Gunnedah Shire Council Local Government Area.
1.5 Rural Lands	No	N/A	The planning proposal enables the permissibility of farm sheds on rural zoned land. This will facilitate agricultural production of the land which is consistent with the objectives of the direction.
2. Environment and Heritage			
2.1 Environment Protection Zones	Yes	No	The planning proposal does not contain provisions for the protection of environmentally sensitive areas as these provisions exist within the current instrument. The planning proposal will not reduce environmental protection standards that currently apply to the subject land or any environmental zoned land. In this regard; it is considered this inconsistency is of minor significance.
2.2 Coastal Protection	No	N/A	In accordance with Clause 2 of the Direction, this Direction does not apply to the Gunnedah Shire Council Local Government Area.
2.3 Heritage Conservation	Yes	No	The planning proposal does not contain provisions for the conservation of heritage items as these provisions exist within the current instrument. The planning proposal does not affect land identified as being heritage listed. In this regard, it is considered this inconsistency is of minor significance.
2.4 Recreation Vehicle Areas	Yes	Yes	The planning proposal does not enable the use of land identified in the Direction for the use of a recreational vehicle area. The Planning Proposal is considered consistent with this Direction.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	No	The planning proposal does affect land within an existing or proposed residential zone. Therefore in accordance with

			<p>Clause (3) of the Direction, the Direction is applicable to the planning proposal.</p> <p>The planning proposal aims to rezone 2, 4, 6 and 8 South Street from SP2 <i>Infrastructure</i> to R2 <i>General Residential</i>. These lots contain existing residential development existing connection to essential services.</p> <p>The planning proposal is considered consistent with Clause (4) and (5) of the Direction.</p>
3.2 Caravan Parks and Manufactured Home Estates	Yes	No	The planning proposal does not contain provisions for the location and operation of Caravan Parks and Manufactured Home Estates as these provisions exist within the current instrument. The Planning Proposal also does not aim to alter provisions that permit development for the purpose of a caravan park to be carried out on land. In this regard, it is considered this inconsistency is of minor significance.
3.3 Home Occupations	Yes	No	The planning proposal does not contain provisions for Home Occupations as these provisions exist within the current instrument and State Environmental Planning Policy (Exempt and Complying Development) 2008. The planning proposal will not impact existing provisions. In this regard, it is considered this inconsistency is of minor significance.
3.4 Integrating Land Use and Transport	Yes	No	The planning proposal involves a minor amendment to a residential zone. Said amendment is expected to have negligible impact on land use and transport. In this regard, it is considered this inconsistency is of minor significance.
3.5 Development Near Licensed Aerodromes	No	N/A	In accordance with Clause 3 of the Direction, this Direction only applies when a relevant planning authority prepares a planning proposal that would create, alter or remove a zone or provision relating to land in the vicinity of a licenced aerodrome. The subject land is not located near a licensed aerodrome; therefore this Direction is not applicable.
3.6 Shooting Range	No	N/A	The planning proposal does not involve land adjoining or adjacent to an existing shooting range. In accordance with Clause 3 of the direction; the direction is not applicable.
4. Hazard and Risk			
4.1 Acid Sulfate Soils	No	N/A	In accordance with Clause 3 of the Direction, this Direction only applies when a relevant planning authority prepares a Planning Proposal affecting land having a probability of containing acid sulphate soils as shown on the on Acid Sulphate Soils Planning Maps held by the DPE. The Gunnedah Shire Local Government Area is not identified on these maps; therefore this Direction is not applicable.
4.2 Mine Subsidence and Unstable Land	No	N/A	The subject land is not located in a Mine Subsidence District proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961, and has not been identified as unstable land. Therefore in accordance with Clause 2 of the Direction, the Direction is not applicable.
4.3 Flood Prone Land	Yes	Yes	<p>The Planning Proposal does affect land identified on Councils Flood Planning Map. In accordance with Clause (3) of the direction; the direction is applicable to the planning proposal.</p> <p>The planning proposal involves a land zoning and lot size mapping boundary adjustment on the relevant mapping for 81 Wandobah Road. This land is identified as flood prone</p>

			land. The planning proposal does not intend to existing flood development controls within the current instrument nor does it permit additional development within a flood identified area. Appendix 9 contains GLEP 2012 Flood Planning Map Sheet (FLD_005AA) and identifies the flood extent in relation to the land. The planning proposal is considered consistent with the relevant Directions of this the Direction.
4.4 Planning for Bushfire Protection	No	N/A	The Planning Proposal enables the development of farm buildings in rural zoned land, of which includes land identified on Councils Bushfire Prone Land Map. In accordance with Clause 4 of the direction, the planning proposal is considered to be inconsistent with the Direction. Hence, Council is to consult with the Commissioner of the NSW Rural Fire Service and obtain written advice to progress with the proposal.
5. Regional Planning			
5.1 Implementation of Regional Strategies	No	N/A	The Gunnedah Shire Local Government Area is not identified in Clause 2 of the Direction. The Direction is therefore not applicable.
5.2 Sydney Drinking Water Catchments	No	N/A	The Gunnedah Shire Local Government Area is not identified in Clause 2 of the Direction. The Direction is therefore not applicable.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	The Gunnedah Shire Local Government Area is not identified in Clause 2 of the Direction. The Direction is therefore not applicable.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	The Gunnedah Shire Local Government Area is not an area identified in Clause 2 of the Direction. The Direction is therefore not applicable.
5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)			(Revoked 18 June 2010)
5.6 Sydney to Canberra Corridor			(Revoked 10 July 2008. See amended Direction 5.1)
5.7 Central Coast			(Revoked 10 July 2008. See amended Direction 5.1)
5.8 Second Sydney Airport: Badgerys Creek	No	N/A	The Gunnedah Shire Local Government Area is not located within the land identified in Clause 2 of the Direction. The Direction is therefore not applicable.
5.9 North West Rail Link Corridor Strategy	No	N/A	The Gunnedah Shire Local Government Area is not identified in Clause 2 of the Direction. The Direction is therefore not applicable.
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	The planning proposal does not include provisions that involve the concurrence, consultation or referral of development applications to the Minister, or identifies

			development as designated development. The Planning Proposal is considered consistent with the Direction.
6.2 Reserving Land for Public Purposes	Yes	Yes	The planning proposal does not intend to create, alter or reduce existing zonings or reservations of land for public purposes. The planning proposal is consistent with the Direction.
6.3 Site Specific Provisions	No	N/A	The planning proposal does not allow a particular development to be carried out. In accordance with Clause 3 the Direction is not applicable to the planning proposal.
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	No	N/A	The Gunnedah Shire Local Government Area is not an area identified in Clause 2 of the Direction. The Direction is therefore not applicable.

Appendix 3 – Mapping and photos

Appendix 3A – Subject land location maps

Aerial image of South Street area

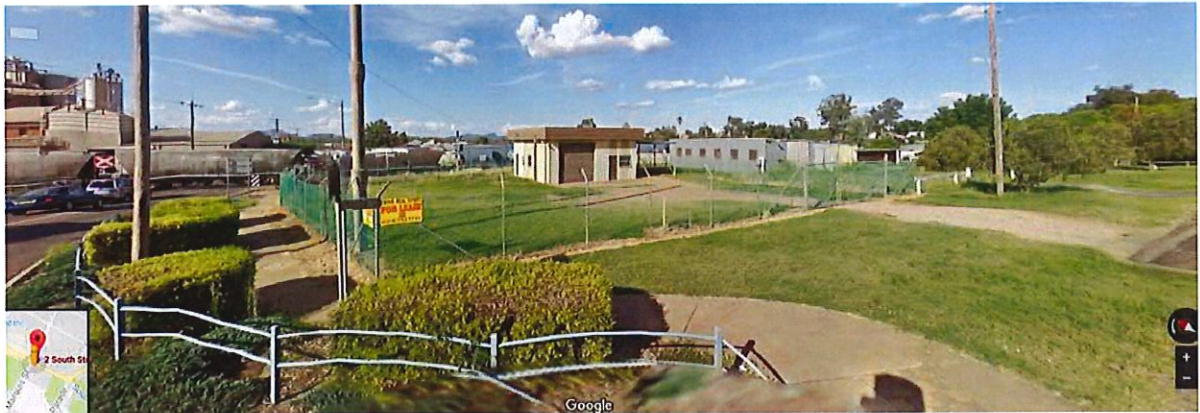


Aerial image of Wandobah Road area

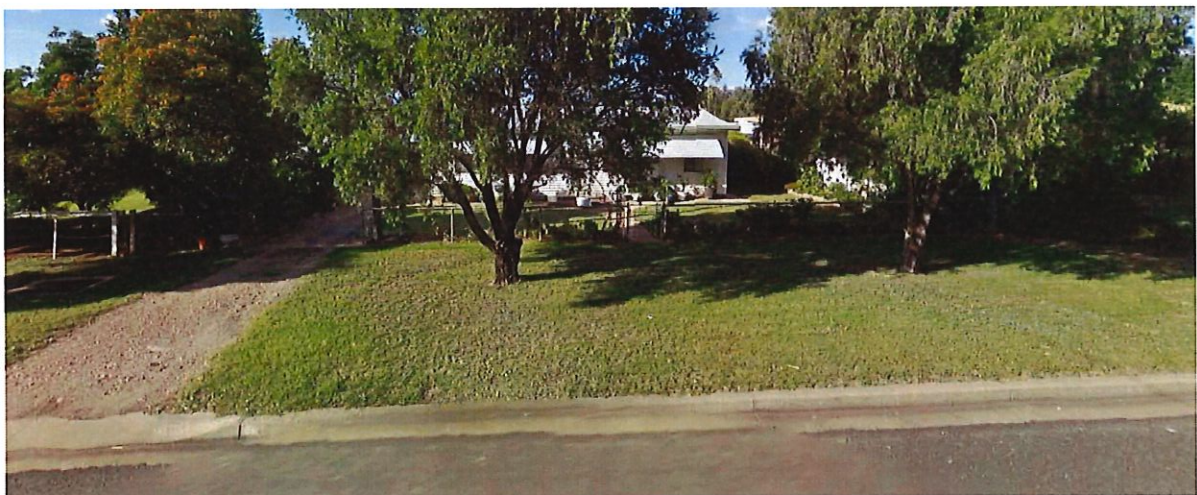


Appendix 3B – Subject land site photos

2 South Street looking from the corner of South Street and Marius Street



4 South Street



6 South Street



8 South Street

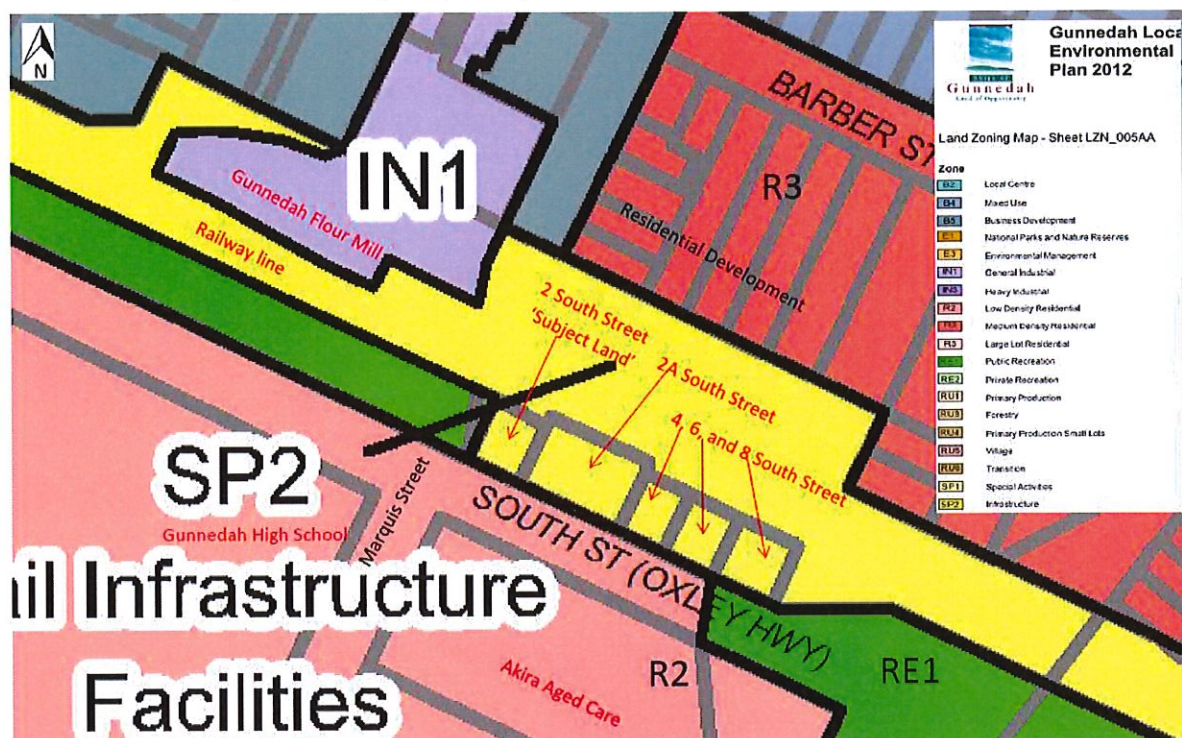


81 Wandobah Road

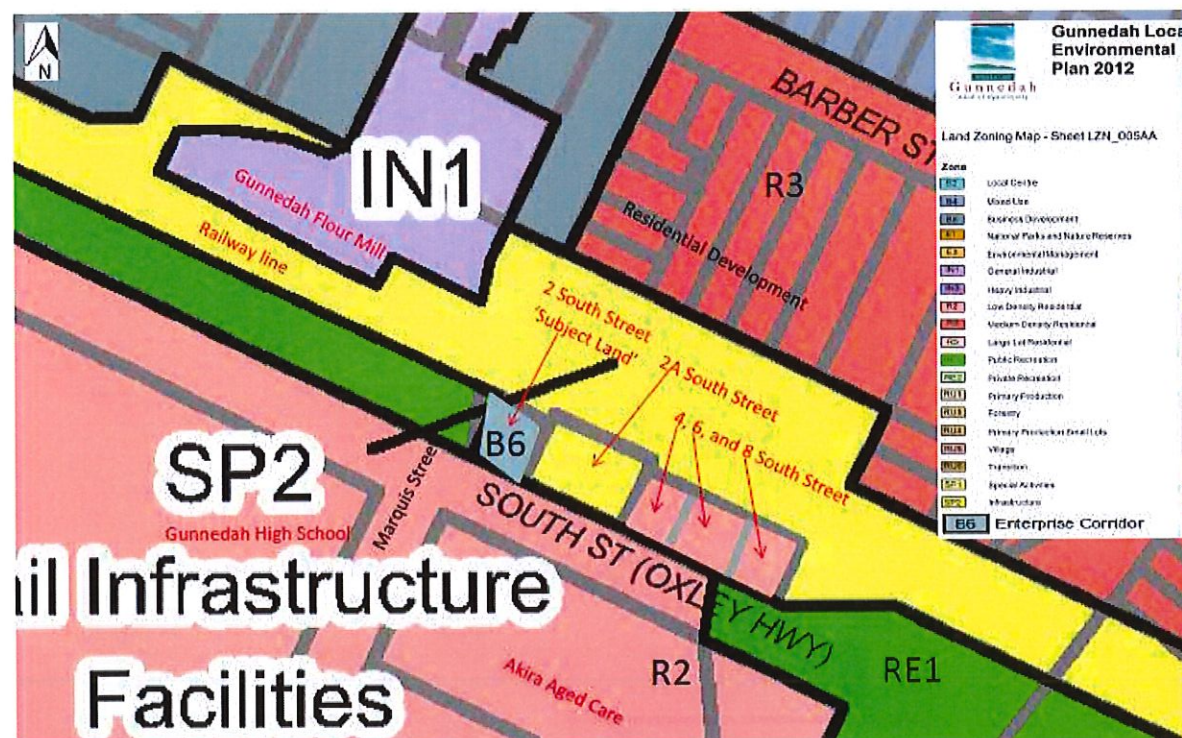


Appendix 3C – Current and proposed land zoning maps

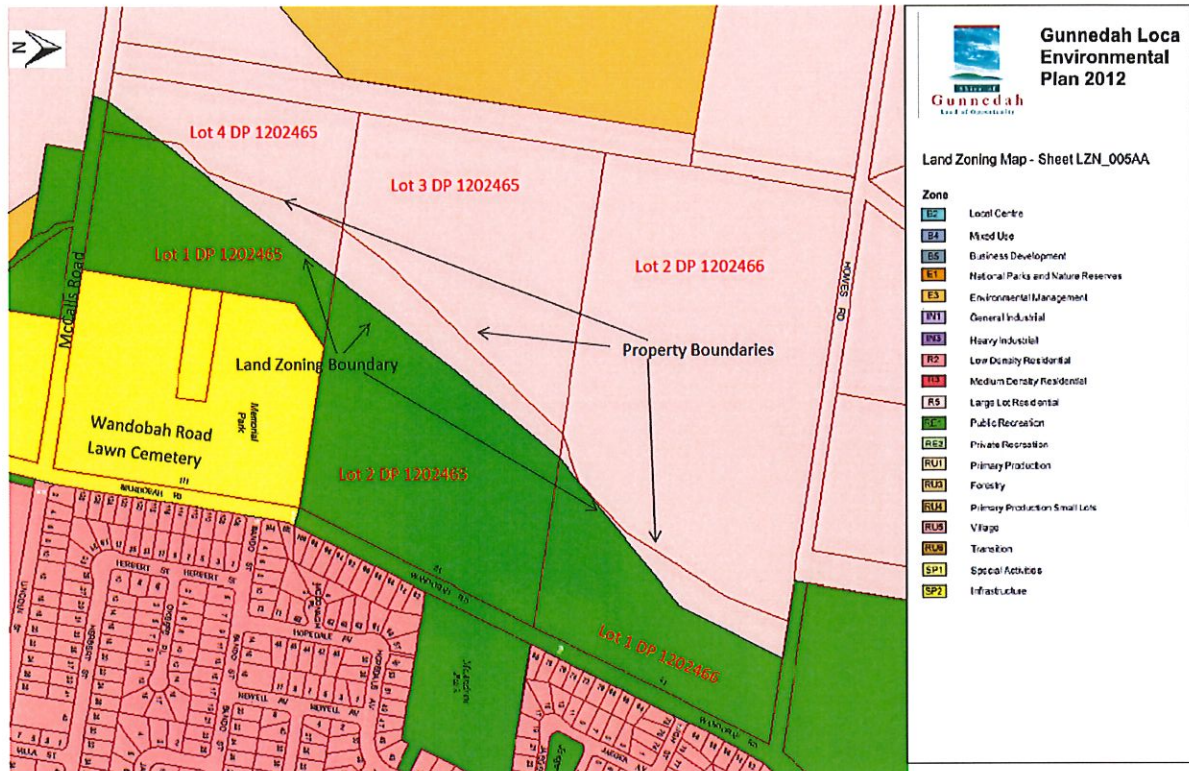
Current Land Zoning Map sheet (LZN_005AA) for South Street area



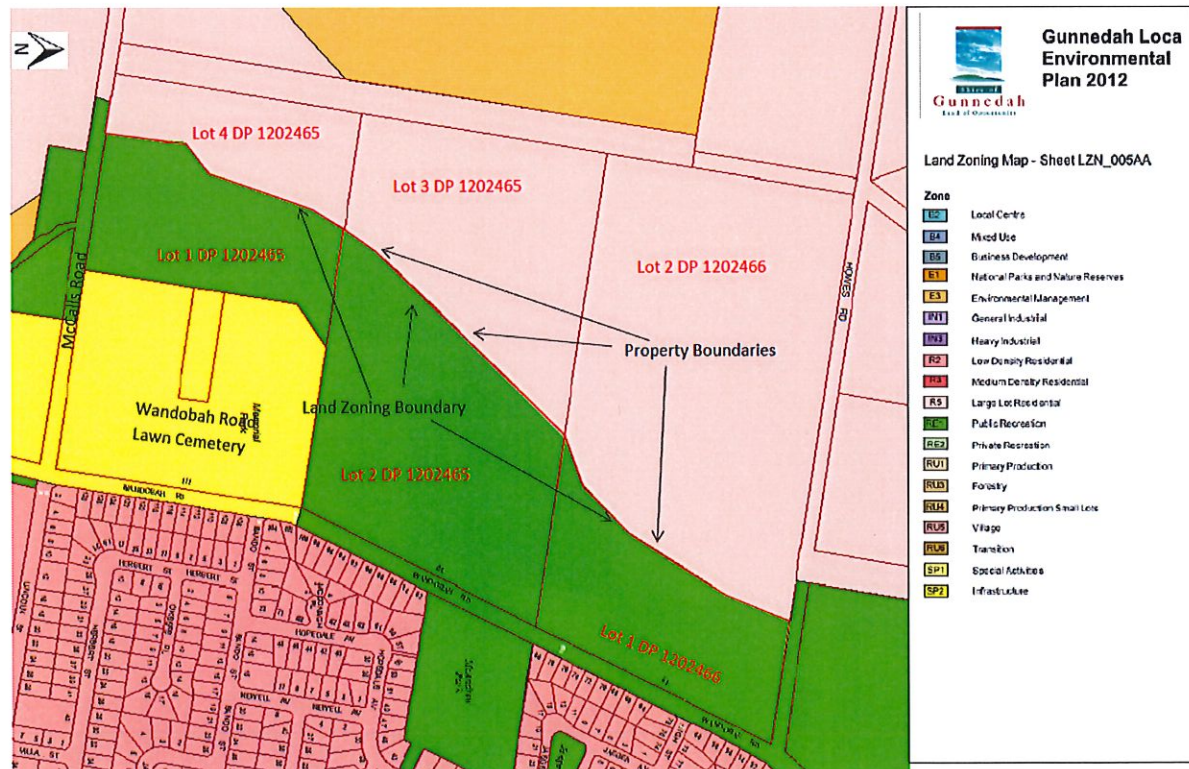
Proposed Land Zoning Map sheet (LZN_005AA) for South Street area



Current land zoning map sheet (LZN_005AA) for Wandobah Road area

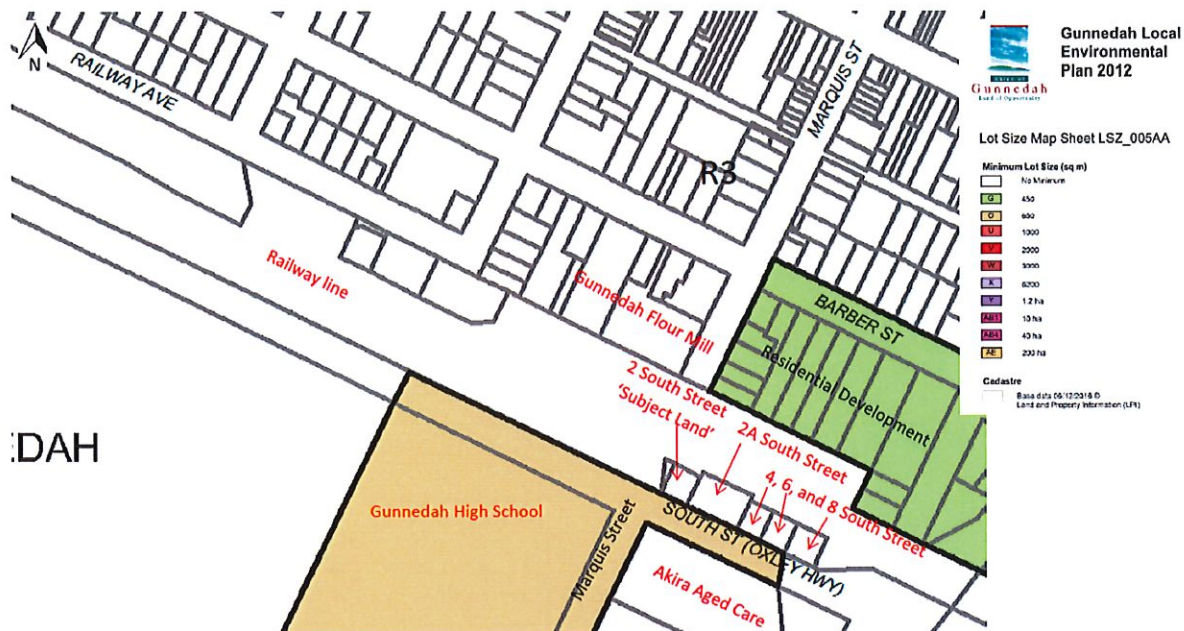


Proposed land zoning map sheet (LZN_005AA) for Wandobah Road area

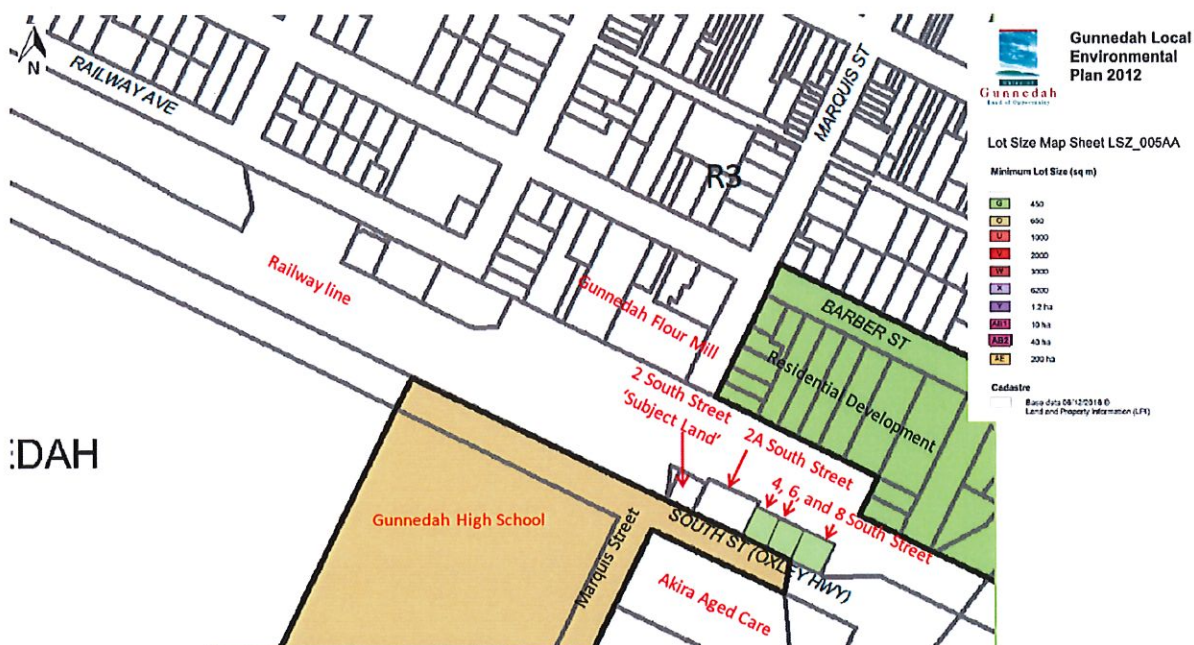


Appendix 3D – Current and proposed lot size maps

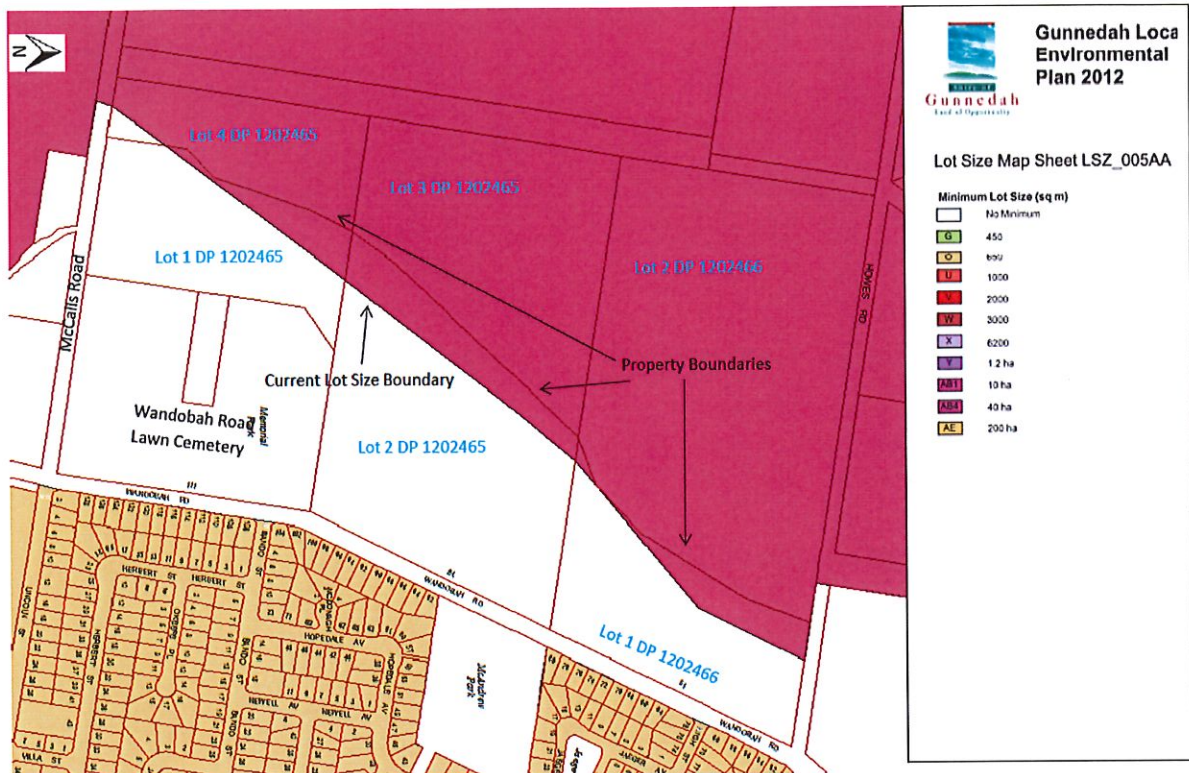
Current Lot Size Map sheet (LZN_005AA) for South Street Area



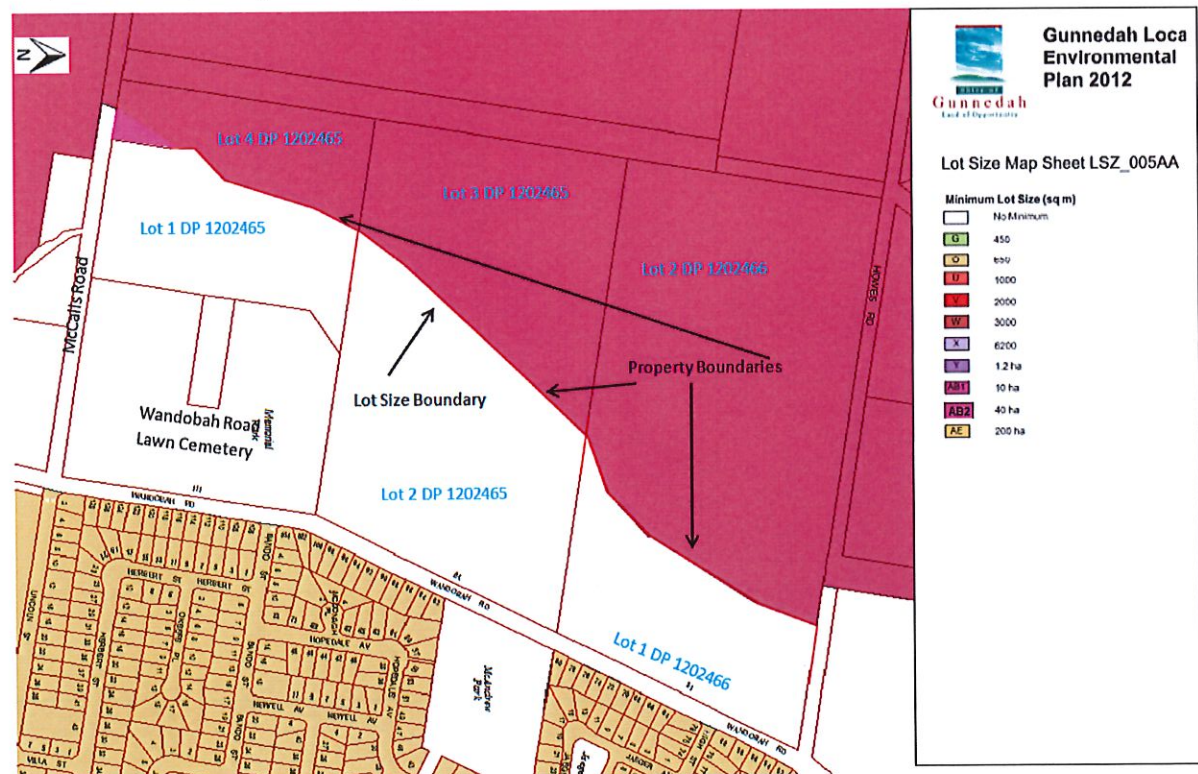
Proposed Lot Size Map sheet (LZN_005AA) for South Street Area



Current Lot Size Map sheet (LZN_005AA) for Wandobah Road Area



Proposed Lot Size Map sheet (LZN_005AA) for Wandobah Road Area

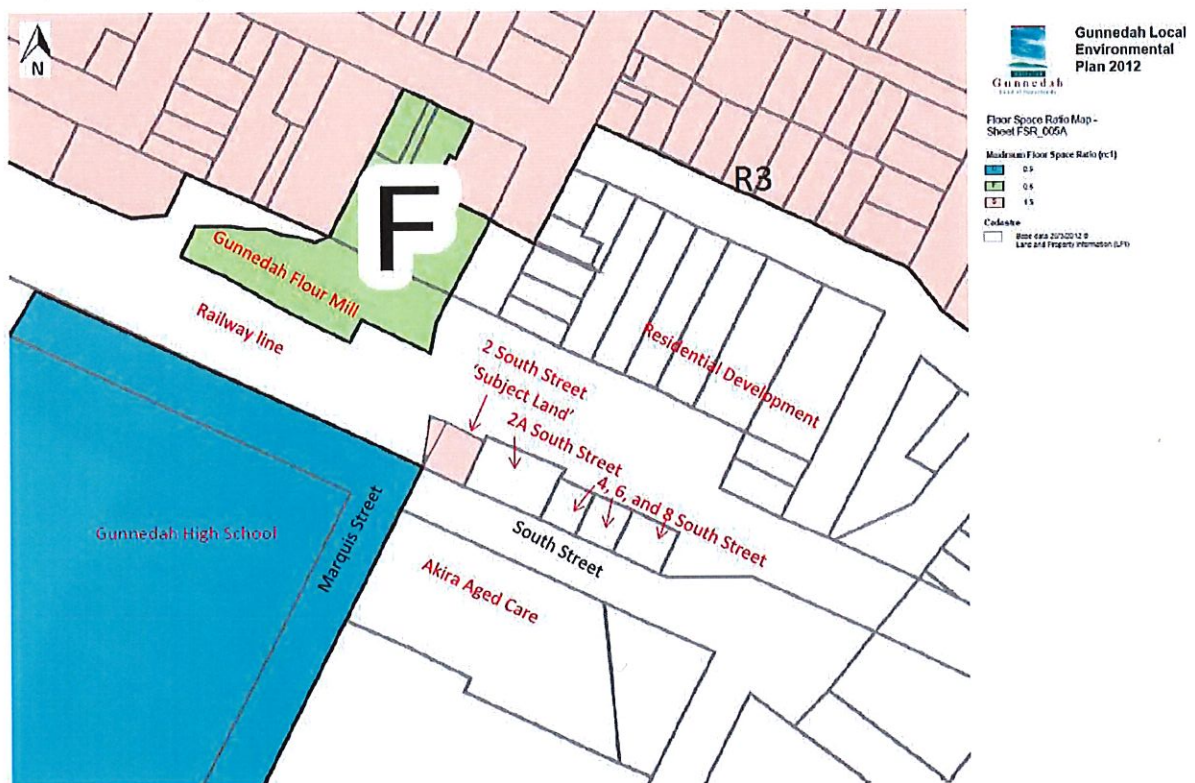


Appendix 3E – Current and proposed floor space ratio maps

Current Floor Space Ratio Map sheet (LZN_005AA) for South Street area



Proposed Floor Space Ratio Map sheet (LZN_005AA) for South Street area

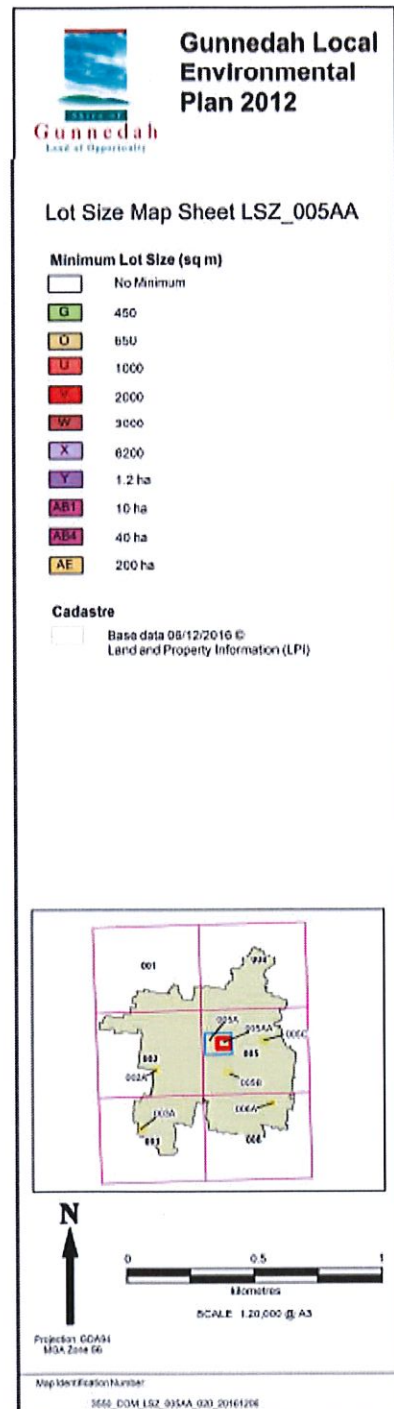


Appendix 3F – Current and proposed LEP map legends

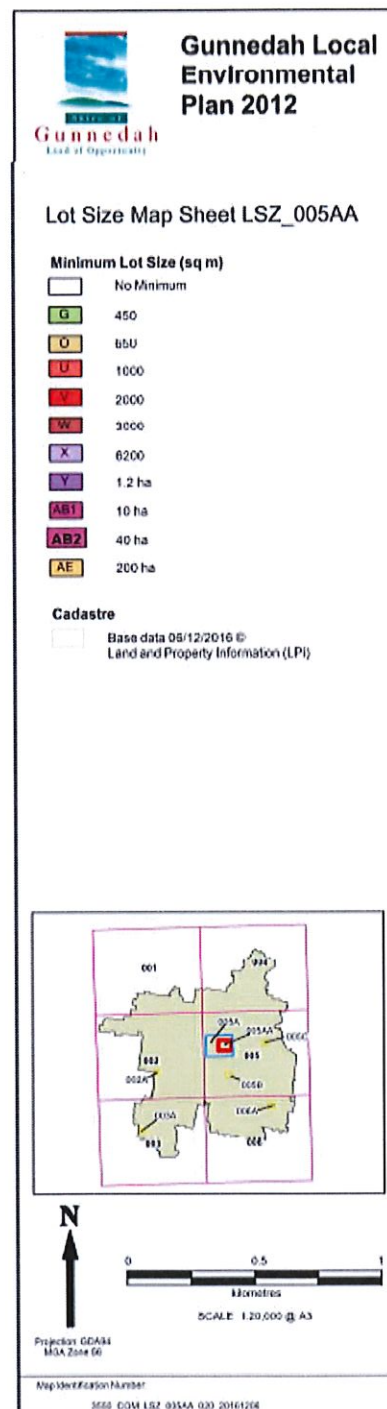
Lot Size Map Legend for Map Sheets (LSZ_005), (LSZ_005A), (LSZ_005AA) and (LSZ_005B)

Lot Size Map (LSZ_005AA) – Map legend amendment

Current legend



Proposed legend



Appendix 4 – Proposed E3 *Environmental Management* and IN1 *General Industrial* Land Use Tables

Proposed E3 *Environmental Management* land use table:

Zone E3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

2 Permitted without consent

Extensive agriculture; Environmental protection works; Home occupations; Roads.

3 Permitted with consent

Dwelling houses; Emergency services facilities; Environmental facilities; Farm Buildings; Flood mitigation works; Information and education facilities; Recreation areas; Research stations; Signage.

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

Proposed IN1 General Industrial land use table:

Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
 - To enable development that is associated with, ancillary to, or supportive of industry or industrial employees.

2 Permitted without consent

Environmental protection works; Roads.

3 Permitted with consent

Depots; Freight transport facilities; Funeral homes; Garden centres; General industries; Hardware and building supplies; Heliports; Industrial training facilities; Landscaping Material Supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Places of public worship; Rural supplies; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4.

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Camping grounds; Caravan parks; Child care centres; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Jetties; Marinas; Mooring pens; Moorings; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Tourist and visitor accommodation; Wharf or boating facilities.

Appendix 5 – Proposed B6 *Business Enterprise* Land Use Table

Zone B6 Enterprise Corridor

1 Objectives of zone

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.

2 Permitted without consent

Environmental protection works; Roads

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.

Appendix 6 – AHIMS Search

AHIMS search for Wandobah Road area

Lot 1 DP 1202465



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 2 South St PP - Wand 1

Client Service ID : 304507

Gunnedah Shire Council

Date: 29 September 2017

PO Box 63

Gunnedah New South Wales 2380

Attention: Brendan Williams

Email: brendanwilliams@infogunnedah.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 1, DP:DP1202465 with a Buffer of 50 meters, conducted by Brendan Williams on 29 September 2017.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

1	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

AHIMS search for South Street area

Lot 2 DP 1202465



Office of
Environment
& Heritage

AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 2 South St PP - Wan 2

Client Service ID : 304508

Gunnedah Shire Council

Date: 29 September 2017

PO Box 63

Gunnedah New South Wales 2380

Attention: Brendan Williams

Email: brendanwilliams@infogunnedah.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 2, DP:DP1202465 with a Buffer of 50 meters, conducted by Brendan Williams on 29 September 2017.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

2 Aboriginal sites are recorded in or near the above location.
0 Aboriginal places have been declared in or near the above location. *

Lot 1 DP 1202466



Office of
Environment
& Heritage

AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 2 South St PP - Wan 3

Client Service ID : 304509

Gunnedah Shire Council

Date: 29 September 2017

PO Box 63

Gunnedah New South Wales 2380

Attention: Brendan Williams

Email: brendanwilliams@infogunnedah.com.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 1. DP:DP1202466 with a Buffer of 50 meters.
conducted by Brendan Williams on 29 September 2017.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

1	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

Appendix 7 – Council Resolution

Ordinary Meeting Minutes of Gunnedah Shire Council held on Wednesday 20 September 2017

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.

Appendix 8 – Attachment 4 – Delegated Plan Making Functions Checklist

ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area: Gunnedah

Name of draft LEP: 2 South Street rezoning and LEP review

Address of Land (if applicable): 2, 4, 6 and 8 South Street and 81 Wandobah Road, Gunnedah

Intent of draft LEP: Amend the land zoning, lot size, floor space ratio mapping for some land in Gunnedah Shire and general house keeping.

Additional Supporting Points/Information:

<u>Evaluation criteria for the issuing of an Authorisation</u>	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
(Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)				
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	Y			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		N/A		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		N/A		
Reclassifications	Y/N			

Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		N/A		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
Spot Rezonings	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?	N/A			
Does the planning proposal create an exception to a mapped development standard?	N			

Section 73A matters				
Does the proposed instrument				
a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;	N			
b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or				
c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?	N			
(NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).	N			

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.

Appendix 9 – Flood Planning Map Sheet (LZN_005AA)

